

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

June 5, 1991

The City Council of the City of Grand Junction, Colorado, convened in regular session on the 5th day of June, 1991, at 7:30 p.m. in the City/County Auditorium at City Hall. Those present were Jim Baughman, John Bennett, Bill Bessinger, Bill McCurry, Paul Nelson, Reford Theobald, and President of the Council Conner Shepherd. Also present were City Manager Mark Achen, City Attorney Dan Wilson, and City Clerk Neva Lockhart.

Council President Shepherd called the meeting to order and Councilman Jim Baughman led in the Pledge of Allegiance.

INVOCATION - Councilman Paul Nelson.

CONSIDERATION OF MINUTES

Upon motion by Councilman McCurry, seconded by Councilman Baughman and carried, the minutes of the May 15, 1991, City Council Meeting were approved as submitted.

PROCLAMATION DECLARING JUNE 16-23, 1991, AS "WESTERN WEAR WEEK"

APPRECIATION PLAQUE TO WILLIAM E. MCCURRY, PAST MAYOR

Councilman McCurry thanked the citizens of Grand Junction for his election to City Council. He thanked the Council members for the privilege and honor of serving as President of the Council and Mayor of the City of Grand Junction for the past year. It was an experience he will never forget, and wished to thank everyone.

SPECIAL RECOGNITION AWARD FOR RANDY HUGHES

Fire Chief Mike Thompson presented a special recognition award to Randy Hughes for the new City of Grand Junction Fire Department arm patch that he designed.

APPOINTMENT OF DENNIS WAGNER, REPRESENTING THE CHAMBER OF COMMERCE, AS AN EX-OFFICIO MEMBER OF THE VISITORS AND CONVENTION BUREAU

Upon motion by Councilman Nelson, seconded by Councilman McCurry and carried with Councilmembers BESSINGER and BAUGHMAN voting NO, Dennis Wagner, representing the Chamber of Commerce, was appointed as an ex-officio member of the Visitors and Convention Bureau.

CONSIDERATION OF BIDS - AWARD OF CONTRACTS

Orchard Avenue Reconstruction, 1st to 5th Streets, 1991 - Parkerson Construction - \$258,056

O'Nan Sewer Extension, 1991 - B & B Excavating - \$144,138.50

Architectural/Engineering Services for the Renovation of the City Shops Complex - PA/DS (Pruess and Associates/Design Specialists) - \$18,510

Demolition of the City Center Motel - Parkerson Construction - \$29,322

Water Well Drilling at Tiara Rado - Geoscience Services - \$14,500 (authorization to use Golf Course Expansion Funds in the amount of \$22,327)

Upon motion by Councilman Theobold, seconded by Councilman Nelson and carried, the above bids were accepted, the contracts were awarded in the amounts noted above, and the City Manager was authorized to sign said contracts.

HEARING - INTERSTATE ANNEXATIONS NO. 1, NO. 2, NO. 3, AND NO. 4 - LOCATED EAST OF 23 ROAD AND SOUTH OF I-70 - RESOLUTION NO. 33-91 TO ANNEX - PROPOSED ORDINANCE

A hearing was held after proper notice on Interstate Annexations No. 1, No. 2, No. 3, and No. 4, located east of 23 Road and south of I-70. There were no opponents, letters or counterpetitions. The hearing was closed.

The following Resolution was presented and read: (See next page.).

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

The following entitled proposed ordinance was presented and read: AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO, WHICH SHALL BE ACCOMPLISHED IN A SERIES. Upon motion by Councilman Bessinger, seconded by Councilman Theobold and carried with Councilman BAUGHMAN voting NO, the proposed ordinance was passed for publication.

HEARING #5-91 - PROPOSED ORDINANCE - TEXT AMENDMENTS FOR 1991 - REQUEST TO AMEND SECTIONS OF THE GRAND JUNCTION ZONING AND DEVELOPMENT CODE REGARDING SIGNS, PARKING, AND MISCELLANEOUS ADMINISTRATIVE PROCEDURES - CONTINUED FROM MAY 15, 1991, MEETING - CONTINUED TO JULY 3, 1991, MEETING

A hearing was held after proper notice on the petition by the City of Grand Junction to amend sections of the Grand Junction Zoning and Development Code regarding Signs, Parking and Miscellaneous Administrative Procedures. Bennett Boeschstein, Community Development Director, was present and reviewed the petition. He read several letters from other major cities regarding the effect

of electronic signs on traffic in their areas.

Those speaking in favor of the petition were:

Mark Smith, representing Western Neon Sign Co.  
James Fuoco, part owner of Fuoco Motor Company

Mr. Dale Hollingsworth and Leland Schmidt, members of the Sign Committee, were also present to answer questions of Council. Mr. Hollingsworth requested the following:

1. That City Council not get involved in every little change in the Sign Code - provide a mechanism to work that out;
2. That a Sign Code Review Committee be formed and made up of people who understand signs;
3. That Sign Code violators be fined;
4. That City Council stop being pressured into quick changes such as went on four or five years ago.

Mr. Schmidt concurred with the comments of Mr. Hollingsworth.

There were no opponents, letters or counterpetitions. The hearing was closed.

It was moved by Councilman Bessinger and seconded by Councilman Theobold that this item was tabled to the July 3, 1991, City Council Meeting.

President of the Council Shepherd encouraged Council to vote NO on the tabling of this item. He would like to see approval of the change and a further direction to Staff to review the Sign Code more fully. The reason he recommends this is because he is more distracted watching an eighteen year old on a ten-foot ladder changing an eighteen-foot sign, and looking at the mixed messages with missing letters or the mixed message of misspellings or whatever, than he would be going by and watching the sign change every thirty minutes. He tends to go toward the electronic changeable message sign. He did not suggest this as an amendment to the Sign Code tonight, but he would like to give Council some sense of the direction that he would go. He would change the sign regulation to state that:

1. Flashing, moving, blinking, changed signs or others that have animation effects are those that, except the following, may include time and temperature signs, and he would include electronic changeable message signs located in Business or Commercial Zones that meet the size requirements of the Code, and illumination requirements of the Code; and
2. Comply with the requirements of the Code which states that

electronic changeable message signs must conform to all the new national requirements. They must be located only in Commercial and Business Zones, they must not exceed sixteen inches per character, and animated or flashing signs are not allowed.

RESOLUTION NO. 33-91

WHEREAS, on the 17th day of April, 1991, a petition was submitted to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following described property situate in Mesa County, Colorado, and described as follows:

Interstate Annexation No. 1

The Southerly one foot of public right-of-way for Interstate 70 extending to a point which is 2,130 feet West of the intersection of the Southerly right-of-way line of Interstate 70 and the West right-of-way line of 24 Road.

Interstate Annexation No. 2

The Northerly one foot of the Southerly two feet of public right-of-way for Interstate 70 extending from the West right-of-way line of 24 Road to a point 38 feet East of the West section line of Section 32, T1N R1W; and one foot of right-of-way for Interstate 70 contiguous to Lots 3 through 15, Block 1 as platted in Interstate Commercial Park Subdivision; and all of the public right-of-way for 23 Road lying more than 39 feet East of the West section line of Section 32, T1N R1W and extending 1,000 feet South of the South right-of-way line of Interstate 70.

Interstate Annexation No. 3

All of the public right-of-way of 23 Road lying more than 38 feet East of the West section line of Section 32, T1N R1W, from the South right-of-way line of Interstate 70 to the North right-of-way line of G Road except that part described in Interstate Annexation #2.

Interstate Annexation No. 4

Lots 1 through 13, Block 1, Interstate Commercial Park Subdivision; and Lots 14A, 14B, 15A, and 15B of the Subdivision of Lots 14 and 15, Block 1, Interstate Commercial Park Subdivision; and Lots 3 and 4, Block 2 and Lots 1, 2, and 3, Block 3, of Interstate Commercial Park Subdivision together with that portion of Interstate Avenue and 23-1/4 Road adjacent to said Lots, and Lot 1 of Grand Park Plaza Subdivision; and Lot 1 of a Replat of the First Addition to Interstate Commercial Park.

and

WHEREAS, a hearing on the petition was duly held after proper

notice on the 5th day of June, 1991;

WHEREAS, the Council has found and determined and does hereby find and determine that said petition is in substantial compliance with statutory requirements therefor; that one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; that a community of interest exists between the territory and the City; that the territory proposed to be annexed is urban or will be urbanized in the near future; that the said territory is integrated or is capable of being integrated with said City; that no land held in single ownership has been divided by the proposed annexation; that no land held in identical ownership comprising more than twenty acres, which has an assessed value in excess of two hundred thousand dollars, is included without the landowner's consent, and that no election is required under the Municipal Annexation Act of 1965.

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

That the said territory is eligible for annexation to the City of Grand Junction, Colorado, and should be so annexed by Ordinance.

PASSED and ADOPTED this 5th day of June, 1991.

\_\_\_\_\_  
President of the Council

Attest:

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

What he leans toward is a sign that can change in a ticker tape fashion, in a roll fashion, and he did not believe that the City is moving by limiting it to illumination and size requirements. He recommended approval of the amendment.

A vote was taken on the motion with Councilmembers Theobald and Bessinger voting AYE, and Councilmen Bennett, Baughman, McCurry, Nelson, and Shepherd voting NO. The motion failed to pass.

It was moved by Councilman Bennett and seconded by Councilman Nelson that the City Sign Code read that electronic changeable panels are permitted at this point, and until such time as the Sign Code is changed by further action of a committee and/or Council action later, that it be restricted to no changes less than thirty minutes, that the size be no larger than 3 x 12 feet with 15" characters, and not to exceed 15% of the total sign allowed, and that signs be located in Business and Commercial Zones only.

It was pointed out by City Manager Mark Achen that a variance to the Sign Code might be more appropriate than an amendment to the Sign Code, although the Code would have to be amended to allow the City Council the power to grant a variance.

City Attorney Wilson recommended that the definition of electronically changeable copy signs be incorporated into an amendment to the Sign Code.

A vote was taken on the motion with the following result:

Councilmembers voting AYE: BENNETT, BAUGHMAN, MCCURRY, NELSON, SHEPHERD

Councilmembers voting NO: BESSINGER, THEOBOLD.

HEARING #30-91 - STREET DESIGN CRITERIA - REQUEST TO ADOPT STREET DESIGN CRITERIA IN THE CITY OF GRAND JUNCTION ZONING AND DEVELOPMENT CODE - CONTINUED FROM MAY 15, 1991, MEETING - CONTINUED TO A LATER DATE

President of the Council Conner Shepherd stated that a communication was received from the Forestry Board today, and Council is aware of its position. He stated this recent information is one of the reasons for tabling this item to a later date. Ted Ciavonne spoke to Council concerning Bike Paths and Walkways. He requested that Council take a more serious look at putting a 4-foot curb on the principal arterials.

Upon motion by Councilman Theobold, seconded by Councilman Bennett and carried, this item was tabled to a later date.

The President declared a five-minute recess. Upon reconvening, all members of Council were present.

HEARING #31-91 - INDIAN WASH SUBDIVISION - REQUEST FOR A REVISED FINAL PLAN AND PLAT FOR 14 UNITS ON 2.037 ACRES IN AN EXISTING PLANNED RESIDENTIAL 8.4 ZONE, LOCATED ON THE NW CORNER OF 29 ROAD AND PATTERSON ROAD

This item was tabled and pulled from the agenda as there has been no appeal from the Planning Commission's decision as of this date.

HEARING #33-91 - PROPOSED ORDINANCE - EASEMENT VACATION IN AN RSF-8 ZONE LOCATED AT 268 WEST PARKVIEW DRIVE

A hearing was held after proper notice on the petition by Jeanie Vaughn for an easement vacation in an RSF-8 Zone located at 268 West Parkview Drive. City Planner Dave Thornton was present and reviewed the petition. There were no opponents, letters or counterpetitions.

The following entitled proposed ordinance was presented and read: VACATING A UTILITY EASEMENT ON LOT 17, BLOCK 6, OF THE AMENDED PLAT OF PARKVIEW SUBDIVISION. Upon motion by Councilman Baughman, seconded by Councilman McCurry and carried, the proposed ordinance was passed for publication.

HEARING #34-91 - PROPOSED ORDINANCE - REZONE FROM HIGHWAY ORIENTED (H.O.) TO RESIDENTIAL SINGLE FAMILY 8 UNITS PER ACRE (RSF-8), PROPERTIES LOCATED AT 2001, 2009/2011, 2015, 2031, 2012, 2020, 2026/2026-1/2, AND 2030 ASPEN STREET

A hearing was held after proper notice on a petition by the City of Grand Junction to rezone properties located at 2001, 2009/2011, 2015, 2031, 2012, 2020, 2026/2026-1/2, and 2030 Aspen Street from Highway Oriented (H.O.) to Residential Single Family 8 Units per Acre (RSF-8). City Planner Dave Thornton was present and reviewed the petition. There were no opponents, letters or counterpetitions.

The following entitled proposed ordinance was presented and read: CHANGING THE ZONING ON CERTAIN LANDS WITHIN THE CITY OF GRAND JUNCTION WITH THE STREET ADDRESSES OF 2001, 2009/2011, 2015, 2031, 2020, 2026/2026-1/2 AND 2030 ASPEN STREET. Upon motion by Councilman Theobold, seconded by Councilman Nelson and carried, the proposed ordinance was passed for publication.

HEARING #5-91 - PROPOSED ORDINANCE - TEXT AMENDMENTS FOR 1991 - REQUEST TO REVISE CHAPTER 32, CODE OF ORDINANCES, SECTIONS 4-3-4, 5-5-1, AND 7-2-9 OF THE GRAND JUNCTION ZONING AND DEVELOPMENT CODE REGARDING THE USE/ZONE MATRIX, PARKING AND LOADING STANDARDS, AND ZONING DESIGNATION OF THE NORTHWEST AREA THAT IS BEING ANNEXED - CONTINUED TO JULY 3, 1991

A hearing was held after proper notice on the petition by the City of Grand Junction to revise Chapter 32, Code of Ordinances, Sections 4-3-4, 5-5-1, and 7-2-9 of the Grand Junction Zoning and Development Code regarding the Use/Zone Matrix, Parking and Loading Standards, and Zoning Designation of the northwest area that is being annexed. City Planner Dave Thornton reviewed this item.

Upon motion by Councilman Bennett, seconded by Councilman Nelson and carried, this item was continued to the July 3, 1991, City Council meeting.

HEARING #32-91 - PROPOSED ORDINANCE - HORIZON GLEN SUBDIVISION LOCATED ON THE NORTHWEST CORNER OF 12TH STREET AND HORIZON DRIVE - REQUEST FOR A FINAL PLAT AND FINAL PLAN FOR PHASE 1 FOR 17 SINGLE-FAMILY LOTS ON 9.7 ACRES; REQUEST FOR A REVISED OUTLINE DEVELOPMENT PLAN FOR PHASE 2 FOR 20 RESIDENTIAL UNITS ON 4.7 ACRES; AND A REQUEST FOR CHANGE OF ZONE FROM RESIDENTIAL SINGLE-FAMILY 4 UNITS PER ACRE (RSF-4) TO PLANNED RESIDENTIAL (PR) - CONTINUED TO JULY 3, 1991

A hearing was held after proper notice on the petition by S.L. Ventures, Inc. for a Final Plat and Final Plan for Phase 1 for 17 Single-Family Lots on 9.7 acres; request for a revised Outline Development Plan for Phase 2 for 20 Residential Units on 4.7 acres; and a request for change of Zone from Residential Single-Family 4 units per acre (RSF-4) to Planned Residential (PR), property located on the northwest corner of 12th Street and Horizon Drive (Horizon Glen Subdivision). Community Development Director Bennett Boeschstein was present and reviewed the petition and maps. He stated this project has gone through three public hearings so far, tonight's is the fourth. The major elements listed at the May 15, 1991, Council meeting have been taken into consideration by the petitioner and Staff. The elements that are left are the access through Filing 2 from Horizon Drive to the landlocked parcel to the north. Staff is recommending that that continue to be deeded through at this phase. The petitioner has somewhat agreed to that. The Planning Commission approved some kind of arrangement be agreed to, but not necessarily a deed, so that there would be a through road from Horizon Drive to the north through Phase 2.

The City's conflict with the Ute Water District has been resolved. Instead of a retaining wall along the northwest corner of the road there will be a deep slope with a hydro-seed mixture. The County is still requesting a cul-de-sac at the end of F-1/2 Road. the City Council specifically deleted that from its approval. A wetlands permit has been obtained and is in the file from the Army Corps of Engineers. The irrigation pond that was shown on the plan in the preliminary stage, which is in the northwest area of the subdivision, goes both across the property lines and into Roundhill Subdivision. That irrigation pond was not agreed to by the owners of Roundhill, and will apparently no longer be available as irrigation water. An alternate irrigation system will be proposed. Other issues came up concerning architectural covenants, height restrictions.

Tom Logue spoke on behalf of S.L. Ventures, Inc., the petitioner. He addressed the improvements to F-1/2 Road, which is the southwest corner of the property. F-1/2 Road is in the County. At the public hearing on the preliminary plan there were several neighbors, one in particular that lives at the end of the street. His preference was to maintain the status quo. In addition to that, there are some mature trees that are growing in the right-of-way. It will require removal of a number of those trees. That discussion is still open through the County process which S.L. Ventures, Inc., are in right now also. They received approval from the Mesa County Planning Commission to create a parcel to be annexed to the City. That hearing was scheduled before the Mesa County Commissioners on the 18th. That also couples with the fact that Phase 1 has been broken into two filings.

Mr. Logue continued that Lot 1 is almost one acre. As S&L Ventures



were putting together the final plans they entered into some discussions with two of the adjoining lot owners, (one is present this evening) about building a pond that could be utilized for irrigation purposes. It would lie on their property, or back right up on their property, and in return they would enjoy some of the aesthetic value of the pond. Those negotiations have been reactivated today and they are still proceeding in that direction. The worst case scenario, he said, was that, they cannot construct the pond at this particular location. They're looking at moving it mostly to the south. There is a little triangular area there. The size of the pond is about 8 times larger than what they would need for storage. The size of it is largely determined for aesthetic reasons. They have applied for a right to that waste water and have applications in the process.

City Attorney Wilson brought up the issue that if Council approved tonight, it would be approving fixed items, according to certain maps, and if S&L were to change that in the future, typically the staff doesn't have the ability to change those plans without further public comment. Therefore, S&L would need to build in the context of what was approved.

Mr. Logue responded that the Code does allow them to make up to a 10% change in the plan. As it relates to the pond construction, assuming that it is going to go right where it is now located, there is a little over a cubic foot and a half per second of water flowing through that channel at this time. It makes construction extremely difficult. Their construction calls for that pond to be built next winter at any rate. Given the development time in terms of getting those lots ready to market, and then the timing to actually construct the house, they doubt seriously whether there will be much in the way of a need for irrigation waters this irrigation season. Mr. Logue indicated that the Army Corps of Engineers have reviewed that particular location and have accepted it including the building of the pond.

Mr. Logue said they did include a two-story height restriction in the covenants. During the Planning Commission hearing last night they asked S&L to tighten its covenants up in terms of defining that limitation, which they are willing to do. They are dealing with some lots, typically on flat ground to measure the maximum building height on the curb line. Some of their lots are 10 or 12 feet above the street elevations so that probably would not be practical. He thought the recommendation of an average height across the lot is appropriate on most of those where they have a two-level structure with two-story on the front side, and one-story on the back against the slope of the terrain. The underlying zone permits, he believed, a 32-foot height which is a lot higher than their proposed two-story.

Mr. Logue referred to the only major issue that was discussed last night at the Planning Commission hearing dealt with the access through what they are calling Phase 2 of the ODP portion of the

property. Their proposal does call for a connecting road between Horizon Drive and the northerly property lines with adjoining properties. That would allow an open extension northeast and possibly a connection out to 12th Street. Their proposal is to dedicate that at the same time that they record the final plat and plan for this particular phase. They haven't any problem at all with the requirement providing that access. The question revolves around "when." Phase 2 is even more difficult and they will have more limitations and considerations than Phase 1 because of the topographic experience on the site, the sloping areas. The site is largely affected by a 100-year frequency flood from Horizon Drive channel. There have been some preliminary initial wetlands evaluation that indicates that there are wetlands areas on the property. Because of those, they would like to have the opportunity to further refine the exact specific location of the proposed right-of-way, obtain permission from the Army Corps of Engineers to influence the wetlands, or to work within the areas. One of the petitioner's concerns is if the right-of-way is granted today and someone else comes in and builds a right-of-way and does not work with the Corps of Engineers, who is going to accept the liability for that -- will it be the original landowner who gave up his ability to control his property, or will it be the individuals actually doing it? In their response they indicated that part of their preliminary plan application, Phase 2, will include a pre-review by the Corps of Engineers, and a detailed wetlands map will spawn the Corps of Engineers comments. Basically, what they're hoping to do with Phase 2 is get the Corps' blessing on the proposal before they turn it in to the City. That was the last thing that they learned and learned well with their Phase 1. Rather than to refer to the Corps' involvement with this routine of the course of a typical review, he thinks it works a lot better if the Corps is included in the review packet.

City Attorney Wilson noted that at the preliminary stage, the length of the right-of-way along Horizon Drive, and the amount of wetlands both in the main Horizon drainage as well as the other wetlands coming off makes it highly unlikely that that property will be developed in the near future just because of cost. The discussion was that the lots, that Lot 17, should have a platted roadway across it because if Phase 2 never gets developed, there will never be the ability to dedicate this roadway, because the petitioner will never be back. The dedication might, therefore, never occur. It was the request of the property owner to the north to dedicate now so that there would be some legally available access. Mr. Logue indicated they were not willing to do so at this time.

Mr. Bill Foster, President, S.L. Ventures, Inc., stated that the petitioners to the north have requested that S.L. Ventures pay for the Road from Horizon north, and dedicate it. Mr. Foster appreciated the fact that the people to the north want to make sure that there is going to be some ability for them to come in and build a road in the future. S&L just does not want to be

injured. They are seriously concerned about the Army Corps of Engineers' ability to fine them for what someone else does in that right-of-way. When they originally tried to plat this parcel, what they were trying to do was a single-family parcel, and as they came through the process, they were told that they needed to show what's on Phase 2 because they own that property. They did that. Now when they started the process, they had response from staff that said "okay, we deny your ODP." So they've been saying we don't want to build a road that would be denied. And in part of this progression, they have become much more flexible about that road right-of-way, but they just don't know how to get there. He was unable to get copies of the Planning Commission minutes before this meeting, so he was a little bit in the dark as to exactly what the motion was last night regarding that roadway, but his understanding was that they would be saying, "give us an improvement here, maybe here's a road location," and then the City is holding S&L harmless from any penalties assessed by the Army Corps of Engineers if somebody else comes in and builds that road.

City Attorney Wilson stated that the idea of the City holding the developer harmless for the developer's development is one that he would not recommend to the City Council.

Councilman Theobald said that what Bill is suggesting is if there's a dedicated right-of-way and then somebody else builds it contrary to the Army Corps of Engineers' intent or desires, who stands the penalty? Is it going to be the City who said it wants the right-of-way? And what he assumed is this is contingent upon the City saying that the right-of-way has to be dedicated prior to final plat which means the roadway goes in whether they develop or not.

City Attorney Wilson responded that he was not talking about the improvements at all. If the Council were to require this roadway for access to the north, the only thing that would make sense is if the petitioner do the Corps workup and find out where they can locate the road. That removes the issue of liability for crossing wetlands. His comment was that if Council did not make it a requirement at this stage, don't be surprised if it never occurs, because this parcel is not likely to develop ever. He wanted Council to be fully aware of that.

City Manager Achen said he understood Mr. Foster's concern. But the right-of-way will run to the City, to no one else. The City has the authority to authorize any work that occurs in it. Presumably, the City then bears some responsibility, although he could understand Mr. Wilson's desire not to assume liability or responsibility, but certainly the City would have the potential to recognize potential liability when it's coming in the use of that right-of-way. The issue seems to be a case of how much to accommodate the neighboring property, and without going into a long discussion about the potential developability, and where roads might go on that property, the issue is primarily, do you

want to plan for the future for that site to potentially go through there, or not. There is a likelihood that it can clearly be identified now without great expense. Where that right-of-way should be is the problem that the applicant has, and more likely if the Council says dedicate a right-of-way without going to all that expense of dealing with the wetlands issue now, they will have a right-of-way that is there on paper but will require some future negotiation.

City Attorney Wilson said he would not suggest dedication without knowing where the wetlands are, because that's just asking for trouble, especially if the City accepts the road without knowing where the wetlands are.

Mr. Foster said they would prefer not to be doing any wetlands studies on that parcel at this time whatsoever because it's their understanding that according to people at the Army Corps of Engineers, according to the wetlands experts they've talked to, they are in the process of changing the standards which is going to make it a little easier to actually get a roadway down there. And one problem they have is communication with Dalby to the northeast. They're not against giving a right-of-way to Dalby's property at all. They don't want to spend any more engineering money than they already have on this project.

City Manager Achen said that perhaps the Council may want to hear what compels the need for a right-of-way. He presumed the neighboring properties might want to address that issue. It would certainly make sense if the land was not encumbered by these uncertainties of wetlands, but since they are, what are some of the compelling reasons that would encourage Council to say "We need to resolve this problem now."

Mr. Jack Ludwig, 667 Roundhill Drive, said he was not really present to speak for or against although he guessed he would be for the project. He was present regarding the cul-de-sac issue, other property owners in Round Hill do not want it. Secondly, on the height of the building there are three properties. Mr. Ludwig lives on the back side of what would be the south side of Roundhill, which he guessed would be the north side of the proposed subdivision. Those three lots in there would be impacted about the height of a home. He requested that Council keep those three homeowners in mind when they put in the height requirement.

Speaking in opposition was Rich Krohn, 900 Valley Federal Plaza, representing Walter and Gertrude Dalby who own the parcel which is north of Phase 2 and east of Phase 1. He opposed the most recent recommendations with regard to their major concern which is access to the western part of the property.

Mr. Walter Dalby, owner of the property to the north of the development, said that Mr. Krohn was talking about a 40-foot right-of-way. That 40-foot width under the new proposed standards

would be only for a lane or a place for a court, not for a local residential street. Under the new standards, if the City is going to provide any right-of-way of a local residential nature, it is looking at 44 feet, or going to 50 feet if there might be traffic circulation needed for perhaps Vintage 70 type of homes or possibly multi-family dwellings, developed on his (Mr. Dalby's) property. Mr. Dalby said that if the City requires the petitioner to dedicate a right-of-way through Lot 17 of Phase 1, it will help the petitioner to not landlock his own property in Phase 2, whenever he wants to develop it.

Mr. Dalby does not see the liability for a possible future development of a right-of-way that is dedicated now, because he did not know when he would need it either. In considering the difficulty of the construction of the land that was referenced by Mr. Logue, it was also referenced in the files on this project, at length, by Lambert Geotechnical Engineers and by the Colorado Geological Survey. The Planning staff may very well be correct that the Phase 2 ground won't even support multi-family dwellings. That will not be known until engineering is done by S.L. Ventures at sometime in the future. Mr. Dalby submitted that if it is true, Mr. Dalby submitted that the petitioner will never file a preliminary plan for Phase 2, and therefore, never dedicate a right-of-way. They would not have an adequate traffic circulation as the development of the rest of the acreage all around occurs, and there is a lot of vacant land there, particularly to the north. He said the City Council has the opportunity tonight to decide the neighborhood's future traffic circulation needs for scores of undeveloped acres. The Council can put to rest the issue of access to the Phase 2 property, to the Dalby property, and through the Dalby property to other properties to the north, if there is a residential street system. He asked Council to consider requiring the dedication of the Phase 2 road as a condition of the approval of the Phase 1 Filing 1. If the City decides on the dedication of the Phase 2 right-of-way rather than a right-of-way through Lot 17 to Phase 2, Mr. Dalby said it would be nice if that right-of-way adjoined his property at a more appropriate point rather than right into a swamp.

The hearing was closed. There were no other opponents, letters or counterpetitions.

It was moved by Councilman Bessinger and seconded by Councilman Nelson that this item be tabled until such time as the owners have arrived at a solution and present it to the City Attorney and he agrees that it is acceptable.

City Attorney Wilson's Comments:

1. The Lot 1 consistency with Roundhill. He would like to see them talk about that issue in more detail because there are going to be parts of Roundhill that the City Manager suggested are not going to fit. They need to address those and sort of identify those

differences;

2. The average height across the lots. That should be firmed up through the Planning Director how to base that, and to deal with the helium balloons concern.

3. The preservation easement language recently received. He did not think it is a major issue, but it would be more the "i's" to be dotted;

4. The CCR's and the Homeowners Association does concern him. The City would want to make very specific provision concerning maintenance over time of this preservation easement and the various waterways, more detailed kind of things.

Councilman Bessinger amended his motion to include the comments of the City Attorney, with encouragement that the two parties get together and resolve the road dedication. A vote was taken on the motion with all Councilmembers voting AYE. Motion carried.

PROPOSED ORDINANCE - AMENDMENTS TO CHAPTER 25, CODE OF ORDINANCES - SEWERS, CONCERNING INDUSTRIAL PRETREATMENT PROGRAM

The following entitled proposed ordinance was presented and read: AN ORDINANCE AMENDING SECTION NS 25-14, 25-33, 25-58, 25-60, 25-62, 25-63 AND 25-64 OF THE CODE OF ORDINANCES OF THE CITY OF GRAND JUNCTION, COLORADO. Upon motion by Councilman Bennett, seconded by Councilman McCurry and carried, the proposed ordinance was passed for publication.

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 to the City Council prior to the meeting.

ORDINANCE NO. 2520 - EASEMENT VACATION IN AN RSF-8 ZONE AT 317 HOPI DRIVE

Upon motion by Councilman Theobald, seconded by Councilman Nelson and carried, the following entitled proposed ordinance was called up for final passage and read by title only: AN ORDINANCE VACATING AN EASEMENT IN AN RSF-8 ZONE AT 317 HOPI DRIVE.

There were no comments. Upon motion by Councilman Theobald, seconded by Councilman Nelson and carried by roll call vote with Councilman SHEPHERD ABSTAINING, the Ordinance was passed and adopted as read, numbered 2520, and ordered published.

ORDINANCE NO. 2521 - AMENDING ORDINANCE NO. 2104 OF THE CITY OF GRAND JUNCTION, CHAPTER 28, TRAFFIC, SUBSECTION 14, PARAGRAPH 6A.3

Upon motion by Councilman Theobold, seconded by Councilman Nelson and carried, the following entitled proposed ordinance was called up for final passage and read by title only: AMENDING ORDINANCE NO. 2104 OF THE CITY OF GRAND JUNCTION.

There were no comments. Upon motion by Councilman Theobold, seconded by Councilman McCurry and carried by roll call vote with Councilman BAUGHMAN ABSTAINING and Councilman BESSINGER voting NO, the Ordinance was passed and adopted as read, numbered 2521, and ordered published.

ORDINANCE NO. 2506 - ESTABLISHING A PROGRAM TO IDENTIFY AREAS OF THE CITY THAT HAVE DEFICIENT FIRE PROTECTION AND MEANS AND METHODS TO UPGRADE FIRE FIGHTING CAPABILITIES

Upon motion by Councilman Theobold, seconded by Councilman Nelson and carried, the following entitled proposed ordinance was called up for final passage and read by title only: ESTABLISHING A PROGRAM TO IDENTIFY AREAS OF THE CITY THAT HAVE DEFICIENT FIRE PROTECTION AND MEANS AND METHODS TO UPGRADE EXISTING FIRE FIGHTING CAPABILITIES.

There were no comments. Upon motion by Councilman McCurry, seconded by Councilman Bessinger and carried by roll call vote with Councilman BAUGHMAN voting NO, the Ordinance was passed and adopted as read, numbered 2521, and ordered published.

RESOLUTION NO. 32-91 CONCERNING CITY PROPERTY TAX - TABLED TO JULY 3, 1991, MEETING

Upon motion by Councilman Theobold, seconded by Councilman Bessinger and carried, this item was tabled to the July 3, 1991, meeting.

RESOLUTION NO. 34-91 APPOINTING COUNCILMAN JOHN W. BENNETT AS COUNCIL'S REPRESENTATIVE TO THE WALKER FIELD, COLORADO, PUBLIC AIRPORT AUTHORITY

The following Resolution was presented and read: (See next page.).

Upon motion by Councilman Theobold, seconded by Councilman McCurry and carried with Councilman BENNETT ABSTAINING, the Resolution was passed and adopted as read.

RESOLUTION NO. 35-91 AUTHORIZING THE ISSUANCE OF A REVOCABLE PERMIT TO PHIL BERTRAND ET AL FOR THE USE OF UNIMPROVED ORCHARD AVENUE RIGHT-OF-WAY IN WEST LAKE PARK AREA FOR INSTALLATION OF AN UNDERGROUND IRRIGATION LINE

The following Resolution was presented and read: (See next page.).

Upon motion by Councilman Theobold, seconded by Councilman McCurry and carried, the Resolution was passed and adopted as read.

RESOLUTION NO. 36-91 AUTHORIZING THE ISSUANCE OF A REVOCABLE PERMIT TO BRENT AND NORMA MILLER, 447 SANTA CLARA AVENUE, FOR USE OF PUBLIC RIGHT-OF-WAY ON DOLORES STREET SOUTH OF SANTA CLARA AVENUE AND NORTH OF THE DUCK POND PARK, TO INSTALL A FENCE AND LANDSCAPE IMPROVEMENTS

The following Resolution was presented and read: (See next page.).

RESOLUTION NO. 34-91

APPOINTING COUNCIL REPRESENTATIVE TO THE WALKER FIELD, COLORADO, PUBLIC AIRPORT AUTHORITY

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

That City Councilman John W. Bennett is appointed to the Board of Directors of the Walker Field, Colorado, Public Airport Authority.

PASSED and ADOPTED this 5th day of June, 1991.

Conner W. Shepherd

President of the Council

Attest:

Neva B. Lockhart, CMC\City Clerk

RESOLUTION NO. 35-91

CONCERNING THE ISSUANCE OF A REVOCABLE PERMIT TO VIRGIL A. VANDYKE AND LILLIAN G. VANDYKE, WILLIAM E. DUNN AND EVELYN E. DUNN, JAMES M. MCMENAMIN AND H.K. MCMENAMIN, A.F. SEEDIG AND ROBERTA SEEDIG, PHILLIP B. BERTRAND, JOHN H. FRICK AND MARGIE L. FRICK

WHEREAS, Virgil A. Vandyke and Lillian G. Vandyke, William E. Dunn and Evelyn E. Dunn, James M. McMenamin and H.K. McMenamin, A.F. Seedig and Roberta Seedig, Phillip Bertrand, John H. Frick and Margie L. Frick, hereafter collectively referred to as the "Petitioners", have petitioned the City Council of the City of Grand Junction, Colorado, for a Revocable Permit to allow the installation of an underground irrigation line in the following described public right-of-way for West Orchard Avenue, to wit:

The Southernmost 10.0 feet of the public right-of-way for West Orchard Avenue, as recorded in Book 1026 at Page 997 and in Book 1088 at Page 152 in the Office of the Mesa County Clerk and Recorder, lying adjacent to the North of Lot 9 of Block 3 and Lot 7 of Block 4, West Lake Park Annex No. 2; and

WHEREAS, the City Council of the City of Grand Junction has



determined that such action would not at this time be detrimental to the inhabitants of the City;

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

That the City Manager, on behalf of the City and as the act of the City, is hereby directed to grant the attached Revocable Permit to the above-named Petitioners for the purposes aforescribed and within the public right-of-way aforescribed; SUBJECT, however, to the several terms, conditions and covenants contained in the attached Revocable Permit.

PASSED and ADOPTED this 5th day of June, 1991.

Conner W. Shepherd

---

President of the Council

Attest:

Neva B. Lockhart, CMC

---

City Clerk

REVOCABLE PERMIT

WHEREAS, Virgil A. Vandyke and Lillian G. Vandyke, William E. Dunn and Evelyn E. Dunn, James M. McMenamin and H.K. McMenamin, A.F. Seedig and Roberta Seedig, Phillip Bertrand, John H. Frick and Margie L. Frick, hereafter collectively referred to as the "Petitioners", have petitioned the City Council of the City of Grand Junction, Colorado, for a Revocable Permit to allow the installation of an underground irrigation line in the following described public right-of-way for West Orchard Avenue, to wit:

The Southernmost 10.0 feet of the public right-of-way for West Orchard Avenue, as recorded in Book 1026 at Page 997 and in Book 1088 at Page 152 in the Office of the Mesa County Clerk and Recorder, lying adjacent to the North of Lot 9 of Block 3 and Lot 7 of Block 4, West Lake Park Annex No. 2; and

WHEREAS, the City Council of the City of Grand Junction has determined that such action would not at this time be detrimental to the inhabitants of the City;

NOW, THEREFORE, IN ACCORDANCE WITH THE ACTION OF THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

There is hereby granted to the above named Petitioners a Revocable Permit for the purposes aforescribed and within the public right-of-way aforescribed; provided, however, that the issuance of this Revocable Permit shall be conditioned upon the following:

The Petitioners will not hold, nor attempt to hold, the City liable for any damages caused to the underground irrigation pipeline to be installed by the Petitioners, or any other property of the Petitioners or any other person, as a result of the City or any other Public Utility's maintenance or future installation of roadway improvements or public utilities within the aforescribed public right-of-way; This Revocable Permit shall be issued only upon the concurrent execution by the Petitioners of an agreement that the Petitioner will save and hold the City, its officers, employees and agents harmless from, and indemnify the City, its officers, employees and agents, any claims or causes of action however stated arising out of the encroachment or use granted, and that upon revocation of this Permit by the City the Petitioners will, within thirty (30) days of notice of revocation, peaceably surrender said right-of-way to the City and, at their own expense, remove any encroachment so as to restore the right-of-way to its original condition.

DATED this 7th day of June, 1991.

Mark K. Achen

\_\_\_\_\_  
Mark K. Achen, City Manager

Attest:

Neva B. Lockhart CMC

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

Acceptance:

\_\_\_\_\_  
Virgil A. Vandyke

\_\_\_\_\_  
Lillian G. Vandyke

\_\_\_\_\_  
William E. Dunn

\_\_\_\_\_  
Evelyn E. Dunn

\_\_\_\_\_  
James M. McMenamin

\_\_\_\_\_  
H.K. McMenamin

\_\_\_\_\_  
A.F. Seedig

\_\_\_\_\_  
Roberta Seedig

\_\_\_\_\_  
John H. Frick

\_\_\_\_\_  
Margle L. Frick

\_\_\_\_\_  
Phillip B. Bertrand

AGREEMENT

Virgil A. Vandyke and Lillian G. Vandyke, William E. Dunn and Evelyn E. Dunn, James M. McMenamin and H.K. McMenamin, A.F. Seedig and Roberta Seedig, Phillip Bertrand, John H. Frick and Margie L. Frick hereby agree that they, and each of them, will abide by each and every condition contained in the foregoing Permit; that they, and each of them, shall indemnify the City of Grand Junction, its officers, employees and agents and hold it, its officers, employees and agents harmless from all claims and causes of action as recited in said Permit; and that upon revocation of said Permit, they, and each of them, agree to within thirty (30) days peaceably surrender said public right-of-way to the City and, at their own expense, remove any encroachment so as to restore the right-of-way to its original condition.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 1991.

\_\_\_\_\_  
Virgil A. Vandyke

\_\_\_\_\_  
Lillian G. Vandyke

\_\_\_\_\_  
William E. Dunn

\_\_\_\_\_  
Evelyn E. Dunn

\_\_\_\_\_  
James M. McMenamin

\_\_\_\_\_  
H.K. McMenamin

\_\_\_\_\_  
A.F. Seedig

\_\_\_\_\_  
Roberta Seedig

\_\_\_\_\_  
John H. Frick

\_\_\_\_\_  
Margle L. Frick

\_\_\_\_\_  
Phillip B. Bertrand

STATE OF COLORADO	)	
	)	SS:
COUNTY OF MESA	)	

The foregoing Agreement was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 1991, by Virgil A. Vandyke, Lillian G. Vandyke, William E. Dunn, Evelyn E. Dunn, James M. McMenamin, H.K. McMenamin, A.F. Seedig, Roberta Seedig, Phillip Bertrand, John H. Frick and Margie L. Frick.

Witness my hand and official seal.  
My Commission expires: \_\_\_\_\_

\Notary Public

RESOLUTION NO. 36-91

CONCERNING THE ISSUANCE OF A REVOCABLE PERMIT TO BRENT L. MILLER AND NORMA L. MILLER

WHEREAS, Brent L. Miller and Norma L. Miller, who represent that they own the real property located at 447 Santa Clara Avenue in the City of Grand Junction, Mesa County, Colorado, have petitioned the City Council of the City of Grand Junction, Colorado, for a Revocable Permit to allow the installation of a fence and landscape improvements in the following described public right-of-way for Dolores Street, to wit:

The West 21.0 feet of the right-of-way for Dolores Street adjacent to the East of Lots 1 to 4 of Block 8, Orchard Mesa Heights Subdivision; and

WHEREAS, the City Council of the City of Grand Junction has determined that such action would not at this time be detrimental to the inhabitants of the City.

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

That the City Manager, on behalf of the City and as the act of the City, is hereby directed to grant the attached Revocable Permit to the above-named petitioners, their heirs and assigns, for the installation of a fence and landscape improvements within the public right-of-way aforescribed; provided, however, that the issuance of said Revocable Permit shall be conditioned upon the following: Prior to installation of said fence, the petitioners shall obtain a Fence Permit, and install said fence in accordance with the regulations and requirements set forth in Section 5-1-5 of the Zoning and Development Code of the City of Grand Junction; The fence shall not be installed in a manner which will limit sight distance or create any other hazardous situation or dangerous condition for vehicular or pedestrian traffic; The petitioners will not hold the City liable for any damages caused to said fence or landscape improvements as a result of the City's or any other Public Utility's maintenance or future installation of roadway improvements or public utilities within the aforescribed public right-of-way; Said Revocable Permit shall be issued only upon the concurrent execution by the petitioners of an agreement that the Petitioners will save and hold the City, its officers, employees and agents harmless from, and indemnify the City, its officers, employees and agents, any claims or causes of action however stated arising out of the encroachment or use granted, and that upon revocation of such Permit, the Petitioners will, within thirty (30) days of notice of revocation, peaceably surrender said right-of-way to the City and, at their own expense, remove any encroachment so as to restore the right-of-way to its

original condition.

PASSED and ADOPTED this 5th day of June, 1991.

Conner W. Shepherd

---

President of the Council

Attest:

Neva B. Lockhart, CMC

---

City Clerk

REVOCABLE PERMIT

WHEREAS, Brent L. Miller and Norma L. Miller, who represent that they own the real property located at 447 Santa Clara Avenue in the City of Grand Junction, Mesa County, Colorado, have petitioned the City Council of the City of Grand Junction, Colorado, for a Revocable Permit to allow the installation of a fence and landscape improvements in the following described public right-of-way for Dolores Street, to wit:

The West 21.0 feet of the right-of-way for Dolores Street adjacent to the East of Lots 1 to 4 of Block 8, Orchard Mesa Heights Subdivision; and

WHEREAS, the City Council of the City of Grand Junction has determined that such action would not at this time be detrimental to the inhabitants of the City;

NOW, THEREFORE, IN ACCORDANCE WITH THE ACTION OF THE CITY COUNTY OF THE CITY OF GRAND JUNCTION, COLORADO:

There is hereby granted to Brent L. Miller and Norma L. Miller, their heirs and assigns, a Revocable Permit to allow the installation of a fence and landscape improvements within the public right-of-way aforescribed; provided, however, that the issuance of this Revocable Permit shall be conditioned upon the following: Prior to installation of said fence, the Petitioners shall obtain a Fence Permit, and install said fence in accordance with the regulations and requirements set forth in Section 5-1-5 of the Zoning and Development Code of the City of Grand Junction; The fence shall not be installed in a manner which will limit sight distance or create any other hazardous situation or dangerous condition for vehicular or pedestrian traffic; The Petitioners will not hold the City liable for any damages caused to said fence or landscape improvements as a result of the City's or any other Public Utility's maintenance or future installation of roadway improvements or public utilities within the aforescribed public right-of-way; This Revocable Permit shall be issued only upon the concurrent execution by the Petitioners of an

agreement that the Petitioners will save and hold the City, its officers, employees and agents harmless from, and indemnify the City, its officers, employees and agents, any claims or causes of action however stated arising out of the encroachment or use granted, and that upon revocation of this Permit, the Petitioners will, within thirty (30) days of notice of revocation, peaceably surrender said right-of-way to the City and, at their own expense, remove any encroachment so as to restore the right-of-way to its original condition.

DATED this 7th day of June, 1991.

Mark K. Achen

Mark K. Achen, City Manager

Attest:

Neva B. Lockhart, CMC\City Clerk

Acceptance:

Brent L. Miller

Brent L. Miller

Norma L. Miller

Norma L. Miller

#### AGREEMENT

Brent L. Miller and Norma L. Miller, for themselves, their heirs and assigns, do hereby agree that they will abide by each and every condition contained in the foregoing Permit; that they shall indemnify the City of Grand Junction, its officers, employees and agents and hold it, its officers, employees and agents harmless from all claims and causes of action as recited in said Permit; and that upon revocation of the Permit, they agree to within thirty (30) days peaceably surrender said public right-of-way to the City and, at their own expense, remove any encroachment so as to restore the right-of-way to its original condition.

DATED at Grand Junction, Colorado, this 6th day of June, 1991.

Brent L. Miller

Brent L. Miller

Norma L. Miller

Norma L. Miller

STATE OF COLORADO	)	
	)	SS:
COUNTY OF MESA	)	

The foregoing Agreement was acknowledged before me this 6th day of June, 1991, by Brent L. Miller and Norma L. Miller.

Witness my hand and official seal.  
My Commission expires: 6-23-94

Neva B. Lockhart

\_\_\_\_\_  
Notary Public

Councilman Bennett stated that he viewed the site today while some of the Staff were there surveying. There was just barely enough room for him to pull his small truck in there. Through the recommendation to move the fence back, give the property owner 21 feet, which would leave 24 feet for parking, leave the existing tree in, and there is an irrigation lateral there that needs to be protected, allowing approximately 10 more parking spaces for the Duck Pond Park. He recommended removing some of the old asphalt and to asphalt over the old parking area. He recommended that the fence be allowed to extend 21 feet, and use the rest for parking. He recommended that there be no on-street parking on either side of the street.

Petitioner Brent Miller, 447 Santa Clara Avenue, was present and asked if the revocable permit is contingent upon the parking lot. He stated there is plenty of parking on the west side, with perhaps two times out of the summer there is an overflow there when the cars actually park on the east side of the property. He presented two letters from three of the four people who also live on Dolores indicating that they are also against having a parking lot in that designated space. He has had two City representatives come out in the last two weeks indicating that there would not be parking put in there.

Councilman Bennett stated that he talked to Mrs. Lloyd today. She was trying to tell him she wanted something different. Now he is hearing totally different information. Councilman Bennett stated that Public Works Director Jim Shanks talked to Mrs. Miller today to find out if this would be acceptable. Now Mr. Miller comes tonight to say that it is not acceptable.



Mr. Miller stated that he just asked if the permit is contingent on the parking lot there.

Councilman Nelson stated that he would like to see extra parking there.

It was moved by Councilman Bessinger that Resolution No. 36-91 be denied. There was no second.

City Property Agent Tim Woodmansee commented that the way the Resolution and Revocable Permit are structured, it isn't contingent upon using that for a parking lot. It doesn't even refer to that area, let alone mentioning that it would be used as a parking lot.

Councilman Theobold stated that Mr. Miller needs to be aware that based on tonight's discussion the two may not be tied, but it sounds highly likely that if the Resolution passes a parking lot will go there.

Councilman Bennett stated that with the street being so narrow, and cars parking parallel on both sides of the street, he didn't think anyone could get down the street. If this Resolution is denied, Mr. Miller has a great problem with where the back of some of these buildings are, where the City property line is, because he is going to have to do some remodeling in removing the lean-to. Mrs. Lloyd would like to see this used for parking so people can get in. He would recommend that the fence be allowed to be constructed 21 feet out and put the 24-foot strip in parking, thus not touching the irrigation lateral and keep it open and allow more parking.

Councilman Bessinger withdrew his motion.

Councilman Baughman stated that he is pleased with what Councilman Bennett presented. Mr. Baughman went out there personally, and understood Mr. Miller's perspective. He is also a representative of the City, and that is City property. He felt it would be good to have parking there for the Duck Pond Park which is a City park. He felt that the fence moved back to the 21-foot level would be a good compromise and would suit both parties.

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

RESOLUTION NO. 37-91 DECLARING INTENT TO CREATE I.D. ST-91, PHASE B, AND GIVING NOTICE OF HEARING SET FOR JULY 17, 1991 - ALLEY IMPROVEMENTS (E/W ALLEY BETWEEN 13TH & 14TH STREETS, BETWEEN GRAND & OURAY AVENUES)

The following Resolution was presented and read: (See next page.).

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

Councilman Theobold requested a more legible copy of the list of petitioners and amounts to be charged.

RESOLUTION NO. 38-91 ACCEPTING PETITION FOR FOUNTAINHEAD ANNEXATION AND GIVING NOTICE OF HEARING SET FOR JULY 17, 1991, LOCATED NORTH OF G ROAD BETWEEN 25-1/4 ROAD AND 24 ROAD

The following Resolution was presented and read: (See next page.).

Upon motion by Councilman Theobold, seconded by Councilman Bessinger and carried by roll call vote with Councilman BAUGHMAN voting NO, the Resolution was passed and adopted as read.

RESOLUTION NO. 39-91 ACCEPTING PETITION FOR FOSTER ANNEXATION AND GIVING NOTICE OF HEARING ON JULY 17, 1991, LOCATED WEST OF CASCADE DRIVE AND SOUTH OF HOMESTEAD ROAD

The following Resolution was presented and read: (See next page.).

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

RESOLUTION NO. 37-91

DECLARING THE INTENTION OF THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO, TO CREATE WITHIN SAID CITY LOCAL IMPROVEMENT DISTRICT NO. ST-91, PHASE B, AND AUTHORIZING THE CITY ENGINEER TO PREPARE DETAILS AND SPECIFICATIONS FOR THE SAME.

WHEREAS, the owners of more than one-half of the real property to be assessed have petitioned the City Council, under the provisions of Chapter 18 of the City of Grand Junction Code of Ordinances, as amended, and People's Ordinance No. 33, that a Local Improvement District be created for the construction of improvements as follows:

Location of Improvements:

-- The alley running east and west from 13th Street to 14th Street between Grand Avenue and Ouray Avenue;

Type of Improvements - To include base course material under a mat of Concrete Pavement and construction or reconstruction of concrete approaches as deemed necessary by the City Engineer; and

WHEREAS, the City Council deems it advisable to take the necessary preliminary proceedings for the creation of a Local Improvement District.

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

1. That the District of land to be assessed is described as follows:

Lots 1 through 32, inclusive, Block 5 of Dundee Place in Section 13, Township 1 South, Range 1 West of the Ute Meridian,

All in the City of Grand Junction, Mesa County, Colorado.

2. That the assessment levied against the respective properties will be \$6.00 per each lineal foot directly abutting the alley right-of-way. The total amount of assessable footage is estimated to be 800.00 feet; the total amount of assessments to be levied against the abutting properties shall be \$4,800.00

3. That the assessments to be levied against the properties in said District to pay the cost of such improvements shall be due and payable, without demand, within thirty (30) days after the ordinance assessing such costs becomes final, and, if paid during this period, the amount added for costs of collection and other incidentals shall be deducted; provided, that after the expiration of said thirty-day period, all such assessments may, at the election of the owners of the property in said District, be paid in ten (10) annual installments, the first of which shall be payable at the time the next installment of general taxes, by the laws of the State of Colorado, is payable, and each annual installment shall be paid on or before the same date each year thereafter, along with simple interest which has accrued at the rate of 8 percent per annum on the unpaid principal, payable annually.

4. That the City Engineer is hereby authorized and directed to prepare full details, plans and specifications for such paving; and a map of the district depicting the real property to be assessed from which the amount of assessment to be levied against each individual property may be readily ascertained, all as required by Ordinance No. 178, as amended, City of Grand Junction, Colorado.

5. That Notice of Intention to Create said Improvement District No. ST-91, Phase B, and of a hearing thereon, shall be given by advertisement in one issue of The Daily Sentinel, a newspaper of general circulation published in said City, which Notice Shall be in substantially the form set forth in the attached "NOTICE".

N O T I C E

OF INTENTION TO CREATE IMPROVEMENT DISTRICT NO. ST-91, PHASE B IN THE CITY OF GRAND JUNCTION, COLORADO, AND OF A HEARING THEREON

PUBLIC NOTICE IS HEREBY GIVEN, pursuant to the request of a majority of the affected property owners, to the owners of real estate in the district hereinafter described and to all persons generally interested that the City Council of the City of Grand Junction, Colorado, intends to create Improvement District No. ST-91, Phase B, in said City for the purpose of reconstructing and paving certain alleys to serve the property hereinafter described, which lands are to be assessed with the cost of the improvements, to wit:

Lots 1 through 32, inclusive, Block 5 of Dundee Place in Section 13, Township 1 south, Range 1 West of the Ute Meridian.

All in the City of Grand Junction, Mesa County, Colorado.

Location of Improvements:

-- The alley running east and west from 13th Street to 14th Street between Grand Avenue and Ouray Avenue;

Type of Improvements - To include base course material under a mat of Concrete pavement and construction or reconstruction of concrete approaches as deemed necessary by the City Engineer.

The assessment levied against the respective properties will be \$6.00 per each lineal foot directly abutting the alley right-of-way. The total amount of assessable footage is estimated to be 800.00 feet; the total amount of assessments to be levied against the abutting properties shall be \$4,800.00.

To the total assessable cost of \$4,800.00 to be borne by the property owners, there shall be added six (6) percent for costs of collection and incidentals, and also simple interest at the rate of eight (8) percent per annum to the next succeeding date upon which general taxes, or the first installment thereof, are by the laws of the State of Colorado, made payable. The said assessment shall be due and payable, without demand, within thirty (30) days after the ordinance assessing such cost shall have become final, and if paid during such period, the amount added for costs of collection and incidentals shall be deducted; provided that all such assessments, at the election of the owners of the property in said district, may be paid in ten (10) annual installments which shall become due upon the same date upon which general taxes, or the first installment thereof, are by the laws of the State of Colorado, made payable. Simple interest at the rate of eight (8) percent per annum shall be charged on unpaid installments.

On July 17, 1991, at the hour of 7:30 o'clock P.M. in the City Council Chambers in City Hall of said city, the Council will consider objections that may be made in writing concerning the proposed improvements by the owners of any real estate to be assessed, or by any person interested.

A map of the district, from which the share of the total cost to be assessed upon each parcel of real estate in the district may be readily ascertained, and all proceedings of the Council, are on file and can be seen and examined by any person interested therein in the office of the City Clerk during business hours, at any time prior to said hearing.

Dated at Grand Junction, Colorado, this 5th day of June, 1991.

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

By: Neva B. Lockhart, CMC

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

PASSED and ADOPTED this 5th day of June, 1991.

Conner W. Shepherd

\_\_\_\_\_  
President of the Council

Attest:

Neva B. Lockhart, CMC

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

RESOLUTION NO. 38-91

ACCEPTING A PETITION FOR THE ANNEXATION OF LANDS TO THE CITY OF GRAND JUNCTION, COLORADO, AND SETTING A HEARING ON SUCH ANNEXATION (FOUNTAINHEAD ANNEXATION)

WHEREAS, on the 5th day of June, 1991, a petition was submitted to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

Lots 53 through 61 and 63 of Pomona Park Subdivision, Section 33 and Section 34 T1N R1W

and

all of the replat of Fountainhead Subdivision, except Lot 1, Block 3, Section 33 T1N R1W, lying east of the east right-of-way line of 24 1/2 Road as platted in said subdivision

and

all of the G Road right-of-way lying North of the South line of Section 33 T1N R1W, and North of the South line of Section 34 T1N R1W for a distance of 660 feet east of the west line said Section

34.

WHEREAS, the Council has found and determined that the petition complies substantially with the provisions of the Municipal Annexation Act and a hearing should be held to determine whether or not the lands should be annexed to the City by Ordinance;

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

That a hearing will be held on the 17th day of July, 1991, in the City-County Auditorium in City Hall of the City of Grand Junction, Colorado, at 7:30 o'clock p.m. to determine whether one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; whether a community of interest exists between the territory and the City; whether the territory proposed to be annexed is urban or will be urbanized in the near future; whether the territory is integrated or is capable of being integrated with said City; whether any land in single ownership has been divided by the proposed annexation; whether any land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; whether any of the land is now subject to other annexation proceedings; and whether an election is required under the Municipal Annexation Act of 1965.

PASSED and ADOPTED this 5th day of June, 1991.

Conner W. Shepherd

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President of the Council

Attest:

Neva B. Lockhart, CMC

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

RESOLUTION NO. 39-91

ACCEPTING A PETITION FOR THE ANNEXATION OF LANDS TO THE CITY OF GRAND JUNCTION, COLORADO, AND SETTING A HEARING ON SUCH ANNEXATION (FOSTER ANNEXATION)

WHEREAS, on the 5th day of June, 1991, a petition was submitted to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

Beginning at the SW Corner, NE4NE4, Section 2, Township 1 South, Range 1 West, Ute Meridian and considering the South line NE4NE4 of said Section 2 to bear S 90 deg. 00 min. 00 sec. W with all

bearing contained herein relative thereto; thence N 00 deg. 16 min. 00 sec. E along the West line NE4NE4 of said Section 2, 150.00 feet to the SW Corner of Lot 1, Foster Subdivision; thence S 90 deg. 00 min. 00 sec. E 136.10 feet to the SE Corner of said Lot 1; thence S 82 deg. 02 min. 56 sec. E, 315.07 feet; thence S 26 deg. 47 min. 00 sec. W, 118.07 feet to a point on the South line NE4NE4 of said Section 2; thence S 90 deg. 00 min. 00 sec. W along South line NE4NE4 395.75 feet to the point of beginning: Containing 1.32 acres more or less.

WHEREAS, the Council has found and determined that the petition complies substantially with the provisions of the Municipal Annexation Act and a hearing should be held to determine whether or not the lands should be annexed to the City by Ordinance;

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

That a hearing will be held on the 17th day of July, 1991, in the City-County Auditorium in City Hall of the City of Grand Junction, Colorado, at 7:30 o'clock p.m. to determine whether one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; whether a community of interest exists between the territory and the City; whether the territory proposed to be annexed is urban or will be urbanized in the near future; whether the territory is integrated or is capable of being integrated with said City; whether any land in single ownership has been divided by the proposed annexation; whether any land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; whether any of the land is now subject to other annexation proceedings; and whether an election is required under the Municipal Annexation Act of 1965.

PASSED and ADOPTED this 5th day of June, 1991.

Conner W. Shepherd

\_\_\_\_\_  
President of the Council

Attest:

Neva B. Lockhart, CMC

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City Clerk

RESOLUTION NO. 40-91 ACCEPTING PETITION FOR FIRST AND PATTERSON ANNEXATION AND GIVING NOTICE OF HEARING, LOCATED ON THE NORTHWEST AND SOUTHWEST CORNERS OF FIRST STREET AND PATTERSON ROAD

The following Resolution was presented and read: (See next page.).

Upon motion by Councilman McCurry, seconded by Councilman Theobold and carried with Councilman BAUGHMAN ABSTAINING, the Resolution was passed and adopted as read.

COUNCIL DIRECTION REGARDING THE WHITING PERMIT/LICENSE/AGREEMENT IN THE KANNAH CREEK AREA

City Attorney Wilson stated that a year ago the City entered into an agreement with the Cross Bar Cross Water Company which consists of the Whiting families on Kannah Creek. That Agreement required that by January 1, 1991, the City enter into negotiations for a differential rate which the City was not able to consummate; or, by February 1, 1991, the Whitings would agree to either waive their claim that they have a perpetual right to water, and an Agreement for lower rates; or they would file suit to prove it. Since that time the City has been granted an extension to allow the Whitings to develop their information. Mr. Wilson wished to state to Council that based on discussions in executive session in the past, he has informed the Whitings that the City is not able to reach terms, and he has set a date certain for their Attorney, Kelley Summers, to either file a lawsuit or implement the Agreement and waive the rights. Mr. John Whiting is out of town for at least ten days, so the date is June 19th by which they will end up having to file or forever waive. If they file, they will be filing based on a contract theory that there was a Contract made in the 1950's, a time-frame that traded the easement for perpetual water at a designated rate. The evidence that they gave Mr. Wilson was found to be insufficient; and so recommended to Council and told Mr. Summers to please proceed.

RESOLUTION NO. 41-91 ADOPTING AN INVESTMENT POLICY AND CREATING AN INVESTMENT ADVISORY COMMITTEE FOR THE CITY OF GRAND JUNCTION, COLORADO

The following Resolution was presented and read: (See next page.).

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

AUTHORIZING A PROFESSIONAL SERVICES CONTRACT FOR THE MILL TAILINGS REMOVAL AT THE POLICE DEPARTMENT - RAE CONSULTING, ROBERT EVERS, FORMER POLICE CHIEF - \$2,000 PER MONTH - (FROM JUNE 15, 1991, TO JUNE 15, 1992)

Upon motion by Councilman McCurry, seconded by Councilman Baughman and carried, the Professional Services Contract for the Mill Tailings Removal at the Police Department with RAE Consulting, Robert Evers, Former Police Chief in the amount of \$2,000 per month was approved.

RESOLUTION NO. 42-91 - AMENDMENT TO ADDENDUM A OF THE JOINT CITY/COUNTY RESOLUTION NO. 30-87 ADOPTED JUNE 30, 1987/JULY 1,



1987, AS IT RELATES TO APPOINTMENTS TO THE RIVERFRONT COMMISSION

The following Resolution was presented and read: (See next page.).

Upon motion by Councilman Bennett, seconded by Councilman Theobold and carried, the amendment to Addendum A of the Joint City/County Resolution adopted June 30, 1987/July 1, 1987, as it relates to appoints to the Riverfront Commission.

MANTEY HEIGHTS WATER TANK TRANSFERRED TO CLIFTON WATER DISTRICT

Upon motion by Councilman Bessinger, seconded by Councilman McCurry and carried, the City Manager was authorized to effect the transfer of the Mantey Heights Water Tank requiring no direct compensation to the City, but under terms approved by the City such as leaving the property (land) in the condition agreed upon by both parties.

CITY'S INTENT TO USE MANTEY HEIGHTS PROPERTY FOR THE LOCATION OF FIRE STATION #2

City Manager Mark Achen stated that the City intends to use the Mantey Heights property for the relocation of Fire Station #2. By the first meeting in July he would expect to come to Council with a formal approval for architectural design services. He stated that the first meeting in July would be the appropriate time for any public comments regarding that site selection. He solicited the media's assistance in announcing these plans.

Upon motion by Councilman Bennett, seconded by Councilman McCurry and carried, the announcement of the City's intention to use Mantey Heights Property for the location of Fire Station #2, and open for bids was approved.

AMENDING RESOLUTION NO. 85-90 ADOPTING PARKS AND RECREATION POLICY ON FEES AND CHARGES, TO ALLOW SALES OF FAMILY PASSES TO THE CITY POOLS TO GROUP HOMES

Upon motion by Councilman Theobold, seconded by Councilman Nelson and carried, the amendment to the City Parks and Recreation Policy on Fees and Charges to allow sales of Family Passes to the City pools to Group Homes was approved.

ADJOURNMENT TO EXECUTIVE SESSION

The President adjourned the meeting to Executive Session.

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Neva B. Lockhart, CMC  
City Clerk

RESOLUTION NO. 40-91

ACCEPTING A PETITION FOR THE ANNEXATION OF LANDS TO THE CITY OF GRAND JUNCTION, COLORADO, AND SETTING A HEARING ON SUCH ANNEXATION (FIRST AND PATTERSON ANNEXATION)

WHEREAS, on the 5th day of June, 1991, a petition was submitted to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

Beginning at the intersection of the west section line of the NE4NE4 and the south right-of-way line of F Road; thence S 00 deg. 03 min. 55 sec. W to existing City limits; thence east to the intersection with the east right-of-way line of 26 Road; thence north along said right-of-way line to its intersection with the south right-of-way line of F Road; thence west to beginning; and

Lots 1 through 6 Willowdale Subdivision Section 3 T1S R1W; and beginning 245 feet north of the southeast corner Section 3 T1S R1W; thence north 136.16 feet; thence S 87 deg. 41 min. W 178.05 feet; thence south 129.97 feet; thence S 89 deg. 57 min. E 177.9 feet to beginning; except road right-of-way on south and east as described in Book 1737 Pages 747 and 748 of Mesa County Records and including all adjacent right-of-way of 25-7/8 Road; and

Beginning 203 feet north of the southeast corner of SW4SE4 Section 3 T1S R1W; thence east 7.5 feet; thence north 134 feet; thence west 101.1 feet; thence south 134 feet; thence east 93.6 feet to beginning; and

The west 470 feet of SE4SE4 Section 3 T1S R1W, lying south and west of the canal and south and east of a line beginning 462 feet north of the southwest corner of SE4SE4; thence N 48 deg. 28 min. E 210 feet to the canal; and

Beginning 37 feet west of the southeast corner of E2SW4SE4SE4 Section 3 T1S R1W; thence west 153 feet; thence north 376 feet to centerline of canal; thence N 45 deg. 15 min. E 134 feet; thence S 7 deg. E 474 feet to point of beginning; except the highway right-of-way along the south end.

WHEREAS, the Council has found and determined that the petition complies substantially with the provisions of the Municipal Annexation Act and a hearing should be held to determine whether or not the lands should be annexed to the City by Ordinance;

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

That a hearing will be held on the 17th day of July, 1991, in the City-County Auditorium in City Hall of the City of Grand Junction, Colorado, at 7:30 o'clock p.m. to determine whether one-sixth of the perimeter of the area proposed to be annexed is contiguous

with the City; whether a community of interest exists between the territory and the City; whether the territory proposed to be annexed is urban or will be urbanized in the near future; whether the territory is integrated or is capable of being integrated with said City; whether any land in single ownership has been divided by the proposed annexation; whether any land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; whether any of the land is now subject to other annexation proceedings; and whether an election is required under the Municipal Annexation Act of 1965.

PASSED and ADOPTED this 5th day of June, 1991.

Conner W. Shepherd

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President of the Council

Attest:

Neva B. Lockhart, CMC

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City Clerk

RESOLUTION NO. 41-91

A RESOLUTION ADOPTING AN INVESTMENT POLICY AND CREATING A INVESTMENT ADVISORY COMMITTEE FOR THE CITY OF GRAND JUNCTION, COLORADO

WHEREAS: As a home rule city under Colorado statutes we have the right to adopt our own written investment policy; and

WHEREAS: It is in our best interest to adopt and follow such a policy, attached as Exhibit I; and

WHEREAS: An Investment advisory committee organized in accordance with Exhibit II will be of assistance to the City.

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

a. The Investment Policy attached as Exhibit I is here by approved.

b. That an Investment Advisory Committee is hereby created in accordance with the "Organization and Objectives" guidelines attached as Exhibit II.

ADOPTED AND APPROVED THIS 5TH DAY OF JUNE, 1991

APPROVED:

Conner W. Shepherd  

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President of the Council

ATTEST:

Neva B. Lockhart, CMC  

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City Clerk

RESOLUTION NO. 42-91

AMENDMENT TO ADDENDUM A OF THE JOINT CITY/COUNTY RESOLUTION

This Amendment to Addendum A of the Joint City/County Resolution, adopted June 30/July 1, 1987 relates to appointments to the Riverfront Commission.

The Grand Junction City Council and Mesa County Commissioners shall publicly announce and solicit applications for any openings on the Riverfront Commission and appointments shall be made on or about July 1 in each year.

No person shall serve more than two consecutive terms on the Riverfront Commission. All appointments shall be for three-year terms, except for any appointments to fill vacancies created by resignation or other circumstances. The unexpired term shall be filled by appointment. At the expiration of the original term for Co-Chairmen Robb and Ela, the Riverfront Commission shall elect co-chairmen to serve for two-year terms.

READ, PASSED AND ADOPTED this 5th day of June, 1991

Conner W. Shepherd  

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Mayor, City of Grand Junction

ATTEST:

Neva B. Lockhart, CMC  

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City Clerk

READ, PASSED AND ADOPTED this 7th day of May 1991

Doralyn B. Genova  

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Chairman of the Board Mesa County Commissioners

ATTEST:

Name

County Clerk

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