

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

JULY 6, 1994

The City Council of the City of Grand Junction, Colorado, convened into regular session the 6th day of July, 1994, at 7:35 p.m. in the City/County Auditorium at City Hall. Those present were Linda Afman, Jim Baughman, Ron Maupin, Reford Theobald, John Tomlinson, and President of the Council R.T. Mantlo. Bill Bessinger was absent. Also present were City Manager Mark Achen, City Attorney Dan Wilson, and City Clerk Stephanie Nye.

Council President Mantlo called the meeting to order and Council-member Maupin led in the Pledge of Allegiance. The audience remained standing during the invocation by Father John Costanza, St. Joseph's Catholic Church.

APPRECIATION PLAQUE AWARDED TO ALAN WORKMAN FOR LONG TIME SERVICE TO THE PARKS AND RECREATION ADVISORY BOARD

APPOINTMENTS TO THE RIVERFRONT COMMISSION

Upon motion by Councilmember Afman, seconded by Councilmember Maupin and carried, Ken Nesbitt and Fielding Braffett were reappointed to three-year terms on the Riverfront Commission, Paul Nelson and Judy Kennedy were appointed to three-year terms on the Riverfront Commission, and Patrick Kennedy was appointed to fill the unexpired term on the Commission until July, 1996. Council-member Afman added that will be with concurrence from the Mesa County Commissioners.

CONSENT ITEMS

President of the Council announced that Items 4, 7 and 8 will be removed from the Consent Agenda for full discussion. Upon motion by Councilmember Theobald, seconded by Councilmember Maupin and carried by roll call vote with Councilmember **MAUPIN** voting **NO** on Item 11 and Councilmember **BAUGHMAN** voting **NO** on Item 9 and on the second incentive of Item 11, the following Consent Items #1-11 were approved with the exception of Items 4, 7 and 8:

1. **Approval** of the minutes of the Regular Meeting June 15, 1994
2. **Award of Contract** for Recarpeting of Two Rivers Convention Center - Recommended Award: North Avenue Furniture - \$55,521

Bids were opened May 25th for the replacement of approximately 2,192 square yards of carpeting at the Two Rivers Convention Center. The following bids were received:

North Avenue Furniture	\$55,521.00*
Inside Story	\$56,118.00
Pinkerton Floors	\$59,717.88
*recommended award	

3. **Approval** of Purchase of 1994 GMC 12-Passenger Van for Two Rivers Convention Center - Jim Fuoco Motor Co. - \$18,500.00

A 1985 Ford passenger van will be replaced with a 1994 GMC 12-passenger van at a cost with trade allowance of \$18,500.00. The van lists for \$21,000.00.

4. *** Resolution No. 56-94** - A Joint Resolution of the County of Mesa and the City of Grand Junction Concerning Adoption of the Fiscal Year 1995 Unified Planning Work Program and the Fiscal Years 1995-2000 Transportation Improvement Plan - **REMOVED FOR FULL DISCUSSION**

5. *** Resolution No. 57-94** - A Resolution of the City Council of the City of Grand Junction Giving Notice that a Tract of Land Known as the Climax Mill Enclave No. 1 Located South of Kimball Avenue between 9th and 15th Street, East of South 9th Street, Consisting of 6.54 Acres will be Considered for Annexation to the City [File #111-94]

The Climax Mill Enclave No. 1 is located south of Kimball Avenue between 9th and 15th Streets. This area is totally surrounded by the City and is eligible for annexation under State Statutes. This annexation only annexes the private property within the enclave. The remaining State of Colorado property will be annexed at a future date in accordance with an Intergovernmental Agreement between the City and Mesa County.

6. *** Resolution No. 58-94** - A Resolution of the City Council of the City of Grand Junction Giving Notice that a Tract of Land Known as the Holland Enclave Located at 112 Power Road Consisting of 7.60 Acres will be Considered for Annexation to the City [File #112-94]

The Holland Enclave is located at 112 Power Road, just north of Colorado 340 (Broadway) across from Brach's Market. This area has been totally surrounded by the City limits for more than three years and is eligible for annexation under State Statutes.

7. **Proposed Ordinance** - An Ordinance Amending Sections 5-4, 5-5 and Chapter 12 of the Zoning and Development Code, Parking Lot Landscaping and Lighting [File #1-94(H)] - **REMOVED FOR**

FULL DISCUSSION

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8. *** Resolution** - A Resolution Amending the Sewer Rules and Regulations Governing the Management and Operation of the Joint City-County Sewer System - **REMOVED FOR FULL DISCUSSION**
9. **Authorization** for the City Manager to Sign a Pre-Annexation Agreement for Seasons at Tiara Rado

A pre-annexation agreement with Jack Acuff, the developer of Seasons at Tiara Rado, outlining the terms and conditions of The Seasons, included in the South Camp annexation in process.

10. **Authorization** to enter into a Memorandum of Understanding between the City of Grand Junction and the U.S. Department of Agriculture Forest Service Concerning Water Shed Management

The City of Grand Junction, in its efforts to maintain water quality, proposes the development, implementation and management of the Watershed Protection Program wherein the City and the Forest Service work together to conserve and protect the water supply of the City.

11. **Approval** of Mesa County Economic Development Proposal presented by Rick Leech, Director

Councilmember Theobald stated that the above proposals are for RHSC and Project Satellite.

*** * * END OF CONSENT CALENDAR * * ***

*** * * ITEMS NEEDING INDIVIDUAL CONSIDERATION * * ***

RESOLUTION NO. 56-94 - A JOINT RESOLUTION OF THE COUNTY OF MESA AND THE CITY OF GRAND JUNCTION CONCERNING ADOPTION OF THE FISCAL YEAR 1995 UNIFIED PLANNING WORK PROGRAM AND THE FISCAL YEARS 1995-2000 TRANSPORTATION IMPROVEMENT PLAN

This resolution approves the 1995 Unified Planning Work Program which outlines the tasks and budget for the MPO Program October, 1994 through September, 1995 and the Transportation Improvement Plan targeting projects in the coming years.

Joe Crocker, MPO Coordinator with Mesa County, explained that the Metropolitan Planning Organization is a transportation planning unit for the urbanized area of Mesa County which includes Grand Junction as well as the urbanized areas adjacent to the City. The first document is the Transportation Improvement Program which

outlines the different projects that federal funds will be expended on over the next six years. The second document is the Unified Planning Work Program which outlines a different planning task that will be accomplished by the MPO during Fiscal Year 1995.

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Planning Work Program requires a local match by the City and the County of \$11,086 each. The total program is in excess of \$120,000. The remainder being made available through federal funds authorized specifically for planning and metropolitan areas of transportation needs.

Upon motion by Councilmember Maupin, seconded by Councilmember Theobald and carried by roll call vote, Resolution No. 56-94 was adopted.

PROPOSED ORDINANCE AMENDING SECTIONS 5-4, 5-5 AND CHAPTER 12 OF THE ZONING AND DEVELOPMENT CODE, PARKING LOT LANDSCAPING AND LIGHTING [FILE #1-94(H)]

A proposed amendment to the Zoning and Development Code to add standards for the lighting and landscaping for surface parking lots of 50 spaces or more. Also, proposed amendments to the general landscaping requirements regarding landscaping in the right-of-way and the provision of street trees. An amendment to Chapter 12 is proposed revising the definition of "landscape" and adding a definition of "xeriscape."

Michael Drollinger, Community Development Department, reviewed this item. He explained that the need for the proposed text amendment comes from a concern regarding large, unbroken areas of pavement, large parking lots which are devoid of any type of landscaping, that create both aesthetic and pedestrian/automobile hazards. There are currently no specific guidelines concerning parking lot lighting. The proposed amendments are designed to alleviate some of the visual impact of parking facilities and are designed to improve both pedestrian and automobile safety. The aesthetic improvements also have a positive economic impact, especially in commercial areas. There will be a design manual that can be prepared in conjunction with this ordinance to better illustrate some of the proposed landscaping and lighting standards. One of the negatives of the proposal would be the additional cost to developers. Thus, there has been a minimum threshold set of 50 parking spaces for which these amendments would apply. The ordinance would apply only to new development or redevelopment, or expansion as it is defined in the ordinance. Existing development would not be affected by this ordinance.

He continued that there are different types of landscaping defined, street frontage perimeter, and street parking area interior landscaping. There are minimum standards for each

contained in the proposed ordinance. There is also a minimum of tree and percentage of shrub requirement for each of the different landscaping requirements on the street frontage, the perimeter and the interior. Curbing would be required in the parking lots to protect landscaping. Lighting would be required with standards set forth for the minimum amount of lighting, a definite safety consideration.

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The first amendment to Section 5-5 would be to state that landscaping in the right-of-way would not count toward required landscaping and that the property owner would be required to landscape the right-of-way in addition to the standards contained in the ordinance. Often when landscaping is placed in the right-of-way it is very temporary. Often there are proposals to widen a street and if required landscaping is to be placed in the right-of-way and then later removed, technically the property would no longer be in conformance with the landscaping requirements. It can create potential problems. The second amendment would be a minimum number of street trees that would have to be provided. The requirement is that one tree be provided for each 40 feet of street frontage where there are presently no street trees. Presently, there is no street tree requirement. This would further enhance the streetscapes. The first amendment to Chapter 12 is the "Definitions" portion. The definition of the term "landscape" in the ordinance presently does not include natural and decorative materials which most definitions of landscape do. This amendment adds these materials. It also defines the term "xeriscape." Xeriscape is low water use landscaping and should be encouraged. There is no definition in the present ordinance. This amendment is an attempt to clearly define that term.

Mr. Drollinger stated that paving materials would be considered as such things as brush concrete, brick pavers. Those types are considered landscape paving materials rather than asphalt or concrete. The present provision in the ordinance requires that 5% of the parking lot area be landscaped, that is for any parking lot 15 spaces, or greater. Parking lots 15-50 spaces would still have to conform to the present requirement which is a minimum of 5% of the area landscaped. He stated that parking lot standards for other communities were compared to this ordinance. Councilmember Maupin stated that he would like to see a greater percentage than 5% landscaping required for smaller parking lots. He would like to see more trees in this area. Councilmember Baughman stated that it could be quite a hardship for someone to try to maintain the amount of greenery that the City is requiring. An example of a small parking lot with at least 10% landscaping would be Red Lobster located at Mesa Mall.

City Manager Mark Achen stated that this may require a number of applicants to go through a revocable permit process. He suggested that a process be developed that does not require another

administrative hoop and the expense of going through a revocable permit process. He suggested establishing a limit saying that under no conditions will the development have to allocate more than 20% of its space if some of these conditions mount up to a much larger percentage than 10%. He stated that Public Works indicates that if the City applied the standards and set the example in its lot, the cost would be in the six digit number. He wondered if the

City should set the example and budget over the next few years to

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retrofit its parking lots to conform with this policy. These topics will be considered before the formal hearing to be conducted on July 20, 1994.

Upon motion by Councilmember Maupin, seconded by Councilmember Afman and carried, the proposed ordinance was passed for publication.

RESOLUTION AMENDING THE SEWER RULES AND REGULATION GOVERNING THE MANAGEMENT AND OPERATION OF THE JOINT CITY-COUNTY SEWER SYSTEM - CONTINUED TO JULY 20, 1994, MEETING

These amendments to Section 4 will require that City infrastructure and Development Standards apply throughout the 201 Planning Area.

City Attorney Dan Wilson reviewed the changes. He stated that on June 1, 1994, City Council adopted the Sewer Rules and Regulations. In January or February of 1994 Council adopted some of the financial rules. The rules were set forth for the way the City has operated the 201 Sewer System as the manager of the system. Section 4 relates to annexation, chasing development. On June 1, 1994, Rules 4.9.1 and 4.9.2 were adopted. One of the rules said that any connection to the sewer system within the 201 boundary must result in a Power of Attorney being received by the City, obviously the City using Persigo as a tool to annex. The infra-structure and development standards of the City would apply as a condition of connection to Persigo, "except for the boundaries of Central Grand Valley, Orchard Mesa Sanitation District and Fruitvale Sanitation District, as those boundaries existed on May 1, 1980." This proposal would remove the "exception". Anywhere within the 201 a connection to Persigo would trigger two things: (1) A Power of Attorney for annexation; and (2) City infrastructure standards. The rule as originally adopted on June 1, 1994, could catch a developer who is in the middle of a filing process, and as originally written, the rule says "The City's infrastructure standards shall be accomplished."

There is language that allows the manager, when the manager deems it impracticable, to decline to enforce the rule. If a developer has platted a project and already has a disbursement agreement in place, and it's to a standard that is not precisely the City's

action tonight is changing the agreements that exist between the City and the districts. Councilmember Theobold asked if Mr. Beckner was saying that the expansion of the sanitation district, in violation of the Sanitation District/City contract which states that they need the City's consent to expand, and does impact the City, just as this change has an impact on the districts, he is suggesting that the impact on the City by the action of the districts is perfectly legal. Mr. Beckner feels that these two issues are completely different. Mr. Beckner stated that there is nothing in the joint sewerage agreement that supersedes the contracts between the districts. The districts are not a party to this agreement. This change does not supersede the contract. It adds to it. This is a contract between the City and the County. It is not a contract between the City and the special districts. Councilmember Theobold City Council Minutes -9- July 6, 1994

asked Mr. Beckner if, because the contract between the City and the special districts pre-date, their language should take precedence because of its language, or lack thereof, regarding annexation. Mr. Beckner stated yes. He stated that the earlier agreement pre-dates and the districts are not a party to the joint agreement between the City and the County. The districts cannot be bound by an agreement that they are not a party to.

Councilmember Maupin asked when the special districts plan to dissolve so that the taxpayers will pay less for their sewer service instead of paying for more administrative and special district costs. Mr. Beckner replied that none of the customers within the districts have petitioned to dissolve. Mr. Beckner stated that he has been a party to dissolving three of the districts in the past.

City Attorney Wilson stated that the City/County agreement specifically states that the connection to Persigo must comply with the concerning annexation policies of the City. That is the basis upon these regulations have been proposed, and the power of attorney provisions. Namely, that is a natural inherent power that cities across Colorado and the country exercise to promote annexation of already urban or urbanizing areas into the City's limits. The City/County agreement contemplated that same idea. The City is now attempting to write down in a one format place the logic and policies behind that idea. City Manager Achen added that the agreement not only contemplated that, but from the parties that he has talked to, participated in the negotiations and trained for the Persigo system, was one of the most, if not the most important, point in the City's negotiations and willingness to relinquish some total and complete independence of its sewer system, and to share its priority in the federal grant system for expanded sewer facilities in exchange for assuring that it continued to have the power to use the sewer system as a tool

of growth.

Councilmember Afman stated that she would not be opposed to a two week delay, although she questioned what can be accomplished since the City has been working on this proposal since March or April of this year. Drafts have been extended to the County for their critiqueing, with no response at any time, assuming that everything was agreeable with them. Anything beyond a two week extension period is not acceptable to her. She feels a decision should be made on July 20, 1994.

Upon motion by Councilmember Theobold, seconded by Councilmember Maupin and carried, the Resolution Amending the Sewer Rules and Regulations Governing the Management and Operation of the Joint City-County Sewer System was continued to July 20, 1994.

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PUBLIC HEARING ON SOUTH CAMP #1, #2 AND #3 ANNEXATIONS - RESOLUTION NO. 59-94 ACCEPTING PETITIONS FOR ANNEXATION, MAKING CERTAIN FINDINGS, DETERMINING THAT PROPERTIES KNOWN AS SOUTH CAMP #1, #2 AND #3 ARE ELIGIBLE FOR ANNEXATION AND EXERCISING LAND USE CONTROL AND JURISDICTION - PROPOSED ORDINANCE ANNEXING TERRITORIES IN A SERIES TO THE CITY OF GRAND JUNCTION, COLORADO, SOUTH CAMP #1 ANNEXATION LOCATED WEST OF SOUTH CAMP ROAD, AND NORTH AND WEST OF BUFFALO ROAD, AND SOUTH CAMP #2 ANNEXATION LOCATED WEST OF SOUTH CAMP ROAD, AND NORTH AND WEST OF BUFFALO ROAD, AND SOUTH CAMP #3 ANNEXATION LOCATED ALONG SOUTH CAMP ROAD, SOUTH BROADWAY TO SEASONS SUBDIVISION

The South Camp #1, #2 and #3 Annexation stretches along South Broadway and South Camp Roads and includes The Seasons at Tiara Rado #1, #3, #4 and future filings, Canyon View Subdivision and Wingate School. The original petition also included the Museum of Western Colorado (Rigg's Hill) property. At one point it was determined that in order to obtain 50% of the area, the Riggs Hill property was needed. It has now been determined that it is not required. Staff is requesting that this parcel be deleted from the annexation petition and not be included in the annexation ordinance. This parcel will be included in a future annexation.

Dave Thornton, Community Development Department, reviewed this item. He noted that this annexation has been amended to exclude the Riggs Hill museum property. It is requested that the Riggs Hill property be included in a future annexation. He read the affidavit pursuant to C.R.S. 31-12-104 regarding determination of eligibility for annexation. Councilmember Maupin asked how one-sixth contiguity with the City limits is determined. Mr. Thornton stated that this is part of a serial annexation. South Camp #1 is a line that has been drawn along the contiguity of the existing

City limits with #2 wrapping around that, and #3 wrapping around in a spiral effect that allows the contiguity to go out and actually annex the area around Tiara Rado. The State Statute allows municipalities to do serial annexations.

A hearing was held after proper notice. There were no opponents, letters, or counterpetitions.

Upon motion by Councilmember Theobold, seconded by Councilmember Maupin and carried by roll call vote with Councilmember **BAUGHMAN** voting **NO**, Resolution No. 59-94 was adopted, and the proposed ordinance was adopted on first reading and ordered published.

PUBLIC HEARING - ORDINANCE NO. 2755 REZONING LAND LOCATED AT 124 AND 132 HILL AVENUE FROM RMF-32 TO C-1 [FILE #82-94]

Michael Drollinger reviewed this item. Michael Drollinger, Community Development Department, clarified that the original request was to rezone from RMF-32 to C-2. Since the Planning

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Commission's recommendation of approval, it has been discovered that a C-2 rezone adjacent to a residential zone is not permitted.

However, a C-1 rezone would accomplish the petitioner's request.

The property is located on the north side of Hill Street between First and Second Streets, and contains 15,000 square feet. It is used as a vehicle storage lot, presently a non-conforming use, in conjunction with the automotive use which fronts on First Street.

The property owner is requesting the rezone to continue the use of the parcel for vehicle storage and for future expansion of the adjoining business. It is staff's opinion that based on the type and intensity of uses permitted in commercial zones, the proposed zoning could create further conflict and incompatibilities with the adjoining residential neighborhood. The rezone criteria do not support this rezone, therefore Staff recommends denial of this rezone.

A hearing was held after proper notice.

Mr. James Fuoco, owner of the property, stated that his expansion is based on today's legal needs. They must fence an area to satisfy PUC and the EPA. He stated that he needs to expand approximately 2,000 square feet to house a media blaster that he has recently purchased for his paint business. He stated that there were no objections voiced by the residents of the area at the Planning Commission hearing.

There were no opponents, letters, or counterpetitions.

Upon motion by Councilmember Theobold, seconded by Councilmember Tomlinson and carried by roll call vote, Ordinance No. 2755

rezoning 124 and 132 Hill Avenue from RMF-32 to C-1 was adopted and ordered published.

PUBLIC HEARING - ORDINANCE NO. 2756 REZONING LAND LOCATED AT 359 COLORADO AVENUE FROM C-2 TO B-3 [FILE #84-91]

This item was reviewed by Kathy Portner, Community Development Department. She stated that the request is for a rezoning of the St. Regis Hotel and restaurant. It includes the parking lot to the west of the St. Regis. Staff and the Planning Commission support the rezone. The owner would like to have the option of having some residential units in the upper floors of the St. Regis Hotel. It is consistent with the recent text amendment that was adopted to make it easier for residential uses to occur within the downtown area.

A hearing was held after proper notice. There were no opponents, letters, or counterpetitions.

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Upon motion by Councilmember Maupin, seconded by Councilmember Baughman and carried by roll call vote, Ordinance No. 2756 was adopted and ordered published, subject to the applicant executing the approved revocable permit prior to final approval.

PUBLIC HEARING - ORDINANCE NO. 2757 REZONING PROPERTY LOCATED AT 2845 TEXAS AVENUE FROM RSF-8 TO PR-11 [FILE #65-94]

Kathy Portner, Community Development Department, was present.

A hearing was held after proper notice. There were no comments. Upon motion by Councilmember Baughman, seconded by Councilmember Maupin and carried by roll call vote, Ordinance No. 2757 was adopted and ordered published.

PUBLIC HEARING ON DISCOVERY 76 ANNEXATION - ORDINANCE NO. 2758 ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO, DISCOVERY 76 ANNEXATION, APPROXIMATELY 57.5 ACRES LOCATED EAST OF 28 ROAD AT HAWTHORNE AVENUE - PROPOSED ORDINANCE ZONING DISCOVERY 76 ANNEXATION RSF-5 [FILE #77-94]

A request for approval of zoning of RSF-5 (Residential Single Family not to exceed five units per acre) for approximately 57.5 acres of land currently being annexed by the City located East of 28 Road and North of Patterson Road, the Discovery 76 Annexation, now known as the Grand View Subdivision. The property owners through their development plan have requested that the zoning be RSF-5.

Dave Thornton, Community Development Department, reviewed this

item. He stated the previous County Zoning has been Planned Residential with a maximum of 12.5 units per acre. The developer has received Preliminary Plan approval from the City Planning Commission for all three parcels included in the annexation. The lot sizes ranging from 8,000 square feet to 12,500 square feet. These lot sizes are consistent with the RSF-5 zone designation and are also compatible with the adjacent Spring Valley subdivision which is also zoned RSF-5. In addition to the RSF-5 zoning in Spring Valley, there is a portion of the Grand View Subdivision that is already in the City limits and is zoned RSF-5. The Planning Commission recommends approval of zoning to RSF-5.

A hearing was held after proper notice on the annexation and the zoning of Discovery 76 Annexation. Those speaking were:

1. Ms. Brenn Luff, 2944 Pheasant Run Circle, resident of Spring Valley, was present stating that she was not opposed to the annexation or zoning, but had concerns regarding traffic and noise levels, and access. She read from a prepared statement which identified her concerns (attached). These concerns and other questions were addressed by the Public Works Director and City Manager.

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2. Mr. Haven Skogen, 3152 Primrose Court, stated that the City Council deserves a vote of thanks for their concern with the development of this property. He asked if a development of this size can contribute to mitigation of the impact that they will have on the infrastructure of the City, namely parks, police, schools, stop lights, etc. City Attorney Dan Wilson addressed this concern by discussing impact fees.
3. Ms. Janet Terry, Spring Valley resident, stated that she is not opposed to the annexation, but has other concerns similar to those of Ms. Luff. She stated that prepared statements will be provided to the City Clerk by other members of her neighborhood. She advised that it was her understanding the zoning was to be RSF-3.

President of the Council Mantlo left the meeting briefly at this time. President of the Council Pro Tem Theobold chaired the meeting in his absence.

Dave Thornton, Community Development Department, stated that the main reason the developer has requested the RSF-5 zoning is the result of the bulk requirement standards of the Zoning and Development Code. There is no RSF-3, but there is an RSF-4. The RSF-4 zone has minimum lot standards of 8,500 square feet. The developer is proposing some as low as 8,000 square feet with others as great as 12,500. Setbacks are also different with RSF-5 versus RSF-4. Spring Valley is RSF-5.

4. Dennis Hill, 2614 Hawthorne Avenue, stated that he recently served on the Enrollment Growth Task Force which was organized by School District 51 to address the overcrowding problem that exists in the valley. Orchard Avenue Elementary School is the school in the area that would be impacted by this subdivision, and is currently over capacity by 51 students. He read his statement into the record (attached).
5. Naomi Shepherd, 114 Mantey Heights Drive, was concerned with the traffic impact and safety of the area residents. She asked if there are plans for traffic lights at 15th Street and Patterson Road. Public Works Director Jim Shanks stated a traffic signal at 15th and Patterson is budgeted (\$100,000.00) for installation in two years. Some sidewalks are planned within one month for the south side of Patterson in the vicinity of 14th and 15th streets. She requested that City Council take careful consideration in planning for this area.
6. Judd Perry, 2954 Beechwood, Spring Valley, spoke regarding the haze over the mountains, increased density, and the elimination of open wood burning. He requested that in future developments that the City consider revising its Code to eliminate open wood burning.

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7. Cathey Pabst, 2335 Cypress, Spring Valley resident, asked if development comes first, and then planning for that development comes next. She felt that the area residents are asking City Council to consider the impact first before the development is granted. Everyone in the valley is affected by City Council's decisions on new growth.

President of the Council Mantlo stated that this Council fully intends to solve Grand Junction's growth problem with good planning. He thanked everyone for their comments and assured the audience that they have the attention of the City Council.

City Attorney Wilson stated that there is a grievance process wherein the City Council's decision can be appealed under certain conditions.

City Manager Achen stated that annexation laws give cities some authorities, but also constrain cities. Most municipalities control growth around them by provision of utilities, sewer and water in particular, in some communities electric power as well. In Grand Junction the only utility tool left is sewer. In the '70s and '80s when federal law started to impose Public Health Standards and demand that at certain levels of density sewer was

provided, it gave the City some authority to manage growth. The Persigo plant and the agreement with Mesa County for a joint sewer system somewhat compromised that authority. The City negotiated to retain the authority to demand annexation with sewer extension.

That has been a matter of debate for some years. In essence, the City has ended up chasing growth. The City's annexation just barely precedes and gives it limited powers to plan. The City depends a lot on how the County plans its land use or how the County grants the City authority to control growth around its own boundaries. There are a number of Colorado counties that grant municipalities extra territorial land use control around their perimeters so the cities can control their own destiny. Within Mesa County, Grand Junction, Fruita and Palisade have never been able to obtain that authority. Mesa County has continued to insist, as they did tonight, that they will exercise exclusive authority to land use in all territories. There are areas in the City where the City totally surrounds an area. That enclave will eventually be in the City. At present, the County gives the City no authority to control the land use.

There were no other comments. Upon motion by Councilmember Maupin, seconded by Councilmember Afman and carried by roll call vote, Ordinance No. 2758 was adopted and ordered published, and the proposed ordinance zoning Discovery 76 annexation RSF-5 was approved on first reading and ordered published.

CONTINUATION OF PUBLIC HEARING ON APPEAL OF A PLANNING COMMISSION RECOMMENDATION FOR DENIAL OF A REQUEST TO VACATE SAGE COURT RIGHT-OF-WAY, SOUTH OF NORTHACRES ROAD

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City Attorney Dan Wilson reviewed this item stating that a meeting is scheduled for Friday, July 8, 1994, with the developer and the developer's representative Dr. Merkel. He stated that Mr. Gilbert is reluctant to submit a quit claim deed until the work is complete. Mr. Wilson disagrees with the ultimate conclusion and would propose that the deeds be executed soon after the agreement is signed so that detail is accomplished. These are the deeds conveying back to the Heutons and the Gordons the interest in the 1976 right-of-way subject to the use for utilities. Mr. Wilson is expecting instructions or an escrow agent that says the deeds are not going to be recorded to protect their concerns that there be performance, yet protect the City and others so that the transaction is complete, and only a matter of performing. Mr. Wilson pointed out one area in the agreement that talks about the City spending up to \$2,000.00 for lowering the existing City water line that runs from 7th Street west over to Sage Court across the Gordon and Heuton properties. Also when Public Service installs a new gas line for Dr. Merkel's property, they may be willing to extend the stub down the new Sage Court and supply Sage Court residents off that new stub at no cost to anyone.

Mr. Richard Livingston, attorney with Golden, Mumby, Summers & Livingston, was present representing Mr. and Mrs. Heuton, and Mr. and Mrs. Gordon. He stated that there is a 1952 gas line running east to west from Sage Court to 7th Street. That particular line going through the Gordon property and the Heuton property does not serve either of those properties. Since the Heutons have determined there is no longer a need for the City to bury their water line deeper, he feels the City could possibly spend that money on extending the gas line if Public Service will not.

Upon motion by Councilmember Theobald, seconded by Councilmember Maupin and carried, the City Manager was authorized to sign the amended Agreement, including the provision on alternate expenditure of the \$2,000.

CITY'S WATER COUNSEL UPDATE ON PENDING WATER CASES

Mr. Wayne Schroeder, City's water counsel, reported on the Wolford Mountain Case. After settlement discussions in the past, a decree will be signed which will protect the City's interest. He feels the City will reach an agreement with Denver and the Colorado River Water Conservation District over the format of that decree, within six weeks. There is still one serious objector in the case, the Vidler Tunnel Water Company, a private company that sells water for profit. The case will shortly be terminated. Once it is complete, Denver will be able to begin storing water and the river district will be able to begin storing water in the reservoir near Kremmling. The reservoir is under construction now and should be complete within a couple of years.

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Mr. Schroeder also reported on water rights applications that were submitted in late December, 1993. Statements of opposition to those applications have been received from the Colorado River Water Conservation District and Kannah Creek Ditch Extension #2. Counsel for the Colorado River Water Conservation District is David Holford with his office in Glenwood Springs. Mr. Flint Ogle, with Dufford, Waldeck, Milburn & Krohn, represents Kannah Creek Ditch Extension #2. Mr. Schroeder has been dealing with these gentlemen over the past several months. He feels they will approve the decrees with some changes. Within 30 days, an agreement should be reached over the format of decrees for the six cases. He expects that within six weeks to two months all remaining objections to the proposed decree will be final and the decree will be entered approximately one month later by the judge.

ARTS COMMISSION COORDINATOR

Upon motion by Councilmember Maupin, seconded by Councilmember

Tomlinson and carried with Councilmember **BAUGHMAN** voting **NO**, the Resolution hiring a part-time Arts Commission Coordinator was amended to now show that position as a half-time City position under the Parks & Recreation Department.

ADJOURNMENT

The meeting was adjourned at 11:05 p.m.

Stephanie Nye, CMC
City Clerk