

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

**February 21, 2018**

The City Council of the City of Grand Junction convened into regular session on the 21<sup>st</sup> day of February, 2018 at 6:00 p.m. Those present were Councilmembers Bennett Boeschstein, Chris Kennedy, Duncan McArthur, Phyllis Norris, Barbara Traylor Smith, Duke Wortmann, and Council President Rick Taggart. Also present were City Manager Greg Caton, City Attorney John Shaver, and City Clerk Wanda Winkelmann.

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

**Presentations - Holiday Parking Revenue Donation to United Way**

Council President Rick Taggart explained the downtown parking donation that was collected as part of the holiday parking program. Instead of offering free holiday downtown parking, the City continued to charge and donated 50% of the proceeds to the United Way. Council President Taggart presented the CEO and Board Chairman of United Way with a check in the amount of \$14,167 and thanked United Way for their contribution to the community.

The Chairman of the Board of United Way thanked the City and Council for the support and donation.

**Proclamations**

**Proclaiming February 24, 2018 as National TRiO Day in the City of Grand Junction**

Councilmember Wortmann read the proclamation. Melissa Calhoon, TRiO and Student Support Services Director was present to receive the proclamation. TRiO was founded in 1964 and is a collection of federally-funded programs designated to prepare low-income and first-generation students (students from families whose parents do not have a four-year college degree) for college success. Ms. Calhoon introduced two TRiO students, gave some information on the history of TRiO at Colorado Mesa University (CMU), and thanked Council for their support.

**Proclaiming February 25 - March 3, 2018 as Peace Corps Anniversary Week in the City of Grand Junction**

Councilmember Boeschstein read the proclamation. Brian Webster, former Peace Corps Volunteer, was present to receive the proclamation. Mr. Webster thanked City

Council along with other former members of the Peace Corps who introduced themselves and said where they served.

### **Citizens Comments**

Kimberly Langston, member of People for Local Activities and Community Enrichment (PLACE), gave an update on the Community and Recreation Center public meetings. A summary of the January meeting is available on the City Parks & Recreation website. Councilmembers Kennedy and Boeschstein thanked Ms. Langston for her work on this project.

Lawrence Anna asked if there are plans to expand commercial enterprise around the upcoming roundabout at Broadway and the Redlands Parkway. City Manager Caton said the property in this area is private and he is not aware of any new development opportunities at this time.

Bruce Lohmiller spoke about 911 violence reports, M-1 holds, and invited everyone to a Veterans art show.

### **Council Reports**

Councilmember Norris said the Las Colonias Development Corporation has started meeting and that they chose Carol Skubic as the last member of the board. She attended the retirement party for outgoing Visit Grand Junction Director Deb Kovalik and said Ms. Kovalik will be missed. On the 12<sup>th</sup> of February Councilmember Norris attended a municipalities dinner where local issues were discussed.

Councilmember Traylor Smith attended many of the same events. She noted that the municipalities dinner is very informative and is a meaningful use of time.

Councilmember Kennedy spoke of the Grand Junction Economic Partnership (GJEP) board meeting where they announced that four leads have resulted into new companies moving here, and eleven active leads are being pursued of which three were a direct result of their presence at the Outdoor Recreation Show. A lot of good-forward momentum is occurring and there are many good prospects. The marketing committee of GJEP also presented a marketing campaign to bring more new businesses into Grand Junction and he is excited about that.

Councilmember McArthur attended the Homeless Coalition meeting on January 9<sup>th</sup>. On January 18<sup>th</sup> he went to the Recreation Center promotional meeting. On January 20<sup>th</sup> he attended the ribbon cutting for the new rehabilitation facility at the Veteran's Hospital. On January 25<sup>th</sup> – 26<sup>th</sup> Councilmember McArthur traveled to the Colorado Water Congress annual meeting in Denver. On January 29<sup>th</sup> he attended the Grand Junction

Housing Authority's annual meeting at Lincoln Park where Jody Kole was acknowledged for serving for 25 years. On February 7<sup>th</sup> and 8<sup>th</sup> he was at the State capital for the legislative session. On February 9<sup>th</sup> he attended the prayer vigil honoring law officers and paying tribute to Officer Geer. February 15<sup>th</sup> – 16<sup>th</sup> Councilmember McArthur traveled to Denver for the Colorado Municipal League legislative workshop and policy meetings.

Councilmember Wortmann attended the municipalities dinner. He attended Ms. Kovalik's retirement party and stated she showed tremendous leadership for the community. He attended many Chamber of Commerce meetings where it is evident that this community is open for business and can look forward to many good things in the months ahead.

Councilmember Boeschstein said he is saddened by the incidents in Florida. He attended coffee with the City Manager where they reviewed ways to secure our schools. On February 21<sup>st</sup> he attended the Horizon Drive Association Business Improvement District meeting and spoke of crosswalks going in to help with safety issues and how they are also working on other improvements.

Council President Taggart said he was asked to attend the Faith Leaders' suicide prevention education seminar. He appreciated being asked to attend and noted it is helpful to hear how others have dealt with this tragedy. One of his Colorado Mesa University students was a recent victim and Mayor Taggart wanted to do everything he could to help the student's family. On February 20<sup>th</sup> he was invited to make a presentation to the Grand Junction High School wrestlers who won the State Championship for 5A. One wrestler has won the state title three years in a row. He attended the Grand Junction Regional Airport Authority meeting where they approved the Foreign Trade Zone application and will now move it forward to Customs for approval.

### **Consent Agenda**

Councilmember Traylor Smith moved to approve adoption of Consent Agenda items #1 through #2. Councilmember Wortmann seconded the motion. Motion carried by roll call vote.

1. Approval of Minutes
  - a. Summary of the February 5, 2018 Workshop
  - b. Minutes of the February 5, 2018 Special Session
  - c. Minutes of the February 7, 2018 Regular Meeting

## 2. Contracts

- a. Contract for the 2018 Waterline Replacement Project - Elm Avenue

### **Regular Agenda**

#### **Public Hearing - An Ordinance Amending Chapter 12 of the Grand Junction Municipal Code Concerning Riverfront and Other Trail Regulations Concerning the Operation of Electrical Assisted Bicycles**

City Council formally considered this item at the December 20, 2017 Regular City Council meeting and the ordinance was not adopted on second reading. Since that time, the Mayor and members of Council have requested that this item be brought back for Council discussion.

The City of Grand Junction currently maintains a trail system approximately 21 miles in length, including Riverfront, Ridges and Urban Trails. These developed hard surface trails are utilized for non-motorized activities such as walking, running and cycling. Other power-driven mobility devices (OPDMD's) may be operated on any of these trails by individuals with mobility disabilities.

E-bikes, or electrical assisted bicycles, use a small electric engine to boost rider's speeds. They are popular among riders of all ages and are designed to enhance a rider's pedaling with limited engine power.

Great Outdoors Colorado (GOCO) has provided significant capital funding for trails in the Grand Valley, primarily the Riverfront Trail. In general, GOCO opposes motorized uses on all of their grant funded trails. Recently, however, GOCO has stated that they view E-bikes differently than motorized uses, and are leaving these decisions up to the local communities. Policy revisions pertaining to E-bikes are currently being explored in several Colorado communities including, Loveland, Vail, Steamboat Springs, Boulder, Durango, Town of Breckenridge and Summit County.

During a City Council workshop on June 5, 2017, this topic was discussed with members of the Riverfront Commission. The Commission stated that they continue to support the ban of motorized equipment on the Riverfront Trail, with the exception of ADA (Americans with Disabilities Act) compliant devices. They also stated that while they support the ban, they would not oppose the exception of E-bikes if the City chose to allow them.

The proposed ordinance revision would continue to ban all OPDMD's on City trails with

the exception of ADA approved devices, and would also exclude Class I and Class II E-bikes from the definition of motorized devices.

Parks & Recreation Director Rob Schoeber reviewed the area's public trails within the City and what E-bikes are.

Councilmember Kennedy asked about the Riverfront support and if there was an updated letter from the 2016 letter in their packets. Mr. Schoeber said there was no updated letter, just the verbal statements to Council in June of 2017.

Councilmember Boeschstein asked if the Audubon Trail section would be included. Mr. Schoeber said any trail within City limits would be included with this amendment.

Councilmember Boeschstein read a statement from the Grand Valley Audubon Society opposed to this amendment.

City Manager Caton clarified that any trails outside City limits would not be impacted, if a section of trail is unincorporated it would not be impacted either.

Councilmember Boeschstein said the Audubon Trail is not in City limits so should not be affected and is an important distinction. He noted many of the grants used to build the trails were funded through the non-motorized grants of GOCO and these motors could disturb wildlife.

The public hearing was opened at 6:51 p.m.

John Hodge, City resident, encouraged Council to reject this amendment due to safety issues and believes that allowing E-Bikes will discourage people from using the trails. He said the maximum speed of 20 miles per hour is an excessive speed for many trails. This is the only trail system that is for non-motorized use and if it becomes open to E-bikes there will be no other place to go.

Scott Manupella, owner of Colorado E-Bikes, said there are a lot of misconceptions. He met with directors from the Forest Service and the Division of Wildlife who are contemplating E-bikes for their employees. The conclusion was that this is the wave of the future because they are clean, green and will encourage people to get out on the trails. He does not believe E-Bikes will allow people to ride faster than their ability. He encouraged the City to move forward.

Dave Jannick said he and his wife purchased E-Bikes and that it was one of the best purchases they have made. He said the Valley is a gem and they have enjoyed riding the trails. He feels non-motorized bicyclists are more reckless than those who use E-Bikes.

Diane Manupella, owner of Colorado E-Bikes, said she believes not adopting this amendment will discriminate against the older generations. She said these bikes are not made for speed, but rather for range of motion and getting out. She encouraged Council to pass the amendment.

The public hearing was closed at 6:59 p.m.

Councilmember Kennedy thanked everyone for their comments. He said access is the main point of all trail systems. He sees all sorts of transportation modes on the trails and feels E-bikes are less aggressive than others. To him, deciding on this amendment is about access and inclusion and he feels it is important to open trails up for all users, even those who need some type of help. He will support the ordinance.

Councilmember Norris agreed with Councilmember Kennedy and said the City's trails are for all citizens. She is discouraged that some groups are in opposition, but she will support the ordinance because she thinks it's good for the community.

Councilmember Boeschstein said the trails are open to everyone no matter their ability; they are designed to be accessible through the Americans with Disabilities Act. He is concerned about the speed and safety of E-bikes and therefore, he will not support the ordinance.

Councilmember McArthur said many people ride bikes on the roads and many people oppose this use even though these are public right-of-ways. E-Bikes would be a nice opportunity for those that have health issues to get back on bikes. He will support the ordinance.

Councilmember Traylor Smith asked for clarification on whether E-Bikes are noticeably motorized. Scott Manupella said it is difficult to tell which bikes are E-Bikes because they make no noise and have no emissions. Councilmember Traylor Smith rhetorically asked who would enforce the ordinance either way. She feels more resources like this will be used by baby boomers to help keep them active. This is the way of the future and she will support the ordinance.

Council President Taggart thanked those who spoke on both sides. He is a cyclist who rides many miles and believes that most experienced riders do so respectfully because they are aware that running into pedestrians is dangerous. This issue is a personal issue to him, because the use of E-Bikes would allow his wife to ride bikes with him again and therefore he will support the ordinance.

Councilmember Kennedy asked Mr. Schoeber how the other local municipalities feel about the topic in regard to their sections of the Riverfront Trail. Mr. Schoeber said the

City is leading the way with this amendment. Enforcement is done largely through education by trail hosts.

Councilmember Wortmann moved to adopt Ordinance No. 4785 - An Ordinance amending Chapter 12 of the Grand Junction Municipal Code concerning Riverfront and other trail regulations concerning the operations of electrical assisted bicycles on final passage and ordered final publication in pamphlet form. Councilmember Traylor Smith seconded the motion. Motion carried by roll call vote with Councilmember Boeschstein voting NO.

**Public Hearing - An Ordinance Rezoning the Proposed Patterson Pines Subdivision, located at 2920 E 7/8 Road from R4 (Residential – 8 du/ac)**

The Applicant, James Cagle, is requesting a rezone of 3.99 acres of property located at 2920 E 7/8 Road from R-4 (Residential - 4 dwelling units per acre) to R-8 (Residential - 8 dwelling units per acre). The purpose of the request is to rezone the property to a higher density in anticipation of future single-family residential subdivision development. This property is proposed to be developed in conjunction with an existing vacant property to the south (4.39 acres) located at 2921 E 7/8 Road which is presently zoned R-8 and is also owned by the applicant. The proposed zoning of R-8 implements the Comprehensive Plan Future Land Use Map, which has designated the property as Residential Medium (4 - 8 du/ac).

Scott Peterson, Senior Planner, reviewed the request, the property, and the zoning.

Councilmember Norris asked about where the streets would be built to access the property, if the County will be developing any streets and clarification about the zoning. Mr. Peterson answered her questions per his presentation.

Councilmember Kennedy asked how many lots would be developed and how large they would be. Mr. Peterson said there would be about 52 lots and the developer proposed single family detached homes. Councilmember Kennedy is happy to see more proposed affordable houses.

Councilmember Traylor Smith asked about the density of the neighboring subdivision. Mr. Peterson explained the zoning of the surrounding properties.

Councilmember McArthur noted the City approved connecting streets for the area. He asked if the R-8 County properties are filled with duplexes and Mr. Peterson answered in the affirmative. Councilmember McArthur said there is still a need for more affordable housing.

Ted Ciavonne, Ciavonne, Roberts and Associates, Inc., thanked Mr. Peterson for his report. He reviewed the property and proposed housing of 50 single family housing units. He said that in order to develop this property, an R-8 zone is required for the type of housing being proposed.

The public hearing was opened at 7:35 p.m.

There were no citizen comments.

The public hearing was closed at 7:35 p.m.

Councilmember Boeschstein asked where the nearest park is located. Mr. Peterson was unsure, but noted there is a park fee of \$200 per house and a 10% open space fee from the developer. Councilmember Boeschstein asked if any trails are close to the proposed development. Mr. Peterson said there are not.

Councilmember Traylor Smith moved to adopt Ordinance No. 4786 - An Ordinance rezoning the proposed Patterson Pines Subdivision, from R-4 (Residential - 4 du/ac) to R-8 (Residential - 8 du/ac) located at 2920 E 7/8 Road on final passage and ordered final publication in pamphlet form. Councilmember Kennedy seconded the motion. Motion carried by roll call vote with Councilmember Wortmann voting NO.

**Public Hearing - Resolution Accepting the Petition for Annexation and Ordinances Annexing and Zoning the Adams Annexation to R8 du/ac), located south of B ¼ Road, west of 27 ½ Road and just west of the Mesa County Fairgrounds**

The Applicant, Paul Adams, is requesting to annex and zone 13.159 acres of currently undeveloped property located west of 27 ½ Road and just west of the Mesa County Fairgrounds. The Applicant is requesting zoning from County RSF-4 zone district to R-8 (Residential - 8 du/ac) as part of the request. This property does not have an assigned address. The Applicant would like to market and sell the property for future residential subdivision development. The proposed zoning of R-8 implements the Comprehensive Plan Future Land Use Map, which has designated the property as Residential Medium (4 - 8 du/ac). The property is currently zoned RSF-4 (Residential Single Family - 4 du/ac) in the County.

The requested annexation consists of a currently vacant single parcel of land and includes no dedicated right-of-way; however, the Applicant's property does extend to the centerline of B ¼ Road. As part of this annexation, the City would take ownership and maintenance responsibilities of this 95 lineal feet section of roadway.

This annexation will create an enclave of one parcel of land located at 2738 B ¼ Road.



This parcel is approximately 0.19 acres in size. Notification has been mailed to the current property owner notifying her of the potential enclave and the required action to annex, should the enclave occur. Pursuant to State Statutes, enclaves may be annexed after 3 years of being enclaved and pursuant to the Persigo Agreement, must be annexed within 5 years.

Scott Peterson, Senior Planner, reviewed the annexation and zoning request, the site location, and neighborhood concerns.

Councilmember Kennedy asked what the costs would be to the City for this annexation, specifically for road maintenance, and asked if improvement costs would be rolled into the regular maintenance plan.

City Manager Caton said the costs listed are additional costs associated with the annexation and that they would be scheduled with other improvements in the area.

Councilmember Traylor Smith asked how the costs fit in with the City's budget. City Manager Caton said this is not included in the 10-year capital plan. Bringing roads into the City that are below the City's current Pavement Condition Index rating does impact the City. Councilmember Traylor Smith, to that point, asked if this property is sold, would it be required to be annexed even if it is not annexed now.

City Attorney Shaver said the property does meet the criteria triggers for annexation through Persigo.

Councilmember Norris asked which roads are County versus City. Mr. Peterson said it is a hodgepodge. Councilmember Norris noted the County shares responsibility per the Persigo Agreement to share in these costs.

City Attorney Shaver cited the section in the Persigo Agreement that speaks to the County contributing in the cost when funds are available, but the County has not helped fund these annexations.

Councilmember Norris said the City needs support from the County.

Council President Taggart said that City Manager Caton introduced a tiered program to update the Persigo Agreement, but it is not ready at this time.

Councilmember Boeschstein agreed with Councilmember Norris that the County needs to participate in the expenses, although he believes properties such as this one should be annexed.

The public hearing was opened at 8:01 p.m.

There were no citizen comments.

The public hearing was closed at 8:01 p.m.

Councilmember Wortmann moved to adopt Resolution No. 13-18 - A Resolution accepting a petition for the annexation of lands to the City of Grand Junction, Colorado, making certain findings, and determining that property known as the Adams Annexation, located south of B ¼ Road, is eligible for annexation, Ordinance No. 4787 - An Ordinance annexing territory to the City of Grand Junction, Colorado, approximately 13.159 acres located south of B ¼ Road, and Ordinance No. 4788 - An Ordinance zoning the Adams Annexation to R8 (Residential - 8 du/ac), located south of B ¼ Road, on final passage and ordered final publication in pamphlet form. Councilmember McArthur seconded the motion. Motion carried by roll call vote with Councilmember Norris and Council President Taggart voting NO.

### **Public Hearing - An Ordinance Vacating a Portion of the Cannell Avenue Right-of-Way South of Orchard Avenue**

Colorado Mesa University (CMU) is requesting to vacate the remaining portion of the Cannell Street right-of-way (ROW) directly south of Orchard Avenue, consisting of 109 linear feet by 60 feet wide, to allow for the future north and westward expansion of the CMU campus. CMU owns the adjacent properties, as well as properties to the south where the Cannell Street ROW was vacated in 2015. The vacated ROW will be subject to the terms and conditions of the Colorado Mesa University and City of Grand Junction Utility Easement and Maintenance Agreement-CMU Main Campus. Private easement for Xcel Energy's utilities will be provided and access to privately owned properties north of Hall Avenue and east of N. 8<sup>th</sup> Street via the alley will be maintained. This section of ROW falls outside of CMU's Institutional and Civic Master Plan, therefore the vacation request is not subject to an administrative review and must proceed through the codified process for right of way vacation requests.

Community Services Manager Kathy Portner reviewed the request and location.

CMU Vice President for Intergovernmental and Community Affairs Derek Wagner thanked staff and supports their recommendation.

Councilmember McArthur asked for clarification on the request. Mr. Wagner said this request is to complete the vacation and move forward with the long-term planning and find the best use for this spot in the future.

Councilmember Norris asked if the three points of the ROW were considered. Mr. Wagner said yes and that all of them will be completed.

Councilmember Kennedy asked if there is an administrative way to expand the boundaries of the Master Plan. Ms. Portner said CMU set a boundary recommendation of 7<sup>th</sup> Street and Orchard Avenue. They are looking into more administrative vacations in the future. Mr. Wagner said they are holding off on administrative vacations because they are reviewing the circulation routes to find the best way to proceed since safety access still needs to be provided. Councilmember Kennedy asked if staff will look for administrative ways to expand the boundaries. City Manager Caton said it is a large test area and believes the current process is working well. If it is decided to expand the boundaries it will come back to Council.

Councilmember Boeschstein said it is important to have a public process for vacations. Council President Taggart said Council approved the administrative process for vacating. Ms. Portner said vacations all have the same notification process.

Councilmember Boeschstein asked Mr. Wagner if Cannel Avenue will continue to be a bike route. Mr. Wagner said there are many parking lots along it now, but there are good bike routes on the east side of the campus.

Councilmember Traylor Smith would like CMU to give a map to the JUCO (Junior College World Series) Committee for the best route to get to the fields. Mr. Wagner said there are designated bus lanes in many areas including this one. Councilmember Traylor Smith suggested notifying JUCO soon and Mr. Wagner agreed.

The public hearing was opened at 8:20 p.m.

There were no citizen comments.

The public hearing was closed at 8:20 p.m.

Councilmember Kennedy moved to adopt Ordinance No. 4789 - An Ordinance vacating a portion of the Cannell Avenue right-of-way south of Orchard Avenue on final passage and ordered final publication in pamphlet form. Councilmember Traylor Smith seconded the motion. Motion carried by roll call vote.

Council took a break at 8:21 p.m.

The meeting resumed at 8:26 p.m.

**Public Hearing - An Ordinance Amending Ordinance No. 4565 Extending the Development Schedule for the Mesa State Development Outline Development Plan to December 15, 2022**

The Applicant, Colorado Mesa University, requests a five-year extension of the Outline Development Plan (ODP) for the 154-acre property located 2899 D ½ Road at the

northwest corner of Riverside Parkway and 29 Road. The ODP was originally approved in 2008 and has been approved for two extensions. The ODP is a mixed-use development with light industrial, office, retail, service and multifamily residential uses and establishes a general circulation plan for the development, including access to 29 Road and Riverside Parkway, as well as site design standards. The Applicant requests the development schedule extension to allow for market conditions to improve to the point that development of the property becomes feasible. If granted, the extension would expire December 15, 2022.

Kathy Portner, Community Services Manager, reviewed the request and property location.

Derek Wagner with CMU spoke for the University and said they are requesting the extension because they are waiting for the right conditions and the right opportunity to sell the property per the recommendation of the real estate foundation.

Councilmember Traylor Smith asked what the right opportunity would be. Mr. Wagner said possibly a grocery store; they have actively marketed the property with commercial realtors. Councilmember Traylor Smith asked if CMU bought this property. Mr. Wagner said it was granted to CMU by the State. Mr. Wagner said it is currently being used for electrical pole training and leased for cattle.

Councilmember McArthur asked how many other projects were approved ten years ago that expired that Council did not renew. Ms. Portner said she didn't know of any others; this is a unique project. Councilmember McArthur asked if not finding the right buyer qualifies as a reason to have this extended. Ms. Portner said it is up to Council as to whether that is a sufficient reason.

Councilmember Boeschstein said this property was isolated before the 29 Road bridge and viaduct and it should be more attractive now.

Councilmember Wortmann said Maverik moving in to that area shows this side of town is viable. He believes at some point this property will sell.

Councilmember Norris believes the economy is not sufficient for this property to sell yet, since that area is not developed enough. She thinks that the improvements have helped the density of houses to grow and development will continue, therefore there is a real reason to extend the ODP. She will support the ordinance.

Councilmember McArthur said his point is to treat everyone the same since this could set a precedent.

Councilmember Kennedy pointed out that even if the ODP is not extended, they will have to start the whole process over again, which would not make it more viable.

The public hearing was opened at 8:40 p.m.

There were no citizen comments.

The public hearing was closed 8:40 p.m.

Councilmember Wortmann moved to adopt Ordinance No. 4790 - An Ordinance amending Ordinance No. 4565 extending the Development Schedule for the Mesa State Development Outline Development Plan to December 15, 2022, located at 2899 D ½ Road on final passage and ordered final publication in pamphlet form.

Councilmember Boeschstein seconded the motion. Motion carried by roll call vote with Councilmember McArthur voting NO.

**Public Hearing - An Ordinance Vacating the Remaining North-South Alley Right-of-Way of Block 7, Richard D. Mobley's First Subdivision**

The Applicant, CenterPoint Development Group, is requesting vacation of the remainder of the alleyway south of West Main Street and between South Spruce Street and South 1<sup>st</sup> Street. The remaining alley right of way to be vacated is divided into two pieces. The northern portion is a square, approximately 0.01 acre; 20-feet by 25-feet in size. The second portion of the alley right-of-way is 0.02 acres and is an irregularly shaped piece. The east side is 82.61 feet in length, the west side is 72.61 feet, with a 10-foot by 10-foot jog at the northern end. The survey map provides clarity regarding the exact dimensions and location of this vacation request. Another exhibit, a copy of the GCK Subdivision, shows how a previous portion of the alley was partially vacated and will be completed with this vacation request. The vacation of the alley will enable the Applicant to develop the property using their preferred site plan.

Kathy Portner, Community Services Manager, reviewed the request and location.

Councilmember McArthur asked about the wording "an easement will be dedicated to Xcel at the time of the recording." Ms. Portner clarified the ordinance will not be recorded until that easement is dedicated to Xcel.

Councilmember Norris asked if that is the only utility in the area; Ms. Portner said yes.

The public hearing was opened at 8:46 p.m.

There were no citizen comments.

The public hearing was closed at 8:46 p.m.

Councilmember Wortmann moved to adopt Ordinance No. 4791 - An Ordinance

vacating the remaining north-south alley right-of-way of Block 7, Richard D. Mobley's first subdivision on final passage and ordered final publication in pamphlet form. Councilmember Boeschstein seconded the motion. Motion carried unanimously by roll call vote.

**Non-Scheduled Citizens & Visitors**

There were none.

**Other Business**

There was none.

**Adjournment**

The meeting adjourned at 8:47 p.m.

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Wanda Winkelmann, MMC

City Clerk