

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

September 7, 1994

The City Council of the City of Grand Junction, Colorado, convened into regular session the 7th day of September, 1994, at 7:30 p.m. in the City/County Auditorium at City Hall. Those present were Linda Afman, Jim Baughman, Bill Bessinger, Ron Maupin, Reford Theobold, John Tomlinson and President of the Council R.T. Mantlo. 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 Councilmember Maupin led in the Pledge of Allegiance. The audience remained standing during the invocation by Rev. Richard Riddoch, First Congregational Church.

**PROCLAMATION DECLARING SEPTEMBER 17 THROUGH SEPTEMBER 23, 1994, AS
"CONSTITUTION WEEK" IN THE CITY OF GRAND JUNCTION**

CONSENT ITEMS

Upon motion by Councilmember Theobold, seconded by Councilmember Bessinger and carried by roll call vote, the following Consent Items 1-11 were approved:

1. **Approval** of the minutes of the Regular Meeting August 17, 1994
2. **Authorization** for the City Manager to Sign a Contract with Caudill Gustafson & Associates Architects, P.C. to Perform Municipal Recreation Center Project Phase 1 Pre-Design Services. Contract Fees shall not Exceed the \$23,250.00 Budget Appropriation.

The scope of services required includes: community needs assessment with citizen participation; programming and site selection; design concepts, development cost projections and project schedule; operating/maintenance projections; and, project promotional materials including 2' X 3' massing model.

Firms Interviewed:

Caudill Gustafson Architects, Aspen
Dauer & Associates, Denver
Sink Combs Dethlefs, Denver

Jim Gustafson has agreed to perform the scope of services for a fee not to exceed \$23,250.00.

3. **Approval** of the Sole Source Purchase from Public Service Company of Colorado for Labor and Materials to Provide 3-Phase Power to the Scenic Lift Station. Public Service Proposes to do the Work for \$35,994.00

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The scope of work includes the installation of a lift station with the capacity to provide service to 2,000 people. Power to service the station is obtained through the sole provider, Public Service Company of Colorado, who has proposed to run the lines and provide 3-phase power to the station at a cost of **\$35,994.00**. Project to be completed by early December.

4. **Authorization** for the City Manager to Sign Contract for Visitor Destination Marketing and Advertising Services to Tashiro Marketing and Advertising, Inc. of Edwards, Colorado, in the amount of **\$250,000.00**

Tashiro was selected for recommendation because their proposal offered more media coverage; and their retainer and production fees were lowest. Tashiro's proposal requires a **\$250,000.00** budget. The VCB Board of Directors and staff recommend signing a contract with Tashiro Marketing and Advertising, Inc. to provide visitor destination marketing and advertising services for one (1) year with a two (2) year renewal option.

5. **Award of Bid** for Landscape Construction to Clarke & Company in the Amount of **\$27,373.00** and **Authorization** to Transfer **\$10,673.00** from General Fund Contingency to Supplement a Budget Deficiency for the Development of Paradise Hills Park.

\$20,000.00 was appropriated in '94 for the development of Paradise Hills Park. The scope of work encompasses landscape construction to extend the existing park one (1) acre and installation of an automatic sprinkler system to water the entire site. The revised bid of **\$27,373.00** will require the City Parks and Public Works crews to perform site clean-up, site grading, mowing, fence construction and controller installation.

6. **Approval** of the Design and Construction of Two Sewer Line Extension Projects in 1995; 1) Rosevale Trunk Sewer Line Extension and 2) F 1/2 Road and 26 Road Trunk Sewer Line Extension

The County Commissioners, on June 7, 1994 wrote a letter to James L. Shanks, City Public Works Director, advising the City that the County was approving the proposed 26 Road Trunk Sewer Extension per City request and requested the use of the Trunk Line Extension Fund for the trunk line portion of the

proposed Local Improvement District to service the Rosevale area. A copy of the letter is included for review. Both projects are referenced in the 1992 "Comprehensive Wastewater Basin Study" done by HDR.

7. **Approval** of Change Order No. 1 to the 1994 Fire Protection Upgrades Contract for a Water Line Replacement in Bluegill Drive in the Amount of **\$27,780.00**

The water line in Bluegill Drive, off West Mesa Avenue, has had several leaks in recent years and is due for replacement. Because there are sufficient funds remaining in the Water Fund and because Parkerson Construction has agreed to install this line at the same unit prices they bid for the 1994 Fire Protection Upgrades, the Utilities Division is proposing to add this water line to the existing contract.

8. **Approval** of a Change Order No. 1 for the Addition of 3rd Street Improvements to United Companies Contract for Street Pavement Overlays 1994 in the Amount of **\$29,324.00**

Change order includes partial reconstruction and asphalt overlay on 3rd Street between Ute Avenue and Colorado Avenue.

9. *** Resolution No. 76-94** - A Resolution Authorizing the City Manager to Sign a Supplemental Contract with the Colorado Department of Transportation (CDOT) for ISTEAs Enhancement Grant for the Railroad Depot

The Grand Junction City Council, at its July 18, 1994 workshop, agreed to allow the railroad to reassign its responsibilities for repayment of the ISTEAs grant under certain conditions to the new owner of the D&RGW Depot. Generally, the agreement with the new owner is the same as the one previously executed with the Railroad except that the payback will only be required if the building is sold in the next five (5) years.

10. **Ratification** of City Manager's Signature on the Sage Court Right-of-Way Agreement

11. **Authorization** for the City Manager to Sign an Option to Lease, for Park Development, Approximately Nine Acres of Land Owned by School District 51 of Orchard Mesa Middle School

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

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

President of the Council Mantlo announced that the hearing tonight on Darla Jean #1 & #2 Annexation is merely a hearing on a resolution designating the legality for the Council to annex. The City Attorney will read the legal authorization. Testimony will be taken on September 21, 1994 on the annexation itself.

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City Attorney Dan Wilson explained that the State Annexation Act begins by a referral of the petition to the City Clerk, where certain minimums are met. This hearing requires Council to go forward with the process, that Council make findings of fact. There will be a first reading of the proposed ordinance tonight, and a second reading of the proposed ordinance at the time when the City Council will make a legislative decision. Tonight's hearing will be more focused, and asks Council to find the following (State Statute Annexation Act, 31-12-104): (1) Council must determine that it is not less than one sixth contiguous. There must be enough of this area touching the City limits to go forward. (2) Council must determine that a community of interest exists between the area proposed to be annexed and the City, that the proposed area is urban or will be urbanized in the near future, that the area is integrated with or is capable of being integrated with the City. Once those findings are made, the Statute states that a hearing must be held on September 21, 1994, to exercise Council's judgement. Tonight's focus is limited to see if the statutory requirements have been met.

President of the Council Mantlo stated that on September 21, 1994, anyone will have an opportunity to speak for or against the proposed annexation.

PUBLIC HEARING - ORDINANCE NO. 2766 ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO - CLIMAX MILL ENCLAVE NO. 1, APPROXIMATELY 6.54 ACRES LOCATED SOUTH OF KIMBALL AVENUE BETWEEN 9TH AND 15TH STREETS

A hearing was held after proper notice. Dave Thornton, Community Development Department, reviewed this item. City Attorney Wilson stated that the County Commissioners signed the contract regarding the conditional use permit on the other portion of the site. There were no negative responses from the County. The City will have land use control in the sense of building permit, zoning and subdivision issues. The agreement gives the City those powers on the other portion of Climax Mill, but it will still remain in unin-corporated Mesa County.

There were no other comments. Upon motion by Councilmember Bessinger, seconded by Councilmember Maupin and carried by roll call vote, Ordinance No. 2766 was adopted and ordered published.

PUBLIC HEARING - ORDINANCE NO. 2767 ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO - HOLLAND ENCLAVE, APPROXIMATELY 7.60 ACRES LOCATED AT 112 POWER ROAD

A hearing was held after proper notice. Dave Thornton, Community Development Department, reviewed this item. Enclaves are evaluated and the City attempts to annex those. Since this area has been enclaved longer than three years, the City has decided to annex the area. The zoning of this area is commercial in the County. The

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City is proposing C-1 zoning which is the same zoning as the surrounding area.

There were no comments. Upon motion by Councilmember Tomlinson, seconded by Councilmember Bessinger and carried, Ordinance No. 2767 was adopted and ordered published.

PUBLIC HEARING - ORDINANCE NO. 2768 VACATING RIGHT-OF-WAY IN NORTHACRES ROAD AND A PORTION OF SAGE COURT ROAD

A hearing was held after proper notice. Tom Dixon, Community Development Department, reviewed this item. He stated that Northacres Road was platted and dedicated when originally platted as Northacres Subdivision. A replat has been approved by the Planning Commission which would create Northridge Avenue which would connect with the southern portion of Sage Court. The Planning Commission approved recommendation of the vacations and staff is making the same recommendation.

City Attorney Wilson stated that today the last signature on the contract was received, the contract states that the developer will construct the roadway on the southern portion of the property from 7th Street west, and eventually provide an access potentially across the canal to the northeast corner of Northridge. In addition, west of midway of the property, the road will come to the south. At the property line the developer's improvements will stop, and that is where the City has agreed to do the recycled asphalt hard surfacing of a new Sage Court right-of-way to run south, and then circle through Putnam Park. It ends up creating a better development for the developer, the Sage Court residents get a hard surfaced road, the adjoining property owners to the south of the developer get the removal of an existing right-of-way that crosses their property along with a new gas line that should be installed by Public Service in the new right-of-way. Mr. Wilson wished to add the following wording to the existing proposed ordinance after the words in the first line "are hereby vacated": "subject to compliance with the contract (referred on Item 10 above), and subject to the development of Lots 1, 2 and 7 in accordance with the approval by the Community Development Department." He stated that tonight's action is only to vacate.

There were no other comments. Upon motion by Councilmember Theobald, seconded by Councilmember Bessinger and carried by roll call vote, Ordinance No. 2768 was adopted, as amended, and ordered published.

PUBLIC HEARING - ORDINANCE NO. 2769 AMENDING THE SSID MANUAL (SUBMITTAL STANDARDS FOR IMPROVEMENTS AND DEVELOPMENT)

A hearing was held after proper notice. Kathy Portner, Community Development Department, reviewed this item. The SSID Manual is the technical manual that developers use for making submittals to the City Council Minutes -6- September 7, 1994

City and the City uses it for checking those submittals for completeness. The City is proposing that a requirement be included that all final plats and asbuilt drawings be submitted not only in hard copy, but also computer disk, which will greatly aid the City's computer mapping. Ms. Portner stated that there have been no negative responses to this proposed requirement. The County has recently adopted a similar requirement. The other proposal is that future amendments to the manual could be made administratively rather than by ordinance. All councilmembers are to receive copies of any changes to the SSID Manual.

There were no other comments. Upon motion by Councilmember Bessinger, seconded by Councilmember Afman and carried by roll call vote with Councilmember **BAUGHMAN** voting **NO**, Ordinance No. 2769 was adopted and ordered published.

PUBLIC HEARING - ORDINANCE NO. 2770 REZONING LAND LOCATED AT 2892 NORTH AVENUE FROM RSF-8 AND C-1 TO PC

A hearing was held after proper notice. Michael Drollinger, Community Development Department, reviewed this item. The total area of the parcel is 1-1/2 acres. The southern part of the parcel is zoned C-1, the northern half of the parcel is zoned RSF-8. Surrounding zoning adjacent to North Avenue is commercial. Surrounding the northern half of the parcel, the zoning is residential in nature. Planning Commission and Staff recommend approval of the rezone.

Mr. Tom Logue, 200 N. 6th Street, stated that Mr. Emory Cantrell is the applicant. Mr. Cantrell has asked Mr. Logue to reaffirm his understanding of the application and indicate to City Council that he understands the conditions under which the zone would be granted, and is confident that he can perform satisfactorily in meeting those conditions.

There were no other comments. Upon motion by Councilmember Tomlinson, seconded by Councilmember Bessinger and carried by roll call vote, Ordinance No. 2770 was adopted and ordered published.

PUBLIC HEARING - ORDINANCE NO. 2771 AMENDING SECTION 4-3-4 AND SECTION 5-1-10B OF THE ZONING AND DEVELOPMENT CODE ALLOWING BUSINESS RESIDENCES IN THE I-1 ZONE

A hearing was held after proper notice. Michael Drollinger, Community Development Department, reviewed this item stating that this amendment would permit business residences as allowed accessory uses in an I-1 Light Industrial Zone. Presently, business residences are allowed uses in the B-1, B-3, C-1 and C-2 districts. Planning Commission and Staff recommends approval of this amendment.

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There were no other comments. Upon motion by Councilmember Bessinger, seconded by Councilmember Maupin and carried by roll call vote, Ordinance No. 2771 was adopted and ordered published.

PUBLIC HEARING - ORDINANCE NO. 2772 AMENDING SECTION 5-4-1 AND SECTION 12 OF THE ZONING AND DEVELOPMENT CODE, CONCERNING THE SURFACING OF VEHICULAR TRAFFIC AREAS - HEARING CONTINUED TO OCTOBER 5, 1994 CITY COUNCIL MEETING

A hearing was held after proper notice. Michael Drollinger, Community Development Department, reviewed this item. The present code requires that vehicular traffic areas be dust free. However, the definition of dust free includes gravel surfaces as an acceptable dust free surface that can be used. Experience has shown that gravel is not a dust free surface and creates problems on a micro and a macro scale. The amendment requires concrete or bituminous pavement in all required parking and vehicular travel areas. Single family residences are now, and will remain after this text amendment, exempt from these regulations. Staff feels this amendment will have a positive benefit by reducing dust problems in both localized situations and benefiting the overall air quality in the valley. Monitoring done by the Mesa County Health Department indicates that 20-50% of the particulates in the air in the valley are from dust from vehicular traffic areas. The Health Department indicates this amendment is a positive step toward reducing dust emissions in the valley, and that it is a pro-active approach to addressing the overall air quality issue.

Mr. Drollinger stated that there are additional costs that would be associated with a development that must pave the parking area, but feels the cost is outweighed by the benefits of the proposal. The additional surfacing would also create some additional runoff, but the City has requirements to satisfactorily accommodate runoff. Most development applications received do propose paved surfaces. Occasionally, there is still the exception where developments take place without the proper surfacing. This amendment would give the City the authority to require such paving.

Councilmember Theobold felt that this ordinance would do little to resolve the dust problem in the entire valley since vehicular surfaces in Grand Junction are a very small portion of the overall miles of road surfaces throughout the valley.

Councilmember Tomlinson was concerned about unpaved parking lots for students at Mesa State College. Temporary parking is currently a problem in the area. Such paving requirements could increase the parking problem issue. He feels this is too restrictive.

Public Works Manager Mark Relph stated that it is more than merely a dust problem. In the past, developments have a fair amount of

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traffic which circulates around their building on a gravel surface. That gravel is being dragged out into the street and becoming a maintenance problem for the City. He feels that paving the surfaces is the only answer.

Councilmember Baughman felt that if the City mandates a business to pave its parking lot, the businessman also becomes responsible for the storm water that is collected. He is then burdened with the expense of paving and drainage for the storm water.

Mr. Drollinger stated that gravel paving would be allowed for a business generating less than 30 trips per day, or a parking area that would be provided above and beyond the parking requirement, that would be used occasionally (less than 10 times per year). Anything above that would be required to be paved.

Councilmember Bessinger felt that the City should set an example by paving all of its gravel parking lots.

Councilmember Baughman stated that the City alleyways that are not paved are just as much a dust hazard as the unpaved parking lots. He could not see how the City could impose such a requirement on the citizens without paving all of its alleys and all of its streets and parking lots.

It was suggested by President of the Council Mantlo that this proposed ordinance be modified and brought back to Council at a later date. City Manager Mark Achen felt Council needs to give Staff some direction regarding changes.

Mark Relph stated that approximately \$23,000 has been appropriated this year to pave and landscape the parcel at 3rd and Main.

Upon motion by Councilmember Maupin, seconded by Councilmember Tomlinson and carried, the hearing regarding Ordinance No. 2772 was postponed to the October 5, 1994, City Council meeting.

PUBLIC HEARING - ORDINANCE NO. 2773 AMENDING ORDINANCE NO. 2509 ZONING LANDS AT 2482 F ROAD TO INCLUDE USES AND DESIGN STANDARDS

A hearing was held after proper notice. Kathy Portner, Community Development Department, reviewed this item. She stated that the Sleep-N-Aire property on Patterson Road is currently zoned Planned Commercial. It was zoned PC when it was annexed into the City. An expansion is being proposed. When it was zoned PC the City did not define design guidelines and permitted uses to go with that zone designation. Planning Commission approved the expansion. Community Development is attempting to set a framework through the zoning ordinance because they are planning another expansion. By adopting this amendment, they would be allowed to do their next expansion through a staff review and approval, rather than having City Council Minutes -9- September 7, 1994

to come back through a hearing process. The proposal for the zone amendment would list the permitted uses in the zone district which is retail sales and warehousing and manufacturing related to the retail sales on the site, and office use. The proposal is that for Staff review and approval, that the total square footage not exceed 40,000 square feet which would take in their next expansion after this one. Anything beyond that would need to be taken back to Planning Commission because there are some constraints with the site. Setbacks are being defined for them to follow for both expansions, also parking requirements, landscaping requirements, and signage.

Mr. Kelly Ford, 584 25 Road, the builder and contractor representing owner of Sleep-N-Aire, Don Damion, was present. He stated that

Mr. Damion has been in business at this location since 1991. There is a need for more warehouse room at this time. They are proposing a 10,000 foot addition to the rear of the existing building.

There were no other comments. Upon motion by Councilmember Baughman, seconded by Councilmember Bessinger and carried by roll call vote, Ordinance No. 2773 was adopted and ordered published.

PUBLIC HEARING - CONTINUATION OF REQUEST FOR VARIANCE OF CITY STREET STANDARDS TO ALLOW A MODIFIED STREET SECTION WITHOUT CURB, GUTTER AND SIDEWALK ON EAGLE CREST COURT - CONTINUED FROM AUGUST 17, 1994 MEETING

A hearing was continued after proper notice. Kathy Portner, Community Development Department, stated that this is the proposal for the Eagle Crest Development off of Prospector Point in the

Ridges. The site plan brought to Planning Commission showed 12 single-family lots accessing a new public right-of-way off of Prospector Point. The Planning Commission approved the design for the 12 lots with the condition that additional right-of-way be acquired at the entrance off of Prospector Point. Currently the entrance width is too narrow to accommodate a full public street.

Planning Commission did recommend to City Council that a modified street standard be considered if the number of lots were held at 8 or less. The City Council directed the developer to go back and negotiate with the adjoining property owner to see if they could come up with the additional right-of-way. The other area that Staff needs some direction on would be getting the drainage off the site. Planning Commission had recommended that before they come back in with their final plan and plat that they look at other alternatives to get the drainage off the site. They were proposing to pipe the drainage down the open space to Ridges Boulevard. There was concern that in burying the pipe there would be a scar that would be difficult to revegetate, or if they had an above-ground pipe, obviously it would be very noticeable coming into the Ridges. There was discussion at Planning Commission regarding having an alternative trail system accessing off the side of the City Council Minutes

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steep hill, connecting down to the pathway system along Ridges Boulevard. That was proposed as an alternative to having a sidewalk system in this development. City Planning would like the option of talking to the developer before their final plan and plat about still providing some type of undeveloped pathway system off of there. If the City feels it is feasible that might be in conjunction with the developer's drainageway system. If they are able to get a sidewalk system internal to the development along the actual public right-of-way then perhaps just an undeveloped pathway system would be appropriate following the drainage.

Tom Logue spoke representing property owner Sid Gottlieb. Mr. Gottlieb was in the audience. Mr. Logue addressed the drainage system. He submitted Drainage Exhibit A, a photograph of the site taken from the east side of Ridges Boulevard looking west towards the property. There is a hillside on the left side of the photograph which represents half of the entire site. They propose to remove the existing 12" pipe and replace it with an 18" pipe. The pipe is nonfunctional at this time. From that point the drainage would be conveyed uphill to an existing roadway that is in place that accesses a syphon and the Redlands Power Company canal. Coming off the top of the hill is an existing trail and a lone tree which is where the underground drainage pipe would be turned up to the top of the hill. Their proposal is to stay within the disturbed areas. The possibility of an unimproved trail was also discussed.

Mr. Logue has met with Dennis Stark, owner of Lot 18A on the north side of the access to the property, regarding the feasibility of

acquiring additional right-of-way. The frontage on Prospector Point is 26 feet. The property is funnel shaped and needs to be made parallel. Mr. Stark was concerned about that much widening (approximately 14 feet). Right at the neck it's 40 feet, at the other end it's 26 feet. Mr. Stark's driveway is close to that and suggested looking at other alternatives. He had some concerns such as relocating any irrigation lines that may be underground, and some screening. Mr. Stark did not want to have to deal with any procedural things to facilitate the transfer of the property. That would be at the petitioner's expense. They agreed upon a financial consideration. Mr. Logue stated that the current street standards call for 28 feet of pavement, a 6-1/2 foot rollover curb, gutter and sidewalk combination. There is 1-1/2 feet between the back of the sidewalk and the right-of-way line. That is the current standard of 44 feet. In working with Mr. Stark, Mr. Logue would like to offer an alternative road section that would consist of a 6-1/2-foot curb, gutter and sidewalk on one side of the street, two 12-foot travel lanes, 24 feet signed and designated "No Parking." There is no pressing need for on-street parking in that area. There would also be a 2-foot vertical curb and gutter all along the side. The major difference is the sidewalk on one side of the entrance road, and the elimination of the on-street parking.

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This meets Mr. Stark's concerns in terms of not having an intersecting street within three or four feet of his driveway.

Ms. Portner clarified that the sidewalk on one side would continue the entire length. All of the 8 lots will have a sidewalk in front.

City Attorney Dan Wilson stated that the annexation agreement for the Ridges has been researched. There is nothing in the agreement that discusses the infrastructure standards.

Ms. Portner stated that at the September 6, 1994, Planning Commission Meeting the density issue was again discussed. The road standard issue was not brought up. Public Works is working on a report of recommendations for appropriate street standards in the Ridges.

Public Works Manager Mark Relph stated that Public Works would like to see their standard implemented in this instance. He feels that the proposal would be acceptable and workable.

Councilmember Linda Afman asked if the sidewalks would have to be of concrete construction rather than asphalt. She felt asphalt walks would not be as durable, but would be much nicer aesthetically. Mr. Relph stated that the adopted standard is the combination rolled curb, gutter and sidewalk. Economically, to

construct that is to the developer's advantage rather than trying to construct a separate curb and gutter section and then go some distance and construct a separate pathway. Concrete means less maintenance over a long term. A detached sidewalk is another option. Pedestrian access is very important in this development.

There were no other comments.

Ms. Portner stated that she needs direction from Council on the following items:

1. What street standard is being approved for this development, for 8 lots;
2. Guidance on how the drainage is handled and what is being proposed using an existing scarred area.
3. Utilization of the existing scarred area for the drainage, underground drainage, not an exposed pipe.
4. If the 18" culvert is buried in the existing eroded area, that the developer look at integrating that area as an unsurfaced link to the asphalt trail.

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It was moved by Councilmember Maupin and seconded by Councilmember Theobald to approve the request for variance of City Street Standards to allow a modified street section without curb, gutter and sidewalk on Eagle Crest Court with the following conditions:

1. Accept with 8 lots;
2. A separate pathway down the slope be required, and paved as the other Ridges trail systems are, tied into the trail, with the drainage underground;
3. The road width will be 24 foot with a 6-1/2 foot sidewalk on one side, 1-foot right-of-way on each side, and a 2-foot curb on the other side, with transitions to the standard road width of 28 feet (the entire 44-foot right-of-way).

Councilmember Maupin amended his motion by adding a fourth condition:

4. Bring final plat back to Council for review.

The amendment was seconded by Councilmember Theobald.

City Manager Mark Achen suggested an alternative for review by Council that could eliminate full Council consideration. He

suggested sending documentation to councilmembers. If Council is dissatisfied with an item, it could then be scheduled at a formal meeting.

Councilmember Maupin amended his motion by deleting Item 4. Councilmember Theobald agreed to the amendment.

The motion carried with Councilmember **BESSINGER** voting **NO**.

City Attorney Dan Wilson stated that this request is unique. This development area was platted some time ago, and now the street standards must be modified in this case.

FIVE MINUTE RECESS

The President of the Council declared a five-minute recess. Upon reconvening at 9:46 p.m., all members of Council were present.

PUBLIC HEARING - DARLA JEAN NO. 1 & 2 ANNEXATION - RESOLUTION NO. 77-94 ACCEPTING PETITIONS FOR ANNEXATION, MAKING CERTAIN FINDINGS, DETERMINING THAT PROPERTY KNOWN AS DARLA JEAN ANNEXATION NO. 1 & 2 IS ELIGIBLE FOR ANNEXATION AND EXERCISING LAND USE CONTROL AND JURISDICTION - PROPOSED ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO - DARLA JEAN ANNEXATION NO. 1 & 2, APPROXIMATELY 499 ACRES, LANDS TO THE NORTHEAST INCLUDING AIRPORT LANDS, AND LANDS TO THE SOUTHEAST ON BOTH SIDES OF F ROAD

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A hearing was held after proper notice. This item was reviewed by Dave Thornton, Community Development Department. Pursuant to Colorado Revised Statutes 31-12-104 the Darla Jean Annexations 1 & 2 are eligible to be annexed. They comply with the following:

1. A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;
2. Not less than one-sixth of the perimeter of the area is contiguous with the existing city limits;
3. A community of interest exists between the area to be annexed and the city;
4. The area is urban or will be urbanized in the near future;
5. The area is capable of being integrated with the City for the provision of urban services;
6. No land held in identical ownership is being divided by the proposed annexation;

7. No land held in identical ownership comprised of 20 acres, or more, with a valuation of \$200,000, or more, for tax purposes, is included without the owner's consent.

Councilmember Baughman questioned if there is anyone requesting annexation in this process where a Power of Attorney is not being used? Mr. Thornton stated that all the signatures on the annexation petition are as a result of a POA. Some of those POAs were obtained recently by builders or developers that would have signed the petition. That is the mechanism used by the City in the annexation petition process. The POA is requested, then signed by the City Clerk on behalf of the property owner.

City Attorney Dan Wilson stated that the POA does not necessarily mean that the property owners are not consenting. He reminded the audience and Council that Council must determine whether or not the petition that Mr. Thornton just reviewed, meets the minimum requirements of the State Statute. If it does, then Council can adopt on first reading an ordinance annexing. The second reading of the ordinance would be scheduled for September 21, 1994, and that is when the merits of the annexation will be considered.

Mr. Jack Scott, resident of Brookwood Subdivision asked why Indian Village and Brookwood Subdivision were left out of the annexation.

Councilmember Theobald stated this was a valid question, but felt it should be considered at the conclusion of the hearing. It was suggested that City Manager Mark Achen discuss this with Mr. Scott after the meeting.

Mr. Charlie McKemp, Mesa County Irrigation District, owner of 30 acres at the corner of 29 Road and G Road, asked that the annexation area be defined. Mr. Thornton stated that Mr. McKemp's property is located outside the annexation.

Mr. Lyle Gaurmer, property owner both in the enclave and in the annexation, had questions on the legality of this annexation. Mr. Gaurmer has counted votes on the Powers of Attorney. He counted 101 votes in a power of attorney in Darla Jean. He knows of developers and builders in Cody Subdivision that have given a few more. He questioned the exact number of votes. He pointed out to Council that there are 106 to 110 other votes out there that are affecting this enclave. Dave Thornton stated that 102 POA's have been obtained in Darla Jean, 9 from the airport, 2 from Scotts Bluff Subdivision, and 5 from Cody Filing #1, for a total of 118.

There are 107 other parcels that are not POA parcels. So it is very close. It is greater than 50% in favor of the petition. Mr. Gaurmer stated that 110 powers of attorney are being used to overcome the vote of approximately 1000 people. He feels that is not right.

Mr. Warren Thompson, 680 30 Road, questioned why he is being annexed since he is in a subdivision, but his property is the only property in the subdivision being annexed? He asked if it is legal to annex him. The answer was yes. City Attorney Wilson explained that the restriction is that if Mr. Thompson owned all of the subdivision in his name, then either all of his property or none of his property could be annexed. But where Mr. Thompson owned a lot, then the law says that lot is treated as a discreet, separate property, and the fact that it was platted along with other lots doesn't matter at all. Mr. Thompson was invited to come back on September 21, at which time his full testimony will be taken.

There were no other comments. The hearing was closed.

Councilmember Baughman stated that in the past Council had discussed future annexations and made a decision to direct Staff to try to take in neighborhoods and geographical boundaries that made sense. He did not feel that this annexation follows such direction.

Councilmember Afman, representing the Growth Committee, stated that certain guidelines are State mandated. A lot of it is dealing with the number of POAs and the acreage, etc. When the State rules are followed for the annexation process, sometimes it does come out like this annexation. The Growth Committee was doing its best to be uniform and present a more logical picture.

Councilmember Baughman stated that the State guidelines say that a City "can". It does not say that a City "must."

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Councilmember Theobald explained that a lot of this is a result of a dramatic increase in building that is going on in the valley, including some developments that the City does not feel is consistent with the quality of development that should be taking place in the valley, so the City would like the opportunity to bring in property that is being developed, and have City standards imposed upon those developments. The City is trying to find some way to get the City's land use control over the Matchett property because some of the discussed development of the Matchett property is something the City wants more control over, because Council feels a huge commercial development on the edge of the City is something Council wants to have input on because it will affect other neighborhoods.

Upon motion by Councilmember Theobald, seconded by Councilmember Afman and carried by roll call vote with Councilmember **BAUGHMAN** voting **NO**, Resolution No. 77-94 was adopted, and the proposed ordinance was passed on first reading, and ordered published.

NONSCHEDULED CITIZENS & VISITORS

Ms. Peggy Roucks, 2709 B Road, asked how many powers of attorney were used when The Ridges was annexed. She stated that Councilmember Afman had the right to vote. She asked why Council would take the right of other people to vote away. City Manager Mark Achen explained that The Ridges was a governmental entity. The State law clearly does not provide the right for a vote in all cases for annexation. There are cities all over Colorado that have annexed in a very similar manner. Mr. Achen stated that Council will consider all issues when the hearing is held on September 21, 1994.

Mr. Mike Keller, 2897 Jean, located in Darla Jean Subdivision, stated that 21 people did show up for the pre-annexation meeting. He stated that the POA is a politically correct way of stating dictatorship.

Mr. Dave Dearborn, 3093 Walnut Place, referred to the Pace Annexation. He stated that the City wanted to rush the development of the Pace Store so that it could benefit from their taxes. It had nothing to do with quality. He felt that the Darla Jean Annexation and Pace Annexation are about revenue only. He stated that the City was going to speed things up and give the Pace Corporation a quick building permit if they could be annexed quickly. The County was not willing to fast-track the process. He stated that is why Pace went to the City to get its building permit. City Manager Achen responded that the County's policies required a much longer process. The City did not alter its process at all. In fact, the process took longer than the normal City process. The City was not fast-tracking anything. The developer felt it was fast-track compared to the County's process. There City Council Minutes -16- September 7, 1994

were some services that the developer wanted from the City that he could not get from the County, such as more dependable law enforcement services.

TELEVISIONING OF CITY COUNCIL AGENDA AND MEETINGS

Councilmember Afman requested that the Assistant City Manager Dave Varley be directed to check out means of televising the Council meetings, perhaps somehow through Mesa State College. There is also an information channel where possibly the City Council agenda could be available to the public. She stated that this Council and its Staff go to extra lengths to notify people of zoning changes and special meetings, and still citizens come to Council meetings stating that they have never heard about a subject.

ADJOURNMENT

The President of the Council adjourned the meeting at 10:25 p.m. into executive session to discuss pending litigation.

Stephanie Nye, CMC
City Clerk

Recorded in the Mesa County Records on April 25, 1997, in Book 2320 at Pages 242-245