

GRAND JUNCTION CITY COUNCIL MINUTES OF THE REGULAR MEETING

September 5, 2012

The City Council of the City of Grand Junction convened into regular session on the 5th day of September, 2012 at 7:00 p.m. in the City Auditorium. Those present were Councilmembers Bennett Boeschstein, Teresa Coons, Jim Doody, Tom Kenyon, Laura Luke, Sam Susuras, and Council President Bill Pitts. Also present were City Manager Rich Englehart, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Pitts called the meeting to order. Councilmember Luke led the Pledge of Allegiance, followed by an Invocation by Pastor Kyle VanArsdol, Molina Baptist Church

Presentations/Recognitions

Recognition of the Youth Group at Clifton Christian Church for their Random Acts of Kindness (RAK Award)

Councilmember Luke welcomed the Clifton Christian Church Youth Group to the meeting. She explained the reason for inviting this group to the City Council. She noted that Kevin Barclay had approached the City Council about Random Acts of Kindness and how important it is to pass those things forward.

Lizzie Feaster, a member of the Clifton Christian Youth Group, thanked City Council, and explained some of the things the Youth Group has done, specifically handing out water, handing out food for the needy, helping out at the church, picking up trash, and lots of other things. The Youth Group consists of ages 6th grade to college age and there are 35 to 40 people within the group.

Pastor Downey, Clifton Christian Youth Group, said there are about sixty kids in this group. He said Lizzie is his assistant, and the kids have done random acts of kindness all over town. They are being taught that the little things count and make a difference.

Victoria Smith, Clifton Christian Youth Group, said it's been a blessing and they like to help out in the community and spread the word of God. It is helpful to her.

The Clifton Christian Youth Group were presented with a token of appreciation (goodie box) for their random acts of kindness as well as a framed appreciation certificate.

Proclamations

Proclaiming Friday, September 7, 2012 as “Legends of the Grand Valley – Operation Foresight Day” in the City of Grand Junction

Councilmember Coons read the proclamation and then asked Tillie Bishop and Ken Johnson to say a few words. Mr. Bishop said it was a pleasure to be present to accept the proclamation. He said this is the fifth sculpture in the project. This sculpture recognizes the work done by the Committee on Operation Foresight. People like the sculptures. He expressed appreciation to the contributors for the project. There is an unveiling of this sculpture on Friday, September 7th. A book on the project was suggested. Ken Johnson and Vera Mulder have completed such a book and each Councilmember has been sent a copy. He then introduced Ken Johnson who has been a pillar behind all of this.

Mr. Johnson said he lives up on Glade Park and echoed what Mr. Bishop said. They appreciate the support for these larger-than-life sculptures. The sculpture being unveiled on Friday evening is one recognizing a very significant event in the history of Grand Junction. They will be at the corner of 3rd and Main by Springhill Suites. Mr. Bishop said there will be books for the public attending the unveiling. Mr. Johnson said the unveiling will be at 5:30 p.m.

Proclaiming Friday, September 7, 2012 as “Grand Junction Rockies Day” in the City of Grand Junction

Councilmember Kenyon read the proclamation and welcomed Rockies Manager Tim Ray representing the Grand Junction Colorado Rockies. Mr. Ray thanked the City Council on behalf of the Rockies and thanked them for their daily support. He said the relationship with the City of Grand Junction will continue to grow and continue to create baseball fever on the Western Slope. The Grand Junction Rockies may top the 100,000 fan mark for the season this evening. They recognized three All-Stars at the game tonight. He said it is all about people and it is what makes Grand Junction a very special place to live.

Proclaiming the Month of September 2012 as "Suicide Prevention Month" in the City of Grand Junction

Councilmember Doody read the proclamation and welcomed Karen Vaughn and Dave Fishell representing the organization. Ms. Vaughn reminded those present that there are parts of living that are sometimes challenging. In 2011, 44 people died of suicide in Mesa County from all walks of life. She asked everyone to focus on prevention. The Coalition is made up of the School District and a variety of agencies that are concerned about this issue. The Coalition pulls all the resources together. Colorado is 6th in the nation in the number of suicide deaths, yet Colorado ranks 46th in the per capita expenditure on mental health care. She said there may be a connection. She introduced Dave Fishell who is on the board as well as Councilmember Doody. She

lauded Councilmember Doody's work and then mentioned the fundraising golf tournament for which Councilmember Doody provided all the details.

Appointments

To the Ridges Architectural Control Committee

Councilmember Kenyon moved to appoint Jeffery Flemming to the Ridges Architectural Control Committee for a continuous term and affirm continuous terms for existing members Ted Munkres, Cynthia Adair, and Frank Rinaldi. Councilmember Susuras seconded the motion. Motion carried.

To the Riverview Technology Corporation

Councilmember Kenyon moved to ratify the appointment of Katie Worrall to the Riverview Technology Corporation for the remainder of a three year term expiring February, 2014. Councilmember Susuras seconded the motion. Motion carried.

Council Comments

Councilmember Kenyon said the Airport Committee met the previous evening and they are having some outstanding discussions. They are working on the Capital Plan through 2034 which is an exciting vision, and the Committee has a great consultant that is helping with compliance and obtaining grants to help with the funding for upcoming improvements. He also met with the Parks Improvement Advisory Board and this committee also had a good discussion on the stadium fees and the Grand Junction Rockies.

Councilmember Luke said she wanted to highlight some activities in the past month. She went to the Peppermill Lofts apartment complex ribbon cutting, the CMU Renaissance Village groundbreaking ceremony, she participated in a radio talk show, and was invited to Colorado National Guard appreciation luncheon where she had lunch with a Brigadier General. There were many other things she participated in too.

Councilmember Doody said he and the Mayor went to the dedication of the Honor Flight memorial.

Councilmember Boeschstein went to the Incubator meeting that morning. He and his wife are tutoring at Riverside School; he encouraged anyone to do the same.

Citizen Comments

Sally Matchett, 651 29 Road, said she found something on her email and she encouraged leaders to declare support regarding climate change. The other issue is the houseless/homeless, she wishes they would be left alone at least until someone tells them where else they may go. The shelter and the day house is not enough. She does not believe the local residents are demanding the homeless be evicted.

Jim Schultz, 1670 Ptarmigan, said he was addressing City credibility. He said the City should not break promises. Agreements made should be kept.

CONSENT CALENDAR

Councilmember Susuras moved to adopt the Consent Calendar and then read the Consent Calendar items #1-8. Councilmember Kenyon seconded the motion. Motion carried by roll call vote.

1. Minutes of Previous Meeting

Action: Approve the Minutes of the August 15, 2012 Regular Meeting

2. Setting a Hearing on Amending Section 21.04.040(f)(5) of the Grand Junction Municipal Code Concerning Occupancy of Accessory Dwelling Units [File #ZCA-2012-356]

This amendment to Section 21.04.040(f)(5) would eliminate the owner occupancy requirement for accessory dwelling units in zones R-8, R-12, R-O and B-2.

Proposed Ordinance Amending Section 21.04.040(f)(5) of the Grand Junction Municipal Code Eliminating the Owner Occupancy Requirement for Accessory Dwelling Units in Zones R-8, R-12, R-O, and B-2

Action: Introduction of a Proposed Ordinance and Set a Public Hearing for September 19, 2012

3. Setting a Hearing on Amending Section 21.04.030(a) of the Grand Junction Municipal Code to Add Use-Specific Standards for Racing Pigeons [File # ZCA-2012-357]

This amendment to Section 21.04.030(a) will add use-specific standards related to racing pigeons that were eliminated when the Code was updated in 2010.

Proposed Ordinance Amending Amending Section 21.04.030(a) of the Grand Junction Municipal Code to Add Use-Specific Standards for Racing Pigeons

Action: Introduction of a Proposed Ordinance and Set a Public Hearing for September 19, 2012

4. **Setting a Hearing on the Rohner Annexation Located at 249 Abraham Avenue**
[File #ANX-2012-374]

A request to annex one parcel, 0.44 acres, located at 249 Abraham Avenue. The Rohner Annexation consists of one parcel that contains two condominium units. The total annexation area consists of 1.63 acres, containing 51,595 square feet of public right-of-way.

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

Resolution No. 37-12—A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation, and Exercising Land Use Control, Rohner Annexation, Located at 249 Abraham Avenue

Action: Adopt Resolution No. 37-12

b. **Setting a Hearing on Proposed Ordinance**

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado Rohner Annexation Approximately 1.63 Acres Located at 249 Abraham

Action: Introduction of Proposed Ordinance and Set a Public Hearing for October 17, 2012

5. **Building Inspection and Contractor Licensing Agreement**

Requesting approval of a contract for building inspection and contractor licensing services with Mesa County. The agreement has served both the City and County well in the past and the recommended action will provide for the continuation of those services. The contract term is for two years.

Resolution No. 38-12—A Resolution Authorizing a Contract with Mesa County for Building Inspection and Contractor Licensing Services

Action: Adopt Resolution No. 38-12

6. **Boettcher Foundation Grant for the Tower at Lincoln Park**

The total project cost for the renovation project is \$8.3 million. Certificates of Participation have been issued in the amount of \$7,549,263. The remaining balance of \$750,737 was pledged by Grand Junction Baseball, Inc. (JUCO). One of the donors to this balance is the Boettcher Foundation in the amount of \$50,000; therefore, the acceptance of this grant will be a credit toward their commitment.

Action: Accept a Grant from the Boettcher Foundation in the Amount of \$50,000 for the Stadium Renovation Project at Lincoln Park

7. **Purchase of Bronze Sculpture for Exterior of Police Building in the Public Safety Complex**

Request for approval of the purchase of the artwork that was chosen for the exterior of the Police Building at the Public Safety Complex.

Action: Authorize the Purchase of the Bronze Sculpture "Legacy" from Greg Todd in the Amount of \$80,000

8. **Contract for the 2012 Interceptor Sewer Repair and Replacements Project**

This Project is aimed at the rehabilitation of aging interceptor sewer pipe and manholes in the City's waste water collection system and the primary clarifier weir troughs at the waste water treatment plant. The average age of the concrete pipe sewer lines being rehabilitated on this project is 48-years old. As a result of the infrastructure's age and damage caused by hydrogen sulfide gas this maintenance is necessary to prolong the life of the existing sewer system and clarifier troughs.

Action: Authorize the Purchasing Division to Enter into a Contract with Layne Inliner, LLC for the Construction of the 2012 Sewer Interceptor Repair and Replacements Project in the Amount of \$853,732.00

ITEMS NEEDING INDIVIDUAL CONSIDERATION**Public Hearing—Amendment to Title 21 of the Grand Junction Municipal Code Adopting the Flood Insurance Study of Grand Junction and New Flood Insurance Rate Maps** [File #ZCA-2012-393]

Pursuant to the Housing and Urban Development Act of 1968, for continued eligibility in the National Flood Insurance Program, the Federal Emergency Management Agency (“FEMA”) requires the City of Grand Junction (“City”) to adopt the most recent Flood Insurance Study (“FIS”) and the Flood Insurance Rate Maps (“FIRMs”) that have been modified due to the findings in the FIS report.

The public hearing was opened at 7:49 p.m.

Tim Moore, Public Works and Planning Director, introduced this item. He explained the purpose of the request and that it is the culmination of seven years worth of work with the Flood Emergency Management Agency (FEMA). He explained that the Big Pipe Project several years ago was a major project that took many properties out of the floodplain.

Councilmember Doody asked how much of the \$18 million for the Big Pipe Project was grant money? Mr. Moore said about \$4 million. Councilmember Doody asked how many other identified areas are there within 521 Drainage District that need work and the cost of those projects. Mr. Moore was not sure of the number, however, stated that there have been around \$40 million in improvements that have been identified, but this does not include everything; there has not been a cost analysis done. Councilmember Doody said at some point this will be addressed. Mr. Moore concurred and noted that these projects are big dollar projects.

Councilmember Coons asked about the practical purpose of removing properties from the floodplain. Mr. Moore explained that the maps identify properties in the floodplain and those maps affect the rating for the insurance premiums for the properties.

Councilmember Kenyon inquired if the City has to pass an ordinance to adopt the new floodplain map in order to participate in any of the programs affected by these agencies. He asked if it does affect rates. Mr. Moore said it does affect rates. If properties are out of the floodplain then no flood insurance is required.

Councilmember Boeschstein thanked the Staff and said one of the reasons for identifying these washes is to keep them green and not build on them. They are good for trail systems.

Councilmember Susuras asked Mr. Moore to describe the new dam being built by the Colorado National Guard. Mr. Moore said there is drainage way from Leach Creek from the Bookcliffs down into town. The catch basin being built will capture some of that runoff and then allow it to flow out at a significantly lower rate, which will be a huge benefit. The dam is being constructed on Bureau of Land Management (BLM) land. It will likely be completed spring of 2013. The National Guard is building that free of charge. There will be another floodplain map revision in about two years.

There were no public comments.

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

Ordinance No. 4551—An Ordinance Amending Section 21.07.010(c)(2) of the Grand Junction Municipal Code to Adopt the Flood Insurance Report and the Flood Insurance Rate Maps

Councilmember Susuras said the Flood Map will promote health, safety and welfare in the community and then moved to adopt Ordinance No. 4551 and ordered it published in pamphlet form. Councilmember Coons seconded the motion. Motion carried by roll call vote.

Public Hearing—Amendments to Title 13 of the Grand Junction Municipal Code Provisions Regarding Storm Water Management

Amendments to the City's storm water management regulations are proposed in order to comply with the Colorado Department of Public Health and Environment Water Quality Control Division's most recent program recommendations and requirements.

The public hearing was opened at 8:00 p.m.

Tim Moore, Public Works and Planning Director, presented this item. He reviewed the history of stormwater management regulations in the City. Recently, Colorado Department of Public Health and Environment (CPHE) said a number of items were occurring in other communities that prompted a questionnaire. The regulators will review that questionnaire and then perform an audit. Some items were determined prudent to include in the amendment for the regulations. These new regulations have nothing to do with the nutrients regulations that are headed this way.

First CPHE wanted specificity in addressing certain problems. The City usually only issues a verbal warning when they see a violation. The regulations did not include a provision allowing for verbal warnings. Another change was to make an exemption for controlled or training fire activities. Lastly was the street sweeping and pressure

washing practices. The flushing is no longer done but there is water on the street sweeping truck to control dust. Also for pressure washing sidewalks there are some practices for being able to complete those tasks.

There were no public comments.

The public hearing was closed at 8:07 p.m.

Ordinance No. 4552—An Ordinance Amending Sections 13.28.010 (Definitions), 13.28.020(b) (Exemptions), 13.28.020(c) (Requirements), 13.28.030(e)(4) (Post-Construction Requirement of Permanent BMPs), and 13.28.040(b) and (c) (Enforcement), of the Grand Junction Municipal Code Regarding Storm Water

Councilmember Doody moved to adopt Ordinance No. 4552 and ordered it published in pamphlet form. Councilmember Boeschenstein seconded the motion. Motion carried by roll call vote.

Public Hearing—Reconsideration of Ordinance No. 4295, which Zoned Properties Located at 347 and 348 27 ½ Road and 2757 C ½ Road, Light Industrial (I-1) and Industrial/Office Park (I-O) [File # GPA-2007-051]

This item is a reconsideration of Ordinance No. 4295. Two options for reconsideration are:

- a) the Ordinance may be repealed which will require the processing of a new zoning request; or
- b) the Ordinance may be referred as a ballot question at the next regular or special election.

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

Tim Moore, Public Works and Planning Director, introduced this item. He related that the presentation is the history of the ordinance to have a solid record on how this comes before them this evening.

Greg Moberg, Planning Supervisor, presented this item. The item is a reconsideration of Ordinance No. 4295. In February of 2007 SLB Enterprises requested an annexation of 3 parcels located at the intersection of 27-1/2 Road and C-1/2 Road. The property owners requested annexation to allow for industrial development of the properties. At the time the Future Land Use designation for the western parcel was Industrial and Residential Estate (2-5 ac/du) for the two parcels to the east. The zoning for all three properties in the County was I-2, basically heavy industrial.

The owners wanted to develop the site as industrial. To allow Industrial zoning to go forward, the Growth Plan had to be amended first. The City Council had a public hearing in July 2007 and adopted Resolution 106-07 which amended the Growth Plan. That changed the two easterly properties from Residential Estate to Commercial/Industrial. That then allowed the applicant to move forward with a request for industrial zoning on all three parcels.

That request went before the Planning Commission in September 2007 and Planning Commission made a zoning recommendation of I-O (Industrial/Office Park) for all three properties. That recommendation went forward to City Council who heard the request in June 2008.

The problem that occurred at the meeting was that there were only six Councilmembers present (one Councilmember recused himself). There were two motions put forward and both tied. Nothing could be resolved at that point so Council asked that the item be reconsidered at a later date.

At that point, Staff sat down with the owner to work through the different options and came up with a recommendation that included several conditions. Those conditions were included in Ordinance No. 4295. Those conditions were twenty-five foot landscape buffer with a wall inside, a fifty foot trail dedication, eight foot landscape buffer outside wall; although no fence along the river was required a fifty foot tract along the entire length was required, a fifty foot building setback and twenty-five foot landscape buffer were part of the conditions of approval. The City Council did pass that ordinance with a four to two vote. The ordinance placed I-1 zoning on the west property and I-O zoning on the two easterly properties.

Within the thirty days following the final adoption of the Ordinance, a referendum petition was initiated, circulated, and returned to the City Clerk thus suspending the Ordinance from going into effect. The City Clerk certified sufficient signatures on the petitions for the referendum to be taken to the City Council at a meeting in December.

Prior to that meeting, a protest to the petitions was filed. A hearing was set for January (Mr. Moberg said July but it was clarified later) 2009.

The City Clerk ruled on January 16, 2009 that petition section #079 which contained 18 signatures should be deemed invalid. That reduced the number of valid signatures to below the minimum required resulting in the petition becoming legally insufficient which the resulted in the zoning ordinance becoming effective again. The petition group then filed a lawsuit challenging the City Clerk's findings.

Councilmember Luke asked for a clarification on the dates which City Attorney Shaver provided.

Mr. Moberg continued. The lawsuit went to District Court and the District Court Judge did agree with the City Clerk's decision invalidating the petition section. The petition group appealed the Judge's decision and the Colorado Court of Appeals overturned the Judge. Then Brady Trucking, SLB Enterprises, asked that the matter go before the Supreme Court and that request was denied. The other claims of the lawsuit were ruled on; however, because of the notary issue the case has been remanded.

Mr. Moberg concluded that pursuant to the Charter, Ordinance No. 4295 has been suspended from taking effect and the City Council is tasked with reconsidering the Ordinance. The City Council may repeal the Ordinance which would require another zoning process or refer the Ordinance to the ballot at the next regular or a special election. If the Ordinance is referred, it shall not take effect unless a majority of the registered electors voting on it approve it. If the Ordinance is repealed, then it would have to go through a zoning hearing and through the process with the Comprehensive Plan and be zoned in conformance with the Comprehensive Plan.

In order to comply with the time frames required by State law and the provisions of the City Charter, a special election could only be held on December 11 or December 18 or at the regular Municipal Election on April 2.

Mr. Moberg referred the Council to an aerial photo and oriented the properties to the surrounding uses including the river, Eagle Rim Park, and Las Colonias Park. The parcels are currently vacant. To the east are single family residences and some State owned property. To the north is the other Brady trucking parcel and the Indian Road Industrial Park. The current Future Land Use Map shows the west parcel as industrial and the two easterly parcels are both designated commercial/industrial. The existing zoning that surrounds the properties is I-1 and CSR to the north, to the west R-8 and R-5, to the south and east is County, with R-5 and RSF-R zoning. Most of the property is in the one hundred year floodplain, a little bit is in the floodway, and a portion (on the easterly parcels) is outside of the floodplain.

Mr. Moberg identified nearby trails more particularly one through Las Colonias which ends in this property and another section that crosses the river and goes up to Eagle Rim Park. The trail picks up again on the other side of 29 Road.

Council President Pitts then asked those wanting to speak to approach the podium.

Councilmember Coons asked City Attorney Shaver to clarify the City Council's options.

City Attorney Shaver said there are two options per the City Charter. One option is to reconsider the zoning by virtue of repealing Ordinance No. 4295 and then the matter should be referred back through the process. The other option is to refer Ordinance No. 4295 to the ballot. There are two options for referring to the ballot, a special

election in December and the regular election in April. As far as conducting the public hearing, the City Council can receive testimony on those specific questions. The Council could also choose to open up the hearing for broader discussion but that is the Council's discretion.

Councilmember Doody suggested that his preference would be set to let the petitioners and the protestors be heard first and then narrow the discussion to either repealing or referring it to the ballot.

Councilmember Boeschstein asked for specifics for the two elections. City Attorney Shaver said that the City Clerk has estimated a special election would cost around \$70,000. The regular election in April would be no additional cost. The special election dates would have to be either December 11 or December 18 of 2012.

Councilmember Coons asked if the preference were to be referring the matter to the ballot, what would be referred? City Attorney Shaver said it would be a referral of Ordinance No. 4295 including the conditions of approval contained within the ordinance.

Councilmember Coons asked if the voters did not support the ordinance, would the property then have to go back through the process. City Attorney Shaver said yes, the property must be zoned at some point. Councilmember Coons asked if an alternative question could be placed on the ballot. Mr. Shaver said not without an initiated matter with a petition process.

Councilmember Susuras said to his recollection, Brady Trucking agreed to all the conditions at the time the Ordinance was being passed. City Attorney Shaver said they came to a position of understanding that it would work for them and Staff was supportive.

Council President Pitts called a ten minute recess and said the order to be followed after returning would be, Diane Schwenke, Brady Trucking, Harry Griff, and Candi Clark.

Mr. Harry Griff said there was a second question and it was his thought that the second question would also be on the ballot. City Attorney Shaver said the Charter only allows one question and there is no initiated process provided in Section 136 of the City Charter.

A recess was called at 8:35 p.m. The meeting reconvened at 8:45 p.m.

Councilmember Kenyon said he would make a motion to let Mr. Alan Story go first. Councilmember Luke seconded. Motion carried.

Councilmember Doody agreed as long as the others mentioned beforehand are next.

Public comments

Alan R. Story, 1831 L Road, Fruita said the stance the City Council has taken is not in accordance with the United States Constitution. He read Amendments 4 and 9. He said there are two groups protesting the location of Brady Trucking. Brady Trucking brings oil and frack sand which is what children play on at the beach. The other complaint comes from the Riverfront Commission; they say they want an amphitheatre west of the Brady property. He asked why don't they buy it. The Grand Junction City Council approved the purchase by Brady Trucking of the rendering plant.

Harry Griff, a local Attorney, said he and Candi Clark were the two main representatives for the petition drive. Although he is lawyer, he is doing this pro bono. This has been a passion of his to be a part of the evolution of this community. He was struck by the invocation regarding the vision of 2025 as well as the proclamation recognizing the vision of City elders. A lot has happened since the initial zoning. There is a new Council, new City Manager, and a new Parks and Recreation Director. Parks development has been elevated with both Las Colonias and Matchett Park. The trail from Fruita to Palisade is close to completion. There is a string of pearls along the Riverfront and Las Colonias is the hope diamond on that string of pearls. The City Council probably did not think Las Colonias was going to happen. At this point there is no doubt that Las Colonias will go forward. This community has worked the last thirty years to clean up the riverfront. He listed all the improvements. Las Colonias will be a passive park with two central features being an amphitheater and a kayak park. Both would be immediately adjacent to Brady's expansion. This is not a rezone, this is the first time zoning for this parcel. The supporters of Brady will say this takes away their property rights, but he said you can't take away something that hasn't been given. The supporters of the river are not anti-growth. The river supporters want the area developed compatible with the river. Doubling or tripling the Brady operation is patently inconsistent with the community vision for that area. Development of that park will be an economic driver for the downtown. Downtown Development Association (DDA) supports its development because of that. The decision made four years ago was wrong. A memo from City Staff four years ago said the highest possible zoning they could recommend was I-O. The Planning Commission supported I-O. Pressure was on the City Council to go to a higher industrial zoning. The real elephant in the room, there are Chamber supporters that will say this Council shouldn't change a decision of a previous Council. He said Council should do what is right. The Council has a right to change this and so he asked the Council to repeal the ordinance and remand the zoning through the process. If they choose to refer it to an election, then he asked that

the election be in April. He does not feel they should spend \$70,000 plus in December noting it will get lost in the shuffle following the election. He would like the community to vote on a new zone.

Diane Schwenke, Chamber of Commerce President, 528 Greenbelt Court, she said the reason the Chamber is part of this is that it is an economic issue. She asked that the matter be referred to the ballot and refer it to the April election. Initially this property did have zoning in the County and was I-2. Before Brady Trucking, this property was offered for sale for quite some time, both to the City and the Riverfront Commission, and no one offered to buy the property. A primary employer, Brady Trucking, did step forward to buy it. Both vision and economic development can co-exist. It was the business community that allowed for the development of the Riverfront trail system and Brady is willing to enter into that partnership. Brady is willing to provide a fifty foot easement and then twenty feet of landscape and then the building setback. Brady has agreed to maintain the trail so this doesn't have to be vision versus jobs, the community can have both. Any future investors in the community will not know whether they can depend on what is done and they will not come, no decision will be final for them, such as what Brady has had to endure. This will affect employment, sales tax, and other aspects in the community. She asked the Council to refer the matter to the voters. Businesses are watching, they are concerned, and it will affect the business climate of the community.

Chuck Johnson, Vice President and General Manager of Brady Trucking, he said when they started the process they thought they were doing all the right things. He understands the emotion and he respects the perspectives. They have demonstrated they are willing to do what it takes to be good neighbors. They have talked about how they could co-exist with the other things mentioned. They felt it was the right thing to do to agree to all the aforementioned conditions. It is a struggle to be into this four plus years; it is important to him. Brady Trucking is not a multi-national corporation with unlimited funds; they are a family-owned company. To not be able to grow to the intended purpose would be quite a blow to them financially. They feel that due process has occurred. All this was not the intent. They wanted to expand their operation and grow their business. Their request is for this to be referred to the ballot and allow the people of Grand Junction decide.

Candi Clark, 331 Acoma Court, said she is a small business owner and Chamber member, and she is retired. She is not against Brady Trucking. Her issue is with the vision of the valley. She is concerned that if they keep allowing more industrial zoning along the river it will interfere with the vision. She would like the community to aspire to having a river walk. She is concerned that the zoning stays with the land. If Brady leaves, the land is left with industrial zoning and the next company could be a lot different. Industrial is not what is needed.

Dale Beede, 2646 Patterson Road, commercial realtor, said they had the property listed. They approached every City Councilmember about buying the property, it was offered to the Riverfront Commission, and there were no takers. Brady cleaned the property up; he asked that City Council refer it to the ballot.

Joan Woodward, 2181 Quail Court, said she does not reside within City limits and was not able to sign the petition even though she uses the trail. Those in opposition are far more than what has been mentioned. She referred to an opinion piece by Councilmember Boeschstein regarding a unilateral consensus that the riverfront should be kept as a green belt. She was shocked that the Comprehensive Plan still designated the properties as industrial. She talked to the facilitator who said the City Council dictated that those properties remain industrial. Brady Trucking has done great things for the property but they do not have a vested right. She quoted a statement from Councilmember Boeschstein, *"Brady Trucking gambled when it bought this property. The community as a whole should not be made to suffer because of this gamble. Brady should be able to sell this property at a profit for commercial uses such as restaurants, shops, and entertainment venues, with a wide green setback from the river that includes a trail."* She asked the ordinance be repealed.

Peggy Rawlins, 519 Liberty Cap Court, said she sat in the City Clerk's office for five days while the City Clerk's Office verified the petitions. She was sad when the court case overturned that. She mentioned her experiences with other rivers, those using the rivers do not come to see industry but rather the scenery. A river walk can happen here. If there is an amphitheater, the music would be drowned out from the truck noise. The river used to be a dumping ground and they need to save the river and consider its importance to the community. She asked that the ordinance be referred to the ballot.

Benita Phillips, president of Western Colorado Congress, went down to Brady Trucking and watched the goings on. She complimented Brady on the spotlessness of the lots. The area still stinks even though there is nothing there. Nothing has been done since the initial cleanup, including the removal of weeds. It has been fenced. Brady has been getting along without this property all this time, they should donate it to Mesa Land Trust. She thinks the asking price is way out of line. Although Brady Trucking is clean, trucks do release emissions. There have been a lot of mistakes, including the City Council when they did not listen to their own experts regarding the zoning. She would like to see the ordinance repealed.

Duncan MacArthur, 2837 Kelso Mesa Drive, with Western Colorado Contractors, he said to be fair to these property owners and refer it to the ballot.

Wayne Foster, 639 Pioneer Court, he said much has been said about vision. The prior City Council and City Staff did a wonderful job in trying to collaborate. Sometimes people don't recognize the guidelines; the City's are exemplary with buffering and screening. He said we can create a City that is inclusive of all uses. Mixed use does

not allow for employment use. It would be a death sentence for this property. It is un-American to downzone someone's property. Employment uses pay an inordinate amount of property taxes, they pay for many of the amenities the community has. He would like it to be referred to the ballot.

Dave Cale, 2692 Continental Drive, said it is hard to understand the vision without capitalizing on the resources there. Industrial is inappropriate along the river. Quality of life issues draw people to a community. He has nothing against Brady Trucking, they chose the wrong place at the wrong time. The City needs to preserve the riverfront, it doesn't make sense to allow this use next to Las Colonias. He asked the City Council to repeal and reconsider the vision for the City.

Phyllis Norris, 2336 Promontory Court, said she thinks the Brady proposal is a great proposal and works for both parties. She clarified that Brady has already spent \$1.5 million in cleaning up that property. However, being a property owner she is concerned that a group can change the zoning on a piece of property. She encouraged placing the matter on the ballot.

Mike Anton, business owner, 819 Pitkin Avenue, said he recently purchased two lots and considered building but is holding up because of what is happening. He applauded the company for hanging in there for four years. He encouraged the Council to give Brady Trucking a break. His preference was to let it go to the voters and place the matter on the ballot.

Penny Heuscher, 330 Mountain View Court, said she is saddened by the sob stories from the Brady people. The sound is loud, people have petitioned against this. These parcels are surrounded by parks. There are the back-up beeps coming from the trucks. Eagle Rim Park overlooks the site and there is no amount of fencing that will block that. She asked that it be repealed. It is not a jobs issue. It's a job killer having industrial along the river. They have been offered to have Trust for Public Land work with them. Brady Trucking knew they did not have zoning so why invest a penny in the property. It's incompatible. She was in favor of repealing the ordinance.

Milton "Tony" Long, 237 White Ave, Apt B, asked the matter be referred. Brady could put in some old classic trucks, they are wonderful to look at.

Joan Kelsey, 391 Sorrel Street, said she lives close to the Brady Trucking property. She has no objection to them being there. She would like it to be referred to the April ballot.

Kevin Hughes, 547 Greenwood, said he works for Brady Trucking. He invited folks to look at the operation so he can show how clean they are. This company is willing to make this work. He does not see how this property will sustain the restaurant and

shops talked about. A lot of money has been invested. A resolution for Brady Trucking is to pay them what they have into it. The air that comes from the exhaust of the trucks is cleaner. There are no chemicals, the federal government requires the beeping for backing a truck for safety reasons. Each party has a vision. He urged that they work together. His preference was to refer it to the ballot.

Janet Magoon, 2752 Cheyenne Drive, said no one wants to put down any work Brady Trucking has done and she was grateful that they cleaned up the property. The issue is zoning, and a big mistake was made. At every meeting when Mayor Pitts was on Planning Commission, the recommendation was Industrial Office (I-O). She said she could have lived with that because it would keep diesel trucks off the banks of the Colorado River. It got all convoluted and now there is I-1. This is a very emotional subject. It shouldn't be up to the people; it will be a media heyday. The City Council needs to put appropriate zoning on the property. She asked for repeal and rezone.

Gary Christ, 1656 Elm Ave, said he has been on other land use committees. He suggested a land swap or expand and develop this land as a KOA campground. He said repeal it and start over.

Robert Jones II, 2394 Patterson Road, Suite 201, said he originally represented Brady Trucking but as a business owner what Brady Trucking has endured is travesty. They cleaned up community blight at their own expense. They are an honorable business. This company needs closure. He asked that the matter be referred to the ballot.

Becky Soper, Loma, works for Brady Trucking, she would like to see it referred it to the ballot. Brady Trucking pays their employees way over minimum wage. They bought the property and cleaned it up. What about the other industrial properties along the river, will they be rezoned? She asked that Council let the voters decide. Brady Trucking offers more to the people in the Grand Valley.

Frank Lopez, 302 Belvan Court, Fruita, said the community needs to be pro business, especially Grand Junction. Brady Trucking is providing a service, and a beautiful place. It is sad it is taking so much time and money because of the petition group. Brady Trucking directly employs forty to sixty employees in Grand Junction. Brady Trucking is a great company that has integrity. Brady Trucking is operating within guidelines, rules and laws. He asked that it be referred to the ballot.

Mike Russell, attorney representing Brady Trucking, 200 Grand Ave, said he is repeating what he said four years ago before the City Council, please Council do one of two things either give Brady Trucking the zoning they need to use the property or condemn the property to whatever the City wants to do with it, but do not downzone to take it away so they can't use it. The Future Land Use Map was modified but it was designating the property as industrial. Brady Trucking did not take a gamble. The City

Council at the time took into account all of the issues and all of the concessions Brady Trucking made. There has been a lot of talk. The trucking folks want to co-exist. The other side does not want to hear it. The City Council made an informed decision. The matter should be referred to the voters.

Bill Wagner, 300 Cedar Court, said the trucking company knew the zoning and knew the risk through the course of time to this point. The last City Council did not do the right thing. This is the opportunity for a do over. He urged the ordinance be repealed and the City Council take the lead.

Kathy Jorgensen, (no address given), said she is the one that provided the photographs, She lives in the County but highly recommended this be sent to the voters. She will move in with a friend who lives within City limits so she can vote.

Elizabeth Gardner, 104 Lilac Lane, asked the ordinance be repealed.

Dick Pennigton, 780 23 7/10 Road, said he has been involved in a lot of successful businesses. He can't believe Brady has fought this for four years and he applauded them. He wants the issue to go to the ballot. He supports the river trail, but he can't believe all the concessions they have made and what they have done cleaning up the rendering plant.

Betty Biddle, 662 Miranda Street, said she is embarrassed that it has taken six years where government has gotten in the way for the Brady Trucking. She said Brady is the real patriot. She listed ways they have helped support the economy.

That concluded the public comments.

The public hearing was closed at 10:23 p.m.

Council President Pitts asked the City Attorney what position the Council should take. City Attorney Shaver said the matter is before the City Council for decision. It is up to them to sort through the evidence. City Council can discuss, take under advisement, or ask Staff for additional information. He suggested the City Council be polled.

Council President Pitts called a recess at 10:25 p.m. The meeting reconvened at 10:35 p.m.

Ordinance No. 4295—An Ordinance Zoning the Brady South Annexation to Light Industrial (I-1) and Industrial/Office Park (I-O) Zone District Located at 347 and 348 27 ½ Road and 2757 C ½ Road

Councilmember Coons moved to refer Ordinance No. 4295 to the April ballot. Councilmember Susuras seconded the motion.

Councilmember Boeschstein said the City Council did not consider that the property is in the floodplain. He has personally, along with City Attorney Shaver, been working on a land swap and Brady has turned it down. There is property at Indian Road Industrial Park, lots are vacant and almost all of them are in foreclosure so they could be acquired for a reasonable price. A new Comprehensive Plan has been adopted since the original decision. He read from the Comprehensive Plan. The Colorado River is the primary space through Grand Junction, preservation of access were of the highest priorities in public input. The Comprehensive Plan placed a high priority in increasing access to and views of the river through a continuous trail system from Palisade to Fruita, Colorado existing with a mix of public and private uses along the river in employment, commercial, recreation. He also read from the portion under Floodplains. In addition, they provide vibrant wildlife habitat, and the potential linear open areas that can be used for passive outdoor recreation and education, therefore, preserving floodplains serves many functions including protecting property and people from flood hazard as well as preserving viable, vibrant areas. These policies need to be considered. The property zoning is confusing, it was not all industrial when Brady bought the property so the buyer beware; they took a risk. He has nothing against Brady Trucking but this is not the site for their business. He is in favor of repealing the ordinance. This could be considered spot zoning. The State of Colorado with GOCO money has been buying property along the river to create a continuous green belt. Greenways create huge employment. Riverfronts are huge economic drivers. It can revitalize a whole community. It's not Brady's fault. His vote is to repeal a flawed ordinance.

Councilmember Susuras referred to sovereignty lying with the voters. He supports putting it on the ballot.

Councilmember Doody said the City Council and Staff did good work. It did not play out. Four City Councilmembers will be running for election in April along with this on the ballot. He is surprised that those that wanted to repeal it did not want to refer it to the ballot. He agreed with Councilmember Susuras.

Councilmember Luke said it is a fine mess. It is unfortunate that riverfront is still zoned industrial. However, there is industrial along the river. There isn't money for development of Las Colonias. She would like to see Brady Trucking consider relocating. She would leave it to the voters and on the April ballot.

Councilmember Coons said it is clearly an emotional issue. As elected officials they need to lead and have vision. She worked many years on the Comprehensive Plan but

also believes that if they need to check in with the people, so that is her reasoning for remanding this to the ballot and see what the people really believe.

Councilmember Kenyon said he is concerned about the process if it goes back to no zoning. If repealed it will go back to Planning Commission. This Council has not down zoned any business owner. He is disappointed the City didn't step forward and buy the property. He supports the vision for the community but does not think the City should arbitrarily downzone, so repealing is not a good option. He believes that one can't go wrong when you ask voters. Perhaps there will be another alternative that will come forward before then.

Council President Pitts said if the ordinance is repealed then it goes back through the process and may wind up in the same place so he would prefer to refer the matter to the ballot.

Motion carried by roll call vote 6 to 1 with Councilmember Boeschenstein voting NO.

Non-Scheduled Citizens & Visitors

Gary Christ, 1656 Elm Ave, said a land swap would be a good option. The other matter he came for was Lincoln Park parking. The stadium has been expanded, but the parking has not been expanded. He felt the parking is insufficient. Councilmember Kenyon suggested that City Staff can help answer that; there are some future plans for additional parking. Mr. Christ thought it was dangerous for kids to be crossing the street from outlying parking. There is also insufficient parking for disabled. He suggested the City seek some grant funding to expand the parking.

Other Business

Councilmember Luke reminded everyone that this Saturday is the open house at the new Police Station. The festivities start at 10:00 a.m. and then there will be tours.

Adjournment

The meeting was adjourned at 10:57 p.m.

Stephanie Tuin, MMC
City Clerk