

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

March 15, 1995

The City Council of the City of Grand Junction, Colorado, convened into regular session the 15th day of March, 1995, at 7:31 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 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. Eldon Coffey, Evangelical Free Church.

APPOINTMENT TO THE FORESTRY BOARD

Upon motion by Councilmember Bessinger, seconded by Councilmember Baughman and carried, David R. Hoefler was appointed to a three-year term on the Grand Junction Forestry Board.

APPOINTMENTS TO THE GRAND JUNCTION COMMISSION ON ARTS AND CULTURE

Upon motion by Councilmember Tomlinson, seconded by Councilmember Maupin and carried, Peter Ivanov was appointed to a one-year term on the Grand Junction Commission on Arts & Culture, and Phil Rogers was appointed to a three-year term on the Commission.

CONSENT ITEMS

Upon motion by Councilmember Maupin, seconded by Councilmember Afman and carried by roll call vote with Councilmember **BAUGHMAN** voting **NO** on Item 4, and Councilmember **BESSINGER** voting **NO** on Item 15, the following Consent Items 1-15 were approved:

1. **Approving** the minutes of the Regular Meeting March 1, 1995
2. **Award of Bid** for the Purchase of 3,260 Gallons of Latex Traffic Paint
Recommended Bid: Colorado Paint Company - \$19,446
The following bids were received for 3,260 gallons of lead free latex traffic paint:

Colorado Paint Company	\$19,446.00*
Diamond Vogel Paint Company	\$22,352.60

* recommended award
3. *** Resolution No. 26-95** - A Resolution Authorizing a One-Year Lease of City Property at 562 Ute Avenue to Grand Junction

Housing Authority

The Housing Authority is proposing to use the vacant house on the northwest corner of 6th Street and Ute Avenue as short-term transitional housing for families referred to them by social service agencies.

4. *** Resolution No. 27-95** - A Resolution Authorizing a Two-Year Lease of City Property at 236 Main Street to Ray M. Guziak, dba Southwest Imagery

Mr. Ray Guziak currently leases the City building at 236 Main Street where he operates his Southwest Imagery business. The proposed lease renewal will commence on March 15, 1995 and expire on March 14, 1997.

5. **Authorizing** the City Manager to Sign the Supplemental Co-Sponsorship Agreement for the FAA Grant Agreement # AIP-15 between Walker Field, Colorado, Public Airport Authority and the City of Grand Junction

The funding is for a major runway rehabilitation project of which 90% is a grant by the FAA for \$2,400,000. The project total amount in the grant application is \$3,084,530 but the actual low bid came in much lower.

6. **Proposed Ordinance** - An Ordinance Making Supplemental Appropriations to the 1995 Budget of the City of Grand Junction

The requests are to re-appropriate certain amounts appropriated for 1994 and not spent. They include various requests previously approved by the Council for which appropriations have not yet been made. They include appropriations for certain projects for which additional revenues have been or will be received. They also include a few new requested amounts.

- a. First Reading of Proposed Ordinance

7. *** Resolution No. 28-95** - A Resolution Appointing Judges of Election for the April 4, 1995 Municipal Election

The governing body of the local government appoints the judges of election unless they have previously delegated that responsibility to the City Clerk by resolution.

8. *** Resolution No. 29-95** - A Resolution Setting Forth the Notice of Election for the Regular Municipal Election to be Held on April 4, 1995 in the City of Grand Junction

A resolution setting forth the notice to be published including candidates, terms and ballot questions (the five sale of surplus property questions) for the April 4, 1995 Municipal Election.

9. **Proposed Ordinance** - An Ordinance Zoning the Willow Ridge Subdivision Site from PR-4 (Mesa County) to PR-3.1 (City of Grand Junction) [File #ANX 94-149]

A Zone of Annexation is necessary at this time as the site was annexed into the City of Grand Junction on January 4, 1995. State Statutes require City zoning within 90 days of annexation. The proposed zoning is Planned Residential (PR) with a density not to exceed 3.1 units per acre.

a. First Reading of Proposed Ordinance

10. **Proposed Ordinance** - An Ordinance Amending Section 10-1-1.B of the Zoning & Development Code of the City of Grand Junction, Variance Criteria [File #TAC 95-1.2]

A request to amend Section 10-1-1.B of the Grand Junction Zoning and Development Code to add a criterion for deciding variance requests and to clarify the criteria applicable to variance requests to Section 4-9 and Chapter 5 of the Code.

a. First Reading of Proposed Ordinance

11. **Proposed Ordinance** - An Ordinance Zoning Northwest Enclave Annexation to I-1, C-2, HO, PB and RSF-R [File #ANX 94-219]

The City recently annexed lands known as the Northwest Enclave, located generally within the area between 22 3/4 Road and 25 Road and G 1/2 Road and Patterson Road/Hwy 50. The City is required by State Statute to establish zoning for the annexation. The recommended zoning is I-1 (Light Industrial), C-2 (Heavy Commercial), HO (Highway-Oriented), PB (Planned Business) and RSF-R (Residential Single Family with a density not to exceed one unit per five acres).

- a. First Reading of Proposed Ordinance
12. *** Resolution No. 30-95** - A Resolution Adopting the 1995 Municipal Annexation Plan

CRS 31-12-101, et seq requires yearly review and updating, if necessary, to the Municipal Annexation Plan. This plan describes the area within which possible annexation may occur, existing and proposed infrastructure, City services, and proposed land uses. The 1995 Municipal Annexation Plan incorporates minor changes to the descriptions of City facilities and services. Upon adoption, this plan will be forwarded to the County Commissioners as required by State Statutes.

13. **Proposed Ordinance** - An Ordinance Amending the Code of Ordinances, City of Grand Junction, by Deleting Section 6-32, Disposal of Manure

Grand Junction's Code of Ordinances, Section 6-32, does allow for the keeping of manure on a property in "a tightly covered box, bin or vault" for a period of time not to exceed one week. Section 6-31 establishes the desired condition of a property on which manure is kept. This section, in relevant part, provides that "no offensive smell is allowed to escape therefrom."

- a. First Reading of Proposed Ordinance
14. **Proposed Ordinance** - An Ordinance Approving Expanding the Boundaries for the Grand Junction, Colorado, Downtown Development Authority

In accordance with State Statutes and the DDA Plan of Development, the board has reviewed signed petitions by the property owners and approved inclusion of additional properties. All properties added are on a volunteer basis.

- a. First Reading of Proposed Ordinance
15. **Approving** a Request for City Matching Funds in the Amount of \$20,000 to Hire a Consultant for Marketing of DDA-owned Property for New Development

* * * END OF CONSENT CALENDAR * * *

* * * ITEMS NEEDING INDIVIDUAL CONSIDERATION * * *

AUTHORIZING A \$100,000 TRANSFER AND EXPENDITURE OF GENERAL FUND CONTINGENCY FUNDS IN SUPPORT OF THE GRAND JUNCTION HOUSING AUTHORITY CRYSTAL BROOK HOUSING PROJECT

As requested, the Housing Authority is presenting additional information on this project.

President of the Council Mantlo suggested that each side speaking for and against this project limit their input to twenty minutes.

Jack Kammerer, Chairman, Housing Authority Board, and Jody Kole, Housing Authority Director, reviewed the issues that City Council requested at the March 1, 1995, City Council meeting:

1. Impact of the Crystal Brook Development on School District #51 in particular (Columbus Elementary School and Orchard Mesa Middle School).

Mr. Kammerer stated that he and Housing Authority Director Jody Kole met with Jeff Phillips who is the principal at Columbus Elementary School. Mr. Phillips is concerned with the increased number of students in his school which is already overcrowded. He is also concerned with the safety of the students walking from the development to Columbus Elementary School:

- a. The number of children who would be impacted in the situation is 12. The School District did a study and their numbers came out as 8 new children. Those figures were provided by Mr. Lou Grasso. Somewhere between 8-12 children would be the impact on Columbus Elementary. Columbus presently has about 350 students. If those children were spread out over Kindergarten through 5th Grade, that would be a fairly minimal impact.
- b. The Housing Authority received a document today from the City Development Engineer regarding creating a paved area on the south side of Santa Clara Avenue, which would be striped to provide a walking area for the children. A flashing school sign could be placed.

Mr. Kammerer also met with Don McClasky, principal at Orchard Mesa Middle School. Mr. McClasky has the two same concerns

for his school, safety and overcrowding. The numbers pertaining to Orchard Mesa Middle School were 5 or 6 students, and Mr. McClasky did not feel that it was a significant number to cause a major problem. He is concerned regarding the safety of the children who are currently walking to Orchard Mesa Middle School. UnawEEP Avenue has no curb, gutter or sidewalk. Mr. Kammerer understands that the City has a project forthcoming to improve UnawEEP all the way out to Orchard Mesa Middle School. This plan is estimated to be completed in two years.

Mr. Kammerer also met with Dr. George Straface, Superintendent of School District #51. Dr. Straface asked that Mr. Kammerer impart the following to City Council:

- a. On behalf of School District #51, he appreciates the fact that the Housing Authority approached him with discussion of the dialogue;
- b. Columbus Elementary School is, and will be crowded. They are going to have to deal with that situation;
- c. The implications of the number of children being put into the schools were minimal, as long as they were spread out among the grades.

Mr. Kammerer responded to questions of Councilmember Afman by stating that Columbus Elementary is at capacity right now. There is no room to expand the building, although there are numerous modular buildings on the school property. Dr. Straface did not indicate that the City should not approve any more development in this area. Councilmember Afman believes that the elementary school students are more vulnerable than the middle school students. The cost of installing a school flashing light is approximately \$1500, and could be done. The light would not be required, but would be prudent. Councilmember Bessinger felt that a flashing light is not very effective.

2. Purchase price of the property versus the appraised value of the property.

Councilmember Afman understands that both principals were delighted that property tax would be paid by this development. Tax law may exempt this development from paying property tax simply because in fifteen years, the development will be under the umbrella of the Housing Authority, even

though it's currently a limited partnership. The schools are going to be impacted with this project, and the taxpayers will have to respond to the needs of the schools without the contribution of this development. If this development is going to create such an impact, it should pay the property tax to help alleviate such a problem. City Attorney Dan Wilson referred to State Statute 39-3-112. He stated that it appears, because of the population, that it may still be taxable after the fifteen years. He will have to confirm that, but will need more information. Ms. Jody Kole, Housing Authority Director, stated that the property tax obligation will not continue once the Housing Authority takes over sole ownership of the property. The other properties owned by the Housing Authority do currently pay "payments in lieu of taxes" on a negotiated basis. The payment in lieu of taxes goes to Mesa County and is distributed in the manner that Mesa County allocates its property tax income. In one location it's a negotiation based on the annual net income of that property. If it earns income, there is a cost sharing between the Housing Authority and the payment. In other cases, a flat annual amount is paid. The property tax currently on the subject property is \$1800 to \$2000. It is estimated that the first year it will be \$12,000 in the Housing Authority's operating budget. That will increase over time. It is anticipated that the property tax will drop off in the sixteenth year. The numbers will need to be re-analyzed if the Housing Authority needs to negotiate a payment in lieu of taxes.

Councilmember Maupin stated that the Housing Authority would also be required to pay \$300 per new unit for a total of \$9600 for the Transportation Capacity Impact Fee which would pay for the sidewalk along Santa Clara Avenue. Councilmember Baughman believes that it is the property owners that pay the lion's share of taxes to the School District (51%). Ms. Kole stated that the property is under ownership of the Housing Authority, and is not responsible for paying property tax on it. When the limited partnership is formed and the property transfers in, the Housing Authority will have the obligation to pay the taxes. She confirmed that action taken tonight by City Council has no impact on the question of ownership of the land. If the project goes forward, the estimated transfer with the partnership would be at the time that the Housing Authority obtains the Certificate of Occupancy (April, 1996).

Ms. Kole clarified that "affordable housing" refers to how

much a person pays for rent compared to their income, whether or not their income is very low, low, or moderate. "Low income" is a term that seems to have a stigma, so the term "affordable" has been used to convey that a broader range of families are being served. Another term that is often used is "entry level housing." She stated that the families that would qualify for rental in this project would be earning anywhere from \$11,000 to \$19,000 annually.

Ms. Kole continued that the existing 8 units will be at the same rental rates as the 32 new units that will be constructed. The Housing Authority needs to fund the development as a whole, not as separate pieces. The acquisition of the existing units will qualify for the tax credit. It is part of the investment that the equity investor is buying into. Councilmember Maupin reiterated that the existing units must be sold with the tax credits as a total project. The total project must be funded at the same time. Ms. Kole stated that the real hard cost would be less \$361,000, less \$50,000 in rehabilitation of the existing units. The cost of the new units would be \$80,139 per unit.

Mr. Kammerer stated that there is also a \$187,000 construction contingency in this budget. It is unlikely that this sum will be expended, which will further reduce the per unit cost. Hopefully, the construction bids will come in under the costs of the Housing Authority. During the preliminary stages, Ms. Kole feels the Housing Authority needs to be cautious and have a healthy contingency for the development costs.

Ms. Kole stated that the appraisal was very difficult. The appraiser did not find any directly comparable transactions to this project. The appraiser valued the existing units as follows: one-bedroom units at \$41,000, two-bedroom units at \$49,000 for a combined value of \$360,000. The appraiser then made some discounts off that as though the Housing Authority were a speculative investor and would hold the units for a while, paying real estate taxes on the 12% rate of return on holding them, and reselling them over a period of time. The appraiser took from that number a discount of \$73,000. He valued the lots on which units can be built at \$2,000 each, for a total of \$64,000. From that figure, the appraiser took no discounts, and also did not include the value of the improvements on the site. The Housing Authority reviewed the appraisal and was concerned about the non-discounted value. The value of the existing units, plus the land, would be set at \$424,000. Ms. Kole stated that the Public Works

Department advised the Housing Authority that such improvements as parking, curb, gutter, drainage improvements, etc. could cost approximately \$60,000 (replacement costs). The availability of City utilities at this location is a plus. Ute Water fees at other facilities are considerably higher. Using all these factors, the Housing Authority Board feels that \$424,000 is a fair value, and that the appraisal did not take into account some of the value that was on the land. The appraisal was made by a certified appraiser. The Board had the option of spending approximately \$2,000 for another appraisal. The Board felt it had sufficient information from its own resources, and a second appraisal was not necessary.

Councilmember Maupin stated that the construction materials will be purchased locally and sales tax will be paid on those materials. Ms. Kole agreed. The Housing Authority will pay all tap fees and additional requirements which will come to approximately \$45,000. The project will be contracted and sub-contracted locally.

When traffic impacts were brought up, Public Works Director Jim Shanks stated 10 trips per day per unit is used on detached single-family homes. The City uses numbers that are common throughout the United States which are developed by the IT Trip Generation Manuals, the Institute of Transportation Engineers. For attached townhomes, the trip generation is 6.5 trips per unit. Typically, those residents of townhomes generally do not own as many vehicles or generate as many trips as the single-family detached homes.

Ms. Kole stated that there are 75 parking spaces planned for this development which meet the requirements of City Code, which is 1.5 per unit plus one for every five units. The result is 72 parking spaces required, plus three handicapped spaces.

Those speaking in opposition to the development were as follows:

1. Ralph Deandrea, 187 Edlund Road, stated that the area citizens were not included in the Housing Authority's meetings with the school district and principals of the Orchard Mesa schools. Mr. Deandrea has spoken to Orchard Mesa Middle School principal Mr. McClasky and the elementary school principal Jeff Phillips on the telephone. Mr. Phillips confirmed that his school is already overcrowded and

has no place to build a unit. This development would add 2 children per grade level to his school. Mr. Phillips is uncomfortable with the number estimates. Mr. McClasky has said that Orchard Mesa Middle School will reach its capacity in 1997 when this project comes on line. It is estimated that Columbus Elementary School will be over capacity by 60 students by the time children from this project begin attending school. He feels that City Council will be pouring gasoline on the fire if this project is approved.

2. Stanley Seligman, President of Great Homes & Great New Homes, had no objections to the units from the sociological aspects, although he believes the following lists what is happening to the taxpayers money in this project, if approved:
 - a. \$3 million plus of tax credits are going out of Mesa County and the State of Colorado. They will sell it to a bank. If locals were given the project, \$3 million dollars would stay in Mesa County;
 - b. The depreciation factor: Economically, depreciation brings more economic development into Mesa County. There are millions of dollars going out of Mesa County as a result of giving away the tax credits which will be sold to large corporations. The benefit will go to the organization that is dealing with the tax credits, and normally, the depreciation is kept for themselves. They will recover their \$1.6 million the very day the tax credits are sold because they will receive \$2 million for the tax credits. If they were sold by local investors the \$2 million could be kept right here in Mesa County where it belongs, the depreciation would also be kept here;
 - c. Costs: The costs on this project are asinine. Mr. Seligman stated that he can build 32 units for \$30,000 per unit, constructed in top condition. His organization pays in excess of \$2 million per year in taxes. He pays \$300,000 in the form of property taxes. There are units available for approximately \$26,000 to \$30,000 all over Mesa County. He feels this development should be under private enterprise. His group is building 96 units under this same program, including 33 units (11 each of 1, 2, and 3-bedroom handicapped) in Farmington, New Mexico.

- d. Availability: Mr. Seligman has 2-bedroom units that rent for \$300-\$325 per month, and 3-bedroom units for \$425 per month.

Mr. Seligman believes this project is not for public housing. He feels it's for able bodied people that can work and earn a living. He did not feel the taxpayers should work two jobs while people living on welfare will be reside in these proposed units. When an outside corporation does a project such as this, 60-70% of the merchandise is purchased from out of County, and far distant contractors are brought in to do the construction. It is not of economic benefit to Mesa County. He requested that City Council deny this application.

Mr. Seligman is negotiating plans to purchase land within the City limits of Grand Junction to build 225 units (1, 2 and 3-bedroom). Only 196 units will be built with the balance of 10-20% of the land being improved as park area for the housing. Handicapped units will be constructed also (approximately 10-20%). These plans are subject to the May lottery funds. The first 60 units would be started approximately December 1, 1995, and completed in February or March, 1996. He assured City Council that there will be no neighbors coming in and complaining because the project is close to their home. It is the ideal location.

3. Keeley Sutherland, 555 Santa Clara Avenue, read a statement to Council regarding Crystal Brook. Had Council taken into account the future building projects that are in the school boundaries? She felt that the information given by the school district was politically correct. The school district will be creative in finding room for all the additional students. In addition to the \$100,000 the Housing Authority is requesting, there are costs for widening Santa Clara Avenue again. Impact studies are also costly. Maintenance of the buildings and the lawns and shrubs in this project will be paid by the County (the taxpayers). The taxpayer will also pay the fees for repairs and damages concerning this project. Taxpayers who continually say NO will say NO again to any new monies for the schools because they feel their voices are not being heard when projects such as Crystal Brook come to the table. They will say NO again when the City/County/State/Federal governments continue to pour money into projects where a few benefit. Affordable housing is a big picture problem for all of Mesa County. Crystal Brook is but a starting point to meet this need, however, Ms.

Sutherland feels it is a "quick fix". It does not address the community needs as a whole. She suggested making building affordable housing attractive to local builders, giving them incentives to build, and compromising on building standards. Create better solutions. This is a question of the impact, long-term, short-term and should the City government spend taxpayers' money conducting impact studies, widening streets, increasing Police enforcement, repairing damage to parks, overcrowding an already overcrowded school. She requested that City Council make the right decision for the City's future leaders, the children who will one day sit on such a Council.

Councilmember Bessinger asked Ms. Sutherland if she felt the people that are on the current Housing Authority waiting list will go into this development. Ms. Sutherland responded that a separate waiting list is going to be created for this project. People locally that need housing may or may not get into this project.

4. Rick Weisgerber, 2994 Pinyon Avenue, supports the Housing Authority and low-income housing. He is concerned with the amount of money per unit and the location. The crime rate on Orchard Mesa is increasing, and the Police are having difficulty dealing with it. He feels the numbers per unit are outrageous. Mr. Weisgerber owns property on Orchard Mesa that is currently rented to the Housing Authority.
5. Penny Heuscher, 330 Mountain View Court, was concerned with the overcrowding of the Orchard Mesa schools. Referring to the parking situation at the low-income housing project that was constructed down the street from her on 1/8 acre units, there are generally 7 vehicles parked (possibly for parts) on the 1/8 acre site. When there are visitors to the units, there is additional parking on the street. She would like to see the taxpayers contribute to something that would benefit the community. She feels that adding more children to Columbus Elementary school is ridiculous.

Councilmember Maupin clarified for the record that the units referred to by Ms. Heuscher are Habitat for Humanity houses. They are not Housing Authority projects.

Those speaking in favor of the development were as follows:

1. Linda Villa, 1134 Rood Avenue, is involved in the community, has worked with the Catholic Outreach for years, and has seen

the increase of the homeless, mothers with children living in their cars. This is affecting the community. The taxpayer is paying to help these people that have no housing. She feels there are a lot of hard working people earning minimum wage that are paying into this community. If these units are not built, the City will still have to deal with the children that are out in the street. What effect is this having on them? These children need positive thoughts for their minds.

If the City is going to say that it doesn't care because the children's parents are on welfare, or because the parents only earn a minimum wage, it is not portraying a caring community. She is very concerned about the homeless in this community. Ms. Villa would support housing projects constructed by the private sector as long as the rents are not raised. She encouraged Councilmember Afman to go into the Riverside area to talk to the people and view the housing situation there.

2. Mary Ann Novak, 292 Chinle Court, a member of the Housing Authority Task Force, has studied affordable housing, the issues and goals and the mission of the Housing Authority to provide safe, affordable housing. She stated that this issue is regional. One of the issues is because people are looking at the quality of life and the lifestyle in which they have been used to. Rising costs of real estate have forced some people that have been used to a certain standard of living to not be able to afford housing because they are on the front line, workers in the category of \$6 to \$9 per hour, who are now unable to afford housing. This is the majority of the Grand Junction area, and the workers are our front line workers, people who have two incomes, that are not in subsidized housing or low-income housing. They just want affordable housing. The Crystal Brook project would meet this need. The City's contribution of \$100,000 toward a \$2.6 million project would benefit Grand Junction's citizens. As a member of the Task Force, Ms. Novak extended her support of this project.

Ms. Novak stated she cannot imagine private enterprise making this much of an investment and not wanting a return on that investment, and passing it on to the renters. She stated if private enterprise could build such a project with all the restrictions, and the Housing Authority can still come up with those funds, bringing that benefit to the community, the City should have both.

3. John Huff, 310 33 Road, was involved in the sale of the property. The land was already set for apartment units,

condos or townhouses. The school issue is a valid issue. If it was anyone other than the Housing Authority, they would probably have been able to build the project without even talking with the City Council. Regarding the value on the ground, Mr. Huff stated that the improvement costs for the land would be \$360,000. It would leave the land cost at \$65,000 for 32 units. That equates to \$2,000 per unit cost. It would be comparable to buying a four-plex site for \$8,000. He feels that it was a good business decision made by the Housing Authority. The cost estimates on the improvements seem high, but they have been built high as a contingency. Their ground is fairly priced. They are also building to the new CABO guidelines. The Federal Government has placed some very stringent guidelines for efficiencies. A lot of builders don't even build to the CABO guidelines today. One of the advantages to sites in Grand Junction is the water taps. If this site were built in the Ute Water area, the utilities would be over \$100,000 as compared to \$30,000 in the City. He feels there are a lot of reasons that make this project viable.

Councilmember Theobald mentioned that Mr. Huff and his firm contributed back approximately \$4,000 to this project. He felt it was a great gesture, and thanked Mr. Huff. Mr. Huff stated the project needs community support. Any community support received helps them get matching funds. In order to help make the deal successful, his firm gave back part of their fees.

4. Sister Caroline Conway, 580 Bookcliff, Catholic Outreach, stated the priority in her life is to help people find housing. She sees it from her work level. For two consecutive months their rental assistance program was burdened to the max by people who had their rents raised and could not afford to stay in their apartments or houses. In the month of December, 1994, and January, 1995 \$10,000 was contributed for each month. They were unable to help to that extent in February, 1995. People need some help and relief. They cannot find affordable housing. They are indeed living in cars with children. She has empathy for overcrowded schools, but she has more empathy for children living in cars. She requested that Council get started with this project before the problem gets worse. She is fearful of the social problems as a result of a shortage of affordable housing. Many more problems will ensue if this is not solved.

Councilmember Baughman expanded on what he said at the March 1, 1995, meeting. He also stated that there are a lot of old houses that are vacant in the community. He is in favor of helping people to get into these homes and fix them up. For people that don't have a lot of money, you are not doing them a favor by tying their money up for 30 years of their working life in paying back a mortgage that they really cannot afford. He is still concerned about lower income property owners paying taxes to help others that are earning more than the taxpayer himself.

President of the Council Mantlo was concerned about this project because they are talking about people who are supposedly earning \$19,000 annually. Today, they cannot make it on that salary with both parents working. He understands that the schools are crowded all over the valley. School bonds have not passed to pay for schools. He agrees that if private enterprise would step forward and build housing and treat the people right, every member on the Council would vote for that. He feels that whether private enterprise builds or the government builds, the taxpayer will still have to pay in the long run.

Councilmember Theobald commented on the fact that if private enterprise can do this, why haven't they done it. He does not feel that families outside of the valley will be eligible for this housing before local families will qualify. He appreciated the suggestions made by Ms. Sutherland regarding new approaches, although he would not agree with a compromise on building standards.

President of the Council Mantlo has served on the Housing Authority in the past. He stated that the Authority offered to match funds for fixing up older homes, and none of the property owners seemed interested.

Councilmember Afman is not saying that there is no need for housing in this area at a rate that is affordable to people earning low wages. She is very opposed to the government getting involved. It is her taxpayer dollars. She feels government must begin saying NO and the private sector will pick up. The people who are on a subsidized salary or income will go to work. They will stay in school. Perhaps families will strive to stay together, instead of a single mother with children. There are other developers that can and will construct such projects.

Councilmember Maupin has served on the Housing Authority for approximately one year and is aware of the need for affordable housing in this community. He believes the City and its citizens

have some responsibility to deal with this. The City and its citizens helped create this affordable housing gap. The City encourages tourism here which encourages service sector jobs which means minimum wage earnings. The Economic Development Council encourages businesses to move here, but along with that advertising they also bring more residents here thinking there are jobs because businesses are moving here. The City contributes \$1 million to that. These working families would have more income to improve their quality of life.

Upon motion by Councilmember Maupin, seconded by Councilmember Tomlinson and carried by roll call vote with Councilmembers **BAUGHMAN, BESSINGER** and **AFMAN** voting **NO**, the \$100,000 transfer and expenditure of General Fund Contingency Funds in support of the Grand Junction Housing Authority Crystal Brook Housing Project was authorized.

PUBLIC HEARING - POMONA PARK ANNEXATION - RESOLUTION NO. 31-95
ACCEPTING PETITIONS FOR ANNEXATION, MAKING CERTAIN FINDINGS,
DETERMINING THAT PROPERTY KNOWN AS THE POMONA PARK ANNEXATION IS
ELIGIBLE FOR ANNEXATION AND EXERCISING LAND USE CONTROL AND
JURISDICTION - PROPOSED ORDINANCE ANNEXING TERRITORY TO THE CITY
OF GRAND JUNCTION, COLORADO - POMONA PARK ANNEXATION,
APPROXIMATELY 550.43 ACRES, LANDS LOCATED AT THE NORTHWEST,
NORTHEAST AND SOUTHEAST CORNERS OF 24 ROAD AND I-70 INTERCHANGE,
THEN EASTERLY TO 24 3/4 ROAD INCLUDING VARIOUS PROPERTIES EAST,
WEST AND SOUTH INCLUDING THE KAY, VALLEY MEADOWS AND MOONRIDGE
FALLS SUBDIVISIONS
[FILE #ANX 95-17]

The City desires to annex lands north of the present City limits. Powers of Attorney have been obtained for the County approved Moonridge Falls Subdivision, Valley Meadows Subdivision, and Kay Subdivision, all currently under construction, as well as POA's from individual properties that have already connected to sewer and the 151 acre Saccomanno property. These POA's, along with adjoining lands, are being considered as part of the Pomona Park Annexation. Staff requests that City Council approve by Resolution the Acceptance of Petition and approve on first reading the annexation ordinance for the Pomona Park Annexation.

A public hearing was held after proper notice. Dave Thornton, Community Development Department, reviewed this item by referring to the plat and describing the lands to be annexed. This is a majority annexation. The City has Powers of Attorney on 53 parcels (233 acres), 25 parcels (195 acres) do not have Powers of Attorney, along with 2 City-owned parcels (72 to 73 acres),

totaling 80 parcels. There are approximately 50 acres of right-of-way included in this annexation. Sixty-nine property owners have filed Powers of Attorney, and 30 property owners have not filed Powers of Attorney. The majority (over 50%) has been met for the three categories that has been set by State Statute. It was Mr. Thornton's professional opinion, based on his review of the petition, pursuant to State Statute 30-12-104, that the Pomona Park Annexation is eligible to be annexed. It complies with the following:

1. A proper petition has been signed by more than 50% of the owners of more than 50% of the property described;
2. Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;
3. A community of interest exists between the area to be annexed and the City. This is so in part because Central Grand Valley is essentially a single demographic and economic unit, and occupants of the area can be expected to and regularly do use City streets, parks and other urban facilities;
4. The area will be urbanized in the near future;
5. The area is capable of being integrated with the City;
6. No land held in identical ownership is being divided by the proposed annexation;
7. No land held in identical ownership comprising twenty contiguous acres, or more, with a valuation of \$200,000, or more, for tax purposes, is included without the owners' consent.

Responding to a question from Councilmember Baughman, Mr. Thornton explained that the 201 Boundary would include everything in this annexation except for the property north of I-70 at 24 Road. None of the annexation is outside the Municipal Annexation Plan boundary.

Kay West, 2627 H 3/4 Road, stated that the Saccomanno property engulfs her property on three sides. She has been told that there is no immediate plan to develop that 150 acres for 5-10 years. She did not understand why the City wishes to annex property that is not going to be developed. Councilmember Theobald responded that the City wishes to annex before development takes place so that it will have some say in how and what is developed, and

making land use decisions. That is a very important part of why the City annexes undeveloped properties.

There were no other comments. Upon motion by Councilmember Theobald, seconded by Councilmember Afman and carried by roll call vote with Councilmember **BAUGHMAN** voting **NO**, Resolution No. 31-95 was adopted, and the proposed ordinance was passed for publication.

PUBLIC HEARING - NORTHRIDGE ADDITION ANNEXATION - RESOLUTION NO. 32-95 ACCEPTING PETITIONS FOR ANNEXATION, MAKING CERTAIN FINDINGS, DETERMINING THAT PROPERTY KNOWN AS THE NORTHRIDGE ADDITION ANNEXATION IS ELIGIBLE FOR ANNEXATION AND EXERCISING LAND USE CONTROL AND JURISDICTION - PROPOSED ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO - NORTHRIDGE ADDITION ANNEXATION, APPROXIMATELY .49 ACRE, LANDS LOCATED AT 412 NORTHRIDGE DRIVE - PROPOSED ORDINANCE ZONING NORTHRIDGE ADDITION ANNEXATION RSF-4 [FILE #ANX 95-16]

A Power of Attorney for annexation was signed when the home at 412 Northridge Drive was constructed and connection to sewer was requested. A Petition for Annexation is now being referred to City Council. Staff requests that City Council accept the annexation petition and approve on first reading the Northridge Addition Annexation.

A hearing was held after proper notice. Dave Thornton, Community Development Department, submitted to the City Clerk a statement that the Northridge Addition Annexation complies with State Statutes regarding annexation and is eligible for annexation (attached). Mr. Thornton stated this is a separate metes and bounds parcel separate from the original Northridge subdivision.

This is also a request to zone land currently being annexed to the City to RSF-4 (Residential Single Family with a density not to exceed 4 units per acre). The City is required by State Statute to establish zoning for the annexation.

There were no other comments. Upon motion by Councilmember Tomlinson, seconded by Councilmember Theobald, Resolution No. 32-95 was adopted, and the two proposed ordinances annexing the territory to the City and zoning the Northridge Addition Annexation RSF-4 were passed for publication on first reading.

PUBLIC HEARING - ORDINANCE NO. 2818 - AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION - INTERSTATE ADDITION ENCLAVE, APPROXIMATELY 11.27 ACRES LOCATED AT THE NORTHEAST CORNER OF 23 ROAD AND G L/4 ROAD [FILE #ANX-95-12]

The Interstate Addition Enclave is located along the east side of 23 Road at a point where G 1/4 Road would be. This area is totally surrounded by the City limits and is eligible for annexation under State Statutes.

A hearing was held after proper notice. There were no comments. Upon motion by Councilmember Baughman, seconded by Councilmember Maupin and carried by roll call vote, Ordinance No. 2818 was adopted, and ordered published on final reading.

MUNICIPAL ELECTION CODE

Councilmember Afman stated for the record that the City Attorney has supplied Council with copies of petitions and statutes regarding the Municipal Election Code. She would like to meet with Council and discuss possible changes of the regulations.

City Attorney Dan Wilson cited State Statute 31-10-305 that says a candidate may file a new petition with a cut-off day of 18 days before the election. That would seem to say that amendments can continue to be made. The subject of subsection 305 is "questions of apparent conformity." "Apparent conformity" would normally be 50 signatures on a petition. If there were only 49 signatures on the petition, and it did not have apparent conformity, would a candidate be allowed to continue to remedy the petition, if rejected by the City Clerk? When a petition is filed on Friday afternoon, the Statute says that the Clerk has 48 hours to investigate and resolve the questions that are other than "apparent conformity", questions of the circulator's affidavit. Mr. Wilson feels there needs to be clear direction to alleviate any confusion.

Councilmember Theobald stated that if it were anything else, a referendum for a State-wide initiative, or virtually any other petition, except a Council nomination petition, the direction is very clear that it could not have been re-submitted, but this particular petition was ruled as eligible for re-submittal because it didn't really say one way or the other, so the City erred on the side of leniency in this case.

David Graham, 1625 Walnut Avenue, is a current candidate for District D. He feels the abuse was not in the nature of how many times a petition should be submitted for possible amendment, but what conduct is allowed while circulating a petition for signatures. He sees the deficiency on the affidavit form on the

petition itself which says that the person who is signing it is 18 years of age, and a registered elector. He feels a solution to this problem would be to change the language in the affidavit on the petition to require "each of the people who signed this petition came before me personally." He suggested that Council revise the affidavit form.

City Attorney Wilson agreed that Grand Junction's form is antiquated and the forms will be revised.

Councilmember Baughman stated that he too has been confused with the wording of the affidavit.

The City Attorney will look into the problem and come up with a solution before the next Municipal Election in 1997.

Councilmember Bill Bessinger exited the meeting at 9:50 p.m.

BENSON RANCH REZONE

Upon motion by Councilmember Theobold, seconded by Councilmember Tomlinson and carried, authorization was given for the Mayor to issue a letter to the Mesa County Planning Commission and the County Commissioners stating the City's formal position on the Benson Ranch development and rezone (C12-95). Said letter is to be written in a timely manner since the Planning Commission will be meeting on March 16, 1995.

ADJOURNMENT

Upon motion by Councilmember Maupin, seconded by Councilmember Theobold and carried, the meeting was adjourned at 9:53 p.m.

Stephanie Nye, CMC
City Clerk