

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

**July 19, 1995**

The City Council of the City of Grand Junction, Colorado, convened into regular session the 19th day of July, 1995, at 7:34 p.m. in the City/County Auditorium at City Hall. Those present were Linda Afman, Jim Baughman, David Graham, R.T. Mantlo, Janet Terry, Reford Theobald and President of the Council Ron Maupin. Also present were City Manager Mark Achen, City Attorney Dan Wilson, and City Clerk Stephanie Nye.

Council President Maupin called the meeting to order and Councilmember Graham led in the Pledge of Allegiance. The audience remained standing during the invocation by Rev. Eldon Coffey, Evangelical Free Church.

**CONSENT ITEMS**

Mayor Maupin announced Item 9 would be removed from the Consent Agenda.

Upon motion by Councilmember Theobald, seconded by Councilmember Afman and carried by roll call vote with Councilmember **BAUGHMAN** voting **NO** on Item 5 and Councilmember Graham **ABSTAINING** on Item 3 and voting **NO** on Item 7, with Item 9 being removed from the Consent Agenda for full discussion, the following Consent Items 1-8 were approved:

1. **Approving** the minutes of the Regular Meeting July 5, 1995
2. **Award of Contract** for Labor and Materials Required to Install a Diesel Fume Exhaust System at Fire Station No. 1  
Recommended Award: Grand Mesa Mechanical - \$29,800

Proposals were received from Grand Mesa Mechanical of Grand Junction and Airpro, Inc., of Denver. The proposal submitted by Grand Mesa Mechanical is being recommended for contract negotiation based on the completeness of the response and preliminary cost estimates. The negotiated contract is a lump sum, fixed fee.

3. **Proposed Ordinance** - An Ordinance Zoning the Monument Valley Annexation RSF-2, RSF-4 and PR-1.6 [File #ANX-95-71]

This annexation is contingent upon confirmation of the improvements agreement and security for Monument Valley being transferred from the County to the City. Each of the three zones recommended are the most equivalent City zone available.

a. First Reading of Proposed Ordinance

4. **Proposed Ordinance** - An Ordinance Rezoning Land Located at 1060 Grand Avenue from PB to RMF-64 [File #REV-95-100]

Request for rezoning for 1060 Grand Avenue from PB to RMF-64. Staff finds that the conditions of approval of the PB zone have not been complied with and therefore the zone is subject to reversion.

a. First Reading of Proposed Ordinance

5. **Proposed Ordinance** - An Ordinance Rezoning Land Located on F Road from RSF-4 to B-1 [File #RZ-95-103]

A request for rezone from RSF-4 to B-1 located at 2584 Patterson (F) Road and containing 1.6 acres. Surrounding land uses are residential, retail and vacant residentially-zoned properties. Development plans for the parcel call for construction of a funeral home. Rezoning is consistent with the Patterson Road Corridor Guidelines.

a. First Reading of Proposed Ordinance

6. **Proposed Ordinance** - An Ordinance Vacating a Portion of a Utility Easement Located on the North Side of Lot 6, Block One, Ptarmigan Ridge North Subdivision [File #VE-95-106]

The applicant proposes to reduce a 20-foot utility easement by 5 feet at 3725 Christensen Court. There are no objections from utility companies and both the Planning Commission and staff recommend approval.

a. First Reading of Proposed Ordinance

7. **Proposed Ordinance** - An Ordinance Vacating Right-of-Way for Portions of 24 1/4 Road [File #VR-95-108]

A request to vacate a portion of right-of-way for 24 1/4 Road south of I-70.

a. First Reading of Proposed Ordinance

8. **\* Resolution No. 70-95** - A Resolution Amending the Investment Policy of the City of Grand Junction, Colorado

This resolution provides for some housekeeping amendments to

our policy without changing the basic strategy or allowed investments. This policy varies from State Statutes relative to the Investment of Public Funds. It provides an opportunity for slightly higher market yields with little liquidity risk based on overall investment strategy.

9. **\* Resolution No. 71-95** - A Resolution Authorizing the City Attorney to Secure Immediate Possession of Two Sanitary Sewer Line Easements - **PULLED FOR FULL DISCUSSION**

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

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

**RESOLUTION NO. 71-95 AUTHORIZING THE CITY ATTORNEY TO SECURE IMMEDIATE POSSESSION OF TWO SANITARY SEWER LINE EASEMENTS**

The two easements are from Southern Pacific Transportation Company and The Denver and Rio Grande Western Railroad Company, needed for Sanitary Sewer Improvement District No. SS-37-94, through the exercise of the power of eminent domain, as promptly as possible.

The City is currently installing sanitary sewer improvements to serve lands along Highway 6 & 50 between 24 1/2 Road and 25 1/4 Road. A significant portion of the improvements are to be installed within the Railroad right-of-way and require easements from the Railroad Companies. Six months have lapsed since the City and its consulting engineer, Rolland Engineering, formally requested the easements.

City Attorney Dan Wilson reviewed this item for Council stating the City needs two longitudinal easements which parallel the railroad tracks on the north side. Staff has been discussing with the railroad what mechanism is to be used to obtain that. Approximately 10 days ago the two parties agreed on a price, in concept.

When dealing with a condemnation, the City agrees on a dollar value that it will pay to the owner of property (Denver and Rio Grande Western Railroad Company and Southern Pacific Railroad Company). The City's right-of-way agent has negotiated and determined the railroad does not want to give the City a full easement that is perpetual, and gives the City the right to enter onto the property. Instead, the companies would rather give a license that can be revoked by the railroad upon certain conditions. This makes the City uncomfortable because once the sewer line goes in, it has to remain there for service. The City's right-of-way agent has determined the value of an easement to be \$11,000. The railroad countered with \$19,000 required to

enter into a revocable license.

A property owner who has begun a project needs sewer service in order to get certificates of occupancy for tenants to which he has made representations. This is a special improvement district and normally the costs of acquiring right-of-way would be included in the price paid by the special improvement district. In this case, when the petition was first accepted, there was a cap set on the amount of the assessment that each property owner would pay based on then current expectations of right-of-way acquisition. At that time, these figures were not included because Staff thought the figure would be a few hundred dollars as opposed to \$19,000 based on prior experience with the railroad. Normally, an easement crossing fee is nominal. The railroad considers a longitudinal easement a much greater encroachment on their property right, and treat it as a classic condemnation at a much higher price. Any increased dollars approved by the City Council for this payment would come out of the City's funds, and not be paid for by the property owners as part of the improvement district assessment.

The document the railroad sent out approximately two weeks ago contains language resembling "license" because:

1. Language that the City has the "privilege" of entering upon lands. That privilege can be revoked at some point in the future, as opposed to a "right" which cannot be terminated without the City's consent. Mr. Wilson has contacted the railroad requesting the word "privilege" be replaced with "right." The document is a standard landlord form used nationwide by the railroad throughout its system. There is almost no negotiating on a number of the terms, with some negotiating on others. The City is stuck with either accepting the permit or going to condemnation.
2. There are two different sections in the agreement where the City must agree to indemnify and to hold the railroad harmless for any injuries or damages caused by the construction of the sewer line. That concept does not offend the City. If the City is doing the work, it should pay for it. However there is language in the document which would require the City to be liable for situations even when the railroad was negligent, unless the railroad were to be deemed criminally negligent. That was wholly unacceptable to Mr. Wilson. He responded by stating the railroad needed to be responsible for its own negligence and willful or wanton conduct. The railroad agreed to wording that makes them liable for their own negligence, so that issue is now

resolved.

3. The other change allows the railroad to give the City notice to remove, at the City's expense, the sewer line if the railroad needs the ground. The original language gave no standard for the railroad. In fairness to the railroad, the City does the same thing with revocable permits in the City streets. The City is required to do so by the City Charter. The railroad does not have the same legislative standard, but as a matter of policy, the railroad does the same thing. It was suggested to add one simple word "reasonably" so the language would read "in the event the railroad shall at any time 'reasonably' so require, the City would be required to move its sewer line at their behest." The addition prevents the railroad from being arbitrary. If they need the ground to put in a new spur or facilities, then the City is agreeing to move the sewer line, under this permit.

Councilmember Graham asked if removal would have to be immediately. City Attorney Wilson stated in effect, immediately, as soon as construction can occur.

City Attorney Wilson continued by stating legally this is not a good deal for the City. The City is taking a lot of risks. Practically, the likelihood of having interference with the City's sewer line in the future is very low. The theoretical and legal risk is still there. Staff feels the alternative option is to file for condemnation and take the risk of having to pay for the railroad's appraisals (approximately \$5000 to \$7000) as the burden of picking up the costs is carried by the condemning authority (the City). Assuming it is a "privilege" and not a "grant", and the railroad could terminate the permit by giving the City notice, this agreement would no longer be in place, and the City could then condemn, if needed. At least the City would know it could have a sewer line there to continue to provide sewer service. The process to take possession of the property takes approximately 30-40 days, even though the condemnation trial could take up to a year, and a bond must be posted in the meantime.

City Attorney Wilson and Councilmember Theobald reiterated that the above Items 2 and 3 have been resolved. Item 1 is outstanding (privilege versus right).

Councilmember Graham noted the fiscal impact report and asked if the \$6000 cost listed, not including Staff time, is inclusive of the \$5000 to \$7000 for a potential appraisal. City Attorney Wilson replied that it was not. Councilmember Graham asked what

is the fair market value of the property. City Attorney Wilson responded the City believes it is something less than \$11,000 because the railroad does not want to give the City a license. If the City were to obtain a perpetual easement the value would be \$11,000. The railroad believes the value to be \$19,000.

Regarding eminent domain, Councilmember Graham stated if this option were exercised by going through with the deal now, and condemning later, the City would not receive any credit for the amounts previously paid for the license that had been terminated.

City Attorney Wilson stated the City would because the ground has already been diminished by the grant of the license, and the sewer line being in place. The reduction in value has already occurred through this process, yet the law is not clear. Councilmember Graham questioned if the City's improvements had actually increased the value of the property. Mr. Wilson replied it could, but believes only if the railroad was a sewer user in that location. Since the railroad is not receiving any benefit from the sewer line it is a burden to them.

Tim Woodmansee, City Property Agent, reviewed the figures on the staff report. He stated the fair market value of this property is 25% of fair market value for fee simple absolute, at the most, mainly because its existing functional utility will not be changed whatsoever. Mr. Woodmansee stated in order to acquire the easement, the City would have to pay to the Court approximately \$14,000 (25 cents per square foot). The railroad's \$19,000 was based on 50 cents per square foot, but the railroad underestimated the square footage. Mr. Woodmansee's figure represents a higher number of square footage than what the railroad had calculated. Now that the square footage is accurately known, the railroad could amend their figure to \$25,000 at a condemnation trial. Then there would be a difference of \$11,000 and \$12,000 in value.

Councilmember Theobald asked if the document locks the City into a bottom line, or into a rate from which to calculate. Mr. Woodmansee said it states the consideration very clearly, and does not talk about the square footage of the parcel. He stated he has gone through the drawings and did some title work and computed the actual areas of the easements, and found the parcel was significantly larger than what the railroad thought it was. That did not change his valuation. The total amount of the consideration was just under \$30,000 at 50 cents a square foot.

City Attorney Wilson stated that if the permit is taken as proposed, the railroad expects to receive \$19,236. Mr. Woodmansee said plus the \$610 charge for crossing the spur.

Mr. Wilson stated he had told the railroad the City would like to avoid condemnation. The railroad representative responded that it does not bother them. They do it routinely.

Councilmember Afman felt condemnation may be delaying a business venture that would benefit the entire community. Councilmember Graham clarified that condemnation has a certain result. It's a question of how much you pay.

City Attorney Wilson stated it will be 30 to 45 days before the City could begin construction. The trial on this matter would be typical, but would not be complicated. The sewer line construction period is estimated at 7-10 days.

Councilmember Graham referred to Mr. Woodmansee's staff report regarding "right of entry." Mr. Woodmansee said the statement means the City would need a separate agreement to begin construction. The City would have to provide certain information prior to construction, then it would take 3-5 days to process a "right of entry" agreement to be signed and accepted by the contractor. No further negotiating would be needed.

Other items of the staff report were questioned by Councilmember Graham with responses given by Mr. Woodmansee and Mr. Wilson.

Councilmember Baughman asked why the sewer line could not be placed outside the railroad right-of-way. Public Works Director Jim Shanks responded it could be placed outside the right-of-way, but would have to go completely through a paved parking area at an additional cost of \$20,000, plus the cost of obtaining additional right-of-way, and replacing items (old trees). The location is as close to the railroad property as possible to lessen any possibility that some future railroad construction might interfere with the sewer line. It is going to be impossible for the railroad to build a track that close to the edge of their right-of-way.

Mr. Wilson stated the ownership of Independent Avenue, already in the railroad right-of-way historically, is questionable and may have some bearing on the condemnation proceeding. He stated the changes made by the railroad do not improve the City's odds of having an easement instead of a license. It will not be clear until it has been contested in court.

Mayor Maupin recalled the last condemnation proceeding for approximately 48 square feet as being quite costly.

Councilmember Afman asked what was the time frame for entering into this agreement. City Attorney Wilson stated that if Council agrees, the agreement could be finalized within 4-5 working days. The term of the agreement is ongoing until the railroad terminates, or to perpetuity.

Mr. Steve McCallum, 552 25 Road, stated he has tried to resolve this issue. The railroad is inflexible. They have this same license agreement in use in many places in the United States. He is not even sure the sewer line is in the right-of-way. He owns Cottonwood Mall which is located in the area, and cannot close on any of the units until he has a Certificate of Occupancy. He can't have a C.O. until he has sewer service. He feels condemnation proceedings will be very expensive. He feels there is an acceptable agreement with the railroad at this point. Quibbling over words in documents is inconsequential when you are an independent property owner or developer trying to get something done. He feels the \$6000 cost quoted for condemnation does not include all the incidental costs that will become apparent. Right-of-way will have to be purchased, there will be appraisal fees, and staff time will have to be paid. The railroad has asked for \$19,000 for the indicated access easement to put in the sewer line. Tim Woodmansee has indicated the square footage actually impacted is larger than the railroad thinks it is. At this point, the railroad really does not care. Their right-of-way agent has determined how much the ground is worth and they've increased it from 25% to 50% because the City is only having to deal with one property owner, the railroad. Mr. McCallum felt it will be cheaper in the long run if the requested \$19,625 plus \$610 is paid to the railroad. He feels a lot of revenue generation is being stopped by not allowing any of the new businesses to occupy the new Cottonwood Mall. He stated he would never have begun construction on the Mall if it had not been strongly indicated to him that he would have sewer service available. He thanked Staff and the railroad for the hard work and cooperation regarding this issue.

Councilmember Graham thought it would be better to wait a month and a half for condemnation to be certain that the sewer line will never need to be moved or disrupted in any way. He feels City Council can help Mr. McCallum more effectively by condemning this property than by going through with this agreement.

Tim Woodmansee stated there is no question that the City is in the railroad right-of-way. The survey was done and tied to the State Plane Coordinate System. The railroad right-of-way, as described



by deed, was tied to the State Plane Coordinate System as were the property lines for the abutting areas north of the right-of-way line. There are some areas where there is a small gap, and some areas where there is a small overlap, which is not uncommon.

There was discussion between City Property Agent Tim Woodmansee and Steve McCallum regarding whether the subject property was in the right-of-way.

Upon motion by Councilmember Mantlo, seconded by Councilmember Theobald and carried by roll call vote with Councilmembers **BAUGHMAN** and **GRAHAM** voting **NO**, the City Manager was authorized to sign the Agreement between the City of Grand Junction and the Denver & Rio Grande Western Railroad.

**AUTHORIZING THE HIRING OF A PERMANENT PART-TIME PERSON AS BUDGETED TO ASSIST WITH THE DAILY OPERATION OF THE GRAND JUNCTION OLDER AMERICAN CENTER - ADOPTING A MEMORANDUM OF AGREEMENT BETWEEN THE GRAND JUNCTION OLDER AMERICAN CENTER, INC., AND THE CITY OF GRAND JUNCTION**

The budget for this position is \$10,394 with the seniors funding half; cost to each entity for a 12 month period is estimated to be \$5,197.

Lynda Lovern, Recreation Superintendent, stated the position was budgeted for 1994 as well as 1995. After the budget process, the budget committee came back after the position was approved and asked that the Older American Center fund half the position. It was approved on that basis. In November, after the budget was approved, it again came up with the OAC membership and was denied by a vote of 43-37. This spring, the President, who had been elected in December, resigned. There was no member willing to accept the presidency. Again, the need for the part-time position surfaced. It was brought to the executive board and the officers of the Older American Center who endorsed the concept of hiring someone to assist with the daily operation. It was taken to the membership to do an expenditure of that amount. It overwhelmingly passed by a vote of 95-9. The position is budgeted for a 12-month period as a Recreation Leader II. The amount is \$10,394. The Older American Center is willing to enter into a 3-year agreement with the City of Grand Junction to pay for half the cost of the position. Ms. Lovern stated the part-time person would be working under the City Parks & Recreation Department. The position would require 20 to 25 hours per week. The previous President, as a volunteer, resigned because of the responsibilities associated with the office. The Center is open from 9:00 a.m. to 4:00 p.m.

six days a week. Ms. Lovern clarified that the 3-year position is included in the 1995 budget, and will be requested to be appropriated again for 1996 and 1997.

Councilmember Baughman asked why two or three volunteers could not take over the position instead of one volunteer. Ms. Lovern stated there are a lot of volunteers that help with the daily operations. That is how the center operates. But a lead person is needed who is willing to accept the responsibility of scheduling all the volunteers, opening and closing the facility daily, etc.

Hazel Schoen, Acting President of the Older American Center, stated 100 hours a month are required to run the Center. There are 365 members. She stated there were 96 at the Center for lunch today. She averages between 12 and 20 tables of pinochle every Wednesday, bridge on Friday, bingo twice a week, dances three times a week, lunches every day. She needs more help.

Upon motion by Councilmember Afman, seconded by Councilmember Mantlo and carried, the Memorandum of Agreement between the Grand Junction Older American Center and the City of Grand Junction with the correction in the last paragraph to read in place of "a 3-year period," to read "through the 1997 budget period," was approved.

**PUBLIC HEARING - ORDINANCE NO. 2853 VACATING A PORTION OF THE RIGHT-OF-WAY OF EWING DRIVE, LOCATED NORTH OF E ROAD AND APPROXIMATELY 1/4 MILE EAST OF 23 ROAD [FILE #FP 95-84]**

South Rim Filing #3 is located east of the Redlands Parkway at the east end of South Rim (formerly Greenbelt) Drive and consists of approximately 16.3 acres. The petitioner recently received Final Plat/Plan approval for Filing #3 consisting of 40 single family lots. The platting of this filing will also require a right-of-way vacation for an unbuilt portion of Ewing Drive on the south end of the parcel. The right-of-way vacation request is consistent with the preliminary plan which the City accepted as part of the annexation agreement for this subdivision. With this vacation, adequate right-of-way for a turn-around on Ewing Drive will remain.

A hearing was held after proper notice. Michael Drollinger, Community Development Department, reviewed this item.

Councilmember Baughman asked if there were any traffic concerns on Ewing Drive. Mr. Drollinger stated there are very few houses on Ewing Drive. It is a difficult street to find since it looks more

like a private driveway. It is a narrow, gravel road. There will be no access lost on Ewing.

There were no other comments. Upon motion by Councilmember Baughman, seconded by Councilmember Afman and carried by roll call vote, Ordinance No. 2853 was adopted, and ordered published on final reading.

**PUBLIC HEARING - ORDINANCE NO. 2850 ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO - MONUMENT VALLEY ANNEXATION, APPROXIMATELY 249.82 ACRES, LOCATED AT MONUMENT VALLEY FILINGS 4 & 5, AND PROPERTIES BETWEEN 385 AND 448 ALONG S. CAMP ROAD [FILE #ANX-95-71]**

The majority of the property owners in the Monument Valley Annexation signed POAs. Staff requests that City Council approve the second reading **if** the improvements agreement and security for Monument Valley has been transferred to the City.

A hearing was held after proper notice. Mike Pelletier, Community Development Department, was present to answer questions of Council. Mayor Maupin asked if all the issues regarding the transfer of funds and the development improvements requirements have been resolved. City Attorney Dan Wilson answered no. As of this afternoon, Mr. Wilson had spoken with Sue Gormley, Mesa County, who indicated the County had conceptually approval the concept. The concept involves two steps:

1. An assignment of the County's rights to proceed against the developer;
2. The transfer of the \$40,000 that the County had retained from the developer.

Mr. Wilson said Ms. Gormley suggested that if the City resubmitted the documents, they would be approved as an administrative matter in a short period of time. With that reassurance, City Attorney Wilson suggested Council approve the ordinance subject to those two requirements occurring by the effective date of the ordinance (approximately 30 days hence).

Mayor Maupin asked if the money is adequate to cover the infrastructure needs that were pointed out in a memo from Project Engineer Jody Kliska. Public Works Director Jim Shanks nodded yes.

Councilmember Graham asked if the Fiscal Impact Statement dated 6-1-95 is the most recent that has been prepared for this annexation. Mike Pelletier answered yes. Councilmember Graham requested the Fiscal Impact Statement be entered into the record at this time (see attached).

Regarding the Fiscal Impact Statement, Councilmember Baughman asked if the 20-year net present value is a negative or a positive figure. City Manager Mark Achen responded it is a negative. Over a period of 20 years it will cost the City of Grand Junction approximately \$729,605 to annex this property.

Councilmember Terry asked if the \$729,000 represents the standard improvements, or is there something unusual that is going to be corrected over and above the \$40,000. Mike Pelletier stated the \$729,000 does not include the existing problems. It represents normal services the City provides, including lighting.

Councilmember Graham asked if, under the applicable statutory law, the City could place restrictions or conditions on the petitioners for allowing this annexation. City Attorney Wilson answered yes. Councilmember Graham asked, with the exception of the proposed restriction involving the transfer of the improvements from the County to the City with the \$40,000 security guarantee, are there any conditions that have been placed on this annexation. City Attorney Wilson answered no.

Councilmember Baughman stated the 74 POAs represent 87% of the parcels in the annexation. By the applicants being the City of Grand Junction, the City of Grand Junction is making the decision to annex this with POAs from the sewer. He asked why this area was chosen to be annexed at this time instead of at some point in the future. Councilmember Mantlo responded as a representative of the Growth Committee, it is the Committee's policy to annex the POAs as they get to them. The Committee felt it was time to exercise the authority of the POAs. That is the purpose in obtaining them. Councilmember Theobald referred to the South Camp Annexation which was done to facilitate development. Sewer, development and annexation go hand in hand wherever possible. Councilmember Afman pointed out that the developer wanted higher density, and with higher density comes the need for the sewer line. This was perfectly agreeable to the developer. The developer signed the POA in exchange for the higher density. Councilmember Baughman questioned the motive of the City of Grand Junction in annexing this property prematurely. He felt it is going to be a negative impact on the General Fund of the City. He has not seen a positive impact in annexing the property at this

time. Councilmember Theobold stated the financial impact is not going to change, other than get worse by delaying. Roads that the County does not have the funds to adequately maintain are not going to get cheaper for the City to take care of if annexation is postponed. A residential annexation is not going to pay for itself. Commercial annexations help provide a tax base for the City.

Councilmember Graham stated he is yet to hear why any one particular annexation will lead to the desirable goals which have been articulated and supported in the past. He stated some things are clear. The percentage of City tax paid by City residents was only 21%. The more the City continues to annex, the higher the percentage will be for in-City residents. He feels there are costs that are associated with the annexation that are not reflected on the Fiscal Impact Statement. He shares Councilmember Baughman's feeling that it is unwise to annex at this time.

Councilmember Theobold reminded Councilmembers Baughman and Graham that the City is paying more County taxes than the City should be to provide an urban level of services to areas outside the City. When those areas come into the City, City residents pay a portion to provide services to that area.

Councilmember Afman has talked to the developer who says there are 15 homes in Filings #4 and #5. Filing #4 is completely sold out. Filing #5 is half sold out. The construction time period for most of the properties that have been purchased is within the next three years.

Councilmember Theobold felt it was to the City's advantage to bring these properties into the City with as many vacant parcels as possible so the people who buy the homes know whether they're going to be in the City, or not.

There were no public comments in favor of this annexation.

Comments were taken by the following:

1. Mr. Bob Cron, 310 Dakota Drive, was not particularly opposed to annexation, but he is concerned about the structure of this annexation. He feels the structure is going to split the Monument Valley neighborhood in half. The neighborhood is served by Dakota Drive and East Dakota Drive and three cul-de-sacs. Filings #4 and #5 are only half of the neighborhood that is served by those streets. Some of the residents will be in the County and some will be in the City.

It creates a barrier which he does not like in a neighborhood. He would like his neighborhood to have the same issues, public projects, etc. Police response will also be confusing with half of Dakota Drive being in the City and the other half in the County. It is not good government. He encouraged Council to direct the Community Development Department to go back to the drawing board and take all of Monument Valley in annexation.

Councilmember Afman asked Mr. Cron what kind of issues he was concerned with. Mr. Cron responded political, zoning, and voting issues. If there is a City parks issue he would like to talk to his neighbors about that. Councilmember Theobold reminded Mr. Cron he would still be voting in the County even as a City resident.

Regarding emergency services concerns, Councilmember Theobold noted that the valley has Enhanced 911 which determines whether an address is in the City or County by computer. Mr. Cron still felt there is a chance for confusion. Councilmember Baughman stated the Enhanced 911 system is not foolproof.

2. Jane Cron, 310 Dakota, asked why can't the entity of a neighborhood be more important than the acquisition of a few acres of land. What is the rush to bring half of Monument Valley into the City. She is not denying an urban area should be a part of a City, but she feels the timing is not right. A neighborhood is being split for no good reason. The area is relatively new with roads that are in good condition. By waiting five years, the City will not incur additional costs. The City is saving money over the five years to bring Monument Valley in as a unit. She implored City Council to rethink whether Monument Valley should come in as an entity or whether the citizenry and common issues should be ignored, and bring in this property only.

Councilmember Theobold stated even new roads need regular maintenance which the County does not have the funds or manpower to accomplish.

Councilmember Graham agreed with the Crons that this annexation is driven more by the conveniences and the agendas of staff and the process itself than a practical application on a case by case basis.

Councilmember Theobold thinks the truest urgency is simply to bring in homes that are not yet built. The City has had problems

with older POAs and people who don't even know such POAs exist. The City finds it is a much smoother transition to bring in, as quickly as possible, the POAs to avoid problems later on.

Councilmember Baughman stated since his tenure on the City Council he has been fighting the aggressive annexation policies of the City. He is convinced that the City would like to annex the Redlands. The majority of the old part of the Redlands has no POAs so there is no way to get those residents to consent to annexation. There is presently an encirclement policy that is being worked to try to encircle (enclave) the area. After three years, if the property is encircled, it results in an enclave, and the City can then annex it automatically.

Ms. Cron stated she had no problem with that. She thinks there should be a timely process to bring Monument Valley into the City. She feels all of Monument Valley should be annexed.

Councilmember Mantlo stated the people in Monument Valley wanted sewer. If the rest of Monument Valley would submit POAs the City would annex them also.

City Manager Mark Achen stated if Council waits 5-10 years, there will still be people saying "Why are you annexing me? I didn't even know I had a POA. I'm very upset. My realtor didn't reveal it to me. I didn't read my papers." Council has heard this numerous times.

Mayor Maupin noted there are other people coming to Council saying the City has their POA, and are requesting annexation immediately.

Councilmember Graham stated there are those that question how much Grand Junction should grow, asking where do you draw the line and how much are you willing to pay. He has seen no indication of an answer to either question.

Councilmember Theobald stated since Councilmember Graham is new on the Council and new to Grand Junction, he has not seen the political arguments Council has had, or sat through the meetings with people who will say "I didn't know." As amazing as it may seem, people truly say they don't know. It may be that they are not being candid, or attentive, but they say it, mean it, and feel it, and they get pretty testy about it. Council is faced between the choice of Councilmember Graham's discontent today or someone else's discontent, probably magnified ten times over, 2-10 years from now.

There being no further public comment, the Mayor closed the hearing.

Mayor Maupin stated the reason this annexation has been delayed is because the City is still waiting for \$40,000 from the developer. The bike paths are not constructed well and will soon need repair. All the culverts are full and do not drain well. The City annexes land quickly and expediently so new development occurs where the City has some control over these issues. Otherwise, it costs all taxpayers to remedy these issues when the developer has gone, and the County did not make the developer do the infrastructure repair.

Upon motion by Councilmember Mantlo seconded by Councilmember Theobald and carried by roll call vote with Councilmembers **TERRY, BAUGHMAN** and **GRAHAM** voting **NO**, Ordinance No. 2850 was adopted and ordered published on final reading.

**ADJOURNMENT**

The meeting was adjourned into executive session at 9:28 p.m. to update Council on the current status of the Orchard Mesa versus City litigation.

Stephanie Nye, CMC  
City Clerk