

CITY OF GRAND JUNCTION, COLORADO MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL

November 15, 1989

The City Council of the City of Grand Junction, Colorado, convened in regular session the 15th day of November, 1989, at 7:30 p.m. in the City/County Auditorium at City Hall. Those present were John Bennett, Bill McCurry, Paul Nelson, O.F. Ragsdale, Conner Shepherd, Reford Theobald, and President of the Council R.T. Mantlo. Also present were City Manager Mark Achen, City Attorney Dan Wilson, and City Clerk Neva Lockhart.

President of the Council Mantlo called the meeting to order and Councilman Nelson led in the Pledge of Allegiance.

INVOCATION - Pastor Andrew Gebbie, Orchard Community Church.

MINUTES

There being no corrections or additions to the Minutes of the November 1, 1989, regular City Council meeting, they were approved as submitted.

PROCLAMATION DECLARING THE MONTH OF NOVEMBER, 1989, AS "NATIONAL EPILEPSY MONTH"

BIDS - AWARD OF CONTRACTS - LINCOLN PARK GOLF COURSE VALVE CONVERSION AND PIPELINE PROJECT - MATERIALS, GRAND JUNCTION PIPE - \$19,520 - LABOR, BOOKCLIFF GARDENS - \$19,907

Upon motion by Councilman Bennett, seconded by Councilman McCurry and carried, the bids for labor and materials for Lincoln Park Golf Course Valve Conversion and Pipeline Project were accepted, the Contract for materials was awarded to Grand Junction Pipe in the amount of \$19,520, and the Contract for labor was awarded to Bookcliff Gardens in the amount of \$19,907, and the City Manager was authorized to sign said Contracts.

ORDINANCES ON FINAL PASSAGE - PROOFS OF PUBLICATION

Proofs of Publication on the following Ordinances proposed for final passage have been received and filed. Copies of the Ordinances proposed for final passage were submitted in writing to the City Council prior to the meeting.

RESOLUTION NO. 55-89 OF FINDINGS AND DECISION RE: PETITION BY COLSON & COLSON, PAT EDWARDS, TO REZONE FROM PLANNED RESIDENTIAL (PR-4) TO PLANNED RESIDENTIAL (PR-12.7) FILING NO. 4 OF NORTHRIDGE SUBDIVISION FOR THE MESA VIEW RETIREMENT CENTER - ORDINANCE NO. 2450

The following Resolution was read:

RESOLUTION NO. 55-89

FINDINGS CONCERNING THE REZONING REQUEST FOR NORTHRIDGE FILING #4 AND #5 (MESA VIEW RETIREMENT CENTER II)

The City Council, having reviewed the evidence submitted to the Planning Commission, including their minutes, and having carefully weighed that evidence along with the written and oral testimony presented to Council FINDS:

Section 4-4-4 of the Zoning and Development Code, "Rezone Criteria", is applicable and provides the analytical framework for these findings.

A. When the PR-4 zoning was adopted in 1984 for Northridge Filing #4, it was done so with the expectation that the subject property would be developed as single family dwellings with a density of 4 units per acre, much as the previous RSF-4 zoning would have allowed. At that time there was not a community-wide effort under way to attract retirees and senior citizens to our community, such as exists today. Therefore, due to then current expectations, the zoning was not made in error.

B. There have been changes to the neighborhood (consisting of the area defined on the south by Patterson Road, to the west by 1st Street, to the east by 7th Street and to the north by the northernmost boundary of existing Northridge and North Acres Subdivisions) which include the following: 7th Street has been widened and improved north of Patterson Road to an arterial street; Mesa View Retirement Residence (Mesa View I) has been constructed on land which was rezoned from PZ (Public Zone) and RSF-4 to PR-28; a traffic light has been installed at the intersection of 7th Street and Horizon Drive; the entrance into Willowbrook Subdivision has been improved and relocated; Patterson Road has been widened to four lanes; in the past year and a half, two proposals for rezones to Planned Business have been denied and a third proposal was withdrawn prior to hearing.

C. At the time this proposal was last before us (nearly a year ago), the petitioner indicated that there was a waiting list of approximately 60 people who wanted to move into the existing facility (Mesa View I). An opponent of the project testified then that her survey indicated retirement residences in our community have in excess of 200 vacancies of similar dwelling units. No similar evidence was presented during the most recent review process. However, we find that it is the quality of this project that meets the needs of the City and that the public benefits by this rezoning which will allow a high quality project to supply residential housing for senior members of our community.

Because this project will provide on-site laundry, food, housekeeping, mail services, and other amenities for one monthly fee, we find that this type of project will fulfill a community need while having minimal deleterious impact on the neighboring

single-family residences.

D. The proposal is compatible because the proposed development is residential. The retirement structure will be built to the west of the existing retirement structure. The existing retirement center provides the best evidence regarding potential impacts on the neighborhood and compatibility with the single family lots in the area. Few residents of the existing center drive; therefore, we find that the traffic impacts of the proposed use will be far less than an "ordinary" single-family subdivision; the residents of Mesa View II are likely to create less noise and fewer intrusions on adjacent uses than would a family oriented subdivision; the landscaping and architectural features of the retirement structure will improve the aesthetics of the area to the benefit of adjacent users. Many neighboring residents have indicated support for the current plan. The size and orientation of the main structure is such that it minimizes negative impacts and intrusions.

Opponents have asserted that property values will decline. The Council believes that the opposite is true and rejects the contrary assertions. Council finds that property values were not decreased as a result of Mesa View I and that there is no reason to expect otherwise with regard to Mesa View II.

Other nearby residents have indicated that they feel the retirement residents will be "good neighbors" and the Council so finds.

A major concern of the Planning Staff and opponents is that the City cannot give guarantees that if the retirement residence is approved it will "always and forever" remain as approved. If this project should fail financially, some other use may be proposed in the "empty" structure. The restrictive covenants which are proposed by the applicant will not allow such a change in use without the neighbors' consent. Those restrictive covenants were written by an attorney who resides in the Northridge Subdivision and who opposes the project. Because an opponent wrote the covenants, the neighbors should be protected in this regard from a more intrusive alternative use.

E. Petitioner will, as a condition of approval, be required to complete a second access for existing the Northridge subdivision. Such access provides additional fire and emergency vehicle access; this factor is a substantial benefit; the creation of such access benefits all of the area residents and the City as a whole. This proposal will provide a bus turnaround for the direct benefit of the existing lots, substantially reducing the risk to area school children while improving access to First Street. Street improvements will be completed near the entrance to existing Northridge, as well as the necessary access to the Waller and Vandover properties, benefiting the Northridge Subdivision and other neighborhood properties. Open space improvements and recreational easements along the Ranchman's ditch will benefit existing and future residents and the City as a whole.

F. Our adopted Corridor Guidelines address three arterials surrounding this proposal, but do not directly speak to the subject property. Council finds that, to the extent applicable, the intent and purposes of the Guidelines are met by this project.

G. Sufficient utilities exist or are proposed for this development.

H. While opponents have argued that the proposal is commercial and not residential, Council has considered and rejected that argument. While it is true that the developer intends to make a profit, that is not the test. The test is whether the retirement center is to be a home for the residents and not a hotel/motel complex for transient housing. Even though persons visiting residents may eat and rent a room on a short-term basis, such uses are clearly ancillary to the residential nature of the project and do not convert the use to commercial. The Council specifically finds that the use is residential in character and not primarily commercial and the project does not justify a planned business/commercial label.

I. Although the rezoning for the retirement center is at a density of 12.9 units/acre, the entire project density changes very little: from 4 units/acre to 5.83 units/acre, overall.

J. Some people who live in the adjacent Northridge subdivisions to the North have argued that this project will lead to additional "commercial" intrusions into the neighborhood, and is an illegal "spot zone".

The City's Zoning Code does not define the terms "residential", "commercial", or "business"; however, it does define "dwelling unit" as any structure or part thereof designed to be occupied as the living quarters of a single family housekeeping unit. The American Heritage Dictionary, (1985), defines "commercial" as "of or pertaining to commerce . . . ; engaged in commerce . . . ; involved in work that is intended for the mass market . . . ; having profit as a chief aim . . . ; sponsored by an advertiser or supported by advertising." "Business" is defined as "the occupation, work, or trade in which a person is engaged . . . ; a specific occupation or pursuit . . . ; commercial dealings; patronage . . .".

The opponents of this project correctly point out that the developer is only doing this to make a profit and that, therefore, the project is commercial or business in nature. The argument then concludes that this project cannot be located as proposed because that would constitute an improper commercial intrusion into a residential neighborhood.

Such a conclusion overlooks the alternative argument that the project is a retirement home for the residents. Because there will not be the normal incidents of a business or commercial use the

Council finds that the use is residential and not commercial nor business. The "normal incidents" include: unrelated members of the public purchasing goods or services with attendant high traffic; hours of operation generally limited to 8 a.m. to 6 p.m.; non-residential use of the facility. The Council finds that this situation is more like that of a landlord renting a dwelling unit to another and doing so with the object of making a profit. The attempt to make a profit by renting out a residential living unit to another does not, for the purposes of zoning, make the activity commercial or business.

K. The way the City's Code is written, this project must obtain both rezoning as well as preliminary plan approval. Planned developments are dealt with in Chapter 7 of the Zoning Code. The Council believes it is useful to discuss this project in light of the requirements of said Chapter 7.

Section 7-1-1 describes the purposes behind allowing planned developments such as is proposed. Those purposes include the encouragement of innovation in residential development to meet the need of the City's population with greater variety of type, design and layout of buildings. The Council finds that this purpose is precisely met by this proposal in that it integrates an aesthetically pleasing and well landscaped project with a high quality residential neighborhood benefitting all with a different yet appealing design. Another purpose met by this project is locating a home for senior citizens very close to existing medical facilities thus providing quick response time in an emergency and reducing the driving distance to medical facilities. Another purpose being met by this project is flexibility regarding bulk, density, and open space while avoiding "spot zoning". As discussed above, since this use is a residential use, that purpose is also served. If this is primarily a residential use, the Planned Development concept allows this type of residence to be located as proposed without violating notions of "spot zonings".

Section 7-1-2(A) encourages planned developments such as proposed in order to allow and to foster "[a] greater diversity of living environments by allowing a variety of housing types, residential densities, and a mixture of uses." Council sees this proposal as meeting this goal in promoting a variety of residential housing types.

Worth noting is the directive in 7-2-1 that multi-family dwellings and accessory uses are specifically allowed as planned residential uses. Even business and commercial uses are allowed so long as they are subordinate to the residential uses as is the situation with the proposal.

The criteria used to determine whether a planned residential project is appropriate are listed in section 7-3-8. The project as proposed complies with the goals expressed by the listed criteria.

L. Implicit in this "rezoning" approval is the approval of the

preliminary plan as it was reviewed by the Planning Commission. The Planning Commission did not explicitly approve or reject the plan because it recommended denial of the rezoning part of the application. The Planning Director of the City has indicated that the plan was satisfactory; Planning Commission denied because it construed the use as non-residential.

Conditions. The several promises, some in writing and some made at the hearings before the Planning Commission and this Council, are integral parts of the approval, i.e., each and every promise made by the agent of the developer is made a condition of this rezoning approval and of the preliminary plan.

Not by way of limitation, the following are conditions which apply to this approval:

1. Successful completion of the final plan approval process;
2. Execution of an improvements agreement acceptable to the City and construction of the required improvements;
3. Completion of the oral or written promises made by the developer's agent to various adjacent property owners;
4. Arrangement for perpetual maintenance of the open space at the corner of First and Patterson and the other open space areas;
5. Transfer of the open space area described at the hearing before this Council to the adjoining homeowners;
6. Construction of the school bus turn-around area near the intersection of First Street and Northridge Drive;
7. Development of the balance of the property (approximately 18 acres) as detached single family dwelling units to a standard and quality equivalent to the existing Northridge subdivision;
8. Any lots which are not buildable due to drainage or groundwater or similar technical constraints shall be dedicated permanently to open space and maintained in perpetuity as open space;
9. Limit outside lighting so that it will not directly shine onto or at any of the area residences.

The Council finds that relevant information which is needed to review this proposal has been submitted; Council finds that other information arguably required by the Code is irrelevant because of the location of the project and because of the information already available due to the prior reviews of Mesa View I, Northridge and Willowbrook Subdivisions.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

That the foregoing findings are hereby adopted in support of the approval of the rezoning request and the preliminary plan, subject to the conditions described or set forth.

PASSED and ADOPTED this 15th day of November, 1989.

/s/ R.T. Mantlo

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President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

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

City Attorney Wilson clarified the issue of Residential versus Commercial. The City Code does not specifically define the terms "residential, commercial or business." The City Code does make reference to a dictionary when there is not a definition in it. The dictionary does define the terms. According to the definition the difference between Commercial and Business is really "for profit" for Business, and Residential is "a dwelling unit for people to reside." The Council acknowledges that this project really has both; it is a "for profit" operation and it's a "residential focus" and the City Council finds that for the purpose of the zoning provisions of the Code that it is "residential" and therefore, not spot-zoned and really not a rezone in a larger scope.

Tim Mannion, 3038 Cloverdale Court, questioned Council regarding several matters addressed in the Resolution. Mr. Mannion also questioned if the rezone was subject to referendum. Councilman Theobald responded that it could go to the vote of the people, as there has been one other vote on a zoning issue in Grand Junction.

Upon motion by Councilman McCurry, seconded by Councilman Nelson and carried by roll call vote with Councilmembers SHEPHERD and BENNETT voting NO, the Resolution was passed and adopted as read.

Upon motion by Councilman Nelson, seconded by Councilman Ragsdale and carried, the following entitled proposed ordinance was read by title only: REZONE FROM PR04 TO PR 48-89, WITH A DENSITY OF 12.7 UNITS PER ACRE, THE BELOW DESCRIBED PROPERTY, GRAND JUNCTION, COLORADO.

There were no comments. Upon motion by Councilman Nelson, seconded by Councilman Ragsdale and carried by roll call vote with Councilmembers SHEPHERD and BENNETT voting NO, the Ordinance was passed and adopted as amended, numbered 2450, and ordered published.

HEARING ON RATE INCREASE FOR CITY UTILITIES

Utilities Supervisor Greg Trainor reviewed the ordinances regarding proposed rate increases in City Utilities. Public comments were had on the upcoming listed proposed Ordinances numbered 2451, 2452, 2453, and 2454 by the following citizens:

Vance Lazan, 294 Pine Street

Margaret Kunz, 3820 Applewood Street

Floyd Carpenter, 613 1/2 28 3/4 Road

Mike Kenney, 547 1/2 30 Road

David Pipe, 763 White Avenue

Jan Pomrenke, 710 Victor Drive

Jann Ertl, 1630 Chipeta

There were no other comments, letters or petitions regarding said ordinances.

ORDINANCE NO. 2451 - AMENDING CHAPTER 31, SECTION 31-12, CODE OF ORDINANCES, WATER METER RATES

Upon motion by Councilman Nelson, seconded by Councilman Ragsdale and carried, the following entitled proposed ordinance was read by title only: AN ORDINANCE AMENDING THE WATER RATES IN THE CITY OF GRAND JUNCTION.

Upon motion by Councilman Ragsdale, seconded by Councilman Nelson and carried by roll call vote, the Ordinance was passed and adopted, numbered 2451, and ordered published.

ORDINANCE NO. 2452 - AMENDING CHAPTER 31, SECTION 31-16, CODE OF ORDINANCES, TANK RATE FOR WATER

Upon motion by Councilman Nelson, seconded by Councilman Ragsdale and carried, the following entitled proposed ordinance was read by title only: AN ORDINANCE AMENDING THE TANK RATE FOR WATER IN THE CITY OF GRAND JUNCTION.

Upon motion by Councilman Theobold, seconded by Councilman McCurry and carried by roll call vote, the Ordinance was passed and adopted, numbered 2452, and ordered published.

ORDINANCE NO. 2453 - AMENDING CHAPTER 25, SECTION 2544, CODE OF ORDINANCES, SEWER RATES

Upon motion by Councilman Nelson, seconded by Councilman Ragsdale and carried, the following entitled proposed ordinance was read by title only: AN ORDINANCE AMENDING THE SEWER SERVICE CHARGES IN THE CITY OF GRAND JUNCTION.



Upon motion by Councilman Nelson, seconded by Councilman Ragsdale and carried by roll call vote, the Ordinance was passed and adopted, numbered 2453, and ordered published.

ORDINANCE NO. 2454 - AMENDING CHAPTER 14, SECTION 14-12, CODE OF ORDINANCES, GARBAGE AND TRASH RATES

Upon motion by Councilman Nelson, seconded by Councilman Ragsdale and carried, the following entitled proposed ordinance was read by title only: AN ORDINANCE AMENDING THE RATE FOR COLLECTION OF GARBAGE AND TRASH IN THE CITY OF GRAND JUNCTION.

Upon motion by Councilman Shepherd, seconded by Councilman McCurry and carried by roll call vote, the Ordinance was passed and adopted, numbered 2454, and ordered published.

RESOLUTION NO. 56-89 SETTING MILL LEVY (8.62 MILLS)

The following Resolution was presented and read:

RESOLUTION NO. 56-89

LEVYING TAXES FOR THE YEAR 1990 IN THE CITY OF GRAND JUNCTION, COLORADO

CITY OF GRAND JUNCTION 1990 BUDGET IMPLEMENTING DOCUMENTS

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

That there shall be and hereby is levied upon all taxable property within the limits of the City of Grand Junction, Colorado, for the year 1989 according to the assessed valuation of said property, a tax of eight and sixty-two hundredths (8.62) mills on the dollar (\$1.00) upon the total assessment of taxable property within the City of Grand Junction, Colorado, for the purpose of paying the expenses of the municipal government of said City and certain indebtedness of the City, for the fiscal year ending December 31, 1990.

ADOPTED and APPROVED this 15th day of November, 1989.

/s/ R.T. Mantlo

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President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

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City Clerk

Upon motion by Councilman Theobald, seconded by Councilman Shepherd and carried by roll call vote, the Resolution was passed

and adopted as read.

RESOLUTION NO. 57-89 SETTING MILL LEVY FOR THE DOWNTOWN DEVELOPMENT AUTHORITY (5 MILLS)

The following Resolution was presented and read:

RESOLUTION NO. 57-89

LEVYING TAXES FOR THE YEAR 1989 IN THE CITY OF GRAND JUNCTION, COLORADO, DOWNTOWN DEVELOPMENT AUTHORITY

CITY OF GRAND JUNCTION 1990 BUDGET IMPLEMENTING DOCUMENTS

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

That there shall be and hereby is levied upon all taxable property within the Grand Junction, Colorado, Downtown Development Authority limits, for the year 1989 according to the assessed valuation of said property, a tax of five (5) mills on the dollar (\$1.00) upon the total assessment of taxable property within the Grand Junction, Colorado, Downtown Development Authority, for the purpose of paying the expenses of said Authority for the fiscal year ending December 31, 1990.

ADOPTED and APPROVED this 15th day of November, 1989.

/s/ R.T. Mantlo

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President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

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City Clerk

Upon motion by Councilman Nelson, seconded by Councilman Ragsdale and carried by roll call vote, the Resolution was passed and adopted as read.

I.D. ST-89 - ALLEY IMPROVEMENTS BETWEEN 4TH AND 5TH STREETS, NORTH AVENUE AND GLENWOOD AVENUE - ENGINEER'S STATEMENT OF COMPLETION - RESOLUTION NO. 58-89 ASSESSING COSTS AND GIVING NOTICE OF HEARING

The Engineer's Statement of Completion on I.D. ST-89 was submitted. The following Resolution assessing costs and giving Notice of Hearing was presented and read:

RESOLUTION NO. 58-89

WHEREAS, the City Council of the City of Grand Junction, Colorado, has reported the completion of Alley Improvement District No. ST-

89; and

WHEREAS, the City Council has caused to be prepared a statement showing the assessable cost of the improvements of Alley Improvement District No. ST-89, and apportioning the same upon each lot or tract of land to be assessed for the same.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

1. That the improvements connected therewith in said District be, and the same are hereby, approved and accepted; that said statement be, and the same is hereby, approved and accepted as the statement of the assessable cost of the improvements of said Alley Improvement District No. ST-89.

2. That the same be apportioned on each lot or tract of land to be assessed for the same;

3. That the City Clerk shall immediately advertise for three (3) days in the Daily Sentinel, a newspaper of general circulation published in said City, a Notice to the owners of the real estate to be assessed, and all persons interested generally without naming such owner or owners, which Notice shall be in substantially the form set forth in the attached "NOTICE", that said improvements have been completed and accepted, specifying the assessable cost of the improvements and the share so apportioned to each lot or tract of land; that any complaints or objections that may be made in writing by such owners or persons shall be made to the Council and filed with the City Clerk within thirty (30) days from the first publication of said Notice; that any objections may be heard and determined by the City Council at its first regular meeting after said thirty (30) days and before the passage of the ordinance assessing the cost of the improvements, all being in accordance with the terms and provisions of Chapter 18 of the Code of Ordinances of the City of Grand Junction, Colorado, being Ordinance No. 178, as amended.

NOTICE

NOTICE IS HEREBY GIVEN to the owners of the real estate hereinafter described, said real estate comprising the district of lands known as Improvement District No. ST-89, and to all persons interested therein as follows:

That the improvements in and for said District, which are authorized by and in accordance with the terms and provisions of a resolution passed and adopted on the 5th day of July, 1989, declaring the intention of the City Council of the City of Grand Junction, Colorado, to create a local alley improvement district to be known as Improvement District No. ST-89, with the terms and provisions of a resolution passed and adopted on the 20th day of September, 1989, creating and establishing said District, all being in accordance with the terms and provisions of Chapter 18 of

the Code of Ordinances of the City of Grand Junction, Colorado, being Ordinance No. 178, as amended, have been completed and have been accepted by the City Council of the City of Grand Junction, Colorado;

That the whole cost of the improvements to be assessed has been definitely ascertained and is in the sum of \$15,426.18, said amount including six percent (6%) for cost of collection and other incidentals; that the part apportioned to and upon each lot or tract of land within said District and assessable for said improvements is hereinafter set forth; that payment may be made to the Finance Director of the City of Grand Junction at any time within thirty (30) days after the final publication of the assessing ordinance assessing the real estate in said District for the cost of said improvements, and that the owner so paying should be entitled to an allowance of six percent (6%) for cost of collection and other incidentals.

That any complaints or objections that may be made in writing by the said owner or owners of land within the said District and assessable for said improvement, or by any person interested, may be made to the City Council and filed in the office of the City Clerk of said City within thirty (30) days from the first publication of this Notice will be heard and determined by the said City Council at its first regular meeting after said mentioned date and before the passage of any ordinance assessing the cost of said improvements against the real estate in said District, and against said owners respectively as by law provided;

That the sum of \$15,426.18 for improvements is to be apportioned against the real estate in said District and against the owners respectively as by law provided in the following proportions and amounts severally as follows, to wit:

TAX SCHEDULE NO.	LEGAL DESCRIPTION	ASSESSMENT
2945-113-00-005	BEGINNING 1719 FEET EAST AND 40 FEET NORTH OF THE SW COR SW 1/4 SEC 11, T1S, R1W UM, THENCE NORTH 360 FEET, THENCE EAST 65 FEET, THENCE SOUTH 360 FEET, THENCE WEST TO BEG., EXC. NORTH 10 FEET	\$1,240.20
2945-113-20-001	LOT 1 EXC. NORTH 10 FEET AND WEST 85.7 FEET OF LOT 2 EXC.	\$3,543.16

	NORTH 10 FEET WEST OF 85.7 FEET OF BLOCK 6, SHAFROTH- ROGERS SUBDIVISION	
2945-113-20-002	THE EAST 14.3 FEET OF LOT 2 AND THE WEST 85.7 FEET OF LOT 3, BLOCK 6, SHAFROTH-ROGERS SUBDIVISION	\$1,908.00
2945-113-20-003	THE EAST 50 FEET OF LOT 3, BLOCK 6, SHAFROTH-ROGERS SUBDIVISION	954.00
2945-113-15-008	THE EAST 60 FEET OF LOT 6, BLOCK 11, SHERWOOD ADDITION	\$1,144.80
2945-113-15-009	LOT 6, BLOCK 11 SHERWOOD ADDITION EXC. THE EAST 60 FEET	\$2,745.61
2945-113-15-013	LOT 5, BLOCK 11 SHERWOOD ADDITION EXC. THE SOUTH 10 FEET	\$3,890.41

Dated at Grand Junction, Colorado, this 15th day of November, 1989.

BY ORDER OF THE CITY COUNCIL  
CITY OF GRAND JUNCTION, COLORADO

By: /s/ Neva B. Lockhart, CMC

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

PASSED and ADOPTED this 15th day of November, 1989.

/s/ R.T. Mantlo

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President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

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City Clerk

Upon motion by Councilman Bennett, seconded by Councilman Nelson and carried by roll call vote, the Resolution was passed and adopted as read.

RESOLUTION NO. 59-89 SETTING 1990 ALLEY IMPROVEMENT DISTRICT ASSESSMENT RATES

The following Resolution was presented and read:

RESOLUTION NO. 59-89

ESTABLISHING ASSESSMENT RATES AND FINANCE CHARGES FOR THE 1990 ALLEY IMPROVEMENT DISTRICT PROGRAM

WHEREAS, the City of Grand Junction has received requests from the owners of property within the limits of said City to prepare petitions for creating a Local Improvement District to reconstruct certain alleys within said City in 1990; and

WHEREAS, the City Council deems it advisable to establish assessment rates and finance charges for the 1990 Alley Improvement District program.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

That until further order of the Council, the assessment rates and finance charges for the reconstruction of alleys under the 1990 Alley Improvement District program shall be as follows:

1. The assessment to be levied against the respective properties will be \$22.50 per each lineal foot for non-residential zoned properties directly abutting the alley right-of-way and \$6.00 per each lineal foot for residential zoned properties directly abutting the alley right-of-way.
2. To those assessments that have been placed on a ten (10) year installment plan, by election of the property owners, the City shall charge simple interest at the rate of 8 percent per annum on the unpaid principal.

PASSED and ADOPTED this 15th day of November, 1989.

/s/ R.T. Mantlo

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President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

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City Clerk

Upon motion by Councilman Theobold, seconded by Councilman Nelson

and carried by roll call vote, the Resolution was passed and adopted as read.

RESOLUTION NO. 60-89 SUPPORTING THE COMPROMISE ON THE COLORADO NATIONAL MONUMENT/BLM DEBATE REGARDING A NEW NATIONAL PARK

The following Resolution was presented and read:

RESOLUTION NO. 60-89

SUPPORTING THE COMPROMISE ON THE COLORADO NATIONAL MONUMENT/BUREAU OF LAND MANAGEMENT DEBATE REGARDING A NEW NATIONAL PARK

WHEREAS, the Grand Junction City Council has considered the Resource/Boundary Evaluation for lands adjacent to the Colorado National Monument, and has had presentations by Mr. Jim Taylor, Superintendent, Colorado National Monument, and the Bureau of Land Management; and

WHEREAS, in making a recommendation on this issue the City Council considered the importance of this extremely valuable and fragile resource to our City, now and in the future; and

WHEREAS, primary among these resources are the Colorado River; the outstanding canyons including Devil's, Pollock, Rattlesnake, Mee and Knowles Canyons -- the Pinyon and Juniper Mesas; the wildlife values, the paleontological resources and prehistoric sites and art; and

WHEREAS, the City Council considered the problems and threats to this area including the growing population pressure, the need to protect the fragile canyons and the need to protect and properly manage the Colorado River from Loma to Westwater, Utah; also considered was the lack of a broad diversity of resources and features at the Colorado National Monument and the opportunity to change the name and designation with an expanded boundary; and

WHEREAS, we therefore recommend to the National Park Service and the Congress an expanded boundary (approximately one half of the Park Service Alternative 1) for the Colorado National Monument to include approximately 32,640 additional acres and the following area:

Kodel's, Devil's, Flume Creek, Pollock, Rattlesnake Canyons;

BLM Snook's Bottom area on the Colorado River but not the Fruita Gravel Pit or the DOW Loma Wildlife Area;

Private land adjacent to the mouth of Devil's Pollock, Rattlesnake Canyons; and

WHEREAS, the BLM would retain the majority of the Black Ridge Wilderness Study Area including Mee Canyon, Knowles Canyon, James Canyon and Sieber Canyon; and

WHEREAS, the BLM would retain management of the Colorado River from the Loma Boat Launch to Westwater, Utah; and

WHEREAS, the BLM could still allow hunting and grazing all of the lands retained by them; and

WHEREAS, National Conservation Area, Wilderness Designation, Wild and Scenic Designation should continue to be sought by the BLM and the National Park Service.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

That the City Council supports this proposal as a logical and workable compromise; it places the most endangered canyons in the hands of the Park Service; it retains the remote and isolated canyons in the BLM, and the City of Grand Junction benefits by having both entities do all they can to manage and protect these outstanding natural areas.

PASSED and ADOPTED this 15th day of November, 1989.

/s/ R.T. Mantlo

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President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

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

Upon motion by Councilman Theobold, seconded by Councilman McCurry and carried by roll call vote with Councilman BENNETT voting NO and Councilman RAGSDALE ABSTAINING, the Resolution was passed and adopted as read.

ADJOURNMENT

The President adjourned the meeting.

Neva B. Lockhart

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Neva B. Lockhart, CMC  
City Clerk