

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

September 21, 1994

The City Council of the City of Grand Junction, Colorado, convened into regular session the 21st day of September, 1994, at 7:35 p.m. in the City/County Auditorium at City Hall. Those present were Linda Afman, Jim Baughman, Bill Bessinger, Ron Maupin, Reford Theobald, John Tomlinson and President of the Council R.T. Mantlo.

Also present were Acting City Manager Mike Thompson and City Clerk Stephanie Nye. City Manager Mark Achen was absent as he was snowed in at Stapleton Airport in Denver.

Council President Mantlo called the meeting to order and led in the Pledge of Allegiance. The audience remained standing during the invocation by Rev. Mary Hammond Atkinson, First Presbyterian Church.

City Attorney Dan Wilson entered the meeting at 7:36 p.m.

PROCLAMATION DECLARING SEPTEMBER 22, 1994 AS "AMERICAN BUSINESS WOMEN'S ASSOCIATION (ABWA) DAY"

PROCLAMATION DECLARING OCTOBER 16, 1994 AS "NATIONAL CATHOLIC DAUGHTERS OF THE AMERICAS DAY"

CONSENT ITEMS

Upon motion by Councilmember Maupin, seconded by Councilmember Afman and carried by roll call vote with Councilmember **BAUGHMAN** voting **NO** on Item 14, and Councilmember **BESSINGER** voting **NO** on Items 9.a.b.c. and Item 11, the following Consent Items 1-15 were approved:

1. **Approval** of the minutes of the Regular Meeting September 7, 1994
2. **Approval** of a Supplemental Appropriation from the City's Water Fund in the Amount of \$11,650.00 to Make Structural Repairs to the Somerville Cow Cabin and **Award of Bid** for the Repair Recommended Award - Mesa Regional Property Improvement Company (MRPI) - \$11,650.00

City Council's approval is needed to appropriate \$11,650.00 from the Water Fund to pay for the repair. Scope of work includes replacement of 454 lineal feet of logs, install 2,600 lineal feet of "chinking", seal and stain the exterior, replace storm shutters, and install a new door. The proposal submitted by Mesa Regional Property Improvement Company

(MRPI) in the amount of \$11,650.00 will completely cover the cabin's restoration needs.

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The following proposals were received:

Mesa Regional Property Improvement	\$11,650
M.T.H. Corporation	\$12,462

3. **Award of Bid** for Sewer Line Replacements and Construction of a Sewer Trunk Line Extension on 23 Road
Recommended Award - Parkerson Construction - \$268,558.75

On September 8, 1994, the following bids were received:

Parkerson Construction	\$268,558.75
M.A. Concrete Construction	\$270,971.80
Lyle States Construction	\$363,491.30
Engineer's Estimate	\$283,785.00

The Sewer Fund budgets monies on a yearly basis to replace sewer lines within the 201 Service Area. The 23 Road trunk line extension was approved by the County Commissioners and City Council in February, 1994. The 23 Road trunk extension was one of the extensions referenced in the 1992 "Comprehensive Wastewater Basin Study" done by HDR.

4. **Award of Bid** for the Construction of the 1994 Industrial Boulevard Storm Sewer Project
Recommended Award - M.A. Concrete Construction - \$83,428.00

On September 14, 1994, the following bids were received:

M.A. Concrete Construction	\$ 83,428.00
Parkerson Construction	\$ 88,774.00
Continental Pipeline Constr.	\$103,353.59
Engineer's Estimate	\$ 74,555.00

The Storm Drainage Fund was created as a separate fund to account for the revenue received from new developments when a drainage fee is paid in lieu of on-site drainage improvements. Industrial Boulevard has historically had drainage problems, with large areas of ponding after every storm. This project will relieve these drainage problems with the installation of 1700 feet of 12" and 18" drain lines and 8 inlets.

5. **Approval** of PL Contract, Section 8 Contract and Regional Planning Contract for FY 95 Between the Colorado Department

of Transportation (CDOT) and the Grand Junction/Mesa County Metropolitan Planning Organization

The PL Contract and the Section 8 Contract allow the Colorado Department of Transportation to fund its portion of the Fiscal

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Year 1995 Unified Planning Work Program (UPWP). It will result in CDOT furnishing \$98,760 for the UPWP effort, with the City and the County contributing \$11,086 each. The Regional Transportation Planning Contract is the document that will allow the MPO to continue to assume transportation planning responsibility for the Mesa County Transportation Planning Region. It also makes \$6,000 available to the MPO for funding the effort.

6. **Authorization** for the City Manager to Sign the Supplemental Co-Sponsorship Agreement with Walker Field Airport Authority and Grant Application to the Federal Aviation Administration for a Master Plan Update for Walker Field in the Amount of \$218,250 (90% Grant)

This funding is for a Master Plan Update for Walker Field in the amount of \$242,500, of which 90% is a grant by the FAA for \$218,250.

7. *** Resolution No. 78-94** - A Resolution Authorizing the Issuance of a Revocable Permit for Landscaped Entrance Feature for the Grand View Subdivision [File #85-94-3]

A Resolution authorizing the issuance of a Revocable Permit to allow construction of landscaped entrance feature in the right-of-way on the east side of 28 Road and Hawthorne Avenue in conjunction with the development of Phase I of the Grand View Subdivision.

8. *** Resolution No. 79-94** - A Resolution Amending Development Application Fee Schedule [File #1-94 (0)]

A Resolution approving an amended fee schedule modifying the review fees for Planning Clearances, fences and signs and adding penalties for failure to obtain permits.

9. **Historic Designations** - Resolutions Designating Three (3) Buildings for Inclusion in the City Register of Historic Sites, Structures and Districts

The Museum of Western Colorado, The Avalon, Inc., and The Resource Center are requesting that the C.D. Smith Building, the Avalon Theater, and the old Saint Mary's Hospital,

respectively, be designated as historic buildings in the recently created City Register of Historic Sites, Structures and Districts.

- a. *** Resolution No. 80-94** - A Resolution Designating the C.D. Smith Building in the City's Register of Historic Sites, Structures and Districts

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- b. *** Resolution No. 81-94** - A Resolution Designating the Avalon Theater in the City's Register of Historic Sites, Structures and Districts
 - c. *** Resolution No. 82-94** - A Resolution Designating the old Saint Mary's Hospital in the City's Register of Historic Sites, Structures and Districts
10. *** Resolution No. 83-94** - A Resolution Authorizing the Issuance of a Revocable Permit for Landscaping and a Retaining Wall at 1004 Ouray [File #142-94]

A Resolution authorizing the issuance of a revocable permit to allow installation of landscaping and a landscape retaining wall within the rights-of-way for Ouray Avenue and 10th Street adjacent to the property located at 1004 Ouray Avenue.

11. **Proposed Ordinance** - An Ordinance Vacating A Portion of Glenwood Avenue Between Palisade and Palmer Streets [File #114-94]

Habitat for Humanity of Mesa County, Inc., is requesting that a portion of Glenwood Avenue between Palmer and Palisade Streets on Orchard Mesa be vacated in order to make their property at the existing northeast corner of Palmer and Glenwood more feasible for construction.

- a. **First Reading** of proposed ordinance

12. **Proposed Ordinance** - An Ordinance Amending Sections 2-1-1, 4-13 and 9-2-1 of the Zoning and Development Code [File #1-94(K)]

The Zoning and Development Code (ZDC) does not specifically list Site Plan Review (SPR) as a required review prior to gaining planning clearance. However, Site Plan Review has long been an integral part of the City's development review system. This proposed amendment to the ZDC would add SPR's and identify the process and approval criteria to be met as

part of this review.

a. First Reading of proposed ordinance

13. **Proposed Ordinance** - An Ordinance Zoning the Holland Enclave Annexation Located at 112 Power Road to C-1 Zoning (Light Commercial) [File #112-94]

The Holland Enclave is located at 112 Power Road, just north of Colorado 340 (Broadway) across from Brachs Market. The area is surrounded by Light Commercial (C-1) and Light Industrial (I-1) on the west and Light Commercial (C-1) and

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Public Zone (PZ) on the east. The City is required to establish a zoning for the annexation and proposes C-1.

a. First Reading of proposed ordinance

14. *** Resolution No. 84-94** - A Resolution Authorizing the City of Grand Junction to Submit A Grant Application to the Colorado Division of Housing for Community Development Block Grant (CDBG) Funds

The grant application to the Colorado Division of Housing is for \$100,000.00 of CDBG funds. The Resource Center is requesting these monies to help fund the purchase and renovation of a domestic violence shelter. The City will serve as the pass through agent and administrator for the grant.

15. *** Resolution No. 85-94** - A Resolution Ratifying the Agreement Between the State of Colorado Department of Health (CDOH) and the City of Grand Junction (City) for Rehabilitation Funds for 15th Street and Winters Avenue

The State has approved funding through the Cooperative Agreement between the Colorado Department of Health and the U.S. Department of Energy for the City to repair road damage caused by UMTRA program at the Grand Junction mill site in the amount of \$85,000.00.

* * * END OF CONSENT CALENDAR * * *

* * * ITEMS NEEDING INDIVIDUAL CONSIDERATION * * *

PUBLIC HEARING - RESOLUTION NO. 86-94 CREATING AND ESTABLISHING SEWER IMPROVEMENT DISTRICT SS-37-94 WITHIN THE CORPORATE LIMITS OF THE CITY OF GRAND JUNCTION, COLORADO, AUTHORIZING THE CONSTRUCTION

OF A SANITARY SEWER LINE, ADOPTING DETAILS, PLANS AND SPECIFICATIONS FOR THE CONSTRUCTION THEREON AND PROVIDING FOR THE PAYMENT THEREOF

A hearing was held after proper notice. Tim Woodmansee, City Property Agent, reviewed this item. He stated that the petition for SS-37-94 was signed by 60% of the property owners who front Highway 6 & 50, from 24-1/2 Road to 25-1/4 Road. The City has received no objections to the improvements in this district. Upon approval of this resolution, construction would begin approximately next spring. Following construction, a hearing on an assessment ordinance would be presented for consideration. The estimated total cost for the construction is \$267,000. The City's participation would be \$89,000 (one third of the total construction cost).

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The owners would pay a maximum total amount of \$178,000. The amount per parcel would be approximately seven cents per square foot.

There were no opponents, letters, or counter petitions. Upon motion by Councilmember Maupin, seconded by Councilmember Bessinger and carried by roll call vote, Resolution No. 86-94 was adopted.

PUBLIC HEARING - RESOLUTION NO. 87-94 CREATING AND ESTABLISHING ALLEY IMPROVEMENT DISTRICT NO. ST-95 WITHIN THE CORPORATE LIMITS OF THE CITY OF GRAND JUNCTION, COLORADO, AUTHORIZING THE RECONSTRUCTION OF CERTAIN ALLEYS, ADOPTING DETAILS, PLANS AND SPECIFICATIONS FOR THE PAVING THEREON AND PROVIDING FOR THE PAYMENT THEREOF

A hearing was held after proper notice. City Property Agent Tim Woodmansee reviewed this item. He stated that this improvement district will improve eight alleys, each one is represented by a separate petition signed by a majority of the property owners. The cost to be borne by the property owner varies from \$6.00/abutting foot for single-family owner occupied residential properties, \$12.00/abutting foot for multi-family or non owner occupied rental properties, and \$22.50/abutting foot for other uses, all non-residential uses. This district is scheduled for construction in 1995. Assessments will be levied after construction.

There were no opponents, letters, or counter petitions. Upon motion by Councilmember Baughman, seconded by Councilmember Bessinger and carried by roll call vote, Resolution No. 87-94 was adopted.

APPROVAL OF AN AMENDED FINAL PLAN FOR FILINGS #1 THROUGH #6, THE RIDGES, ALLOCATING REMAINING DENSITY

Kathy Portner, Community Development Department, reviewed this item. An amended plan for The Ridges Filings #1-#6 was presented previously. The purpose of bringing the plan before the Planning Commission and City Council was to clarify what the original approval of The Ridges was, and what the City would be enforcing now under the zoning. City Council approved the amended plan with the exception of the density allocations to those portions of Filing #1 through #6 that are yet undeveloped. The original proposal for the density allocation took into account an overall density of four units per acre for all of The Ridges Filings #1 through #6 which is what the original zoning was and what the zoning was that the City put on the property. All "A" lots were counted as two units because any "A" lot under The Ridges covenants, and under the amended plan that was adopted by the City, would allow a duplex on these lots. The direction from Council at the last hearing was to consider differentiating between the lots that originally had a multi-family designation on them from those undeveloped areas that did not have that designation. Ms. Portner presented three alternatives for Council to consider in allocating

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the remaining density in Filings #1 through #6. There are constraints within The Ridges with topography and infrastructure that no matter what density cap is placed on these sites, any one of those sites may be further constrained just by the location, the infrastructure and the topography. The three alternatives are as follows:

1. Alternative A - Allocate a uniform 5.5 units per acre for all of the remaining undeveloped portions of Filings #1 through #6;
2. Alternative B - Allocate a higher density to those lots that originally had a multi-family designation. It allocates four units per acre for three sites, pointed out on the map, and allocates the balance of the additional units to those sites that were originally designated as multi-family. There is a range of density from 6.8 to 7.5 units per acre.

Option B-1 would designate each of those multi-family sites to have a specific density cap of 6.8 to 7.5 units per acre.

Option B-2 would allocate 4 units per acre for all of the undeveloped areas in Filings #1 through #6 and then create a density pool with the remaining units that are left. That density pool would be available for developers to draw from at the time they are ready to develop if their site could handle a higher density than four units per acre.

Staff does not recommend Alternative B-2. It would be difficult for both Staff and a developer to work with.

Conceivably, one developer could use up all the density.

3. Alternative C - The density for the multi-family sites would be designated up to 9 units per acre. In order for the multi-family sites to achieve the 9 units per acre, some of that density must come from the "A" lots that have not been developed as duplexes. A time frame would be limited to 12/31/95 for those "A" lot owners to utilize that density, otherwise the additional unit would be forfeited. It would not be known what the actual density would be until that time frame had elapsed.

Ms. Chris Tuthill, 2345 Rattlesnake, Ridges resident, said she understood from past meetings with the City that the character of The Ridges was not going to change, that is no curbs, no sidewalks. Now that The Ridges has been annexed into the City she has noticed many changes. She was concerned about overdevelopment of The Ridges. She was concerned that such development would also impact the local schools. She felt the City should keep the original zoning and density.

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Ms. Portner advised that the original approval of The Ridges before it was annexed to the City gave the developer a lot of power to assign densities. It allowed the developer to assign densities through deeds. Some of the multi-family sites have up to 40 units per acre deeded to them. The City is trying to clear that up and state that 40 units per acre is not appropriate on those sites, and assigning some kind of density cap. Tonight's consideration is actually a down-zoning of the area.

Ms. Tuthill responded that the developers want to make money, so they will develop the maximum number of units allowed.

Mr. Bill Boll, 383 Hillview Drive, a Ridges resident, Professional Investment Properties, stated that he is one of those who happen to have a warranty deed for 80 units, but does feel a lower density would be appropriate. He would not desecrate the property by way of development because he enjoys living there. He does want to market his property and make it feasible for someone to develop a good design. He was agreeable to at least a 7.5 units per acre density.

Ms. Eileen Cunningham, 2346-1/2 Rattlesnake, stated she has lived in The Ridges for 12 years. She reiterated the statement of Ms. Tuthill. She favored a density lower than 7.5 units per acre.

Councilmember Bessinger does not like the option of transferring densities. Councilmember Maupin saw no problem with the transfer.

Councilmember Theobold questioned if the transfer would be handled on a case by case basis, thus controlling the density. City Attorney Wilson stated yes.

Councilmember Afman advised that her constituents would like to have some definite guidelines. Alternative C would not provide definite densities for some time. She would like to see a ceiling placed on the density, with the additional site restrictions.

Ms. Portner stated that if the transfers are done between plats filed concurrently she could see little problem administratively. There are approximately 42.92 acres of unplatted land in Filings #1 through #6, not including the school district parcel.

Upon motion by Councilmember Bessinger, seconded by Councilmember Afman and carried, the amended final plan for Filings #1 through #6 in the Ridges was approved using Alternative B-1 above with the stipulation that there be no transferring of densities.

TRI-STAR TRIPLEX LOCATED AT 2245 NORTH 15TH STREET - PROPOSED ORDINANCE REZONING FROM PR-17 TO PR-7 PROPERTY LOCATED AT 2245 NORTH 15TH STREET, CITY OF GRAND JUNCTION, AND REQUEST FOR WAIVER OF DEVELOPMENT REVIEW FEES FROM STEVE STAR - CONSIDERATION OF WAIVER CONTINUED TO OCTOBER 5, 1994, MEETING

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Tom Dixon, Community Development Department, reviewed this item. The request for a fee waiver is actually a refund request for the original review fee.

Upon motion by Councilmember Tomlinson, seconded by Councilmember Bessinger and carried, the proposed ordinance was passed on first reading and ordered published.

The request for waiver of development review fees from Steve Star was then considered. Mr. Dixon stated that Mr. Star purchased property with a zoning of PR-17. He decided to develop the site with only a triplex which was substantially less than the assigned density and the original approved plan. Mr. Star discussed the procedure with Staff. He later made application and was informed that a pre-application conference would be required, along with the review fee of \$740. The application was subsequently approved by the Planning Commission.

Mr. Dixon explained that the review process checks on things such as land use, services such as drainage, sewer, water, and any other issues that may come up. The \$740 review fee is a standard fee adopted by the City Council.

City Attorney Wilson explained that when the planned zone is approved there is a time limit of five years for that particular

planned zone. After expiration of the time limit, a new application must be filed. The plan for this parcel has expired.

Mr. Steve Star, 2824 Orchard Avenue, petitioner, stated that on August 8, 1994 he addressed a letter of explanation to the City Council. He plans to downzone the current zoning and build a triplex, and has made special effort to save most of the mature trees on the property.

Councilmember Maupin feels that no matter what a plan consists of, applicants need to pay for Staff time for review, visiting sites, gathering surrounding information, publishing notices in the newspaper, posting the property, etc. He does not feel the City taxpayers should pay for Mr. Star's application to develop his land.

Mr. Star feels that his plan is an exception to the rule regarding the review fee. His proposal will downzone the development, and add to the beauty and character of the City.

Ms. Portner stated that since she has been in the Community Development Department she has not seen one application fee waived. There have been requests for waiver of open space fees, and she doesn't think any of those have been waived. She could not recall any application fee being waived. She explained that average costs were used to determine the \$740 standard development review fee.

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She stated that \$15 per acre is added onto the standard fee for larger projects. Most of the recent applications, originally approved in the early 80's, are downzones.

Councilmember Theobald suggested cutting the fee in half for this application as an incentive for infill development.

Councilmember Tomlinson suggested postponing the decision on this item for two weeks. President of the Council Mantlo announced that the request for waiver of the application review fee will be continued to the October 5, 1994, City Council meeting.

Mr. Star thanked Council for its consideration.

City Manager Mark Achen arrived at the meeting at this time, 8:30 p.m.

PUBLIC HEARING - ORDINANCE NO. 2774 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

A hearing was held after proper notice. President of the Council

Mantlo laid down the ground rules. He stated that the purpose of this hearing is to receive testimony. He asked the audience to give everyone a chance to speak. He requested that the hearing be held in a civil manner on behalf of all parties. He requested that there be no clapping or unnecessary noise while the hearing takes place. He set a time limit of three to five minutes for each person to express his/her views. He divided the hearing on Darla Jean Annexation #1 and #2 into three portions:

1. Those speaking either for or against the annexation who reside in the area proposed for annexation;
2. Those who reside in the enclave area speaking either for or against the annexation;
3. Those concerned about the annexation outside of both the annexation or the enclave areas.

He requested that everyone who speaks give his name and address so his residence can be located on the map. Mayor Mantlo also stated that Staff will answer questions after all testimony has been taken.

Dave Thornton, Community Development Department, stated that this annexation is being accomplished in two phases. He reviewed the map and explained which areas are proposed for annexation. The total acreage is 500 with 225 parcels included in the area.

There was no one present speaking in favor of the annexation.

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Those speaking in opposition to the annexation were as follows:

1. Dennis Lopez, 2890 F-1/2 Road, Darla Jean Subdivision. He purchased his property 6-1/2 years ago and was not aware of the papers signed giving the City authority for annexation. He has spoken to a few people in favor of the annexation. He is against the Darla Jean Subdivision being annexed into the City.
2. Lyle Gaurmer, owner of property at 2906 F Road (real estate office). He reminded Council of the statements he made at the last Council meeting. He wished Council would consider the manner in which this "taking" is happening. He asked that Council explain the shape of Darla Jean #1 on the map. He requested that Council consider coming to the people east of town and asking those people, as a good neighbor, to join the City, giving those people an opportunity to voice their choice. He is vehemently opposed to this "taking." His personal position on annexation is that if Council would go out and sell the annexation to the people east of the City,

there is a good chance that those people would vote in favor. He felt he was speaking for many others in saying that he does not want Council to take him into the City. He would like to have a voice in what is done with his property.

3. John Davis, 1023 24 Road, owner of Cody 1, 2, 3, 4. He also questioned the configuration of the annexation. He asked if the County zoning of his property will be changed by the City. He stated that his houses will cost \$1500 to \$2000 more after he is annexed. The prices of his houses range from \$90 to \$120 thousand. He asked why the City does not have signatures of the landowners on the petition.
4. David Foster, 2948 G Road. He asked if his current zoning of AFT will be changed after annexation. He is currently allowed to raise hogs. He did not feel that his lifestyle should have to change just because he gets annexed into the City. His parcel is 4 acres in size. Community Development Director Larry Timm stated that Mr. Foster is in the enclaved portion.
5. Kathleen Davis, 616 Partee Drive. She questioned if her property is in the annexation. Dave Thornton, Community Development Department, stated that Ms. Davis is neither in the enclave nor the area to be annexed. Ms. Davis therefore did not make any comments.
6. Orren Thompson, 680 30 Road. He stated that there are many people who do not want to get up and talk. He felt their address should be pinpointed on the map also. President of the Council Mantlo stated he would address that statement after all testimony has been taken.

7. Dave Warren, 674 30 Road. He was opposed to the annexation primarily because of the method being used. Community Development Director Larry Timm stated that Mr. Warren's property is in the annexation area.
8. Terry Strupe, 674 29 Road. She asked if she is in the annexation. Dave Thornton stated that she is in the enclave area. She stated that she is opposed to the annexation. She does not want to live inside the City. She personally resented the annexation being shoved down her throat. She felt it should be put to a vote of the people that live in the affected area. She was concerned that if annexation takes place, livestock animals are not going to be allowed, and her grandchildren will not know what country living is all about.
9. Wes Adams, 2921 E-7/8 Road. He strictly opposed this annexation. He has lived on his property for approximately 40

years. He has farmed the ground, raised hay, raised cattle, and now the City is telling him he is going to have to do this and do that. He also asked why the City is annexing in the shape (configuration) it is.

10. Shirley McGinnis, 590 Eastwood Street, Cody Subdivision. She and her husband moved to Cody Subdivision in May, 1994. When they built their home on Eastwood Street, they were totally unaware that this annexation was being considered. She realizes that eventually areas will be annexed into the City. However, she was not happy with the manner in which it is being accomplished. She felt that the City has taken away the voice of the people. She and her husband were the only ones in her neighborhood that received notice of this hearing. There are ten families involved. She also asked why the City is annexing in the shape it is. She discussed the Powers of Attorney. She asked why her vote is being taken away.
11. Earl Wilson, representing his sister Rose Steckler. Her address is 667 29-1/2 Road. He stated that Ms. Steckler is elderly and was unable to attend this hearing. She does not like being walked on. Mr. Wilson lives just east of this annexation and feels he will probably be annexed next. He was concerned about not being notified ahead of time. His sister received notification, but does not read very well, and was unable to read the notification.

Mr. John Davis, 1023 24 Road, stated that City Council was served today with a petition containing 80-100 signatures on it requesting a vote. He asked Council if it was aware of the petition, and if it will allow the people to vote on this annexation.

City Attorney Wilson stated that he spoke with Mr. Davis today and told him that the City Clerk received the petition today. The

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Clerk will make a report to Council with a communication scheduled for the October 5, 1994, City Council meeting. It was submitted at such a late hour that it was impossible to prepare the report before this meeting.

There was no one residing in the enclave area to speak in favor of the annexation.

Leslie Foster, 2148 G Road, was somewhat neutral regarding the annexation. She had just learned that she lives in the enclave area. She stated that she is not for or against the annexation. She liked the amenities of living inside the city limits such as various services, etc. However, she is confused about the shape

of the annexation. She also questioned why the residents of the area are unable to vote on the annexation.

Those residing in the enclave area and speaking in opposition were as follows:

1. W. Dan Garrison, 795 Garrison Court, owner of property in the enclave area, and partner in Matchett Village of Grand Junction, which is currently in Mesa County. He stated that Mayor Mantlo has stated that the entire purpose of the Darla Jean Annexation is to enclave the Matchett property. There are many good reasons for Grand Junction to expand, and for Mesa County to continue to exist within its own boundaries. He believes that Matchett Village has been the cause of what is now seen as the Darla Jean annexation. He does not object to that. He objects to the idea that this is the way to control land and land use within the valley. In January of 1994 Matchett Village was in control of the City of Grand Junction. Had it not been for the reception he received by the City, it would still be in the City. Based upon the reception received, the petition for annexation to the City was withdrawn. They proceeded to apply for development through Mesa County. He objects to the annexation if the sole purpose is political, in order to gain control of the Matchett property. He admonished Council to seek counsel to determine individual responsibility of obligations and possible final determinations when annexation is undertaken for improper purposes. He stated that there are a number of State Statutes which relate to the improper taking and improper considerations that relate to annexation.

2. Laurie Scala, 581 Kirby Lane [does not reside in the enclave or the annexation]. She stated that most of the people in tonight's audience will tell Council they did not buy property in the City for a reason. Her home is not in the City. She objected to hearing that she has no right to a vote regarding this annexation, that a developer took away her right to vote on this. She knows it is legal, but she encouraged Council to

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listen to the residents in the proposed annexation area. They don't want to live in the City.

3. Tom Grundy, 599 Shoshone Street [does not reside in enclave or the annexation]. His issue was the lack of courtesy shown by Council, which causes him not to want to be a part of the City.

4. Eileen O'Toole, 2023 S. Broadway, on the Redlands [does not reside in enclave or the annexation]. She spoke to support those that do not wish to be annexed. She objected to the attitude of the City, that no one has a right to do anything

with their own property. She could see no benefit to those being annexed into the City.

5. Terry Dixon, 432 Wildwood Drive, Redlands resident [does not reside in enclave or the annexation]. She discussed previous powers of attorney which had been obtained for sewer service by the City.
6. April Pinkerton, 3165 D Road [does not reside in enclave or the annexation]. She discussed the possibility of future annexation of the Clifton Fire District, from 30 to 35 Road, I-70 to the Colorado River. She represents a group known as the Committee for the Incorporation of the City of Clifton. The 40,000 residents do not want to be annexed. They do not want to be encroached upon by the City 's attempt to annex beyond 30 Road. The group's mission will be to maintain their rural community.
7. H. R. Mack McGinnis, 590 Eastwood Street [does not reside in enclave, does reside in the annexation]. He questioned how the City determines what parcels it will annex. He questioned why his neighbors received no notification of this hearing. He felt the method of annexation is unfair. He did not appreciate the attitude of two City employees that he approached recently. He feels he should have a right to vote for or against this annexation.
8. Terry Strupe, 674 29 Road [does reside in enclave, does not reside in the annexation]. She discussed a recent Daily Sentinel article regarding the 29 Road interchange from I-70 going down to the river. She stated that the number of vehicles using this interchange would be approximately 10,000/day. She was definitely opposed to the interchange, and asked that Council help by not letting this happen.

Councilmember Maupin responded to Ms. Strupe's comment by stating that the City does not want the 29 Road interchange to go through. That is why the City wants to annex this area.

9. Dave Dearborn, 3093 Walnut Place [does not reside in enclave or the annexation]. He stated that the small maps posted by the City for tonight's hearing are not plat maps. He stated that the State Statute requires that plat maps will be presented regarding allannexations. He feels this is a logistical nightmare. Police and Fire Departments will find it difficult to locate areas on the map which is posted tonight. He does not consider this a friendly annexation. He requested that the City go through its map and locate for

the audience all areas to be annexed.

10. Gene Thee, 670 29-1/2 Road [does not reside in enclave, does reside in the annexation]. He requested there be a show of hands for and against this annexation.

John Davis requested that the hearing not be closed until some of the questions of the audience have been answered.

Mayor Mantlo closed the hearing.

RECESS

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

President of the Council Mantlo stated that the City has conducted five meetings concerning the Darla Jean Subdivision. There were letters sent to the residents of the proposed annexation area. There were several articles in the newspaper, also advertised over the TV and radio. He stated that this annexation has not been kept a secret in any way. Out of the five preliminary meetings, 156 property owners were invited, 19 property owners showed up, with a total of 39 attending.

President of the Council Mantlo stated that Council and Staff will answer questions at this time.

City Attorney Dan Wilson stated that the City is dealing with the Colorado Constitution which allows for annexation in Colorado, and says that the Legislature shall adopt rules implementing annexation. This results in a series of State Statutes that must be followed. The general public policy statement in the Annexation Act, which has been on the books in Colorado for approximately 50 years, is that annexation by cities is good public policy. The State Legislature has said that cities annexing should be promoted in the sense that cities are structurally, in the law, better able to provide urban levels of services. There is a bias built into the State process to facilitate annexations.

Regarding the map, over the past 20 years, there have been amendments to the Statutes which create results such as depicted on

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tonight's annexation map. Mr. Wilson explained that both Mesa County and the City of Grand Junction create an urban/rural break point at two acres. However, if a two acre parcel is located in an area where densities are higher than two acres, it can be expected that the parcel will be subject to annexation or to incorporation. That is the system in Colorado. Colorado is not unique. That is the system across the United States.

Regarding notification, the process of annexation begins with City staff reviewing technical issues and getting direction from the City Council. Staff then begins work which ends up with a map and a list of property owners. That is the basis for the first set of notices that go out. Grand Junction goes well beyond the requirements of the Statutes for legal notice. The legal notice is required to be published in the local newspaper for four weeks.

The notice is published in the Legal Notices section. The State legislature says that is what is due process. City Council has made a policy decision and said it wants to send individual notices to people and conduct neighborhood meetings. The extra notices and meetings are not required by law.

In regards to land owner signatures, Powers of Attorney for annexations have been granted for two reasons: (1) There were density upgrades or increases granted by the County Commissioners in the 70s; and (2) for sewer connection. It is good law in Colorado that if a City has control over a sewer system, that it does not allow connection without a power of attorney for annexation. The logic is that sewer is needed to deal with urban levels of density. Septic tanks work well for larger lots. When developments of one half acre or less occur, the system there must be a sewer system otherwise it is a health hazard long term. Mesa County is dealing with retro-fitting sewer throughout the valley because of decisions that were made in the 70s and 80s. That is why the system is biased towards allowing the City to require a POA for connection to the Persigo Plant. The County Commissioners are currently challenging the City's authority to require these POAs. The Power of Attorney is in exchange for sewer. When a parcel is purchased that has a Power of Attorney on it, that indicates the deal was made when the developer got the higher density, and with it came the burden, which is the Power of Attorney. That is solid law.

On zoning, the State requires that the City must, within 90 days after the annexation, apply zoning. Staff will make recommendations for zoning to the City Council. City Council will debate the issue depending on what the parcel of ground's use has been in the past, what the property owner wants it to be in the future, and what the prospects for development are. Zoning is an attempt to preserve the character of a neighborhood. The City and County rules are not substantially different. He explained that if a

resident will submit a letter to the City stating an agricultural concern so that there is a record of the uses when the parcel came into the City, the term is called "grandfathering," then the use can be continued. It does not mean that the use can be expanded.

It is Mr. Wilson's opinion that the statutory requirements for this annexation have been met. On September 7, 1994, City Council made a formal finding that the area is an urban or urbanizing area, it's integrated or capable of being integrated into the City, and the contiguity question was technically answered at that time. The procedures have been followed satisfactorily in terms of the Statute.

An enclave is nothing more than an island that is not yet annexed and is surrounded by the City. There is a separate process required by State Statutes before the residents can be brought into the City. There is another notification process also. The City typically sends out individual notices.

Regarding taxes, the valuation is set by the County Assessor, and the mill levy, which is set both by the City and the County are considered.

Why was Greenfield, which is next to Cody, skipped? - One of the public policies that City Council is trying to follow is obtaining raw land, pre-development, to come into the City so that the development process occurs in the City. One reason is to make sure the City's infrastructure standards are followed.

Police and Fire Services - Today's computer system is operated by the City of Grand Junction for the entire Grand Valley. After the annexation, each annexed parcel and address will be entered into the computer. When a 911 call is received, the dispatcher will know which parcel is requesting assistance, and knows automatically whether to call the Sheriff or the Police Department, Clifton Fire District or City Fire Department. There is no delay in response time.

Growth Management - The City has a history of making hard decisions on growth management. Whether it is referred to as growth management or zoning, someone must make a decision on what kinds of uses are allowed. The City wants to be in the position of making those decisions for those areas that are urban and for the decisions that will affect existing areas of the City in order to control the quality of life.

29 Road Interchange - The County's plans are to make the interchange a fairly heavy trafficked roadway with the City sharing the cost.

City Manager Mark Achen elaborated on the City Council's annexation policy and direction. Growth occurs regardless of whether the City Council Minutes
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City controls it or not. There are many subdivisions in the eastern area that have developed. That growth occurs regardless

of annexation. In fact, the City's annexation generally follows growth. City Council has felt that the history in Mesa County has not been a good one in terms of managing growth, that the City's taxpayers pay County taxes. The City's taxpayers are paying the money that is in the new County Capital Improvement Plan to remedy, and pay for deficiencies that were not required of developers in the past. City taxpayers bear a significant portion of the burden of providing what urban services are provided in urbanizing County areas. City residents have a very significant vested interest in how growth occurs in the non-City areas. The City feels it does

not want a repeat of what happened in the 1970s and early 1980s. There are problems that lay dormant for many years. Asphalt does not deteriorate overnight. Inadequate water lines and the inability to provide fire protection are not evident when a homeowner first moves into his home. Those problems only become evident over many years. They are usually much more expensive to correct after the fact than to construct correctly the first time.

The City gets petitions all the time from people outside its limits for City taxpayer money to help them solve their problems, to help them improve their quality of life. The City contributes funds through the Parks Improvement Advisory Board, as an example, to provide facilities for parks and recreation and to improve school properties around the valley. In addition, the City taxpayers pay to have the stadium at Lincoln Park where all of the high schools play their ball games. The City taxpayers paid the initial costs to acquire the golf courses even though many golfers today are not residents of the City. They come to meetings and try to tell the City how it ought to provide services. The City is in a dilemma.

Mr. Achen stated that State laws are complex regarding annexation, and basically result in the City chasing growth. Most of the time Council is not able to get there ahead of growth. The Council's objectives in annexation are to be there before growth occurs so it can set urban standards for that growth, and assure that the quality of infrastructure the developer provides meets the City's standards. If that cannot be done, the City's objective has been to annex subdivisions as early as it can before they are occupied, or as early in the process as possible because past experience has been that if people are annexed when they purchase their property in the city limits, it's not an issue after the fact. So Council's policy has been to annex before it develops. Their policy has been to use powers of attorney and other approaches such as enclaves to try and capture land that will ultimately develop. The proposed developments in this enclave influenced the Council's thinking about this annexation. Council feels very strongly that Grand Junction's citizens should have an opportunity to control their own destiny. A large scale development right on the City's borders is going to have tremendous impact on the City.

The developer has

made it clear they do not want to be in the City. They do not want to play by City rules. Council has no other alternative other than to seek a way to annex it even over the objection of the property owners or the developers.

The Council's desire for annexation has been to say that "if we are a community and we're going to try to solve problems together and work together, multiple jurisdictions have not proven successful." Most metropolitan areas in this country have all kinds of battles occurring across municipal lines competing for territory. When Pace and Sam's Club came to this valley, they started off by saying "we expect to be paid five to ten million dollars by whatever municipality we build in." The City said "No, it's not worth City taxpayers' money to pay for Sam's Club to come to the Grand Valley." Once there is a Clifton (a competing municipality), that's what will happen. Clifton or the City of Grand Junction will both be strongly desirous of having such commercial development occur within their borders, and the developers will be able to say "Fine, if you want us,...." And we'll have a bidding war. That has happened in the Denver metro area. A large commercial operation is worth multi-million dollars of incentives, taxpayer money, given to developers in order to put those developments in one jurisdiction versus another. Invariably, that will happen.

Mr. Achen apologized as to City employees being rude. The City prides itself on bending over backwards to provide good service, and its employees providing cordial and friendly service. He will look into the specific complaint that was made.

In terms, of notification, the City has always followed State Statutes requirements in that the City uses the records of the County to determine who should receive a notice. That's the statutory standard for legal notification. It has been used for even the informal notification. The City does not have property records. Those records are maintained by the County, and they are the only records available for the City to rely upon which identify who owns a piece of property and who to notify. He apologized to those that did not receive notice, but felt that the City has gone beyond the State law requirements in attempting to provide notice. The Council's objective is to provide notice and try to assure that people have noticed that something is occurring.

The actual annexation configuration was a result of extensive debate by the Council's growth committee about how to approach this issue of annexing eastward, how to approach the issue of annexing areas where the City already has powers of attorney, and the County has many times encouraged the City to annex those powers of attorney. The City has sought to annex areas that are

growing, new development before it's occupied, and the City has sought to gain land use control over development that's going to affect the City

of Grand Junction. City taxpayers are going to pay for the impacts of that development. It's not only Matchett Village. There is another large development proposed for commercial development at I-70 and 29 Road. The County's Capital Improvement Plan expects the City to help build 29 Road. The City and County have contemplated 29 Road for many years. The project has not yet come to pass because of the lack of resources. As more subdivisions develop at 29 and I-70, there will be no choice but to build 29 Road. Before the developments took place in that area it might have been possible to plan for a corridor that didn't have quite the impact that 29 Road will.

Public Works Director Jim Shanks, 3212 Northridge Drive, is a registered professional engineer and land surveyor. He prepared the annexation plat and its attached legal description. The maps referred to by Mr. Dearborn, in Mr. Shanks' professional opinion, do meet all the requirements of the State law for a plat. They are and do comprise an annexation plat. They contain a drawing of the annexation boundary, all the dimensions, all the adjoining subdivided plan, all the sections, townships and ranges that are included in this annexation, along with a lengthy legal description. The actual preparation of the annexation map and plat begins by gathering all the information, deeds of all the properties as well as descriptions and deeds of all public rights-of-way such as the canal or Interstate 70. All these documents are then used to prepare a legal description that legally describes every course, every distance, every straight line, every line along a curve, along the entire boundary. The first map is of Darla Jean Annexation #1 and meets all the requirements. Each annexation is required to be one-sixth contiguous, that is, one sixth of the border must be touching the boundary of the City. Each of these annexations by themselves meets the one-sixth contiguity requirement. It is Mr. Shanks' professional opinion that both of the annexation plats meet all the technical requirements relative to contiguity and the area. He stated that by using the drawing, the plat, and the legal description, an individual would be able to locate parcels and determine whether a parcel is in the annexation, or not.

Mr. Shanks also expressed his apology for the rudeness of the two Publics Works Department employees. He explained that the reason the City workers are out in that area is because the City has a contract with Central Grand Valley Sanitation District for various services. The City provides emergency call-out service and their lift station maintenance is done by the City under contract.

Mr. Shanks continued that the County has a corridor study which is beginning this year that is either going to confirm the 29 Road as a corridor for a north/south thoroughfare, or come up with some alternative. It was part of a bond issue which was approved in 1981.

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Councilmember Theobold stated that one of the reasons the Total Station is being brought into the annexation is because the Loco Station is coming in also. Having close competitors, one in and one out, is a fairness issue where sales tax is involved.

Councilmember Theobold advised that annexation does not determine whether agriculture comes or goes. That happens when somebody offers a property owner a price he cannot resist, and it is developed. Annexation is going to make no difference.

Councilmember Afman stated that this Council is very sensitive to the concerns of the residents of this annexation. Neighborhood meetings were conducted hoping more of the residents would attend. She appreciated those that attended tonight's meeting because it has enabled Council to get in touch with the concerns of the residents.

Councilmember Baughman stated that the City does many good things for a lot of people, but annexation of this type totally ruins the credibility the City of Grand Junction has with its neighbors. The purpose of this annexation is to allow the City to control the land use development of the Matchett property. Mr. Baughman feels the 1980 joint sewer agreement must be amended to get rid of the City of Grand Junction's powers of attorney. The sewer plant was constructed with 75% federal funds. The other 25% of the bond indebtedness was to be paid by the users, both City and County. He felt that the federal government was trying to provide a sewer plant for the entire County, not just the City of Grand Junction. He felt that because a person lives in Mesa County, he should not have to join the City to be a customer of the sewer plant. He stated that 30% of the City's sales tax is generated by City residents, 20% by City businesses, 30% by County residents, and 20% by out of town residents. He felt that the City's method of annexation is allowable by law, but is stretching the State Statute.

Councilmember Baughman stated that the Council Retreat that took place in April of 1992 addressed some annexation policies that City Council would follow. The policy stated that logical, geographical or historical definitions should be used. He learned the following points regarding attaining success at the January, 1994 retreat:

(1) Do what is right; (2) Do the best you can; (3) Treat others as

you want to be treated.

He hoped Council will not annex Darla Jean Subdivision as presented. He feels it is wrong. He thinks it is divisive for the community.

Councilmember Tomlinson stated that the issue of the annexation of the Matchett property is only one issue. It is not the majority issue.

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Councilmember Bessinger stated that if the County would have standards that required adequate infrastructure, and would enforce those requirements, he would not favor annexation. But the County waives such standards.

Councilmember Afman noted that City Council had 22 people speak tonight, and out of that number, 2 were neither for or against.

Councilmember Maupin apologized to Ms. Strupe, stating that everyone is fearful of change. He was born and raised in Grand Junction. As a child he lived where Northridge Subdivision is now, that was his family's farm. He is very aware of what growth is, and that's why he tries so hard to control it. The City is going to continue to grow and it's going to impact the lives of all. Mrs. Pinkerton wants to incorporate a new City. A new City has laws, bureaucracy, restraints on its citizens, etc. The price of Mr. Davis' houses is going to go up a bit. Licenses are required by contractors to do business in the City. That makes for quality development. He does not understand why so many balk at being annexed into the City.

President of the Council Mantlo stated that Grand Junction is a great place to live. City Council is trying to do the best it can for this valley. He feels that in the future people will be glad the annexation took place. He thanked the audience for staying for the entire meeting.

Upon motion by Councilmember Theobald, seconded by Councilmember Tomlinson and carried by roll call vote with Councilmembers **BAUGHMAN** and **MAUPIN** voting **NO**, Ordinance No. 2774 was adopted, and ordered published.

CITIZEN COMMENTS REGARDING ANNEXATION

Mr. Dan Garrison stated that a bully image of the City of Grand Junction exists somewhat in the community. He felt it has been promoted by the manner in which the City acts. He stated that those speaking tonight did not always object to becoming a part of the City. It was that they objected to the manner in which they

had been treated, the manner in which they perceived that the annexation was being railroaded, and perhaps the reasons for which it was being accomplished.

City Manager Mark Achen responded that previously there was an even larger audience of citizens strongly urging this Council to help them, to protect them from the impacts of Mr. Garrison's development project.

Mr. Dave Dearborn asked why he never sees any of the members of Council at any of the County growth meetings, or planning and zoning. President of the Council Mantlo responded that members of

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Council do meet with the Mesa County Commissioners. Councilman Baughman added that the County Commissioners hold their meetings during the day when many must be at work.

Mr. Dearborn stated that one of the reasons that he does not want to be in the City is the Fire Department. He compared the City Fire Department with the Clifton Fire Department. He stated that the Clifton Fire Department operates on less than \$300,000.00 per year, and the Grand Junction Fire Department operates on \$4.6 million per year. Councilmember Maupin reminded Mr. Dearborn that the County has no emergency medical services. If someone is hurt in Unawep Canyon or an outlying area, the Grand Junction Fire Department responds.

Mr. Joseph Marie, 2863 Hill Avenue, reminded the audience of the upcoming municipal election in 1995 where they can make their voices known at that time.

President of the Council Mantlo announced that Council meets the first and third Wednesday of every month. He invited citizens to attend these meetings and make themselves aware of what is going on in City government. He felt that if a vote were taken, the majority of Grand Junction will approve what the City of Grand Junction is doing.

ADJOURNMENT

The President adjourned the meeting into executive session at 11:05 p.m. to discuss pending litigation.

Stephanie Nye, CMC
City Clerk