

**GRAND JUNCTION CITY COUNCIL
MINUTES OF THE REGULAR MEETING
May 2, 2018**

The City Council of the City of Grand Junction convened into regular session on the 2nd day of May 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.

The meeting came to order with the Grand Junction Police Department (GJPD) Honor Guard posting the Colors. Councilmember Barbara Traylor Smith led the Pledge of Allegiance.

Proclamations

Proclaiming May 13 - 19, 2018 as Police Week in the City of Grand Junction

Councilmember Norris read the proclamation. There was representation from Grand Junction Police Department, City of Fruita Police Department, Palisade Police Department, Mesa County Sheriff's Department, and Colorado State Patrol. Deputy Chief Gary Marak from the Grand Junction Police Department thanked Council for the proclamation and introduced the others who were present.

Proclaiming May 7 - 11, 2018 as Teacher Appreciation Week in the City of Grand Junction

Councilmember Kennedy read the proclamation. Angela Christensen, PhD, Executive Director for Mesa County Valley School District #51 accepted the proclamation. She thanked City Council for the proclamation and introduced others that were present. Mark Carris, Social Studies Department Head for Grand Junction High School, spoke about the teachers of School District #51 and students who have excelled in the District.

Appointments

The Charter sets forth the process for selecting a President of the Council and a President of the Council Pro Tem. Article V, Section 39 provides that during the first regular City Council Meeting in May of each year, a Council President/Ex-Officio Mayor and Council President Pro Tem/Ex-Officio Mayor Pro Tem are nominated and voted on to fulfill the obligations of those duties through April of the following year.

Nominations can be entertained by the President of the Council. If nominated and seconded, the City Clerk can take a vote on each nomination that has been seconded.

Councilmember Norris nominated Councilmember Traylor Smith for President of the Council. Councilmember Boeschstein seconded the nomination.

Councilmember Wortmann nominated Councilmember Taggart for President of the Council. Councilmember Kennedy seconded the nomination.

Councilmember Boeschstein moved to cease the nominations. Councilmember McArthur seconded the motion.

The vote was called by voice vote with Council President Taggart, and Councilmembers Boeschstein, McArthur, Norris and Traylor Smith voting for Councilmember Traylor Smith; and Councilmembers Kennedy and Wortmann voting for Councilmember Taggart.

Councilmember Traylor Smith was voted in as Council President/Ex-Officio Mayor with a five vote majority.

Councilmember Norris nominated Councilmember Boeschstein for the Council President Pro Tem/Ex-Officio Mayor Pro Tem. Councilmember Wortmann seconded the nomination.

Councilmember Kennedy moved to vote by acclamation. Councilmember Wortmann seconded to cease the nominations.

The vote was called by voice vote with Councilmembers Wortmann, Kennedy, Taggart, Norris, McArthur, Boeschstein and Traylor Smith voting for Councilmember Boeschstein.

Councilmember Boeschstein was voted in as Council President Pro Tem/Ex-Officio Mayor Pro Tem.

City Clerk Wanda Winkelmann provided the Oath of Office to both President of the Council Traylor Smith and President of the Council Pro Tem Boeschstein.

Councilmember McArthur announced that he will be leaving the meeting and he would recuse himself from item No. 4.a.ii if he stayed. He left the meeting at 6:25 p.m.

Certificates of Appointment

To the Commission on Arts & Culture

Kristian Hartter and Donna Fullerton were present to accept their certificates of appointment and Gary Ambrosier was present to accept his certificate of reappointment, for terms ending February 2021.

To the Forestry Board

A. Vince Urbina was present to accept his certificate of appointment for a partial term ending in November 2019.

Citizens Comments

Bruce Lohmiller spoke about providing sex education classes in Mesa County Valley School District 51. He said the Art Center received some press for being in business for five years. He spoke about getting the homeless to a safe place and how Neil Young wrote a note and liked Mr. Lohmiller's Facebook page.

Richard Swingle presented a slideshow on the Broadband update. He provided history of what the City has done concerning Broadband. He said that no changes have been made and asked what Plan B will be.

Council Reports

Councilmember Wortmann attended several meetings and spent the day with two wonderful people who complimented Grand Junction.

Councilmember Boeschenstein attended three committee meetings in the past two weeks and spoke of the expansion of the Business Incubator. He announced the Urban Trails Group is celebrating Bicycle Month. He also attended the Historic Preservation Board meeting and is excited about the possible expansion of the Lincoln Park Historic District.

Councilmember Norris had nothing to report.

Councilmember Taggart had nothing to report.

Councilmember Kennedy, in interest of time, made no comments.

Council President Traylor Smith congratulated the Western Slope Center for Children on the opening of their new facility. She also congratulated the Grand Junction Housing

Authority on the ground breaking of The Highlands senior project. The Department of Interior was in Grand Junction and there was some interesting information provided.

Consent Agenda

Councilmember Boeschenstein moved to adopt items #1 - #3 on the Consent Agenda. Councilmember Wortmann seconded the motion. Motion carried by unanimous roll call vote.

1. Approval of Minutes

- a. Minutes of the April 18, 2018 Regular Meeting

2. Set Public Hearings

- a. Quasi-judicial

- i. Introduction of an Ordinance Zoning the Tallman Annexation R8 (Residential with a Maximum Density of 8 Units per Acre) and C2 (Heavy Commercial), Located at 2734 B 1/4 Road and 2723 Highway 50, and Setting a Hearing for May 16, 2018
- ii. Introduction of an Ordinance Amending the Comprehensive Plan Future Land Use Map Designation to Estate and Rezoning to R2 (Residential, 2 du/ac) 37 Acres, located at 2064 South Broadway, and Setting a Hearing for May 16, 2018
- iii. Introduction of an Ordinance Zoning the York Annexation I1 (Light Industrial), Located at 2122 H Road, and Setting a Hearing for May 16, 2018

3. Contracts

- a. Purchase of Two Rechassis Ambulances
- b. Construction Contract for the 2018 Sewer Line Replacement Project Phase A

Regular Agenda

Public Hearing - A Resolution Amending Resolution No. 65-97 to Designate an Expanded Area of the Lincoln Park Residential Historic District in the City Register of Historic Sites, Structures, and Districts

Councilmember Boeschenstein recused himself from this item since he lives in the

neighborhood.

Senior Planner Kristen Ashbeck presented this item. She provided a background of establishing the City Register of Historic Sites, Structures, and Districts. She explained the area of the proposed expansion. There are 58 properties in the proposed expansion and Ms. Ashbeck displayed and described some of the homes. She reviewed the criteria that is required to be considered in adopting the resolution.

Councilmember Norris asked if the area will continue to try to get into the National Register; Ms. Ashbeck said she didn't believe so.

Councilmember Norris confirmed with Ms. Ashbeck that 64% of the people in the area that were surveyed gave feedback on the proposed district and were in favor of the request.

Councilmember Kennedy asked if properties in the proposed zone are all eligible to be included in the district. Ms. Ashbeck said about half of the homes are eligible.

Council President Traylor Smith asked about grants. Ms. Ashbeck said grants are not available for homes such as this, but those who are on the National Register are eligible.

The public hearing was opened at 6:58 p.m.

Elizabeth Rowen, member of the Lincoln Park Homeowners Association, and homeowner of a house in the proposed area, thanked Ms. Ashbeck for her support during the process. Most of the homeowners have been active in the community. She feels the effort will stabilize the area and asked Council to approve the request.

Stephanie Matlock lives in the proposed area and feels strongly about the historic character in the community. She is in support of the request.

The public hearing was closed at 6:49 p.m.

Councilmember Kennedy moved to adopt Resolution No. 26-18, a resolution amending Resolution No. 65-97 to designate the expanded area of Lincoln Park Historic District in the City Register of Historic Sites, Structures, and Districts. Councilmember Norris seconded the motion. The motion carried by unanimous roll call vote.

Councilmember Taggart left the meeting at 6:56 p.m.

Public Hearing - Ordinance Approving an Outline Development Plan (ODP) for Elevation 4591 and a Rezone to Planned Development (PD) with an R-8 (Residential - 8 du/ac) Default Zone District, Located at 2524 F 1/2 Road

Senior Planner Scott Peterson presented this item. He reviewed the site location, existing zoning of the surrounding area and the review criteria for the proposed development. Mr. Peterson said in 2008 there was a previous ODP, but it has since lapsed. He said this request is consistent with the Comprehensive Plan Future Land Use Map and the internal street design was reviewed and approved with the condition the applicant provide off lot parking spaces. Mr. Peterson reviewed the proposed landscaping for the ODP which will meet or exceed the requirements of the Code. He said there are three designs for the proposed homes of 840 - 1340 square feet, and reviewed the designs. The Planning Commission found the development meets the review criteria and recommended approval. He said several comments were received both for and against the proposal with drainage being one the biggest concerns.

Lisa Cox, Special Projects Coordinator for Vortex Engineering, Inc., and Robert Jones, President, were present. Ms. Cox reviewed the surrounding properties of the property. She explained the site is challenging to develop, but the proposed development meets criteria of the Comprehensive Plan's designing goals. There would be 20 lots or 6.5 dwellings per acre, which is in the mid-range of the designated growth plan. According to Ms. Cox this development would benefit the community through more effective infrastructure, greater quality of public open space, provision of needed housing types and innovative design. Ms. Cox reviewed the Planned Development's features including the home designs and the setbacks for each style of home. She addressed the alternative street design, traffic demands and drainage. The street design was found to accommodate the planned development, not have a negative impact on traffic and included large vehicle turnaround areas for emergency vehicles. She described the community facilities and services available within the development area.

Mr. Jones addressed the concerns related to drainage. He reviewed his professional background to establish his understanding of groundwater issues. An engineering report was completed as well as a French drain system that has been included in the plan to divert water. They are aware of drainage issues and understand necessary measures will be put in place.

Ms. Cox spoke about the concerns regarding the height of the houses. Only one of the three designs of the homes is a two story home. The maximum allowed height is forty feet and the tallest home in the proposed ODP would be twenty-seven feet. She said building setbacks were increased to fifteen feet. Lot 20 does propose a duplex and a neighbor was

concerned about that setback. The developer has committed to increase the setback and use of xeric landscaping. The Home Owner's Association will restrict landscaping after initial design. Ms. Cox reviewed what steps have been taken to shield neighboring properties. She said that the developer will be held to the architectural design and open space amenities. Ms. Cox said the applicant respectfully requests Council approval.

Council President Traylor Smith called for a recess at 7:48 p.m.

The meeting resumed at 7:59 p.m.

The public hearing was opened at 7:59 p.m.

Ross Barefoot, Diamond Ridge Subdivision, believes there can be a better plan for this property. Mr. Barefoot said he, along with other neighbors, are concerned about flooding appropriate buffering and the proposed height of the homes which would infringe on privacy and sunlight. They feel a compromise was reached in 2008 with a restriction of no two-story homes and asked Council to uphold that for this proposed development.

Debbie Roberts, Diamond Ridge Subdivision, said the French drain is a glorified leach field and does not work well.

Charles Busell, Diamond Ridge Subdivision, asked Council to consider what it would be like to live next to a two-story home and also said that French drains do not work.

Daren Husby, Westwood Ranch Subdivision, said he has a background in real estate and understands what the developer is trying to do. He feels the proposed development plan does not fit in with the existing neighboring subdivisions.

David Smith feels the proposed plan is a great idea and a step in the right direction.

Joanne Wasinger said she is on her third sump pump and that French drains do not work.

Jan Kimbrough Miller spoke about concerns about property values and rental properties. She demonstrated what happens to property values as similar developments have been built and did not feel there was a negative impact on the rental properties.

Michael Cleveland said he and his wife support the proposed project.

David Mitchell, Heritage Heights Subdivision, said he feels the best fit for the land is detached single family homes. He feels there will be a challenge selling the proposed homes because of size. He feels some of the homes will not conform to the neighborhood,

but does feel they will be good quality homes.

Dan Shern, Westwood Ranch area, is a new resident in Grand Junction. He would not have considered living in his home if the proposed development was already built. He's concerned about traffic at F ½ and G Roads. He asked Council to consider the appeal of the neighborhood.

John Webster, new resident, concurred with Mr. Shern and feels the proposed development is not a good fit.

Ron Stoneburner, Westwood Ridge Subdivision, feels the proposed development should be built somewhere else. He's tired of hearing of small homes and first-time buyers. He knows about the water problems in that neighborhood.

Ray Campbell, Diamond Ridge Subdivision, questioned why the duplex is being built right next to his home when it can be built in another more suitable area.

Joan Care would not have purchased her existing home if she had known the proposed development would be built in that location.

Dick Beidelschies, Diamond Ridge Subdivision, questioned if the emergency turn around points are big enough. He also knows about water and said French drains will not work.

Betty Beidelschies, Diamond Ridge Subdivision, said the proposed location is not the place to build the proposed development.

Sue Love, Westwood Ranch Subdivision, said there are no two-story homes in her subdivision, and questioned why the road was put in where it was.

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

Councilmember Wortmann asked when the property was purchased. Mr. Roberts said May of 2017.

Ms. Cox addressed citizens' concerns. She understands citizens' concern regarding flooding and assured everyone the developer is very aware of the problem and will take all steps possible to mitigate any issues. She advised this is a preliminary plan, the beginning of planning, and there will be more studies done on the property. The lots are designed to drain to the street because drainage is at the top of the list to be addressed. She noted this is not the same developer as the past subdivisions. She addressed the heights of the proposed homes and said they are within the allowable height. She answered the question

of why the duplex is proposed where it is and said it is because of the canal. The large vehicle turn arounds were designed and reviewed by the fire department who had input on the locations and the designs. She addressed the concerns regarding the small houses and reiterated that there are people who desire, and can only afford small homes. She said the new development will not look like the old development and they are trying to provide a development that is desired.

Councilmember Norris asked about the minimum of 5 acres for the planned development. Mr. Peterson addressed there is an exception to allow this type of development and this street can be approved due to off street parking. Councilmember Norris drove around the proposed neighborhood and she is concerned about the balance in the neighborhood. City Attorney John Shaver stated there are legal considerations in regard to the minimum of 5 acres for a new development. The Zoning Code requires 3 considerations, he read those and said Council needs to find that all of these have been met. Councilmember Norris asked about the 2008 height restriction. Mr. Peterson said it was for 12 family single detached homes, but that plan has expired. Mr. Shaver explained that PD (contract zoning) has different requirements than straight zoning.

Councilmember Wortmann asked about the previous plan's developer. He asked if citizens were against development then. Mr. Peterson said yes.

Councilmember Boeschenstein asked about the source of the drainage. Mr. Jones said it is coming from the canal. They have talked about the possibility of filing a petition to get the canal lined. Councilmember Boeschenstein then asked about the turn-arounds. Mr. Peterson said there are two turn arounds and indicated where they were on a diagram. Councilmember Boeschenstein asked about parking on the street. Mr. Peterson stated parking would not be allowed on the westside but would be allowed on the eastside of the street in between driveways. Councilmember Boeschenstein asked about firepits in the rear of each house and the open burning ordinance, Mr. Peterson stated they would be gas fire pits.

Councilmember Kennedy lives in Colonial Heights and is the President of the HOA there, but has taken no stance on the proposal. No conflict was found. He reviewed the area and said there are two-story homes by the canal that wouldn't be affected but other homes would be by the two-story homes. He asked what effect the elevation has for the two-story homes. Mr. Jones said there has not been a plan put in place at this time. Councilmember Kennedy thanked the organized presentations that were provided. He is not opposed to growth and development. He welcomes retirees to this community but also supports millennials and said these types of projects are essential, although he has concerns about the two-story height homes. He puts value in the daylight concern of the citizens. He understands the development would affect the views of the current

neighborhoods. He said this development would impact the values of the existing homes. He would like to find a way to diminish the concerns of the neighbors. Councilmember Kennedy asked Mr. Peterson if the development would be looked at in a holistic way when it comes to drainage. Mr. Peterson said there are still water issues for that area and Rick Dorris, City Project Engineer, will take a holistic look at what would be needed the best at that time.

Councilmember Norris asked to look at fencing. Mr. Peterson said a proposed fence is slated for the west side and fencing would also be in place by the detention area and along F ½ Road, which would count as a buffer.

Council President Traylor Smith asked about street and parking and if when a car is parked on the street if there will be room for cars to pass. Mr. Peterson answered yes. Although there will be no parking on F ½ Road and no overflow parking. Mr. Peterson said there is actually more parking being provided than is required. Council President Traylor Smith asked how many of the homes will be two-story. Mr. Jones stated six to seven homes will be two-story. Council President Traylor Smith believes the water issue is very important and said it hasn't been discussed enough. She asked City Attorney John Shaver to review. Mr. Shaver said this is to determine if the plan meets criteria of the contract zone. The overall process is, if zoning is approved, engineering begins and puts expectations on what the development will look like and if it proceeds, would be subject to review by City staff. If it doesn't proceed, it could come back to Council. Council President Traylor Smith isn't sure that criteria is being met.

Councilmember Boeschstein recommended giving approval on the PD and have them come back when details are ironed out.

Councilmember Norris questioned if criteria have been met. Drainage issues will have to be worked through but staff would need to make sure it will be addressed.

Councilmember Boeschstein agrees this is the type of the home that will be seen in the future and they do meet a need. He is favorably inclined to approve the ODP but to ask them to come back.

Councilmember Wortmann concurs with Councilmember Boeschstein on one hand but knows how painful water issues can be. He likes the development, but is concerned with the water issue.

Councilmember Boeschstein moved to adopt Ordinance No. 4797, an Ordinance Approving the Outline Development Plan as a Planned Development with a default zone of R8 (Residential - 8 du/ac) for the development of 19 single family detached lots with one

additional lot proposed for a two family attached dwelling unit for a total of 21 dwelling units to be known as Elevation 4591 located at 2524 F ½ Road and require the proposal return to Council on final passage and ordered final publication in pamphlet form. Councilmember Wortmann seconded the motion.

Mr. Shaver asked Councilmember Boeschenstein to be specific as to what needs to come back to Council.

Council President Traylor Smith asked Mr. Jones for clarification regarding drainage. Mr. Jones said they will work with the City Engineer and perhaps that's what would need to come back to Council. City Attorney Shaver asked if that would satisfy Council because there would be no assurances. Mr. Shaver expressed concern that it won't fundamentally change anything.

Councilmember Boeschenstein said there are grants for a canal company to line a canal. Mr. Jones said they will petition to line the canal.

Councilmember Kennedy feels the motion really doesn't take care of any concerns.

Councilmember Kennedy asked that the amendment to motion be withdrawn and proceed with the original motion as suggested. Councilmember Wortmann agreed.

Councilmember Boeschenstein made a motion as written originally. Councilmember Wortmann seconded the motion.

Council President Traylor Smith asked that the motion be amended to require single story homes only. There was further discussion on what defines a single-story home.

Council President Traylor Smith withdrew her motion to vote on the amendment and suggests the vote be taken as written. Motion failed by roll call vote with Councilmember Wortmann voting YES.

Resolution - A Resolution to Ban the Sale or Trade of Fireworks

Fire Chief Ken Watkins presented this item. Staff started talking about this immediately after the Rosevale fire. Fire restrictions will go into effect on May 4th. Out of concern for vendors, it would be prudent to approach this issue before permits are issued.

Councilmember Kennedy stated fireworks are available online and feels this resolution will not deter people from having fireworks shipped to their door. City Manager Caton said it is important to have consistent messaging to the community that the City is taking this

seriously. Councilmember Kennedy stated that some citizens who buy fireworks on the internet would not even know the City is making it illegal for them to purchase them.

Councilmember Norris asked if any other products are restricted. City Attorney Shaver replied only marijuana. This issue is because of the nature of the drought. The City is in an anticipatory mode by adopting this resolution. Councilmember Norris asked if will this be something that will be done every year? City Attorney Shaver responded if fireworks are bought without a permit, they are responsible for it's use. There are risks without a permit.

Councilmember Kennedy talked with Sheriff deputies and the County does not issue permits for firework stands. Fire Districts do issue permits. Chief Watkins will check with other districts if this is adopted and see if they will also.

Councilmember Boeschenstein moved to adopt Resolution No. 27-18 - a Resolution imposing a ban on the sale, exchange, barter, or trade of or in fireworks and issuance of temporary permits for the same in the City of Grand Junction. Councilmember Kennedy seconded the motion. Motion carried by roll call vote with Councilmember Norris voting NO.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

There was none.

Adjournment

The meeting adjourned at 9:56 p.m.

Wanda Winkelmann, MMC
City Clerk