

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

**April 5, 1995**

The City Council of the City of Grand Junction, Colorado, convened into regular session the 5th day of April, 1995, at 7:30 p.m. in the City/County Auditorium at City Hall. Those present were Linda Afman, Jim Baughman, Bill Bessinger, Ron Maupin, John Tomlinson and President of the Council R.T. Mantlo. Reford Theobold was absent. Also present were City Manager Mark Achen, City Attorney Dan Wilson, and City Clerk Stephanie Nye.

Council President Mantlo called the meeting to order and led in the Pledge of Allegiance. The audience remained standing during the invocation by Rev. Doug McKee, Crossroads Methodist Church.

**APPOINTMENT OF CANVASSING BOARD**

Upon motion by Councilmember Afman, seconded by Councilmember Maupin and carried, Public Notaries Christine English and Millie Fowler were appointed to serve on the Canvassing Board in the place of incumbents James R. Baughman and Reford C. Theobold.

**CANVASS OF ELECTION OF APRIL 4, 1995**

Councilmember Baughman left his seat on Council at this time. City Clerk Stephanie Nye reviewed the Certificate of Election for the April 4, 1995, Regular Municipal Election (Attached). The Certificate of Election was accepted, signed by all seven members of the Canvassing Board, and prepared for filing with the Secretary of State and for publication in The Daily Sentinel. Councilmember Baughman resumed his seat on Council at this time. Mayor Mantlo thanked City Clerk Nye for her work on the election. He also stressed the importance of voting to the many young people in the audience.

**PRESENTATION OF AWARDS: THE DISTINGUISHED BUDGET AWARD TO LANNY PAULSON, BUDGET COORDINATOR FOR THE FISCAL YEAR ENDED DECEMBER 31, 1993 AND THE BIENNIAL BUDGET FOR 1994 AND 1995; AND THE AWARD OF EXCELLENCE IN FINANCIAL REPORTING TO REX RICKS, SENIOR ACCOUNTANT -PRESENTED BY RON LAPPI, ADMINISTRATIVE SERVICES & FINANCE DIRECTOR**

**PROCLAMATION DECLARING APRIL, 1995, AS "FRESHAZADAZY MONTH" IN THE CITY OF GRAND JUNCTION**

**PROCLAMATION DECLARING APRIL 2-8, 1995 AS "FRUITA MONUMENT WILDCATS' GIRLS BASKETBALL WEEK"**

**PROCLAMATION DECLARING WEEK OF APRIL 9-15, 1995, AS "NATIONAL**

PUBLIC SAFETY TELECOMMUNICATORS WEEK" IN THE CITY OF GRAND JUNCTION

PROCLAMATION DECLARING APRIL 17-23, 1995, AS "ENVIRONMENTAL EDUCATION WEEK" IN THE CITY OF GRAND JUNCTION

PROCLAMATION DECLARING APRIL 28, 1995, AS "ARBOR DAY" IN THE CITY OF GRAND JUNCTION

LEIGH MAGEE, CONCERNED CITIZENS AGAINST INCORPORATION

Ms. Leigh Magee, spoke to Council representing Concerned Citizens Against Incorporation of Clifton. Surveys have been conducted with hundreds of homeowners within various subdivisions in Fruitvale asking them to choose between incorporation with Clifton and annexation with Grand Junction. The surveys resulted in over 80% choosing annexation with Grand Junction. Further surveys will be conducted. She will submit these surveys to City Council at its regular meeting to be held on May 17, 1995.

Ms. Magee also discussed the costs of incorporation of Clifton. Her group supports the commercial annexation by Grand Junction and requested that Grand Junction pass this annexation on May 17, 1995. It will save her group the time, expense and "folly" of the proposed incorporation of Clifton.

CONSENT ITEMS

Upon motion by Councilmember Maupin, seconded by Councilmember Tomlinson and carried by roll call vote with Councilmember **BAUGHMAN** voting **NO** on Item 11, and Councilmember **BESSINGER** voting **NO** on Items 9, 15 and 16, the following Consent Items 1-17 were approved:

1. Approving the minutes of the Regular Meeting March 15, 1995
2. Award of Bid - 1995 Water Line Replacements - 7th Street to 9th Street, on Teller Avenue  
Recommended Award: Parkerson Construction - \$63,445

This project will replace 978 feet of 6" cast iron water line and 25 lead service lines. The following bids were received on March 22, 1995:

Parkerson Construction	\$63,455.00
Continental Pipeline Construction	\$65,954.18
M.A. Concrete Construction	\$78,887.00

Engineer's Estimate \$49,714.00

3. **Award of Contract** for Engineering Consultant Services for the Design of Sanitary Sewer Extension for Dressel Drive and Country Club Park West  
Recommended Award: Williams Engineering - \$11,700

Proposals were received on March 24, 1995:

Williams Engineering \$11,700  
Banner Associates, Inc. \$20,250

4. **Award of Bid** - Construction of the Sewer Line for the Highway 6 & 50 Sewer Improvement District  
Recommended Award: M.A. Concrete - \$247,015.50

The following bids were received on March 22, 1995:

M.A. Concrete Construction, Inc. \$247,015.50  
Parkerson Construction, Inc. \$267,989.00  
Downey Excavation \$270,939.00  
Palisade Constructors, Inc. \$340,159.25  
Lyle States Construction \$366,212.00

Engineer's Estimate \$270,052.00

5. **Award of Bid** - 1995 Curb, Gutter and Sidewalk Replacement  
Recommended Award: Reyes Construction - \$128,608.24  
The following bids were received on March 29, 1995:

Reyes Construction \$128,608.24  
Mays Concrete \$155,693.00  
Armandariz Construction \$192,078.60  
RMB Construction \$284,006.00

Engineer's Estimate \$175,679.45

6. **\* Resolution No. 33-95** - A Resolution Concerning Establishing An Alternate Point of Diversion for Grand Junction Colorado River Pipeline Water Right

To facilitate use of Grand Junction-Colorado River Pipeline water right for riverfront redevelopment, park and trail purposes, Botanical Garden uses, Jarvis redevelopment, and Lower Downtown redevelopment, an additional alternate Point of Diversion is being sought to move 10 cfs of the City's 80

cfs Grand Junction-Colorado River Pipeline water right to a point near the 5th Street Bridge.

7. **Authorizing** the Appropriation of \$36,000 from Capital Contingency to Fund the City's Share of a \$180,000 Street Lighting Grant Project

The Grand Junction/Mesa County MPO has reallocated 1995 STP grant funds for the utilization by the City to install street lights on portions of Highway 6 & 50 and North Avenue. Since the City share of the grant project was not budgeted for, an appropriation from capital contingency funds is required to proceed with the project.

8. **\* Resolution No. 34-95** - A Joint Resolution of the County of Mesa and the City of Grand Junction Concerning Adoption of an Administrative Amendment to the Fiscal Years 1995-2000 Transportation Improvement Plan

The TIP is the document that outlines the projects within the MPO boundary targeted for the expenditure of federal transportation monies in the coming years. This change will allow the deletion of the E 1/2 Road Pathway Project from the TIP, and the addition of:

1. A project to provide street lighting on I-70B from Independent Avenue to 1st Street and on North Avenue from 29 Road to I-70B; and
2. The signalization of the intersection of 33 Road and U.S. Highway 6.

9. **CDBG Grant** - Additional Funds for The Resource Center, Inc.

The Resource Center is requesting that the Council adopt the resolution authorizing acceptance of an additional \$20,000 in low and moderate income housing grant funds from the State of Colorado, Department of Local Affairs, Division of Housing.

Staff is requesting that the Council adopt the resolution authorizing a letter of agreement with The Resource Center regarding the administration of the additional funds in connection with the original CDBG grant.

- a. **\* Resolution No. 35-95** - A Resolution Authorizing an Amendment to the Contract with the State of Colorado, Department of Local Affairs, Division of Housing for

the Acceptance of Additional Community Development Block Grant Funds

- b. **\* Resolution No. 36-95** - A Resolution Authorizing a Letter of Agreement with the Resource Center for the Administration of Additional Community Development Block Grant (CDBG) Funds
  - c. **Authorization** of a Transfer from General Fund Contingency for an Additional \$20,000 Contribution to the Resource Center's "Celebrate the Center" Campaign to be used for Purchase and/or Remodel of the Jobs Training Center
10. **Proposed Ordinance** - An Ordinance Amending the City of Grand Junction Zoning and Development Code, Section 5-10-3, Section 4-3-4, and Chapter 12 [File #TAC 95-1.5]

Amending the Zoning and Development Code to allow the option of increasing the number of large and small agricultural animals in a RSF-R zone district through a Conditional Use Permit and to expand the definition of "Agricultural Animal" to include additional species at the discretion of the Community Development Director.

- a. First Reading of Proposed Ordinance
11. **\* Resolution No. 37-95** - A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, and Setting a Hearing on Such Annexation, Brookwood Annexation, Located at the Southwest Corner of F 3/4 Road and 30 Road

The majority of the homeowners in the Brookwood Subdivision are requesting annexation. The Petition for Annexation is now being referred to City Council. Staff requests that City Council approve by resolution the Referral of Petition for the Brookwood Annexation.

12. **Proposed Ordinance** - An Ordinance Amending the City of Grand Junction Zoning and Development Code, Section 4-3-4 and Chapter 12 [File #TAC 95-1.3]

Amending the Zoning and Development Code to add "Landscaping Materials" to the category "Nursery/Greenhouse" and to expand the definition of "Nursery/Greenhouse" to include

"Landscaping Materials."

a. First Reading of Proposed Ordinance

13. **\* Resolution No. 38-95** - A Resolution Authorizing the Issuance of a Revocable Permit to Margaret E. Foster at 915 Lakeside Court

A resolution authorizing the issuance of a Revocable Permit to allow the encroachment of a portion of a deck in an easement at 915 Lakeside Court.

14. **Award of Contract** for the Replacement of 27 Concrete Planters on Main Street from the 500 to 700 Block  
Recommended Award: Grasso Masonry, Inc. - \$30,260

Proposals were requested from local masonry contractors for the replacement construction of 27 white concrete planters located on the north and south sides of Main Street from the 500 to 700 block. New planters are to be constructed with brick facing and concrete caps to match existing brick planters.

15. **Proposed Ordinance** - An Ordinance Approving Expansion of the Boundaries for the Grand Junction, Colorado, Downtown Development Authority

The DDA is proposing to expand the Authority's boundaries to include two additional properties adjacent to the current boundaries. The DDA board has reviewed and approved the individual petitions for inclusion. All new inclusions are voluntary, with petitions signed by the property owner.

a. First Reading of Proposed Ordinance

16. **\* Resolution No. 39-95** - A Resolution Amending Resolution No. 21-95 Authorizing and Directing the Purchase of 80 Acres of Land by the City's CIP Fund from the Golf Course Fund

17. **Authorizing** the City Manager to Execute a Special Use Permit, a Temporary Easement and a Permanent Easement with the State of Colorado for the Construction of the Colorado River Flood Levee Project

The City and the Army Corps of Engineers have entered into an agreement with M.A. Concrete Construction Company for the construction of the Colorado River flood levee project. A

portion of the levee is on State lands adjacent to the old Climax Mill site. In order to continue the construction, a special use permit, a temporary easement and a permanent easement will need to be executed with the State of Colorado.

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

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

PUBLIC HEARING - ORDINANCE NO. 2819 - 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, including appropriations for certain projects for which additional revenues have been or will be received. They also include a few new requested amounts.

This item was reviewed by Ron Lappi, Administrative Services and Finance Director.

There were no comments. Upon motion by Councilmember Afman, seconded by Councilmember Bessinger and carried by roll call vote, Ordinance No. 2819 was adopted and ordered published on final reading.

PUBLIC HEARING - ORDINANCE NO. 2820 - AN ORDINANCE APPROVING EXPANSION OF THE BOUNDARIES FOR THE GRAND JUNCTION, COLORADO, DOWNTOWN DEVELOPMENT AUTHORITY

The DDA is proposing to expand the Authority's boundaries to include seven additional properties adjacent to the current boundaries. The DDA board has reviewed and approved the individual petitions for inclusion. All new inclusions are voluntary, with petitions signed by the property owner.

This item was reviewed by Barbara Creasman, Downtown Development Authority Director.

There were no comments. Upon motion by Councilmember Baughman, seconded by Councilmember Maupin and carried by roll call vote with Councilmember **BESSINGER** voting **NO**, Ordinance No. 2820 was adopted on final reading and ordered published.

PUBLIC HEARING - CONDITIONAL USE PERMIT FOR RIMROCK MARKET PLACE  
[FILE #CUP 95-30]

This is an appeal of a Conditional Use Permit decision by Planning Commission. Harold Woolard, an adjoining property owner, has appealed the Planning Commission approval of the Rimrock Marketplace to the City Council based on access and drainage concerns. Rimrock Marketplace Retail Center is to be located on the southwest corner of 25 1/2 Road and Highway 6 & 50.

This item was reviewed by Michael Drollinger, Community Development Department. Section 4-8 of the Zoning & Development Code specifies the criteria used to evaluate all uses requiring a special and conditional use permit. The proposed project falls in the use category of "Major Shopping Center" which requires a conditional use permit in the C-1 and C-2 zoning districts. A conditional use is not a use by right, which in general terms, the Planning Commission or City Council must determine whether the use proposed can function satisfactorily at the proposed location without creating significant adverse impacts on either the surrounding properties or public services.

DHI, Inc., is requesting approval of an approximately 530,000 square foot retail center plus additional pad site development on an approximately 50 acre parcel on Highway 6 & 50, west of 25 1/2 Road and directly south of Sam's Club. Mr. Drollinger referred to the maps and explained the relocation and extension of the frontage road.

Based on Staff's review of the preliminary design and supporting reports that were prepared by the petitioner which included a preliminary drainage report, a traffic report and associated preliminary development plans, Staff recommends approval of the Conditional Use Permit for the Rimrock Market Place Retail Center if the conditions listed on Page 4 of the Staff Report are satisfactorily addressed prior to the issuance of a planning clearance. Conditions of approval generally provide the parameters, such as the maximum number of square feet which could be built, and also details some of the signage guidelines. A condition of this approval is that the funding and construction of those improvements would be the responsibility of the developer, and all circulation improvements would be subject to review and approval by the City and the Colorado Department of Transportation which has jurisdiction over Highway 6 & 50. All the proposed circulation improvements would have to meet all applicable requirements. Staff recommends approval of the Conditional Use Permit. Planning Commission also approved the Conditional Use



Permit at the March 7, 1995, meeting with a vote of 5-0 with the conditions contained in the Staff Report.

The Planning Commission approval was appealed by Mr. Harold Woolard, the owner of the Corner Store. Mr. Woolard expressed two concerns which are contained in a letter attached to the Staff report:

1. Impacts of drainage - The petitioner has supplied a response which details a generalized grading plan. The petitioner is concerned that the relocated frontage road may be built up to a point where the drainage off the frontage road and off the Rimrock property might adversely impact his property.
2. Access to Mr. Woolard's property as a result of this development - The proposed frontage road will be relocated from the point adjacent to the highway further south. It does impact Mr. Woolard's property in that there will be no access from the frontage road or from the portion of the frontage road that would remain in front of his property, over to the Sam's Club traffic signal. The means of accessing that signal would change from the front of the property to the rear of the property. The relocated frontage road would abut immediately to the rear of his property. There is currently access from his property to the rear property line.

Mr. Drollinger stated that the petitioner was required to have the Traffic Engineer prepare a traffic study which considers the existing volumes on Highway 6 & 50 and the surrounding roads, and makes projections based on the anticipated growth on the roadway network for a number of years in the future. An analysis is completed which is contained in the petitioner's traffic study as to how the number of trips that are going to be generated from this property will impact the roadway network, not only now, but also projected out into the year 2000 and beyond. This is how the Colorado Department of Transportation determines the kind of construction improvements that will be required to maintain traffic levels on the roadway network that are acceptable to both the City and CDOT.

Mr. Tom Logue, Land Design Partnership, 200 N. 6th Street, introduced Dan Yankovet, President of DHI, Denny Graham, Monument Realty, and Phil Hart, Project Engineer for the proposal. All were present to respond to questions of Council. Mr. Logue stated that tonight's request is for a Conditional Use Permit, the

foundation upon which all the other permits will be built. He is asking the City if this is an appropriate use at this particular location at the intensity proposed. If the answer is YES, then he needs to proceed with an involved permitting process, not only with the City, but with CDOT, Colorado Health Department, Corps of Engineers, etc. He submitted a traffic analysis (50-60 pages) in conjunction with the drainage analysis which formulated the basis for the refinement of the plan. Those documents were presented to the Planning Commission. The Planning Commission suggested that it was an appropriate use for this location. That decision was appealed by an adjoining owner. Mr. Logue responded to Mr. Woolard's drainage concern by stating that the generalized drainage report has made a commitment that DHI will not affect the historic drainage patterns from that property or change the methods in which the surface drainages are discharged from that property.

Mr. Logue continued with discussion regarding the access and the abandonment of a portion of the frontage road. Currently, in front of the Corner Store property is a divided at-grade median. It is striped as a single yellow. Part of the intricacies of the transportation analysis suggests that as long as that use remains in its current state, a designation of a continuous turn pocket, similar to what is found on sections of Patterson Road, would require striping and reidentification in that area. The applicant is willing to meet this requirement in conjunction with some of the other highway improvements, upgrading and widening of the existing signals at the main entrance, the expansion and relocation of the frontage road, and some improvements along Independent Avenue. If City Council decides that the frontage road should remain in its current location, DHI does not care, but City Engineer, CDOT and the MPO is encouraging abandonment of that section of the frontage road between Mr. Woolard's property and the upgraded intersection, in the interest of safety. There is a drainage channel that crosses the property from the west to east commonly referred to as the Ligrani Drain. It currently falls under the operation and maintenance of the Grand Junction Drainage District. The developer was asked to determine if that area would qualify as a wetlands since it is return water from three sources which is illustrated in the drainage report. That is the Corps of Engineers' jurisdiction. Historic drainage is what exists today. The City and CDOT encouraged a new access to the Corner Store. Mr. Logue also addressed the pads sites.

Mark Relph, Public Works Manager, is a professional engineer registered in the State of Colorado. He stated that the Public Works Department looked at this issue based on the traffic report

that was submitted by the developer. The amount of traffic generated by this type of development requires a minimum stacking distance in order to provide safe movement of traffic. If the access road were allowed to be maintained on the north side, cars could not physically move in and out of that area since the cars would actually be trapped in that frontage road. The Public Works Department not only recommends that this section of the frontage road be abandoned, but that it be removed. Mr. Relph is confident that the Colorado Department of Transportation will never approve a development of this magnitude with a frontage road in the present location. It simply is not safe to have that frontage road so close to the highway, and not allow safe stacking of cars and the movement of left turns into that area. Generally speaking, Mr. Relph does not feel that realigning the road will alter the drainage flow. Mr. Relph felt the proposal for an inlet to be located at the center of the property would solve the problem.

City Manager Mark Achen stated that at the design stage, the City does not require a full fledged storm drainage design and plan. The City must have enough of the concept to consider. Mr. Relph stated that the Conditional Use Permit is issued if the development meets the list of criteria in the final design. If at any point during that process the design could not accommodate that list, then it would have to be taken back to the Planning Commission. Mr. Relph stated that the CDOT has jurisdiction over the highway in regards to access permit. If the CDOT feels that the applicant cannot meet CDOT's criteria, they will not issue them an access. Mr. Achen stated that ignoring Staff's recommendation could create a liability for the City.

Ms. Marie Shaffer, representing Mr. Harold Woolard, said she met with Chuck Dunn of the Colorado Department of Transportation who said "This is entirely up to the City. The City has entire responsibility for relocating that service road." He will not recommend abandonment of the present road. He does not necessarily feel that Mr. Woolard's store should be cut off from use of that one. Although the shopping center needs the stacking, the service road can be left the way it is. In the original plan, as submitted, the developers asked for not only abandonment of the service road but also for ownership of that section. The State does not see it as their responsibility to turn it over to them. They don't want to turn property over to private land holders when they may need it for right-of-way in the future. Mr. Dunn also indicated that no matter what they recommend to the City, the City will do what it wants to do. He pointed out Sam's Club as an example. Mr. Dunn said CDOT had recommended a different approach

to that intersection, and that the extra lights not be installed there. The City Engineers insisted those lights be placed there. Now they have been removed. Ms. Shaffer said that Mr. Dunn is not supporting this position, which is a reversal of the position stated approximately one month ago. She stated that CDOT will not take jurisdiction of this frontage road. That is why it is the City's determination for that road. Ms. Shaffer felt it was unfair to ask Mr. Woolard to completely turn his business around to accommodate this proposed development.

Councilmember Afman felt it was important that the City Staff and CDOT work together to review the entire final site.

Mr. Harold Woolard, owner of the Corner Store, gave some history on himself. He feels that Council cannot approve this development as presented. The traffic situation in the area is currently a hazard. Additional traffic hazards will be created by this development. If the frontage road is shut down, Mr. Woolard feels it will be the end of his business. There is no way for the traffic to get in and out from the one small access onto Highway 6 & 50. Mr. Woolard has no problem with the new shopping center as long as his access is left alone and with a levy two or three feet behind his building. He has been told that the projected landfill in that area is between 300 and 400 million cubic feet of fill dirt. He did not feel that being asked to divert his traffic around to the rear of his business is favorable. He requested that Council review this proposal, consider the traffic hazards, consider him and his rights as a citizen, and make a fair and just decision.

Councilmember Maupin felt it would be a benefit to Mr. Woolard to have two accesses to his business. Councilmember Afman referred to the Planning Commission minutes which state that Mr. Woolard's access will be maintained.

It was moved by Councilmember Afman and seconded by Councilmember Bessinger that the appeal of the Conditional Use Permit for the Rimrock Marketplace Retail Center be denied.

Councilmember Tomlinson requested clarification of the vote on this motion. President of the Council Mantlo responded that a Yes vote would mean that the appeal is denied, and the project is approved.

Councilmember Baughman urged Council's decision to reflect that the Council sees the necessity to maintain the front access to Mr. Woolard's property, and that no matter what configuration this

eventual frontage road takes, that the frontage access is not destroyed.

Councilmember Afman trusted the professionals to work with the Corner Store situation to answer Mr. Woolard's concerns and answer the safety of the people in the area.

City Manager Mark Achen stated that this development will not come back to Council if it is approved tonight. If there is a major change in the site plan, it will go back through the process.

City Attorney Dan Wilson said a Yes vote would adopt the Staff recommendations to abandon the frontage road. He clarified that Mr. Woolard feels that this access will be a slow death for his business. Without the frontage road, he feels he will be injured.

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

AYE: MAUPIN, TOMLINSON, AFMAN, BESSINGER, MANTLO  
NO: BAUGHMAN.

**PUBLIC HEARING - ORDINANCE NO. 2821 - 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 hearing was held after proper notice. Tom Dixon, Community Development Department, reminded Council of the discussion in February, 1995, being that the ultimate density on this site should be about 12 or 13 units unless something more could be demonstrated. With the PR-3 recommended by Staff it would have allowed up to 13 units. The petitioners came forward with a development plan for 15 units that has now been modified to 14. The PR-3.1 would allow the 14 lots which was one of the considerations. The Planning Commission was able to look at that when it considered the zone of annexation. In addition, at the April 4, 1995 Planning Commission meeting, the Planning Commission did approve a preliminary plan for the 14 lots. The difference between the PR-3 and the PR-3.1 is that a PR-3 factors out to a density of approximately 13.8 and 13.9. If there were a mechanism to round off to a whole unit, then the PR-3 would have sufficed

for the 14 units. That is why it was necessary to go with a decimal point for the 14. Staff is satisfied that many of the concerns that both Staff and City Council expressed have been addressed. The lot ratios of length and depth have been resolved. The proposal will have both an acceleration and deceleration lane on Highway 340, and should abate many of the traffic and safety concerns.

There were no other comments. Upon motion by Councilman Tomlinson, seconded by Councilmember Maupin and carried by roll call vote, Ordinance No. 2821 was adopted on final reading and ordered published.

**PUBLIC HEARING - ORDINANCE NO. 2822 - 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 hearing was held after proper notice. This item was reviewed by Kathy Portner, Community Development Department. City Manager Mark Achen clarified that this ordinance is adding a provision in the Code that allows the Board of Appeals to use some discretion in the case of setbacks. Mr. John Elmer, 2829 Caper Court, Chairman of the Board of Appeals, stated that over the years variances are granted based on hardship. He feels this new provision will open the door for more variances and will be difficult to defend. Mr. Elmer feels this should be reviewed in one year.

Ms. Portner stated that Staff gets numerous requests at their counter for variances which are screened before going before the Board of Appeals. She feels this provision is workable and will be used in only a few select cases.

Upon motion by Councilman Baughman, seconded by Councilmember Maupin and carried by roll call vote with Councilmember **BESSINGER** voting **NO**, Ordinance No. 2822 was adopted on final reading and ordered published, with a review of the Ordinance in one year.

Councilmember Tomlinson clarified that the Ordinance remains in effect unless City Council repeals the ordinance one year from now.

**PUBLIC HEARING - ORDINANCE NO. 2823 - AN ORDINANCE REPEALING SECTION 6-32, DISPOSAL OF MANURE, OF THE CODE OF ORDINANCES, CITY OF GRAND JUNCTION**

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 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. 2823 was adopted on final reading and ordered published.

**PUBLIC HEARING - ORDINANCE NO. 2824 - AN ORDINANCE ZONING THE 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).

A hearing was held after proper notice. Dave Thornton, Community Development Department, reviewed this item. He stated that in March of this year the Planning Commission recommended HO for the Sticks & Stones property. The previous zone in the County was Planned Business. Sticks & Stones has since purchased two properties to the north which were zoned AFT in the County. As a result, the City is recommending RSF-R for those two properties. The owners of Sticks & Stones were concerned because during the annexation process they had gone to Mesa County and submitted a rezone request to allow further development of their business to the north. It was pulled from the County's agenda because the City had exercised land use jurisdiction as a result of the Northwest Enclave Annexation. They were concerned that they would not be able to conduct business on their two newly purchased lots. The Planning Commission recommended that perhaps HO would be appropriate and that Staff should be given the opportunity to review the plans and come up with a recommendation to Council. In

reassessing, Staff has determined the best solution is to reevaluate the Use Zone Matrix where nurseries and greenhouses are specific land uses. Greenhouses and nurseries are allowed in the RSF-R zone with a Special Use Permit. A major step has been taken to include landscaping supplies as part of the definition of Land Use with nurseries and greenhouses. Sticks & Stones would be allowed to expand their business or to completely relocate it to the two new lots with a Special Use Permit under the RSF-R, assuming that tonight's text amendment, previously on the consent calendar, is approved.

Mr. Thornton noted a letter received from Attorney Kirk Rider representing Mustang Broadcasting Group, owners of property with the broadcast tower that is just north of the Western Savings Building at 24 1/2 Road. Staff is recommending that area be zoned Planned Business Zone. Staff is proposing those uses be the same as found in the City's Heavy Business Zone (B-3) with four exceptions: excluding outside sale of retail goods, auction houses, auction yards and flea markets. In addition the zone would be required to meet the same bulk, landscaping and parking requirements of any other B-3 zone. He addressed the issue of free-standing signs. At the time, the Planning Commission Staff recommended 10 feet and then in reevaluating, it was determined that 6 feet is more of a monument style height, and more of an industry standard. Mr. Rider's response in his letter states the change was made at the last minute, and he was unable to respond adequately at the Planning Commission hearing. Mr. Rider further stated that the sign height should be 12 feet. Staff has researched existing monument signs within the City limits and found that the majority of signs are 8 feet or under. Staff proposes that a compromise would be 8 feet rather than 6 feet.

Mr. Thornton stated that five different zones are being recommended for various properties throughout the approximately 1000 acres area.

Those speaking in opposition were as follows:

1. Vinca Williams, 725 23 1/2 Road, introduced her husband Basil Williams and her brother-in-law Quinton Wood, 721 23 1/2 Road. Mr. and Mrs. Williams have lived in Salt Lake City, Utah, for 6 years. Ms. Williams stated they moved back three weeks ago and on March 28, 1995, she first learned that the annexation was taking place when she purchased a burn permit. She learned their property was being zoned C-2, Heavy Commercial. They were not aware of the hearing or any prior notifications until March 28, 1995. They are opposing the proposed zoning. All utilities have been hooked up



to both properties. They have been told under the C-2 zoning they will be unable to move a modular onto their property and actually live there. They are requesting that their property be eliminated from the annexation and retain their current zoning. City Manager Achen stated their current zoning in the County is C-2 so they would have the same problem being in or out of the City. Hill & Holmes Realty sold them the property in December of 1988 and did not tell them they could not put two houses on the property.

When questions were posed by Council regarding such restrictions Larry Timm, Community Development Director, stated that the only circumstance he is aware of is in the HO (Highway-Oriented) Zone which is a Commercial Zone, there is a provision that homes can be rebuilt. This was to address something in the Ute/Pitkin Corridor. In contrast within the South Downtown area, there is no such resolution currently. It is still zoned Industrial and the homes in the area are nonconforming and could not be rebuilt.

City Manager Mark Achen recommended going ahead and zoning the property Commercial, then rezoning at a later date. If it cannot be solved by an ordinance change on the types of uses that are allowed in a Commercial or Industrial Zone, Council could then agree to waive the fees associated with the rezoning which would have to take place. He did not feel the matter could be resolved tonight.

2. Joan Coonprom, 631 24 1/2 Road, property owner of 631 and 633 24 1/2 Road, spoke on behalf of Sticks & Stones located at 627 24 1/2 Road. She requested the HO Zoning for the two acres for three reasons:

- a. Their business would be an allowed use in the HO Zoning. They appreciate the efforts of the Planning Department to allow it in RSF-R. It would still only be allowed as a special use;
- b. HO Zoning would allow for all of the potential intended uses they have for that property and the potential of a helipad which is a conditional use under HO. In the zoning they were requesting from the County, it was an allowed use. It is not allowed in RSF-R.
- c. HO Zoning is consistent with the surrounding property. These are the two acre parcels immediately to the north.

3. Warren Dettmer, 675 1/2 24 1/2 Road, owner of Sticks 'n

Stones. He is also a joint owner with his sister, Joan Coonbrom and another individual. The property was purchased in January, 1994, with the intention of tearing the houses down and moving the store onto the properties in case they lost their lease. He had the County's recommendation for a Commercial Zoning and was scheduled for public hearing on March 16, 1995 for approval. Then in February, 1995, the County advised him to pick up his plans, and begin again with the City. Mr. Dettmer actually started the procedure to change the zoning in March of 1994. He would like to have it resolved as soon as possible.

Mr. Dettmer was concerned that he needs to purchase more land because two acres is not large enough for his store. He needs the same zoning on the parcels to the north as his current property is zoned. He does not want half his business on a HO Zone and the other half on a RSF-R Zone. He objected to the RSF-R Zone.

4. Kirk Rider, 1050 Gunnison Avenue, lawyer with Young & Hockensmith, spoke on behalf of Mustang Broadcasting, regarding the sign height and the present use of this property. There is a 400 foot broadcast antenna there and nothing else. Mustang's long term plans may include removing that antenna. It will become a non-conforming use when this zoning is adopted. There is another antenna at 25 1/2 Road that is in a much less useable commercial location. It may be possible to consolidate those two non-conforming uses into one at a later date. Mr. Rider has discussed the sign height with Ward Scott, a local realtor, who agrees that a 6-foot high sign is too short, and that 12 feet is a minimal height for a sign in that location, and 15 feet was more of an optimum height. He thinks that in a B-3 zone a 25-foot sign is allowed as a right. He does not believe that a 6-foot, 8-foot, or even a 10-foot limitation is reasonable on this particular site because they are right across the street from a HO zone strip. Those properties are allowed a 25-foot high sign if they front on a 2-lane road, and a 40-foot high sign if they front on a 4-lane road. For that reason, and for the actual development need of this property, which is set back from Patterson Road, and has a somewhat obscured location, a 15-foot sign height limitation is reasonable. He has no problem with the outdoor sales, the flea markets and farmers market, etc. That is reasonable.

5. Denver Cherry, 2687 Malibu, along with two others, owns the property just north of the subject property referred to by Mr. Rider. He support's Mr. Rider's position and requests more latitude concerning the sign issue.

Dave Thornton stated that the Planned Zone is tailored to a

particular height, it could be 10 feet, 12 feet, 6 feet. It was a height that was tailored for that particular zone. In conformance with what has been established along the north side of the Patterson Road Corridor, Diamond Shamrock has a monument sign, further east, Hi Fashion Fabrics has a monument sign, both signs being 8 feet, or less. Sleep 'n Air is the exception. Their sign is higher. Further west, the bank building has a 6-foot sign, Bishop's Furniture has a 10-foot sign. In trying to establish some consistency in that corridor, the properties on the 25 Road end of Patterson would be under the same sign code condition in this PB Zone. It was established as a result of what Staff believed was more appropriate for a monument style sign. Eight feet is more appropriate based on local conditions.

Mr. Thornton stated that their type of use is something that Staff finds compatible in the RSF-R zone. It would be further encroachment into an area that Staff feels, at this time, is more residential rather than commercial. The Comprehensive Growth Plan is not complete. There is no good guidance yet as to what the Plan is going to recommend. At this point in time, Staff hesitates to encourage further encroachment of HO which allows a lot of uses by right. The Special Use Permit is not much more than a building permit. Mr. Thornton stated that 24 Road is seen as a commercial corridor, and would hope that it would not also happen on 24 1/2 Road. The reason the Sticks 'n Stones property went HO in this particular proposal was the fact that in the County it was zoned PB. Again, trying to establish a zone that was similar and reasonable in matching with the previous County zoning, City Staff has selected HO. The fact that the property to the south was already HO, it made sense to continue to HO a little further north to accommodate the PB County zoned property.

City Attorney Wilson stated that the zoning must be in place within 90 days from the effective date of the annexation; said effective date is March 17, 1995. Mr. Thornton stated if this item were postponed two weeks, the effective date of the zone would be May 21, 1995, and would fall within the 90 day period.

City Manager Mark Achen stated Mr. Rider's issue is different in that it is the standards of development for commercial that are allowed on that property, specifically the signage. The issue is not uses but sign height. The City is drawing a line on how high the sign will be.

Mr. Rider stated that users such as the Marathon Oil Station have a monument sign, but they are at 25 Road and Patterson and have big green banner signs running around the roof of their building.

That is not an option for his business and a 6-foot monument sign is not sufficient.

City Manager Achen encouraged Council needs to give Staff some direction.

Councilmember Tomlinson was interested in the extension of the HO line to the north to cover the Sticks 'n Stones situation. The area to the west is already HO. Mr. Dettmer stated the extension needed would be 260 feet to the north, and 354 feet to the west. Councilmember Tomlinson stated the extension is going from 24 1/2 Road all the way over to the area that is presently HO.

Mr. Thornton was concerned about those property owners that were happy with the RSF-R zone and will learn of the Commercial Zone later. City Manager Achen clarified that Council feels that if a property owner came in and subsequently wanted to zone it HO, it would make sense to Council. Mr. Thornton stated he could pull the description of those two properties out of the RSF-R Zone and put them in the HO Zone, thereby amending the ordinance.

Discussion ensued on how to amend the ordinance.

Councilmember Bessinger moved to adopt Ordinance No. 2824, second reading by title only. Councilmember Maupin seconded.

Councilmember Tomlinson moved to amend the ordinance to include the property owned by Sticks 'n Stones to be zoned HO. Councilmember Baughman seconded.

Councilmember Bessinger amended his motion to include Councilmember Tomlinson's amendment.

Councilmember Baughman made an amendment that the sign height in the Planned Business area on the east side of 24 1/2 Road would be consistent with the sign height on the west side of 24 1/2 Road for that neighborhood.

Bessinger: What neighborhood is that now? From where to where?

Maupin: That would be with Fisher's Liquor Barn, that would be EZ Lube, that would be .....

Bessinger: Is there a highway up to Patterson, or what?

Baughman: There's a Color Tile in there...

Mantlo: I think it would be more sensible if you put in 10 feet, 15 feet or something like that.

Baughman: Mr. Mayor, I don't know what the sign height is specifically on the west side of the road so I can't say...

Thornton: It would fall under our general sign regulations which would be 25 feet for a 2-lane road, 40 feet for a 4-lane road. Granted, none of those businesses have even come close to that, but they could, under the current.....

Achen: It depends on what Councilmember Baughman means. When you say consistent, do you mean consistent with the signs that are actually there? As opposed to what David is saying, consistent with the regulations on the other side which would have allowed taller signs.

Councilmember Tomlinson suggested Councilmember Baughman may want to say a sign height not to exceed that of existing signs.

Councilmember Baughman concurred amending his motion to include presently erected signs on the west side of 24 1/2 Road.

Mr. Thornton inquired if the intent is to have the tallest sign among those four businesses be the maximum height, and that would be for just the Planned Business on the east side of 24 1/2 Road, along that frontage.

Councilmember Baughman agreed adding in the Planned Business Zoning.

Councilmember Maupin seconded the motion.

Councilmember Baughman asked the City Clerk to read back the motion.

City Clerk Nye read the motion: Moved to amend the sign height in the Planned Business on the east side of 24 1/2 Road consistent with the sign height on the west side of 24 1/2 Road, not to exceed the height of existing our presently erected signs at Fisher's Liquor Barn, EZ Lube, Color Tile and the Car Wash on the east side of 24 1/2 Road in the Planned Business Zone.

Mr. Thornton asked if they are to measure signs that are on 24 1/2 and signs that are on Patterson Road?

Councilmember Afman said just those four businesses.

VOTE: All members of Council voted AYE with the exception of Councilman Bessinger.

Mayor Mantlo asked for a vote on the original motion.

City Manager Achen suggested Council address the residential issue in some manner.

City Attorney Wilson stated a motion would suffice to do that.

Councilmember Maupin moved the Council waive fees for the Williams to apply for a rezone for their property.

Councilmember Bessinger seconded.

The Council decided to vote on the first motion, that is the amended ordinance, before addressing the Williams' issue. Councilmember Maupin therefore withdrew his motion.

VOTE: All Councilmembers voted AYE.

City Manager Achen suggested a motion now to deal with the residential properties, one directs the Staff to submit a report to the Council on the issues involved and the possible options for resolution to what was requested, and then to choose to, or not to, waive the fees if the recommended action would be a subsequent rezoning of what is being done.

Councilmember Maupin so moved. Councilmember Tomlinson seconded.

Councilmember Baughman asked if there is any intent to extend this offer to waive that rezoning to other owners in this area?

Councilmember Maupin responded that he would assume that when the Staff looks at these two houses if there's seven other ones on this same block, at this dead end road, that they would be looked at those residences all together.

Mr. Thornton added that some of them are in the City. He thought Community Development would want to take a look at all of them and try to determine what would be the most appropriate zoning for the street. If it's incorrectly zoned as Commercial, and everybody on the street thinks so that needs to be determined.

Mayor Mantlo asked for a roll call vote.

VOTE: All members of Council voted AYE.

RECESS

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

PUBLIC HEARING - ORDINANCE NO. 2825 - AN 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

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 on second reading the annexation ordinance for the Pomona Park Annexation.

President of the Council Mantlo stated the annexation only will be discussed. The zoning will come up at a later date, and will probably be brought to Council on April 19 with the hearing on the zoning on May 3, 1995.

A hearing was held after proper notice. Dave Thornton, Community Development Department, reviewed this item. City Manager Achen stated the Growth Committee discussed the interchange at 24 and I-70, having a strong sense that there will be a lot of pressure for development of all four quadrants of that intersection. It is not likely that either the City or County will be able to assure that north of I-70 will always remain non-urban. The Growth Committee did not know for sure whether it ought to change from the current plan, but would like to be in control of the entire intersection so that if the City chooses it to be urban, and/or to stop at I-70, it can effectively do that by having authority over the zoning to the north. If, however, it prefers to stop it at I-70, but doesn't have zoning authority to the north, the County could approve a gas station, a convenience store, etc. without the City's agreement or cooperation. The Growth Committee wanted the City to be in control of that interchange as opposed to half of it being in the City and half of it be in the County. Councilmember Afman felt the City wants to maintain the position of saying what

would be good and what would work for that interchange in order to maintain compatibility with that park. Mr. Achen stated that once the City builds its regional sports center, there will be considerable pressure to change that area into Commercial, or something.

There were no other comments. It was moved by Councilmember Bessinger, seconded by Councilmember Afman and carried by roll call vote with Councilmember **BAUGHMAN** voting **NO**, Ordinance No. 2825 be adopted on final reading and passed for publication.

Some members of the audience requested an opportunity to speak regarding this annexation as they had not heard the Mayor ask for comments prior to the vote..

It was moved by Councilmember Tomlinson and seconded by Councilmember Baughman that City Council reconsider the decision on this item. The motion failed.

Councilmember Tomlinson stated that it is obvious that regardless of what has happened, there has been a misunderstanding. There was a group of citizens that came here to testify, who want to make a statement. He felt that as a City Council, Council has an obligation to hear them. He made a motion to reconsider the vote.

If that motion is passed then Council can reconvene the hearing process. At that point in time, Council can take testimony. At the conclusion of that testimony, Council can vote again, or can decide to delay or continue the hearing until the next Council meeting.

Councilmember Afman responded that the other citizens who came for this item that have already left the meeting, are now unavailable for a continued hearing tonight. If the hearing is reopened and testimony taken, testimony is received by only one side, and it is not the side that has requested annexation.

Councilmember Tomlinson stated that after testimony is heard this evening, Council would continue the hearing until the next meeting. After hearing the testimony, Council may still decide it wants to vote.

Councilmember Bessinger stated that if Council votes to rescind the decision given previously, then it is a dead issue. If Council does vote to rescind it, then the hearing can be rescheduled and get everybody together again for testimony.

Councilmember Tomlinson clarified that Council is not rescinding,



it is simply reconsidering the decision. Anyone who voted in favor of the motion can call for reconsideration.

Mayor Mantlo said it was not his intention to exclude anyone from speaking at this hearing. He thought what he read in the title was perfectly clear.

Councilmember Baughman stated that he seconded Councilmember Tomlinson's motion to reconsider the decision. He feels it's evident that there is a group of people that misunderstood, and were not able to make a presentation at tonight's hearing and felt the City needs to listen to their input.

A roll call vote was taken on Councilmember Tomlinson's motion with the following result:

AYE: MAUPIN, TOMLINSON, BAUGHMAN

NO: BESSINGER, AFMAN, MANTLO.

The motion failed due to a tie vote.

The tape was rewound and the questionable portion of the ordinance title was listened to. The tape revealed that the President of the Council did call for testimony from the public regarding this ordinance, and therefore the public hearing was complete.

City Attorney Wilson stated that the hearing has been closed. Council could not entertain their comments at this point as part of the formal record, because the hearing has been closed based on the earlier vote. However, the Council could allow the citizens to speak and then following their comments, Council could then decide whether or not it wants to reconsider it anew. He offers it as only a partial solution since their comments may lead Council to believe that notwithstanding the unfairness with the other citizens having left, Council might want to continue it for two more weeks. At least they would have a chance to make their points to Council and Council could evaluate it. He stated that at this point with the action that has been taken, the comments made initially would not be part of the formal record of hearing. Consensus of Council was to listen to the comments from those in the audience.

Mayor Mantlo solicited comments from members of the audience.

1. Mr. Ron Rucker, 770 26 Road, stated that even due to a misunderstanding it would be injustice to the people that Council is

trying to serve, to let the vote that it has taken stand without being reconsidered to make it fair for everyone. What he has to say now, being off the record, doesn't change the fact that everybody did not have say on the record. Regarding this proposed annexation, Mr. Rucker thinks it is moving too fast and on too large a scale. He feels Council will be opening itself up to many special use permits, etc. on people because there will be a lot of things grandfathered in. He noted previous annexations where problems still exist (Paradise Hills, drainage problems). There are properties that the City cannot offer amenities that are typically offered in annexations. There is no sewer service, no water available for fire protection mentioned in this annexation.

If the City has no intention of dealing with these problems now, what is the big push to complete the annexation now? If those problems aren't an issue now, then the annexation should not be an issue at this point. Ute Water supplies the water in Mr. Rucker's area.

Councilmember Afman reminded the audience that the property owners in that area came to the City and requested to be annexed. Mr. Thornton stated that the City has obtained Powers of Attorney on 50% or more of the properties (acres as well as owners) in this area.

City Attorney Wilson commented that the problems discussed by Mr. Rucker are problems that have existed for years when the County imposed restrictions. Mr. Rucker stated that he is under AFT zoning and his business is a conforming use. Under RSF-R he is non-conforming. His lifestyle is not only being jeopardized, but his potential livelihood is also being jeopardized down the line. That is the impact this annexation will have on him personally. He feels there are other properties that will have non-conforming operations under the proposed zoning. The annexation, as a whole, is going to present many problems for the people who are being annexed.

Mr. Rucker feels that a Conditional Use Permit is a risk considering his businesses because it has to go before the public.

2. Mr. Bill Pitts, 2626 H Road, Paradise Hills, reiterated Mr. Rucker's comments regarding unsolved problems in areas it has already annexed, inadequate drainage in particular. These problems have not been addressed, to date, in his area.

3. Mr. Wallace McCarther, 877 27 Road, does not reside inside the proposed annexation. He lives across 27 Road from it. He is

concerned with the traffic on 26 Road. He is an agriculturalist and is concerned with the City taking agriculture land. He feels the City needs to notify abutting properties that will be affected by the proposed annexations. He stated that he will be out of town on April 19, 1995, and unable to attend the hearing at that time.

4. Ms. Kay West, 2627 H 3/4 Road, stated her biggest concern is zoning of this annexation and she will return for that hearing. She feels this annexation is premature. She understands there is no intent of developing the Saccommanno property for five to ten years, and cannot understand the urgency to annex. She sees no advantage to the City in having annexed this area. She requested that this annexation be set aside for the time being.

Public Works Director Jim Shanks addressed the drainage problem brought up by Mr. Pitts. He stated that the City is working on this problem. Unfortunately, Mesa County left the City with a number of problems in the Paradise Hills area. It is likely to take three years worth of funding to be able to do all the upgrading. In the beginning it appeared that simply draining the pipes on H Road and letting the drainage through would solve the problem. A closer look showed that by doing that, given the volume of water that comes through there during a heavy rain storm, the concern is the impact to those residents on Kelly Drive. Now a joint effort with the County is being pursued. A special consultant engineer has been hired to design a plan to take that drainage west along the north half of H Road down to the natural drainage. Additional funds will be requested for that. It is much larger in scope than originally planned. The City does not have a lot of control over the wetlands issue. The Corps of Engineers are the protectors of the wetlands. Mr. Shanks understands the problem facing Mr. Pitts, and stated that work is being done. Mr. Shanks estimated \$30,000 to \$40,000 (City's share) to correct Mr. Pitts' problem. He named other projects that have been completed in the Paradise Hills area.

City Manager Achen pointed out this is one of the dilemmas for the City in terms of annexation. The City is placed in the situation of doing nothing, or doing all in terms of improvements. Most problems exist whether the City annexes or not. Because people are accustomed to not getting solutions out of the County, all of the frustration is borne on the City in annexation.

Councilmember Tomlinson expressed that the purpose and the spirit of the public hearing process has been compromised this evening.

It was moved by Councilman Tomlinson and seconded by Councilman Baughman that the Pomona Park Annexation hearing be continued until the April 19, 1995, City Council meeting.

City Attorney Wilson stated that in order to continue the hearing Council will have to revisit the decision, reopen the hearing so that the continuance can be made. It means reconsider Council's prior action and postpone further action on it until the 19th of April.

Councilmember Tomlinson clarified that his previous motion was to reconsider the vote taken tonight. He is now moving that the public hearing be continued until April 19th. That is a totally separate motion that will be resolved in the fact that on April 19th the public hearing will be held. The decision will be made at that time.

City Attorney Wilson stated that once the decision was made, there is nothing more to hear. Council needs to undo the decision to give an opportunity to have a hearing to solicit more comments. Council could then make a decision on the 19th of April.

Councilmember Baughman agreed that the purpose of a public hearing is to take input from both sides. He feels that was not achieved this evening.

City Manager Achen stated that Council has heard the concerns and issues tonight. If Council is inclined to change its mind regarding the issue, then the hearing could be continued to the following meeting. Then Council needs to re-hear, enter on the record the comments that were made tonight, and repeat what Council has just done. And do it in front of all interested parties. On the other hand, if what Council has heard does not lead Council to conclude that it ought to reconsider the approval, then putting everyone through the same hearing process to come to the same conclusion will not necessarily remedy any record. In fact the minutes of the meeting and the recording of the meeting still contains this information.

Councilmember Maupin felt that the comments that the citizens have made will be part of the public record from this evening although they might not be part of the public record for this particular hearing. Nothing he has heard tonight has changed his mind regarding this annexation. He still thinks it is important for the City to control these land use issues.

Roll call vote was taken on the motion with the following result:

AYE: TOMLINSON, BAUGHMAN, MANTLO  
NO: MAUPIN, AFMAN, BESSINGER.

The motion failed due to a tie vote.

The original approval of Ordinance 2825 stood.

**PUBLIC HEARING - ORDINANCE NO. 2826 - AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO - NORTHRIDGE ADDITION ANNEXATION, APPROXIMATELY .49 ACRE, LANDS LOCATED AT 412 NORTHRIDGE DRIVE**

A Power of Attorney for annexation was signed when the home at 412 Northridge Drive was constructed and connection to sewer was requested. The property is now being annexed into the City. Staff requests that City Council approve on second reading the Northridge Addition Annexation.

A hearing was held after proper notice. There were no comments. Upon motion by Councilmember Bessinger, seconded by Councilmember Maupin and carried by roll call vote, Ordinance No. 2826 was adopted on final reading and ordered published.

**PUBLIC HEARING - ORDINANCE NO. 2827 - AN ORDINANCE ZONING NORTHRIDGE ADDITION ANNEXATION RSF-4**

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.

A hearing was held after proper notice. There were no comments. Upon motion by Councilmember Bessinger, seconded by Councilmember Afman and carried by roll call vote, Ordinance No. 2827 was adopted on final reading and ordered published.

**PUBLIC HEARING - COUNTRY CLUB PARK WEST ANNEXATION - RESOLUTION NO. 40-95 ACCEPTING PETITIONS FOR ANNEXATION, MAKING CERTAIN FINDINGS, DETERMINING THAT PROPERTY KNOWN AS COUNTRY CLUB PARK WEST IS ELIGIBLE FOR ANNEXATION AND EXERCISING LAND USE CONTROL AND JURISDICTION - PROPOSED ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO - COUNTRY CLUB PARK WEST, APPROXIMATELY 24.14 ACRES LOCATED AT 401 THROUGH 408 DRESSEL DRIVE AND 313 THROUGH 413 COUNTRY CLUB PARK ROAD [FILE #ANX 95-31**

Some of the residents of Country Club Park Subdivision and

Redlands Club Heights Subdivision have signed annexation petitions to allow for the potential formation of sewer improvement districts for their neighborhood. The annexation is now going through the annexation process before City Council.

A hearing was held after proper notice. This item was reviewed by Dave Thornton, Community Development Department, and he entered into the official record a written statement concerning findings, determining that the property is eligible for annexation and complies with all State Statutes.

President of the Council Mantlo explained that the people on Dressel Drive have sewer, and the residents on the west end of Country Club Park Subdivision wanted sewer, so the line was extended. The rest of the residents did not want to do that. As a result, only part of the residents are being annexed.

Mr. Tom Rooklidge, 317 Country Club Park, stated problems with his septic tank. The reason Country Club Park East is not involved in this annexation, and Country Club Park West engaged in the annexation and creation of the sanitary district is because Country Club Park West is a bit of land with houses there for 40 years, all pumping sewage into septic systems on the side of a mountain. The septic system is becoming exhausted. It is critical that his area get onto the sewer system. Those on the other side of Country Club Park have a larger land mass and therefore are not having the same problems. Mr. Rooklidge was definitely in favor of annexation.

There were no other comments. Upon motion by Councilmember Maupin, seconded by Councilmember Bessinger and carried by roll call vote, Resolution No. 40-95 was adopted, and the proposed ordinance was approved on first reading and ordered published.

**ADJOURNMENT**

The President of the Council adjourned the meeting into Executive Session at 12:39 a.m. to discuss property negotiations.

Stephanie Nye, CMC  
City Clerk



CITY OF GRAND JUNCTION, COLORADO

CERTIFICATE OF ELECTION

APRIL 4, 1995

I, Stephanie Nye, City Clerk of the City of Grand Junction, Colorado, do hereby certify that the results of the General Municipal Election held in the City on Tuesday, April 4, 1995, were as follows:

Total Ballots Cast in District A, Precinct 1	92
Total Ballots Cast in District A, Precinct 2	61
Total Ballots Cast in District B	572
Total Ballots Cast in District C	160
Total Ballots Cast in District D	429
Total Ballots Cast in District E	252
Total Ballots Cast Absentee	<u>175</u>
<b>TOTAL BALLOTS CAST</b>	1741



**FOR COUNCILMAN - DISTRICT "B" - FOUR-YEAR TERM**

Candidates	Dist A-1	Dist A-2	Dist B-3	Dist C-4	Dist D-5	Dist E-6	Dist ABS	TOTAL
James R. Baughman	66	27	368	109	301	162	100	1133
Darin Carei	18	30	187	42	100	83	62	522

**FOR COUNCILMAN - DISTRICT "C" - FOUR-YEAR TERM**

Candidates	Dist A-1	Dist A-2	Dist B-3	Dist C-4	Dist D-5	Dist E-6	Dist ABS	TOTAL
Reford C. Theobald	43	44	357	96	280	147	107	1074

**FOR COUNCILMAN - DISTRICT "D" - TWO-YEAR TERM**

Candidates	Dist A-1	Dist A-2	Dist B-3	Dist C-4	Dist D-5	Dist E-6	Dist ABS	TOTAL
Dale F. Doelling	31	7	106	40	107	41	35	367
David C. Graham	38	32	308	74	232	136	85	905
Joseph V. Marie, II	17	15	71	32	56	57	40	288

**FOR COUNCILMAN - CITY AT LARGE - FOUR-YEAR TERM**

Candidates	Dist A-1	Dist A-2	Dist B-3	Dist C-4	Dist D-5	Dist E-6	Dist ABS	TOTAL
Lewis E. Hoffman, III	14	10	69	27	39	58	28	245
Janet L. Terry	76	51	485	126	379	188	140	1445

**CITY PROPERTIES QUESTIONS:**

SHALL THE CITY COUNCIL BE AUTHORIZED TO SELL, NO LESS THAN THE FAIR MARKET VALUE THEREOF, THE FOLLOWING DESCRIBED REAL PROPERTY CONSISTING OF APPROXIMATELY 40-ACRES OF VACANT LAND LOCATED SOUTH OF WHITEWATER, COLORADO AND CURRENTLY LEASED TO MARANATHA BROADCASTING, INC.:

LOT 3 IN SECTION 30, TOWNSHIP 2 SOUTH, RANGE 2 WEST OF THE UTE MERIDIAN, COUNTY OF MESA, STATE OF COLORADO, TOGETHER WITH A 25-FOOT WIDE NONEXCLUSIVE EASEMENT FOR INGRESS AND EGRESS PURPOSES ACROSS LOT 2 IN SAID SECTION 30, THE CENTER LINE OF SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE SOUTH LINE OF SAID LOT 2 FROM WHENCE THE SOUTHEAST CORNER OF SAID LOT 2 BEARS EAST A DISTANCE OF 180.0 FEET; THENCE RUNNING NORTHEASTERLY TO A POINT ON THE EAST LINE OF SAID LOT 2 FROM WHENCE THE SOUTHEAST CORNER OF SAID LOT 2 BEARS SOUTH A DISTANCE OF 260.0 FEET, SAID POINT BEING THE POINT OF TERMINUS OF SAID EASEMENT.

40-Acre Property	Dist A-1	Dist A-2	Dist B-3	Dist C-4	Dist D-5	Dist E-6	Dist ABS	TOTAL
FOR	50	43	354	96	286	151	127	1107
AGAINST	22	6	52	18	40	45	26	209

SHALL THE CITY COUNCIL BE AUTHORIZED TO SELL, FOR NO LESS THAN THE FAIR MARKET VALUE THEREOF, THE FOLLOWING DESCRIBED REAL PROPERTY FORMERLY USED AS FIRE SUBSTATION NO. 2, A PORTION OF WHICH IS CURRENTLY LEASED TO JESST, INC.:

LOTS 9, 10 AND 11 IN BLOCK 7 OF ELMWOOD PLAZA SUBDIVISION REPLAT, LOCATED IN SECTION 12, TOWNSHIP 1 SOUTH, RANGE 1 WEST OF THE UTE MERIDIAN, TOGETHER WITH THE EAST ½ OF THE VACATED ALLEY ADJACENT TO THE WEST OF SAID LOT 11, ALSO KNOWN AS 1135 NORTH 18TH STREET

Fire Station No. 2 Property	Dist A-1	Dist A-2	Dist B-3	Dist C-4	Dist D-5	Dist E-6	Dist ABS	TOTAL
FOR	48	44	357	97	291	149	130	1116
AGAINST	22	7	53	18		46	21	210

SHALL THE CITY COUNCIL BE AUTHORIZED TO SELL OR TRADE, FOR NO LESS THAN THE FAIR MARKET VALUE THEREOF, THE FOLLOWING DESCRIBED REAL PROPERTY CONSISTING OF APPROXIMATELY 80 ACRES OF VACANT LAND LOCATED WEST OF 24 ROAD AND SOUTH OF THE MAINLINE OF THE GRAND VALLEY CANAL, COMMONLY KNOWN AS BERRY PARK; IF TRADED, THE LANDS TRADED FOR SHALL BE AT LEAST EQUAL IN VALUE AND SHALL BE USED FOR PARK PURPOSES, AND, IF SOLD, THE MONIES RECEIVED SHALL BE USED TO ACQUIRE OTHER PARK LANDS:

THE E½ OF THE NW¼ OF THE SE¼ AND THE NE¼ OF THE SE¼ AND THAT PART OF THE SE¼ OF THE NE¼ LYING SOUTH OF THE GRAND VALLEY CANAL, ALL IN SECTION 29, TOWNSHIP 1 NORTH, RANGE 1 WEST OF THE UTE MERIDIAN, EXCEPT THAT PART OF SAID NE¼ OF THE SE¼ OF SAID SECTION 29 LYING EAST OF BERRY CREEK CANAL AND SOUTH OF THE EAST-WEST DRAIN CANAL; AND ALSO

BEGINNING AT A POINT N 00°03'45" W 660.0 FEET AND N 89°57'45" E 330.09 FEET OF THE S¼ CORNER OF SECTION 29, TOWNSHIP 1 NORTH, RANGE 1 WEST OF THE UTE MERIDIAN, THENCE N 00°03'34" W 659.82 FEET; THENCE S 89°57'45" W 65.09 FEET; THENCE N 00°03'45" W 330 FEET; THENCE S 89°57'45" W 264 FEET; THENCE N 00°03'45" W 989.82 FEET; THENCE N 89°57'16" E 660.08 FEET; THENCE S 00°02'07" E 1979.55 FEET; THENCE S 89°57'45" W 329.05 FEET TO THE POINT OF BEGINNING, EXCEPTING THEREFROM THE FOLLOWING DESCRIBED REAL PROPERTY:

COMMENCING AT THE S¼ CORNER OF SAID SECTION 29; THENCE N 00°03'45" W 660.0 FEET; THENCE N 89°57'45" E 330.09 FEET; THENCE N 00°03'45" W 659.82 FEET; THENCE S 89°57'45" W 66.09 FEET TO THE POINT OF BEGINNING; THENCE N 00°03'45" W 330.0 FEET; THENCE S 89°57'45" W 231.0 FEET; THENCE N 00°03'45" W 19.72 FEET; THENCE S 88°58'57" E 284.39 FEET; THENCE S 00°03'45" E 344.48 FEET; THENCE S 89°57'45" W 53.34 FEET TO THE POINT OF BEGINNING

Berry Park Property	Dist A-1	Dist A-2	Dist B-3	Dist C-4	Dist D-5	Dist E-6	Dist ABS	TOTAL
FOR	46	40	323	74	268	158	119	1028
AGAINST	35	7	69	29	71	41	31	283

SHALL THE CITY COUNCIL BE AUTHORIZED TO SELL, FOR NO LESS THAN THE FAIR MARKET VALUE THEREOF, THE FOLLOWING DESCRIBED REAL PROPERTY CONSISTING OF APPROXIMATELY 240-ACRES OF VACANT LAND LOCATED SOUTH OF WHITEWATER, COLORADO AND CURRENTLY LEASED TO WILLIAM ARTHUR MERTZ:

THE SE<sup>1</sup>/<sub>4</sub> OF THE NE<sup>1</sup>/<sub>4</sub> AND THE NE<sup>1</sup>/<sub>4</sub> OF THE SE<sup>1</sup>/<sub>4</sub> OF SECTION 25, TOWNSHIP 2 SOUTH, RANGE 1 EAST OF THE UTE MERIDIAN; AND ALSO

LOTS 2 AND 4 IN SECTION 30, TOWNSHIP 2 SOUTH, RANGE 2 EAST OF THE UTE MERIDIAN, SUBJECT TO A 25-FOOT WIDE NONEXCLUSIVE EASEMENT FOR INGRESS AND EGRESS PURPOSES ACROSS LOT 2 IN SAID SECTION 30, THE CENTER LINE OF SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH LINE OF SAID LOT 2 FROM WHENCE THE SOUTHEAST CORNER OF SAID LOT 2 BEARS EAST A DISTANCE OF 180.0 FEET; THENCE RUNNING NORTHEASTERLY TO A POINT ON THE EAST LINE OF SAID LOT 2 FROM WHENCE THE SOUTHEAST CORNER OF SAID LOT 2 BEARS SOUTH A DISTANCE OF 260.0 FEET, SAID POINT BEING THE POINT OF TERMINUS OF SAID EASEMENT, AND EXCEPTING THEREFROM RIGHT-OF-WAY FOR U.S. HIGHWAY NO. 50

240-Acre Property	Dist A-1	Dist A-2	Dist B-3	Dist C-4	Dist D-5	Dist E-6	Dist ABS	TOTAL
FOR	52	44	385	90	314	170	134	1189
AGAINST	34	9	66	31	57	52	25	274

SHALL THE CITY COUNCIL BE AUTHORIZED TO SELL, FOR NO LESS THAN THE FAIR MARKET VALUE THEREOF, THE FOLLOWING DESCRIBED REAL PROPERTY CONSISTING OF APPROXIMATELY 191 ACRES OF VACANT LAND LOCATED SOUTH OF WHITEWATER, COLORADO AND CURRENTLY LEASED TO SALLY MARIE SMITH:

THE SE<sup>1</sup>/<sub>4</sub> OF THE NE<sup>1</sup>/<sub>4</sub> OF SECTION 23, TOWNSHIP 2 SOUTH, RANGE 1 EAST OF THE UTE MERIDIAN, AND ALSO, COMMENCING AT A POINT WHICH IS 90.0 FEET SOUTH OF THE NORTHWEST CORNER OF THE NE<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub> OF SAID SECTION 23; THENCE NORTH TO THE NORTHWEST CORNER OF THE NE<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub> OF SAID SECTION 23; THENCE EAST A DISTANCE OF 1320.0 FEET TO THE NORTHEAST CORNER OF THE NE<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub> OF SAID SECTION 23; THENCE SOUTH A DISTANCE OF 630.0 FEET TO A POINT ON THE EAST LINE OF THE NE<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub> OF SAID SECTION 23; THENCE NORTHWESTERLY IN A STRAIGHT LINE TO THE POINT OF BEGINNING; AND ALSO

THE SE<sup>1</sup>/<sub>4</sub> OF THE NW<sup>1</sup>/<sub>4</sub>, THE NE<sup>1</sup>/<sub>4</sub> OF THE SW<sup>1</sup>/<sub>4</sub>, THE NW<sup>1</sup>/<sub>4</sub> OF THE SE<sup>1</sup>/<sub>4</sub>, THE N<sup>1</sup>/<sub>2</sub> OF THE NW<sup>1</sup>/<sub>4</sub>, AND THE EAST 25.0 FEET OF THE SW<sup>1</sup>/<sub>4</sub> OF THE NW<sup>1</sup>/<sub>4</sub>, ALL IN SECTION 24, TOWNSHIP 2 SOUTH, RANGE 1 EAST OF THE UTE MERIDIAN, TOGETHER WITH A NONEXCLUSIVE EASEMENT FOR INGRESS AND EGRESS PURPOSES WHICH IS MORE PARTICULARLY DESCRIBED AS FOLLOWS: THE SOUTH 35.0 FEET OF LOTS 30 THROUGH 36 OF MESERVE FRUIT TRACTS LYING SOUTH AND WEST OF U.S. HIGHWAY NO. 50; AND ALSO A STRIP OF LAND 50.0 FEET IN WIDTH LYING SOUTH AND WEST AND ADJACENT TO THE SOUTHWESTERLY RIGHT-OF-WAY LINE FOR U.S. HIGHWAY NO. 50, SAID STRIP OF LAND BEING ACROSS LOTS 35 AND 36 OF MESERVE FRUIT TRACTS, EXCEPTING THEREFROM THE NORTH 25.0 FEET OF THE N<sup>1</sup>/<sub>2</sub> OF THE NW<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub> OF SAID SECTION 24

191-Acre Property	Dist A-1	Dist A-2	Dist B-3	Dist C-4	Dist D-5	Dist E-6	Dist ABS	TOTAL
FOR	40	40	315	74	269	141	115	994
AGAINST	28	9	56	22	48	47	23	233

We, the undersigned Canvassing Board, have reviewed the results of the General Municipal Election held April 4, 1995, and do hereby conclude:

That JAMES R. BAUGHMAN has been duly elected as Councilman for District "B" by the greater number of votes.

That REFORD C. THEOBOLD has been duly elected as Councilman for District "C" by the greater number of votes.

That DAVID C. GRAHAM has been duly elected as Councilman for District "D" by the greater number of votes.

That JANET L. TERRY has been duly elected as Councilman, City at Large, by the greater number of votes.

That on the question "SHALL THE CITY COUNCIL BE AUTHORIZED TO SELL, NO LESS THAN THE FAIR MARKET VALUE THEREOF, THE FOLLOWING DESCRIBED REAL PROPERTY CONSISTING OF APPROXIMATELY 40-ACRES OF VACANT LAND LOCATED SOUTH OF WHITEWATER, COLORADO AND CURRENTLY LEASED TO MARANATHA BROADCASTING, INC.:

LOT 3 IN SECTION 30, TOWNSHIP 2 SOUTH, RANGE 2 WEST OF THE UTE MERIDIAN, COUNTY OF MESA, STATE OF COLORADO, TOGETHER WITH A 25-FOOT WIDE NONEXCLUSIVE EASEMENT FOR INGRESS AND EGRESS PURPOSES ACROSS LOT 2 IN SAID SECTION 30, THE CENTER LINE OF SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE SOUTH LINE OF SAID LOT 2 FROM WHENCE THE SOUTHEAST CORNER OF SAID LOT 2 BEARS EAST A DISTANCE OF 180.0 FEET; THENCE RUNNING NORTHEASTERLY TO A POINT ON THE EAST LINE OF SAID LOT 2 FROM WHENCE THE SOUTHEAST CORNER OF SAID LOT 2 BEARS SOUTH A DISTANCE OF 260.0 FEET, SAID POINT BEING THE POINT OF TERMINUS OF SAID EASEMENT" the question CARRIED by the greater number of votes.

That on the question "SHALL THE CITY COUNCIL BE AUTHORIZED TO SELL, FOR NO LESS THAN THE FAIR MARKET VALUE THEREOF, THE FOLLOWING DESCRIBED REAL PROPERTY FORMERLY USED AS FIRE SUBSTATION NO. 2, A PORTION OF WHICH IS CURRENTLY LEASED TO JESST, INC.:

LOTS 9, 10 AND 11 IN BLOCK 7 OF ELMWOOD PLAZA SUBDIVISION REPLAT, LOCATED IN SECTION 12, TOWNSHIP 1 SOUTH, RANGE 1 WEST OF THE UTE MERIDIAN, TOGETHER WITH THE EAST ½ OF THE VACATED ALLEY ADJACENT TO THE WEST OF SAID LOT 11, ALSO KNOWN AS 1135 NORTH 18TH STREET" the question CARRIED by the greater number of votes.

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That on the question "SHALL THE CITY COUNCIL BE AUTHORIZED TO SELL OR TRADE, FOR NO LESS THAN THE FAIR MARKET VALUE THEREOF, THE FOLLOWING DESCRIBED REAL PROPERTY CONSISTING OF APPROXIMATELY 80 ACRES OF VACANT LAND LOCATED WEST OF 24 ROAD AND SOUTH OF THE MAINLINE OF THE GRAND VALLEY CANAL, COMMONLY KNOWN AS BERRY PARK; IF TRADED, THE LANDS TRADED FOR SHALL BE AT LEAST EQUAL IN VALUE AND SHALL BE USED FOR PARK PURPOSES, AND, IF SOLD, THE MONIES RECEIVED SHALL BE USED TO ACQUIRE OTHER PARK LANDS:

THE E $\frac{1}{2}$  OF THE NW $\frac{1}{4}$  OF THE SE $\frac{1}{4}$  AND THE NE $\frac{1}{4}$  OF THE SE $\frac{1}{4}$  AND THAT PART OF THE SE $\frac{1}{4}$  OF THE NE $\frac{1}{4}$  LYING SOUTH OF THE GRAND VALLEY CANAL, ALL IN SECTION 29, TOWNSHIP 1 NORTH, RANGE 1 WEST OF THE UTE MERIDIAN, EXCEPT THAT PART OF SAID NE $\frac{1}{4}$  OF THE SE $\frac{1}{4}$  OF SAID SECTION 29 LYING EAST OF BERRY CREEK CANAL AND SOUTH OF THE EAST-WEST DRAIN CANAL; AND ALSO

BEGINNING AT A POINT N 00°03'45" W 660.0 FEET AND N 89°57'45" E 330.09 FEET OF THE S $\frac{1}{4}$  CORNER OF SECTION 29, TOWNSHIP 1 NORTH, RANGE 1 WEST OF THE UTE MERIDIAN, THENCE N 00°03'34" W 659.82 FEET; THENCE S 89°57'45" W 65.09 FEET; THENCE N 00°03'45" W 330 FEET; THENCE S 89°57'45" W 264 FEET; THENCE N 00°03'45" W 989.82 FEET; THENCE N 89°57'16" E 660.08 FEET; THENCE S 00°02'07" E 1979.55 FEET; THENCE S 89°57'45" W 329.05 FEET TO THE POINT OF BEGINNING, EXCEPTING THEREFROM THE FOLLOWING DESCRIBED REAL PROPERTY:

COMMENCING AT THE S $\frac{1}{4}$  CORNER OF SAID SECTION 29; THENCE N 00°03'45" W 660.0 FEET; THENCE N 89°57'45" E 330.09 FEET; THENCE N 00°03'45" W 659.82 FEET; THENCE S 89°57'45" W 66.09 FEET TO THE POINT OF BEGINNING; THENCE N 00°03'45" W 330.0 FEET; THENCE S 89°57'45" W 231.0 FEET; THENCE N 00°03'45" W 19.72 FEET; THENCE S 88°58'57" E 284.39 FEET; THENCE S 00°03'45" E 344.48 FEET; THENCE S 89°57'45" W 53.34 FEET TO THE POINT OF BEGINNING" the question **CARRIED** by the greater number of votes.

That on the question "SHALL THE CITY COUNCIL BE AUTHORIZED TO SELL, FOR NO LESS THAN THE FAIR MARKET VALUE THEREOF, THE FOLLOWING DESCRIBED REAL PROPERTY CONSISTING OF APPROXIMATELY 240-ACRES OF VACANT LAND LOCATED SOUTH OF WHITEWATER, COLORADO AND CURRENTLY LEASED TO WILLIAM ARTHUR MERTZ:

THE SE $\frac{1}{4}$  OF THE NE $\frac{1}{4}$  AND THE NE $\frac{1}{4}$  OF THE SE $\frac{1}{4}$  OF SECTION 25, TOWNSHIP 2 SOUTH, RANGE 1 EAST OF THE UTE MERIDIAN; AND ALSO

LOTS 2 AND 4 IN SECTION 30, TOWNSHIP 2 SOUTH, RANGE 2 EAST OF THE UTE MERIDIAN, SUBJECT TO A 25-FOOT WIDE NONEXCLUSIVE EASEMENT FOR INGRESS AND EGRESS PURPOSES ACROSS LOT 2 IN SAID SECTION 30, THE CENTER LINE OF SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH LINE OF SAID LOT 2 FROM WHENCE THE SOUTHEAST CORNER OF SAID LOT 2 BEARS EAST A DISTANCE OF 180.0 FEET; THENCE RUNNING NORTHEASTERLY TO A POINT ON THE EAST LINE OF SAID LOT 2 FROM WHENCE THE SOUTHEAST CORNER OF SAID LOT 2 BEARS SOUTH A DISTANCE OF 260.0 FEET, SAID POINT BEING THE POINT OF TERMINUS OF SAID EASEMENT, AND EXCEPTING THEREFROM RIGHT-OF-WAY FOR U.S. HIGHWAY NO. 50" the question **CARRIED** by the greater number of votes.

That on the question "SHALL THE CITY COUNCIL BE AUTHORIZED TO SELL, FOR NO LESS THAN THE FAIR MARKET VALUE THEREOF, THE FOLLOWING DESCRIBED REAL PROPERTY CONSISTING OF APPROXIMATELY 191 ACRES OF VACANT LAND LOCATED SOUTH OF WHITEWATER, COLORADO AND CURRENTLY LEASED TO SALLY MARIE SMITH:

THE SE $\frac{1}{4}$  OF THE NE $\frac{1}{4}$  OF SECTION 23, TOWNSHIP 2 SOUTH, RANGE 1 EAST OF THE UTE MERIDIAN, AND ALSO, COMMENCING AT A POINT WHICH IS 90.0 FEET SOUTH OF THE NORTHWEST CORNER OF THE NE $\frac{1}{4}$  SE $\frac{1}{4}$  OF SAID SECTION 23; THENCE NORTH TO THE NORTHWEST CORNER OF THE NE $\frac{1}{4}$  SE $\frac{1}{4}$  OF SAID SECTION 23; THENCE EAST A DISTANCE OF 1320.0 FEET TO THE NORTHEAST CORNER OF THE NE $\frac{1}{4}$  SE $\frac{1}{4}$  OF SAID SECTION 23; THENCE SOUTH A DISTANCE OF 630.0 FEET TO A POINT ON THE EAST LINE OF THE NE $\frac{1}{4}$  SE $\frac{1}{4}$  OF SAID SECTION 23; THENCE NORTHWESTERLY IN A STRAIGHT LINE TO THE POINT OF BEGINNING; AND ALSO

THE SE $\frac{1}{4}$  OF THE NW $\frac{1}{4}$ , THE NE $\frac{1}{4}$  OF THE SW $\frac{1}{4}$ , THE NW $\frac{1}{4}$  OF THE SE $\frac{1}{4}$ , THE N $\frac{1}{2}$  OF THE NW $\frac{1}{4}$ , AND THE EAST 25.0 FEET OF THE SW $\frac{1}{4}$  OF THE NW $\frac{1}{4}$ , ALL IN SECTION 24, TOWNSHIP 2 SOUTH, RANGE 1 EAST OF THE UTE MERIDIAN, TOGETHER WITH A NONEXCLUSIVE EASEMENT FOR INGRESS AND EGRESS PURPOSES WHICH IS MORE PARTICULARLY DESCRIBED AS FOLLOWS: THE SOUTH 35.0 FEET OF LOTS 30 THROUGH 36 OF MESERVE FRUIT TRACTS LYING SOUTH AND WEST OF U.S. HIGHWAY NO. 50; AND ALSO A STRIP OF LAND 50.0 FEET IN WIDTH LYING SOUTH AND WEST AND ADJACENT TO THE SOUTHWESTERLY RIGHT-OF-WAY LINE FOR U.S. HIGHWAY NO. 50, SAID STRIP OF LAND BEING ACROSS LOTS 35 AND 36 OF MESERVE FRUIT TRACTS, EXCEPTING THEREFROM THE NORTH 25.0 FEET OF THE N $\frac{1}{2}$  OF THE NW $\frac{1}{4}$  SW $\frac{1}{4}$  OF SAID SECTION 24" the question CARRIED by the greater number of votes.

Certified this 5th day of April, 1995.

Stephanie Nye, CMC  
City Clerk



Dated this 5th day of April, 1995.

Linda Afman  
Councilman, District A

John Tomlinson  
Councilman, District D

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Ron Maupin  
Councilman, District E

Bill L. Bessinger  
Councilman, City at Large

R. T. Mantlo  
Councilman, City at Large

Christine English, Notary Public  
557 W. Goodhope Cr., #B

Mildred Fowler, Notary Public  
582 22-1/2 Road