

GRAND JUNCTION CITY COUNCIL
MINUTES OF THE REGULAR MEETING
APRIL 19, 2017

The City Council of the City of Grand Junction convened into regular session on the 19th day of April, 2017 at 6:00 p.m. Those present were Councilmembers Bennett Boeschstein, Martin Chazen, Chris Kennedy, Duncan McArthur, Barbara Traylor Smith, Rick Taggart, and Council President Phyllis Norris. Also present were City Manager Greg Caton, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Norris called the meeting to order. Councilmember Kennedy led the Pledge of Allegiance which was followed by a moment of silence.

Council President Norris announced that item #6a will be moved to the beginning of the Regular Agenda. It is not a public hearing but Council will take public comments.

Presentations

Plaque to Outgoing Councilmember and Mayor Pro Tem Marty Chazen

Council President Norris presented a plaque of appreciation to Councilmember and Mayor Pro Tem Chazen. Everyone had kind words of appreciation for his service and being an asset to Council.

Councilmember Chazen thanked Council President Norris and the rest of Council. He said the plaque will be proudly displayed and serving on Council has been an honor and privilege. He thanked staff and citizens for the opportunity to serve. Councilmember and Mayor Pro Tem Chazen said being on Council has been rewarding and fulfilling. He encouraged citizens to step forward to become a member of Council. He said he now plans to retire and again expressed his thanks.

Councilmember McArthur thanked Councilmember Chazen's wife, Jeanie Chazen, for her support of Councilmember and Pro Tem Chazen.

Proclamations

Proclaiming April 23-29, 2017 as National Medical Laboratory Professionals Weeks in the City of Grand Junction

Councilmember Kennedy read the proclamation. Dr. Aaron Long, Medical Director of St. Mary's Hospital, was present along with many medical professionals. Dr. Long introduced the medical professionals in attendance and explained the responsibilities of laboratory scientists. He thanked Council for the proclamation.

Proclaiming April 23-30, 2017 as Days of Remembrance in the City of Grand Junction

Councilmember Chazen read the proclamation. David G. Eisner, Lay Leader for Congregation Ohr Shalom, was present. Mr. Eisner read a quote that demonstrates the somberness and importance of this remembrance. It memorializes those who were killed but also how they may have stopped it. Mr. Eisner read another poem and thanked Council.

Proclaiming April 22, 2017 as Arbor Day in the City of Grand Junction

Councilmember Boeschstein read the proclamation. Randy Coleman, Forestry/Horticulture Supervisor, and Kamie Long, Chair of the Forestry Board, were present. Ms. Long thanked Council and expressed excitement about Arbor Day Saturday, April 22nd, at Lincoln Park. She said to increase the tree population and as part of the celebration there will be free trees given out and a class on planting. Mr. Coleman thanked the Council and thanked Councilmember Chazen for coming to their board meetings. He described a talk the board had with a group of 5th grade students informing them about trees, announced the winner of the poster contest, and invited the community to a tree planting on May 6th beginning at 8 a.m. at Las Colonias Park.

Council President Norris encouraged people to come to the Arbor Day Celebration.

Appointment to the Historical Preservation Board

Councilmember Boeschstein moved to appoint Priscilla Mangnall to the Historic Preservation Board for a partial term until December 2017. Councilmember Kennedy seconded the motion. Motion carried by roll call vote.

Certificates of Appointments

Councilmember Chazen invited new appointees to the podium to receive their certificates of appointments to the Commission on Arts and Culture.

Honora Thompson, Sarah Meredith-Dishong, and Andy Hamilton thanked Council.

Ellen Moore thanked Council and said she is delighted to be part of the Commission on Arts and Culture.

Merritt Kinsey said he is a firm believer that art is a vital part of life and is looking forward to serving on the Commission on Arts and Culture Board.

Citizens Comments

There were none.

Council Reports

Councilmember Kennedy said he attended a digital summit for the Southwest United States in Phoenix, Arizona. He stated there were several rural communities trying to solve broadband delivery problems and he will provide more information regarding this topic at a later date.

Councilmember Traylor Smith announced good news from Grand Junction Economic Partners (GJEP) who continue to have several prospects. She said next weekend there will be collegiate and para-cycling events for the Road National Championships. Councilmember Traylor Smith congratulated the Greater Grand Junction Sports Commission for facilitating that event. She announced there will be a Grand Junction Economic Summit on June 6th.

Councilmember Taggart had nothing to report.

Councilmember McArthur said between April 5th and April 19th he attended the Club 20 Annual Spring Conference, the Grand Junction Area Chamber of Commerce meeting, the Chamber Leadership Academy luncheon, toured the Air Force commemorative torpedo plane, and toured the new amphitheater at Las Colonias Park.

Councilmember Boeschstein said between April 5th and April 19th he toured the R-5 facility which is slated for downtown housing, attended the Las Colonias Amphitheater tour, attended the Museum of Western Colorado open house and met with business owner Dustin Manzeras who recently purchased the depot.

Councilmember Chazen had nothing to report.

Council President Norris attended the National Telecommunicators Recognition celebration.

Consent Agenda

Councilmember Kennedy moved to adopt the Consent Agenda items #1 through #3. Councilmember Traylor Smith seconded the motion. Motion carried by roll call vote.

1. Approval of Minutes

- a. Minutes of the March 29, 2017 Special Meeting

b. Summary of the April 3, 2017 Workshop

2. Set Public Hearing

a. Legislative

- i. Ordinance Amending Ordinance No. 4728 and Section 3.12.070 of Title 3 of the Grand Junction Municipal Code Deleting the Sunset Provision for the Exemption from Sales Tax of Seller Installed Aircraft Parts.
- ii. Ordinance Amending Chapter 3, Section 3.12.100 of the Grand Junction Municipal Code Concerning the Sales Tax Vendor's Fee.

b. Quasi-judicial

- i. Ordinance Rezoning the Las Colonias Park Property to Planned Development (PD), Approval of an Outline Development Plan on 147 Acres, Located on the North Bank of the Colorado River Between Highway 50 and 27 1/2 Road, and Setting a Hearing for May 3, 2017.
- ii. Ordinance Approving a Rezone to I-O (Industrial/Office Park) and Comprehensive Plan Future Land Use Map Amendment to Commercial/Industrial for Lot 241, Heritage Heights, Filing One, Located at 637 25 Road and Set a Hearing for May 3, 2017.

3. Contracts

a. Persigo WWTP Incoming Electrical Switch Gear Replacement Project.

Resolution Granting Conditional Approval of Private Streets, Pinnacle Ridge Subdivision

The applicant, Two R & D, LLC, requests approval of certain items under City Codes and regulations that require either Planning Commission or Council action regarding their proposed Preliminary Plan application. These actions include Council approval of proposed private streets and subdivision lots and public streets traversing greater than 30% slopes.

Scott D. Peterson, Senior Planner, presented this item and background information. The applicant has submitted for a Preliminary Plan subdivision review in order to develop 72 single-family detached lots to be developed in five phases/filings. Proposed residential density would be 1.59 dwelling units to the acre. The applicant and owner is Two R & D, LLC.

The property is located east of Mariposa Drive in the Redlands and contains 45.11 +/- acres. The property consists of both not platted and platted properties. The platted properties are remnants of the old Energy Center Subdivision, Phase 1, that were platted in 1955. Today these lots have no legal access and are not developed. Nine of the 28 total platted lots from the Energy Center Subdivision, Phase 1, are currently not owned by the applicant and are not included within the proposed Preliminary Plan application, however, the applicant is providing access to the nine existing lots as part of their Filing Five for Pinnacle Ridge Subdivision. As a condition of approval of the Preliminary Plan, the applicant will need to request vacation of a portion of the subdivision plat that is owned by the applicant for existing right-of-way and utility easements located within Blocks 1 and 2. This will need to occur prior to final plan approval for Filing 5. Zoning for the property is R-2 (Residential - 2 du/ac).

Under the Preliminary Plan application, the applicant has proposed to utilize the cluster provisions of the Zoning and Development Code (Section 21.03.060) to utilize and preserve existing open space in order to be able to have smaller lot sizes than what the Zoning Code requires for the R-2 zone district. The applicant is proposing 15.06 +/- acres (33% of the area) for open space within the development, which under the clustering provision would allow lot sizes of a minimum 7,125 sq. ft. and bulk standards found in the R-4 zone district. Without clustering, the minimum required lot size in the R-2 zone district is 15,000 sq. ft. Utilization of the cluster development provisions of the Code is to encourage the preservation of environmentally sensitive areas and open space lands.

Only Council may authorize a subdivision to be served by private streets, however, there are two private streets in the subdivision to be developed in later filings with neither street meeting public street standards. The burden of maintenance is on the private owners. There will need to be a Home Owner's Association (HOA) to maintain the streets. A number of other observations were stated by the planner.

A number of conditions need to be met and a minimum number of hillside cuts need to be completed regarding the development on slopes greater than 30%. The applicant is proposing a ring road configuration to minimize those cuts with the exact conditions being recorded at final plat. Use of retaining walls is being considered to minimize hillside cuts which will not to exceed 6 feet. The impact of the slopes is minimal as the steep slopes are only a small part of the development. Units with a walk-out configuration can accommodate such grade changes. Mr. Peterson then introduced Rick Dorris, Project Engineer.

Mr. Dorris said they have adopted all their street standards and have a process for exceptions. He stated an alternative street design has been agreed upon and this approach does eliminate the cross movement between asphalt and concrete. He said Mariposa Drive is classified as a Major Collector on the Grand Valley Circulation Plan,

collecting traffic from neighborhoods and moving it to a higher classification street; in this case Monument Road which is classified as a Minor Arterial. He said Mariposa Drive, south of the existing median near the West Ridges Boulevard entrance is 28 feet of asphalt width with attached curb and gutter with a detached 10 feet wide concrete path located on the west side. Mr. Dorris stated Mariposa Drive was intentionally built narrower than the standard collector street to keep speeds lower.

Mr. Dorris said the City conducted traffic counts on Monument Road and Mariposa Drive. Monument Road had less than 4,700 Average Daily Trips (ADT) measured northeast of the Mariposa Drive intersection and less than 4,200 ADT measured southwest of the Mariposa Drive intersection. He said Mariposa Drive itself had less than 1,100 ADT, south of the intersection with West Ridges Boulevard. Mr. Dorris said given its width and lack of driveways, Mariposa Drive has a capacity of 3,000 ADT in this area and Monument Road has a capacity of 10,000 ADT. He stated the Pinnacle Ridge project will add approximately 720 ADT at full build-out which is well within the capacity of both Mariposa Drive and Monument Road.

Mr. Dorris said the intersection of Monument Road and Mariposa Drive will eventually need to be improved with right and left turn lanes on Monument Road and possibly a left turn lane on Mariposa Drive, however, because both streets are classified as Collector or above, the City is responsible for these improvements.

He then addressed public versus private streets and Ute Water Conservancy District. He said Ute Water Conservancy District will not allow their water mains in private streets and, therefore, the City has agreed to accept the streets with a seven-year warranty. He said the justification is due to soil conditions and site grading designs, however, the applicant has objected as it is unprecedented. Mr. Dorris showed pictures to reinforce the recommendation. He said the applicant hired a geotechnical engineer who said it is difficult to predict what will happen in the next ten years in the soils. Mr. Dorris wants to minimize costs to the City and said this presents the possibility of expensive street repairs. He said City policy states that development should pay its own way and typically, a street is only warrantied for one year.

Mr. Dorris showed pictures of Spyglass Ridge and explained the extensive efforts to minimize the problems due to four inches of vertical movement despite mitigation efforts. He then showed pictures from Shadow Lake Court and Shadow Lake Circle where the intersection failed almost immediately and was rebuilt by the developer. He said it is currently in poor condition and is in need of repair. Mr. Dorris said Mariposa Drive, the primary access to the subdivision, was paved in 2005, distressed in 2010, and had substantial failure in 2012. He said the reason for the seven-year warranty is that it may take 5 to 7 years for problems to show up. City Manager Caton expressed concerns and supports the City's request for the extended warranty.

Mr. Peterson read the findings of fact and conclusions with all criterion met for Section 21.06.100 of the Zoning and Development Code. In addition, staff made the following conclusions: After reviewing the Pinnacle Ridge Preliminary Plan subdivision application, a request for review of private streets, and also public streets and residential lots traversing greater than 30% slopes, City staff makes the following findings of fact/conclusions and conditions of approval:

1. A final design, perform an in depth geotechnical engineering investigation and report with proper slope stability, rock fall, and earthwork analysis and requirements. This can be incremental to the phases where final design approval is being requested; however, if slope stability and/or rock fall analyses prove problematic, the Preliminary Plan could be nullified or may need to be redesigned and reapproved.
 - a. The geotechnical report must design the earthwork and streets to minimize vertical movement and construction must strictly adhere to the report and be documented by daily observations and proper testing during construction.
 - b. A secured seven-year warranty will be required.
 - c. Landscaping shall be limited to low water requirement plants and irrigation systems. The details will be defined in conjunction with the geotechnical engineer at final design.
 - d. A site specific slope and rock fall analysis (based on field investigation) in the areas of concern will be required with each filing.
 - e. Lot specific grading and drainage plans will either be required with the final design for each filing or with each planning clearance.
2. Perfect an intermediate connection to Hidden Valley Drive, with Filing 4 according to the current phasing plan, as required by the January 2007 TEDS exception.
3. Perfect the ability to loop water lines, if needed, and provide sanitary sewer to portions of the project via the Hidden Valley Drive connection with Filing 4 according to the current phasing plan.
4. The HOA is required to remove snow along the north facing slope on Elysium Drive. Provide proper language and assessments in the CC & R's and signs must be conspicuously placed on the street stating such.

5. Approval of the request to use private streets in two areas of the subdivision, Talus Court and Hillock Court. The Developer is proposing appropriate engineering measures to minimize the impact of cuts, fills, erosion, and storm water by incorporating retaining walls, detention and water quality basins, and proper site grading in their design, based on Preliminary Geotechnical Investigation. If subsequent Geotechnical Investigation reveals significant slope instability issues, as determined by City staff based on input from the Colorado Geologic Survey (CGS), redesign of the Preliminary Plan will be required. If a minor revision is required, the review of the revised preliminary subdivision plan may, at the discretion of the Director, proceed concurrently with final plat review. Nullification/revocation of this approval shall require review by the Planning Commission.

The Planning Commission recommended approval of the conditions and the two requests. Mr. Peterson then introduced Robert Jones the applicant.

Mr. Robert Jones II, Vortex Engineering and Architecture, Inc., 2394 Patterson Road, Suite 201, accompanied by Tom Volkmann, Attorney for Vortex Engineering and Architecture, Inc., entered their power point into record. Mr. Jones said the Old Energy Subdivision was never developed. The request is for the use of two private streets and use of slopes greater than 30%. There are goals of the Comprehensive Plan that supports the application. He said they are trying to provide environmentally sensitive open space by preserving rock outcroppings, setting aside 18 acres for open space, keeping development standards when the project was designed for steep slopes, and taking responsible steps to minimize and mitigate impacts. The hillside development standards specify how development happens on steep slopes by limiting slopes greater than 30% with a final grade of 13%. Lots with a grade greater than 30% will be built upon with custom homes that can take advantage of the topography. Grand Valley Housing said there are many examples of housing built on steep slopes with a benefit to the aesthetics of the subdivision with regards to the TEDS exceptions, granted previously, being honored on the application. Mr. Jones displayed and described the alternate street sections being proposed to minimize impacts of the slopes and stated the private streets will be signed and snow removal will be handled by the subdivision. They have also designed the subdivision to protect the ridgeline which meets the Code provisions for ridgeline development. He addressed the other areas with street failures and showed the differences with those and this development. He stated that he did not feel any extraordinary steps were taken for Mariposa Drive to prevent failure. Mr. Jones introduced their engineer, Mike Berry.

Mike Berry, 640 White Avenue, Geotechnical Consultant with Huddleston-Berry Engineering, provided his background and stated he completed a report on expansive

soils in the area. He addressed the issue of expansive soils in the area and said the top of the mesa is extremely flat with a sandy gravel type of material on bentonite. He said there are type-A lots which direct stormwater to the front and they will be separating the sidewalk from the pavement section. He described how the streets will be designed so as to not allow surface moisture to penetrate under the street section. He said they continue to research and design solutions for this type of application. Mr. Berry noted that CGS looked at site in 2005 and made similar comments on the property, however, CGS did not visit the site this time and made their assessment without a site visit. He concluded the comments were beyond CGS's expertise, as it was lacking understanding regarding stability and rock fall hazards. He said he will be out on the site and assess the hazards after grading. CGS overreached on the material raveling comment and the ten-year warranty with no evidence that the street sections will fail. He attributed the problems of Shadow Lake Court to the adjacent golf course (watering). He then addressed best practices for stormwater, wastewater, and radiation safety.

Mr. Jones displayed a typical street section and compared the Ledges Subdivision to Pinnacle Ridge and argued that the same conditions for development should be applied. Mr. Jones outlined the steps to form the HOA which will be seeded with \$5,000 in funding and have a professional property manager. He said there have been two requests for private streets built on greater than 30% slopes and the Planning Commission recommended approval. He objects to the seven-year warranty requirement as being overly cautious with no empirical evidence supporting the requirement. He said typically a one-year warranty is implemented, however, they are willing to post a secured two-year warranty and provide the City with a three-year observation time; after the one-year warranty runs out. The City will be able to inspect the street construction. He feels the requirement is arbitrary and a hardship which if imposed upon developers will stop development. He requested a reduction to a one-year warranty plus the developer's offer of a two-year warranty which he said is a reasonable compromise. He then presented Tom Volkmann, attorney for Vortex Engineering and Architecture, Inc.

Tom Volkmann, attorney for Vortex Engineering and Architecture, Inc., 225 North 5th Street (business), quoted the maintenance warranty wording from the Code "shall guarantee for a period of one year, not subject to change". He urged the City to consider the guarantee length of one year and stated both the applicant and City are bound by the Code.

Councilmember McArthur asked about the layout of Tract F and if it is to access the two lots and why it is not a private street. Mr. Jones said it is a shared driveway and stated that private streets do not meet public street requirements. Councilmember McArthur asked if parking will be on one side of the street only. Mr. Jones said yes, the alternative street size has a narrowed street width to minimize cuts. Councilmember

McArthur asked if sprinkler systems will be required. Mr. Jones stated the highest lots in Filing 5 will have sprinkler systems and there will be a turnaround for a fire truck. Councilmember McArthur asked if there will be any emergency access to the subdivision. Mr. Jones said no, however, they looked at other configurations and this is the optimal design. Councilmember McArthur asked about the water flow. Mr. Jones said there is adequate flows due to the increased line size.

Councilmember McArthur asked if the HOA is establishing requirements for minimal reserves. City Attorney Shaver said he cannot confirm and deferred to the applicant. Councilmember McArthur said \$5,000 doesn't seem sufficient for subgrade preparation for street construction and ledges undercut by more than two feet. Councilmember McArthur asked if staff had considered concrete streets for these private streets. Mr. Jones said they have determined that asphalt would be better. Councilmember McArthur noted asphalt is also cheaper. Mr. Jones said there is a separate maintenance agreement with homeowners on private streets. Councilmember McArthur asked if all owners were advised. Mr. Jones said yes.

Councilmember Boeschstein asked if the use of geotechnical fabric was considered. Mr. Berry said the purpose is to thin the pavement and geotechnical fabric does not help with movement. Mr. Berry said it had been used in another subdivision and performed well, but is no longer manufactured. Councilmember Boeschstein asked who will manage the open space in the subdivision. Mr. Jones said with rock outcroppings and the natural landscape, maintenance will be minimal. Councilmember Boeschstein asked who will maintain the trails. Mr. Jones said the trails will be maintained by the HOA.

Councilmember Chazen stated the staff report mentioned an administrative exception process. Mr. Dorris said TEDS is an exception process which is separate from the Code. City Manager Caton said this is a method put in place which is designed as an administrative exception process by a board including several disciplines in the organization. City Attorney Shaver said these are transportation standards and the warranty is a separate issue.

Councilmember Kennedy said, regarding the standard warranty versus the seven-year warranty, there is a national trend to move from a five to a ten-year warranty. He said he has not seen an example of seven-year warranty and said he is siding with the developer on this issue. He asked staff to provide background on the decision-making process.

City Attorney Shaver addressed the Code and said it allows a project to proceed without having all the infrastructure completed by having a Development Improvements Agreement (DIA). He said the date of acceptance is key, therefore, it is not an automatic one-year period, it is a rolling period, dependent on acceptance of the

improvements by the City. He said if the City could build streets in advance and perform an evaluation later it would be a reasonable consideration. He stated the City could proceed with private streets but Ute Water Conservancy District would not allow their water mains in private streets. Councilmember Kennedy asked for other examples of similar issues with Ute Water Conservancy District. City Attorney Shaver said this is the first time this issue has occurred.

Councilmember Taggart said this is a unique project with more extensive cuts and fills than the others cited. He said paving and landscaping appear to be challenging in some areas and it will be extremely difficult to tell what problems might surface in the next five years. He said if the developer could provide a seven-year guarantee, it would protect the City.

Councilmember Kennedy said he appreciates the staff's efforts to protect taxpayer dollars, however, the developer is going to great lengths to try to mitigate the problem.

City Manager Caton said the City is relying on the comments that came back from the CGS which looked at problems that occurred in other similar developments.

Councilmember Kennedy said this situation is subjective on the counterpoints for what the CGS reported. He said Council needs to do what is best for the City and taxpayers by handling things right from the beginning.

Councilmember Traylor Smith asked if CGS made a site visit. Mr. Dorris said he did not know if a site visit was completed, however, the City relies heavily on the report which in the past has been shown to be extremely reliable. City Manager Caton said yes, there was a site visit completed. Councilmember Traylor Smith asked what Ute Water Conservancy District's requirements are. Mr. Dorris said Ute Water Conservancy District has followed their policy for this project. Councilmember McArthur said this is standard practice.

Councilmember Traylor Smith asked Mr. Berry if he has built streets this way before. Mr. Berry said no he has not, however, there is a need to keep the water out because it would not have expansion. Councilmember Traylor Smith asked if this is in use in other areas. Mr. Berry said yes, it has been used and is common practice.

Further discussion continued regarding the street construction design to prevent failure, the issues brought up by CGS (a City review agency), public versus private streets due to Ute Water's requirements, and protecting the City from future loss if the streets fail.

Council President Norris opened up the meeting to public comments.

Don Pettygrew, DGP Engineering, 2764 Compass Drive, said he has lived in Grand Junction 38 years and completed a lot of road work. He said he is concerned about the precedent of more than a one-year street warranty. He said engineering is not an exact

science and a vast majority will be indicated by samples. He stated a one-year warranty is typical and needs to be the standard.

Richard Wihera, 2427 Bella Pago Drive, said he has serious concerns about the project. He said he has been studying this property for two years and it is important to get CGS and the developer working together. He presented a detailed slide show that included him listing Codes not being met by the developer including: hillside development, minimal lot sizes for this terrain, and sensitive land and ridgeline protection codes. It puts the taxpayers at risk. It is a hazard area according to CGS, and will be cutting off the ridge line and moving 160,000 cubic feet of fill. Mr. Wihera said this is not how to preserve the character while protecting taxpayers and homeowners. He said the road is one symptom of what is wrong with this proposed development and this does not seem to be a plan that complies with the Development Code.

Eric Tyler, 818 Colorado Boulevard, Glenwood Springs, said he is the attorney on behalf of a group of Redlands homeowners. He addressed concerns of the precedent on the seven-year warranty with substantial risk. He said this could have a chilling effect on future growth with the flat developable land consumed, it would be an improper imposition to require this warranty.

Janice Burtis, 2052 Spur Cross Road, engineer and a realtor, said she needs a project like this. She stated the cost of lots has increased and she has developed three different subdivisions. She stated a seven-year warranty would have prevented those developments and the City needs to let the engineers do their job.

Kim Kerk, 564 S Commercial Drive, land consultant, said this is a difficult project, but a seven-year warranty should not be imposed. She said predictability is key and asked Council not to set the precedent of longer warranties on infrastructure.

C.J. Rhyne, Grand Junction Area Chamber of Commerce, said he is concerned with the precedent relative to economic development. He said the flat areas are already developed and the City needs to move toward the more challenging projects.

There were no additional public comments.

The meeting was closed to public comments at 9:17 p.m.

Councilmember Kennedy said he can support everything but the seven-year warranty. He said he is inclined to go with a two-year warranty as offered by the developer and requested the two-year warranty language to be placed in the motion. He said he understands staff's concerns for protecting the taxpayer dollars.

Council President Norris said she agrees with Councilmember Kennedy and asked if the Code needs to be changed to address this type of situation. She does have concerns about the seven-year warranty.

Councilmember Chazen said he concurs and understands the balance of protecting the taxpayers but not stopping development. He said it comes down to the design standards and he would like to see the City and applicant review them. He asked if the request can be sent back to staff. City Attorney Shaver said Council can accept or reject the Planning Commission recommendations, or amend the resolution.

Councilmember Boeschstein said the CGS recommendations should be followed. He said he will not be in favor of this resolution because it opens the City up to lawsuits.

Councilmember McArthur agreed that the economic development would be affected by imposing longer warranties. He said there is more work to be done and the CGS issues will be worked out during the final design.

Councilmember Taggart supported a one year plus the two-year warranty for this resolution.

Councilmember Kennedy moved to adopt Resolution No. 21-17 – A Resolution Granting Conditional Approval of Private Streets and also Public Streets and Residential Lots Traversing Greater than 30% Slopes for the Proposed Pinnacle Ridge Subdivision, Located East of Mariposa Drive in the Redlands amending the warranty to a two-year warranty. The motion was then refined to say the one-year standard warranty with the addition of one-year as offered by the developer. Councilmember Traylor Smith seconded the amended motion. Motion carried by roll call vote with Councilmember Boeschstein voting NO.

The Council took a break at 9:25 p.m.

The meeting reconvened at 9:33 p.m.

Contract – Replace Synthetic Turf Surface at Stocker Stadium

Synthetic turf was initially installed at Stocker Stadium in Lincoln Park, in 2007 with a life expectancy of eight (8) years under normal use of a single team. Usage at the stadium far exceeds that amount and includes four local high schools, Colorado Mesa University (CMU), City of Grand Junction programs, and multiple community events. The current condition of the turf is deteriorating quickly and has required significant repairs during the past year.

In addition to the City of Grand Junction, funding for this project will come from multiple stadium partners including the Parks Improvement Advisory Board, School District #51, and Colorado Mesa University. Additionally, the project has received funding through a grant from the Mesa County Federal Mineral Lease District. If approved, this project will be scheduled to be completed after the Special Olympics State Meet (mid-June), and

prior to the first football game (mid-August). The project will include a two-layer synthetic turf system and replacement of both goal posts.

Rob Schoeber, Parks and Recreation Director, presented this item and gave the background. The existing turf is beyond its useful life, The Parks Improvement Advisory Board (PIAB) made a \$200,000 funding commitment to get this project moving. In partnership with a CMU bid, the two projects together bid a better price of \$516,934. They then partnered on a grant request to Mesa County Mineral Lease District which awarded the full grant request for another \$200,000. That left \$116,000 to be split between the University, the School District, and the City.

Councilmember Taggart and Councilmember Traylor Smith congratulated Mr. Schoeber on doing a great job.

Councilmember McArthur asked if Mr. Schoeber was aware of a controversy regarding recycled tire granules causing cancer. Mr. Schoeber said there have been several studies and the Turf Council regards safety as the top priority. The Turf Council found no scientific data that this turf is a cause of cancer.

Councilmember Taggart moved to authorize the Purchasing Division to enter into a contract with FieldTurf in the amount of \$516,934 for the replacement of synthetic turf at Stocker Stadium. Councilmember Kennedy seconded the motion. Motion carried by roll call vote.

Council President Norris thanked the partners.

Public Hearing – Ordinance Amending Sections of the Zoning & Development Code Regarding Nonconforming Signage

This proposed ordinance amends the existing sign code, clarifying that sign face changes are allowed for nonconforming outdoor advertising signage (billboards) in addition to other nonconforming commercial signage. Changing sign faces to digital are currently not allowed for nonconforming billboards, but will be with this code amendment. With the proposed changes, sign face changes will be allowed and not require a permit for both conforming and non-conforming signs, including converting from static display to digital/electronic display, if no other changes are made to the sign size, height or structure.

The public hearing opened at 9:40 p.m.

David Thornton, Principal Planner, presented this item and provided the background. He said recent changes to the Sign Code have included content neutrality and digital electronic signage. As part of those discussions, he said an area of concern was raised

by the outdoor advertising sign industry that relates to nonconforming billboards located within zoning overlay districts.

Mr. Thornton stated the Code allows for face changes to conforming signs, including changes from static display to digital/electronic display without a permit. He stated, Section 21.06.070(e) of the Code, Nonconforming Signs, is not specific as to whether a face change, including to digital/electronic, is allowed for nonconforming signs. Mr. Thornton said past practice has been to not allow it without bringing the sign into conformance. He said while the issues were brought up by the outdoor advertising industry, the interpretation applies to all nonconforming signs. The proposal includes deletion of the amortization provision and adding text to section 21.06.070 (e)(3): Sign face changes are allowed without a permit, including converting from static display to digital/electronic display, if no other changes are made to the sign size, height or structure.

The following text is proposed for deletion: Any outdoor advertising sign on or near the Riverside Parkway that becomes nonconforming due to the adoption of this section may continue only in the manner and to the extent that it existed at the time of the adoption of the ordinance codified in this title. The sign must not be re-erected, relocated, or replaced unless it is brought into conformance. If a sign is nonconforming, other than because of the adoption of the ordinance codified in this title, then the sign shall be discontinued and removed on or before the expiration of three years from the effective date of the ordinance codified in this title.

The Planning Commission has recommended approval.

C.J. Rhyne, Grand Junction Area Chamber of Commerce, returned to the podium and said he supports the adoption of this ordinance and gave the staff an A +.

There were no further public comments.

The public hearing was closed at 9:45 p.m.

Councilmember Traylor Smith moved to approve Ordinance No. 4745 – An Ordinance Amending a Section of the Zoning and Development Code (Title 21 of the Grand Junction Municipal Code) Regarding Nonconforming Signage on final passage and ordered final publication in pamphlet form. Councilmember Chazen seconded the motion. Motion carried by roll call vote.

Change in Use Incentive Grant Request

Thai Number Nine, a proposed restaurant located at 126 N. 7th Street, has submitted an application for consideration of \$2,714.50 from the Change in Use Incentive Grant

program. The amount is 25% of the sewer wastewater Plant Investment Fee (PIF) required for the conversion of the existing building to a restaurant use.

Kathy Portner, Planning Manager, presented this request and background. On January 4, 2017 Council established the Change in Use Incentive Grant Pilot Program to fund 25% of the sewer wastewater Plant Investment Fee (PIF), up to \$10,000 for the conversion of an existing building in the Greater Downtown Area to a restaurant use. The purpose of the program is to maintain and enhance the viability of downtown and encourage the reuse of existing buildings as restaurants.

Thai Number Nine is a proposed restaurant reusing the building located at 126 N. 7th Street that was previously used as retail and recently remodeled. One side is the Lego Store, and the other side is being remodeled for this restaurant. The total Plant Investment Fee (PIF) for the conversion is \$10,858.02, based on the additional impact to the sewer system of a restaurant use. The request meets the requirements of the Change in Use Incentive Grant Program. Ms. Portner listed previous grants committed from the fund.

Councilmember Chazen moved to approve the Change in Use Incentive Grant request from Thai Number Nine, LLC, located at 126 N. 7th Street, in the amount of \$2,714.50. Councilmember Boeschstein seconded the motion. Motion carried by roll call vote.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

There was none.

Adjournment

The meeting adjourned at 9:50 p.m.

Stephanie Tuin, MMC
City Clerk