

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

April 17, 1996

The City Council of the City of Grand Junction, Colorado, convened into regular session the 17th day of April, 1996, at 7:33 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 Council-member Mantlo led in the Pledge of Allegiance. The audience remained standing during the invocation by Rev. Richard Riddoch, First Congregational Church.

PRESENTATION OF 1996 INTERNATIONAL MARKETING AWARDS TO THE VISITOR AND CONVENTION BUREAU

PRESENTATION TO COUNCIL BY J.J. JOHNSTON, MCEDC DIRECTOR, CONCERN-ING THE 1995 COLORADO COMMUNITY OF THE YEAR AWARD

PROCLAMATION DECLARING MAY 11, 1996 AS "GRAND JUNCTION LETTER CARRIERS STOCK THE COMMUNITY FOOD BANKS DAY" IN THE CITY OF GRAND JUNCTION

AIRPORT AUTHORITY APPOINTMENT

Mayor Maupin reported that City Council received a letter from the Board of County Commissioners this afternoon. The letter requests the Airport Authority Board not be terminated and reformed, but that interim members be appointed to the Board until such time as problems can be worked out. In that same spirit City Council would like to make an appointment to the Airport Authority Board.

Upon motion by Councilmember Mantlo, seconded by Councilmember Baughman and carried by roll call vote, Dale Hollingsworth was appointed to a term not to exceed six months on the Walker Field, Colorado, Airport Authority.

MARY LEE PICKETT ADDRESSES COUNCIL REGARDING THE OLD WALNUT TREE ON FIRST STREET

Mary Lee Pickett, along with her brother Larry Jones, was present. Ms. Pickett said her aunt, Dr. Moore, died a week ago. The thing that made her aunt the proudest was the fact she was called the "tree lady" by many in the community. She requested Council, in her aunt's memory, reconsider its decision to remove the walnut tree on First Street which is in the right-of-way and will affect the improvements planned for First Street. Ms. Pickett said there is a sign on the tree which says "The Tree Lady is dead. Please save her tree."

Councilmember Baughman thanked Ms. Pickett for her presentation, and on behalf of the Council, extended condolences to her family. He knew Dr. Moore as a wonderful neighbor and citizen of the City of Grand Junction. She was appreciated. He hoped Council would consider Ms. Pickett's request.

CONSENT ITEMS

Upon motion by Councilmember Mantlo, seconded by Councilmember Afman and carried by roll call vote with Councilmember **BAUGHMAN** voting **NO** on Items 2 and 3, and Councilmember **GRAHAM** voting **NO** on Items 2 and 22, the following Consent Items 1-22 were approved:

1. Minutes of Previous Meeting

Action: Approve the minutes of the Regular Meeting April 3, 1996

2. City Council Support of Local Art and Cultural Events/Projects/Programs

During the 1996-1997 budget review process the Commission was given approval to allocate \$10,000 in 1996 for eligible arts projects.

Action: Approve the Recommendations by the Commission on Arts and Culture to Provide Some Financial Support for Ten Art and Cultural Events/Projects/Programs

3. Ownership of the Climax Mill Site

City of Grand Junction Staff has been engaged in on-going discussion with the CDPHE and the Department of Energy (DOE) since the City learned of the State of Colorado's decision not to develop a state park in the foreseeable future at the 107 acre Climax Mill site.

Action: Authorization for the City Manager to Accept a Quit Claim Deed for Transfer of Ownership of the Climax Mill Site from the Department of Public Health and Environment (CDPHE) to the City of Grand Junction Contingent upon Reaching an Agreement that is in the Best Interests of the City of Grand Junction

4. Concrete Replacement for Overlay Streets

The following bids were received on April 4, 1996:

Reyes Construction, Grand Junction	\$180,400
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Mays Concrete, Inc., Grand Junction	\$196,499
General Concrete Contractors, Brighton	\$289,915

Engineer's Estimate
\$204,967.75

Action: Award Contract for Concrete Replacement for Overlay Streets to Reyes Construction in the Amount of \$180,400

5. Renovation of the Sludge Slurry Blending Tank at the Persigo Wastewater Treatment Plant

The following bids were received on March 27, 1996:

Delbert McClure Construction, Grand Junction	\$117,981*
R.W. Jones Construction, Grand Junction	124,337
Colorado West Leasing, Grand Junction	276,000

* Recommended Award

Action: Award Contract to Delbert McClure Construction for the Renovation of the Sludge Slurry Blending Tank at the Persigo Wash Wastewater Treatment Plant in the Amount of \$117,981

6. One-Year Lease of Four New Police Motorcycles

On March 26, 1996 bids were received from the Sport Center of Grand Junction and Grand Junction Harley-Davidson. Prior to the bid opening a written offer was received from Scott Lindsey, President of Grand Junction Harley-Davidson, Inc., to lease the motorcycles at a lease rate of one dollar (\$1.00) per motorcycle per year. To accept Mr. Lindsey's offer requires rejection of the other bids received.

Action: Authorize the City Purchasing Agent to Reject Bids Received in Response to Bid No. 20-96, and to Sign a Lease Agreement with Grand Junction Harley-Davidson, Inc., for a One-Year Lease of Four New Harley-Davidson Police Motorcycles for \$4.00 Per Year

7. Fire Line Upgrade from Ute Water Conservancy District for Rolling Acres and Sunset Terrace Subdivisions

Addendum VII of the City/Ute Agreement will install approximately 2,700 feet of 8" water main, 8,300 feet of 6" water main and 22 new fire hydrants to provide fire protection for 152 homes in Rolling Acres and Sunset Terrace subdivisions.

Action: Approve Fire Line Upgrade Addendum VII from Ute Water Conservancy District

8. Sanitary Sewer Improvement District No. SS ID-37-94

Construction of sanitary sewer lines in U.S. Highway 6 & 50 corridor between 24 1/2 and 25 1/4 Road has been completed in accordance with the Resolution Creating Sanitary Sewer Improvement District No. 37-94.

A petition was signed by more than 50% of the owners of the property to be assessed. The proposed resolution would give notice of a hearing on the assessments to be held on June 5, 1996.

Action: Adopt Resolution No. 37-96 - A Resolution Approving and Accepting Improvements and the City Engineer's Statement of Assessable Cost for SS ID-37-94; and Ordering Publication of Notice of Hearing to the Owners of Real Estate to be Assessed

9. Sanitary Sewer Improvement District No. SS ID 40-95

Construction of sanitary sewer lines in Mays Subdivision has been completed in accordance with the Resolution Creating Sanitary Sewer Improvement District No. 40-95.

A petition was signed by more than 50% of the owners of the property to be assessed. The proposed resolution would give notice of a hearing on the assessments to be held on June 5, 1996.

Action: Adopt Resolution No. 38-96 - A Resolution Approving and Accepting Improvements and the City Engineer's Statement of Assessable Cost for SS ID-40-95; and Ordering Publication of Notice of Hearing to the Owners of Real Estate to be Assessed

10. Alley Improvement District No. ST-95

Reconstruction of the following eight alleys has been completed in accordance with the Resolution Creating Alley Improvement District 1995:

- Alley running east and west from 11th to 12th Street between Chipeta and Gunnison Avenue;
- Alley running east and west from 2nd to 3rd Street between Grand and White Avenue;
- Cross alley running east and west between 7th and 8th Street and north and south from Chipeta to Gunnison Avenue;
- Alley running east and west from 8th Street to Cannell Avenue between Orchard and Hall Avenue;
- Cross alley running east and west between 7th and 8th Street and north and south from Ouray to Chipeta Avenue;
- Alley running east and west from 8th to 9th Street between Main Street and Colorado

Avenue;

- Alley running east and west from 9th to 10th Street between Hill and Teller Avenue;
- Alley running east and west from 8th to 9th Street between Grand and White Avenue.

All petitions have been signed by more than 50% of the owners of the property to be assessed. The proposed resolution would give notice of a hearing on the assessments to be held on June 5, 1996.

Action: Adopt Resolution No. 39-96 - A Resolution Approving and Accepting Improvements and the City Engineer's Statement of Assessable Cost for Alley Improvement District No. ST-95; and Ordering Publication of Notice of Hearing to the Owners of Real Estate to be Assessed

11. Lease by the City of 1530 Square Feet of Office Space in the Mesa National Bank Building at 131 N. 6th Street

The proposed lease will address space needs for Community Development, Public Works and Risk Management. The proposed term will be for a period of three years, commencing on May 15, 1996. The proposed rent is \$13,387.50 based on \$8.75 per square foot for the first year with upward adjustments of 5% per year.

Action: Adopt Resolution No. 40-96 - A Resolution Authorizing the Lease by the City of Grand Junction of 1530 Square Feet of Office Space in the Mesa National Bank Building at 131 N. 6th Street

12. Setting a Hearing on Vacation of Right-of-Way in the Mesa State College Area [File #VR-96-49]

Mesa State College is requesting vacation of an L-shaped alley bounded approximately by Elm Avenue and Texas Avenue and 12th Street and College Place in order to construct a new dormitory facility.

Action: Adopt A Proposed Ordinance Vacating an Alleyway Bounded by College Place and 12th Street and Elm and Texas Avenues - Mesa State College Campus on first reading and order published

13. Hetzel Annexation - Referring Petition and Setting a Hearing [File #ANX-95-58]

The property owner, Kenneth M. Hetzel, ETAL, is requesting annexation as part of a residential development plan. 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 Hetzel Annexation.

Action: Adopt Resolution No. 41-96 - 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 - Hetzel Annexation Located East of the Southeast Corner of 25 1/2 Road and F 1/2 Road

14. Setting a Hearing on the Expansion of the Boundaries of the Downtown Development Authority [MSC-96-61]

The DDA is proposing to amend the Plan to expand the Authority's boundaries to include additional properties adjacent to the current boundaries into the Plan of Development Area within which tax increment financing is used.

Action: Adopt a Proposed Ordinance Considering a Substantial Modification of an Approved Plan of Development by Expanding the Boundaries of the Grand Junction, Colorado, Downtown Development Authority and Tax Increment Financing District on first reading and order published

15. Setting a Hearing on Amendment to the Grand Junction Zoning & Development Code (Animal Regulations) [File #TAC-96-1.2]

Amending the Zoning & Development Code regarding Agricultural Animals to differentiate between small and large agricultural animals. Also to delete the requirement to obtain a Conditional Use Permit for the keeping of a goat.

Action: Adopt a Proposed Ordinance Amending Section 5-10-3, 5-10-4 and Chapter 12 of the Zoning & Development Code of the City of Grand Junction, Animal Regulations, and Definitions of Agricultural Animals on first reading and order published

16. Setting a Hearing on Amendment to the Grand Junction Zoning & Development Code (Temporary Use Permits) [File #TAC-96-1.4]

Amending the Zoning & Development Code regarding Temporary Uses and Structures to delete specific types of temporary uses while still requiring all Temporary Uses to adhere to established criteria.

Action: Adopt a Proposed Ordinance Amending Section 4-13 and Chapter 12 of the Zoning & Development Code of the City of Grand Junction, Temporary Uses and Structures, and Definition of Temporary Use on first reading and order published.

17. Setting a Hearing on Amendment to the Grand Junction Zoning & Development Code (Chinchilla Ranches) [File #TAC-96-1.3]

Ron Rucker is requesting that chinchilla ranches have an "allowed use" designation in the Zoning & Development Code. Currently, chinchilla ranches require a conditional use permit in the RSF-R zone. A well-run chinchilla ranch is totally enclosed within a building and has no smell, noise, or dust impacts on surrounding properties.

Action: Adopt a Proposed Ordinance Amending Section 5-10-3 of the Zoning & Development Code of the City of Grand Junction, Chinchilla Ranches, on first reading and order published

18. Setting a Hearing on Amendment to the Grand Junction Zoning & Development Code (Use/Zone Matrix) [File #TAC-96-1.5]

Amending Section 4-3-4 (Use/Zone Matrix) of the Zoning & Development Code to allow colleges in the H.O. (Highway Oriented) zone.

Action: Adopt a Proposed Ordinance Amending Section 4-3-4, Use/Zone Matrix of the Zoning & Development Code of the City of Grand Junction, Colleges in H.O. Zone, on first reading and order published

19. Setting a Hearing on Amendment to the Grand Junction Zoning & Development Code (Sign Code) [File #TAC-96-1.6]

Amending Section 5-7-7.B.5 of the Zoning & Development Code to base the allowance for flush wall signs on the longer facade of a building oriented perpendicular to the street.

Action: Adopt a Proposed Ordinance Amending Section 5-7-7.B.5 of the Zoning & Development Code of the City of Grand Junction, Flush Wall Sign Allowance, on first reading and order published

20. City's Contribution of \$2,500 for the 1996 Special Recycling Program

Action: Endorse the 1996 Special Recycling Day Program and Approve the City's Financial Contribution of \$2,500 toward the Program

21. Colorado Passenger Rail Study - \$17,000

In the fall of 1995 the Colorado Department of Transportation decided to move forward with a statewide study to determine the feasibility of implementing passenger rail service in selected corridors.

Action: Approve a Contingency Transfer for the Expenditure of up to \$17,000 as the City's Share of the Colorado Passenger Rail

Study to Include Grand Junction to Glenwood Springs

22. Contribution to Mesa State College Foundation

Action: Adopt Resolution No. 44-96 - A Resolution Authorizing Contributions to Match Mesa State College Foundation Fund-Raising to Acquire Properties upon Which Mesa State College Will Expand

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

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

PUBLIC HEARING - SUPPLEMENTAL APPROPRIATIONS TO THE 1996 BUDGET OF THE CITY OF GRAND JUNCTION - ORDINANCE NO. 2909 MAKING SUPPLEMENTAL APPROPRIATIONS TO THE 1996 BUDGET OF THE CITY OF GRAND JUNCTION

The requests are to appropriate amounts as contingencies for the General, CIP, Self Insurance, DDA TIF CIP, DDA Tax Increment, DDA Reserve Debt Service, and Economic Development funds. The requests include amounts for projects and contracts not completed in 1995, being completed in 1996. They also include \$30,000 to use additional revenues received in 1996 for particular capital projects and \$24,240 for part-time wages.

A hearing was held after proper notice. There were no comments. The hearing was closed.

Upon motion by Councilmember Baughman, seconded by Councilmember Mantlo and carried by roll call vote, Ordinance No. 2909 was adopted on second reading and ordered published.

PUBLIC HEARING - VACATION OF ALLEYWAYS FOR CONOCO - CONTINUED TO JUNE 5, 1996 [FILE #VR-95-176] - CONTINUED TO JUNE 5, 1996

Conoco, Inc., is requesting vacation of four segments of alleyways within and adjacent to the existing tank terminal on South 9th Street.

Assistant City Attorney John Shaver talked with Mr. John Van Heuser, representative, who indicated the June meeting would be acceptable for purposes of hearing this item in conjunction with the conditional use permit.

Upon motion by Councilmember Theobald, seconded by Councilmember Graham and carried by roll call vote, the public hearing on the vacation of alleyways for Conoco was continued to June 5, 1996.

PUBLIC HEARING - DISCONNECTION OF THE EASTERN COMMERCIAL AND VILLA CORONADO ANNEXATIONS - EMERGENCY ORDINANCE NO. 2910 (A) ESTABLISH-ING PROCEDURES TO DISCONNECT ANNEXATIONS, AND (B) DISCONNECTING CERTAIN LANDS REFERRED TO AS THE EASTERN COMMERCIAL AND VILLA CORONADO ANNEXATIONS AND DECLARING AN EMERGENCY WITH PUBLICATION IN PAMPHLET FORM (EFFECTIVE MAY 4, 1996)

City Attorney Dan Wilson stated the 12:01 a.m. May 4, 1996 effective date was chosen as the Public Works Department expects to complete the "Fresh As A Daisy" program by Friday, May 3, 1996. There are also two pending liquor license applications that will be considered at a hearing on May 1, 1996. It would accommodate those applications in transition and the Fresh As A Daisy program. The ordinance is being considered on an emergency basis because the community has an expectation that this process is going forward, and an emergency ordinance would accelerate the date of the completion of the disconnection. It would also save City costs in continuing police and other services. Otherwise, it would take 30 days following final publication, approximately May 20, 1996 for the disconnection to be effective. The deannexation will become effective 16 days earlier by adopting the ordinance as an emergency. A smooth transition is expected.

A hearing was held after proper notice. There were no comments. The hearing was closed.

Upon motion by Councilmember Theobald, seconded by Councilmember Baughman and carried by unanimous roll call vote, Ordinance No. 2910 was adopted as an Emergency and ordered published in pamphlet form.

PUBLIC HEARING - LEASE/PURCHASE OF MATCHETT PROPERTY - ORDINANCE NO. 2911 AUTHORIZING THE CITY OF GRAND JUNCTION TO ENTER INTO A LEASE PURCHASE AGREEMENT TO ACQUIRE CERTAIN REAL PROPERTY KNOWN AS THE MATCHETT FARM, AND IN CONNECTION THEREWITH TO ENTER INTO A MANAGEMENT CONTRACT WITH THE MATCHETT FAMILY DOING BUSINESS AS MATCHETT FARM WHEREBY THE MATCHETT FAMILY WILL MANAGE THE PROPERTY ON BEHALF OF THE CITY WHILE THE CITY COMPLETES ITS PLANNING AND DEVELOPMENT OF THE PROPERTY AS A REGIONAL PARK; RATIFYING ACTIONS HERETOFORE TAKEN RELATING THERETO; APPROVING VARIOUS RELATED DOCUMENTS; AND PROVIDING OTHER DETAILS IN CONNECTION WITH THE TRANSACTION

The newly formed Grand Junction Public Finance Corporation will, via a trustee, issue certificates of participation (COPs) similar to bonds. The proceeds of the COPs will be used to purchase the Matchett Farm. The Public Finance Corporation will lease the property to the City for a ten year term. The City will enter into a management contract with Dr. and Mrs. Matchett to operate the farm for the benefit

of the City. Under the Internal Revenue Code, in order to obtain tax exempt COPs, the management contract can be for a maximum of five years but it must be terminable by the City after three years.

A hearing was held after proper notice.

City Attorney Dan Wilson said the ordinance will also authorize the Lease Purchase and Management Contract with a goal to close on Certificates of Participation on May 30, 1996. It is necessary to adopt the ordinance tonight so the effective date will coincide with the May 30 closing date. At that time, the consultant in Denver will market the Certificates of Participation and obtain the cash. The cash will then go to the Matchett Family. The obligation to repay those will be assumed by the Grand Junction Public Finance Corporation.

That Corporation, which will be controlled by the City Council, will have a contract with a trustee who will act similar to a trustee in a bond transaction. The City's obligation, under the Lease Purchase, is to make annual payments to the trustee. The trustee then turns those monies over and pays to the investors. This arrangement requires Council to make a decision each year on whether to continue with the process. The City can, in any year by failing to appropriate the funds, terminate its obligation. That is a critical fact in why this is not debt. It complies with TABOR Amendment #1 because of the annual decision making process by Council. Upon closing, Dr. Matchett will receive his money and title will transfer to the Grand Junction Public Finance Corporation. In the event Council should fail to appropriate, the trustee would then sell the property for fair market value to generate the cash to pay off the Certificates of Participation.

City Attorney Wilson continued by stating the original form would have made Dr. Matchett a lessee and the City would be the lessor. The City would lease the property from the Grand Junction Public Finance Corporation, then lease it to Dr. Matchett who would continue to run it as the farm, as the family has done for a number of years.

On the advice of bond counsel, in order to maintain tax exempt Certificates of Participation, and therefore a better rate for the City, Dr. Matchett could not be in title as a lessee because that would be for a private purpose under the Internal Revenue Code. It must be a public purpose to make it tax exempt. As a result, the City is now hiring Dr. Matchett and his wife as managers on behalf of the City. Mr. Wilson reviewed the management agreement. The agreement contemplates hiring Dr. Matchett and paying him a management fee of \$10,000/year. Dr. Matchett will continue to farm the property.

When the revenue comes in from the farming, Dr. Matchett can reimburse himself for his expenses through an account that will be in the name of the City, but Dr. Matchett will have free access to write checks on. Dr. Matchett will receive 15% of gross revenues as the second

part of the fee, but not to exceed another \$10,000. If expenses are very small, Dr. Matchett will receive in total \$20,000 as part of the management fee. Under that scenario, the City will end up making more in revenues than there is in expenses which is a net gain to the City. In a worst case scenario the City could be exposed to paying \$16,000 in total fees, although the City will probably end up making money if there is a good revenue year and a small expense year.

The City is designating Dr. Matchett with a relatively free reign to run the farm as he always has. Dr. Matchett will have to meet with the City's Finance Department each year for an audit. When Dr. Matchett receives revenues from a crop he will put it into this bank account and reimburse himself out of the bank account. It is a requirement of the Internal Revenue Code that it retain its "public" purpose.

The terms are identical to the original Lease Purchase, although Dr. Matchett is now a manager instead of a lessee. Mr. Wilson clarified there are actually 206 acres of property rather than 215. There are three homes on the property. Dr. Matchett will continue to lease the homes as part of his ranching operation. The utilities and costs to maintain the homes will be Dr. Matchett's responsibility independent of the former scenario Mr. Wilson described. Dr. Matchett will also retain the revenue from the leases. The purpose is to assure Dr. Matchett's mother would be allowed to remain in her home, which is one of the three houses.

Mr. Wilson said Dr. Matchett is considering expanding into equestrian activities. A separate contract is being considered so Joe Stevens, Parks & Recreation Director, can negotiate with Dr. Matchett to work out the details under the auspices of the Parks & Recreation Department.

Councilmember Graham asked what consideration the City would receive in exchange for the first \$10,000 a year payment under the management contract? Mr. Wilson said the City's Property Agent has indicated there is value to the City in making sure the water structures are maintained, fences are maintained, water is turned onto the land, and the land continues to be used in a productive fashion. There will be public access (pedestrian/non-motorized/ horseback). The first element of the fee is the benefit to the public of having open public access to the property, although it would be limited somewhat because of the farming operation.

Councilmember Graham asked if the purpose of the management agreement is to insure that Dr. Matchett can continue enjoying the benefits of the income generated by the farming operations as well as the income

generated by the leases on the property he will otherwise be transferring title to to the Trust? City Attorney Wilson said he views the management agreement as an integral part of the Lease Purchase. The agreement relieves the City of having to hire a separate caretaker for maintenance of the property.

Councilmember Graham asked if there is a necessary prerequisite that the seller of a piece of real property be allowed to retain an income interest generated in that for the sale to be otherwise binding and valid? Mr. Wilson answered no.

Councilmember Theobald said if Dr. Matchett did not have the continued use to the degree stated in the management agreement, the City would be paying more for the property. Mr. Wilson suggested Dr. Matchett might not be selling the property to the City if not for the management agreement.

Mr. James Braden, 2420 N. 1st Street, understood the management contract will be a three-year contract plus 90 days. City Attorney Wilson said it is at least that long, but cannot exceed five years as a management contract under the Internal Revenue Code. The property would not have to be paid in full within five years. The management contract, not to exceed five years, may be terminated after three years. The Lease Purchase contemplates that the City will lease the entire property for ten years, but the lease can be terminated in any one year if Council does not appropriate the money to make that year's lease payment.

Mr. Braden asked if Dr. Matchett could be removed from the property if a gift grant were given to the City to pay off the contract. City Attorney Wilson said no. Dr. Matchett will receive the total amount for the price of the money at closing. It is also agreed that Dr. Matchett will be the manager of the property for at least three years. Even if the City had an independent source of funds to pay off the Certificates of Participation early, the City would still be obligated to allow Dr. Matchett to manage the property for at least three years.

Mr. Wilson said the City could not actively develop the land for three years plus 90 days.

Mr. Braden said the School District has suggested a school building on the property, and he had suggested other concepts to Council earlier. He felt it will be "piece-mealed" out over a period of time and the City will end up losing a beautiful area that could be developed into an area park which could include the bike/ pedestrian/equestrian trails. Mr. Wilson said with Dr. Matchett's consent, such development could take place. Dr. Matchett is going to be the manager for at least three years plus and 90-day notice, even with an early payoff

on the property.

Mayor Maupin explained it has taken almost one year to do the planning of Canyon View Park (architectural drawings, bids, etc.). Councilmember Terry stated Council feels certain this agreement will in no way jeopardize the use of those lands for future development.

Mr. Braden stated for the record he would like to see some agreement that could shorten the period of time if the funds were received for the land and development was agreed upon by the City Parks Department.

Council appreciated Mr. Braden's help in trying to raise funds for parks to benefit the youth of this community.

There were no other comments. The hearing was closed.

It was moved by Councilmember Afman and seconded by Councilmember Theobald that Ordinance No. 2911 be adopted on second reading and ordered published.

Councilmember Baughman requested the record indicate he is not against the purchase of the Matchett property. He thinks it is a wise decision on the part of the City to purchase this property for parklands and future park expansion. He will be voting NO on the Lease Purchase Agreement. He explained a scenario on how the property could mostly be paid in cash:

- 1.The First Street improvement could be delayed and go to the 2-lane option which would save approximately \$800,000;
- 2.The Berry/Price property in the Appleton area could be sold and would generate approximately \$400,000;
- 3.There is approximately \$700,000 that is already identified over a three-year period in the Parks Improvement Funds which adds up to \$1.9 million.

One of the stipulations negotiated by TPL is if the City finds a way to pay cash, the purchase price would be decreased by \$100,000. Considering the above, the \$2 million required to purchase outright would be available. Another consideration would be to sell some of the City's real estate to purchase this property. He preferred paying cash over going to the 10-year Lease Purchase Agreement.

City Attorney Wilson stated the City is receiving the benefit of the \$100,000 discount because from the TPL/Matchett perspective it is

cash to them. The City already receives that benefit in the purchase price.

Councilmember Mantlo stated the City has been trying to purchase the Matchett property for years.

Roll was called on the motion with the following result:

AYE: TERRY, THEOBOLD, AFMAN, MANTLO, MAUPIN
NO: BAUGHMAN, GRAHAM.

Motion carried.

PUBLIC HEARING - VACATION OF RIGHT-OF-WAY IN SOUTH RIM SUBDIVISION, FILING #1 - ORDINANCE NO. 2912 VACATING A PORTION OF PEDESTRIAN RIGHT-OF-WAY LOCATED IN THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 1 SOUTH, RANGE 1 WEST OF THE UTE MERIDIAN (NORTH OF SOUTH RIM DRIVE AT SOUTH TEAL COURT) [FILE #VR-96-22]

A request to vacate a portion of a pedestrian right-of-way at the northeast corner of South Rim Drive and Teal Court to allow for the development of a landscape feature in conjunction with the development of South Rim Filing #5. The vacated right-of-way would become part of the private open space system for the South Rim development.

A hearing was held after proper notice. Michael Drollinger, Community Development Department, was present to answer questions of Council. The applicant was present at the Planning Commission meeting and Council's concern regarding the Riverfront signage was addressed. The developer agreed to post a sign at the entrance which would be at Pinnacle Court (on the north side of South Rim Drive). Mr. Drollinger stated the requirements of Section 8-3 of the Zoning & Development Code have been satisfied regarding the vacation.

There were no other comments. The hearing was closed.

Upon motion by Councilmember Terry, seconded by Councilmember Afman and carried by roll call vote, Ordinance No. 2912 was adopted on second reading and ordered published.

PUBLIC HEARING - VALLEY MEADOWS EAST ANNEXATION AND ZONING - RESOLUTION NO. 42-96 ACCEPTING PETITIONS FOR ANNEXATION, MAKING CERTAIN FINDINGS, DETERMINING THAT PROPERTY KNOWN AS VALLEY MEADOWS EAST ANNEXATION IS ELIGIBLE FOR ANNEXATION AND EXERCISING LAND USE CONTROL AND JURISDICTION - PROPOSED ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO - VALLEY MEADOWS EAST ANNEXATION, APPROXIMATELY 16.2 ACRES, LOCATED AT THE NORTHEAST CORNER OF 25 1/2 ROAD AND THE GRAND VALLEY CANAL - PROPOSED ORDINANCE ZONING VALLEY

MEADOWS EAST ANNEXATION RSF-4 [FILE #ANX-96-40]

G.W.H.C., Inc., property owners have signed a POA for annexation and are requesting to be annexed into the City limits. Staff requests City Council approve the resolution accepting the petition for the 16.2 acres, Valley Meadows East Annexation, and adopt the annexation ordinance on first reading.

The Valley Meadows East Annexation is being considered by City Council. The City is required to zone all property annexed into the City within 90 days of the annexation. Staff recommends approval of the proposed zoning of RSF-4 for this annexation because it is consistent with the preferred alternative of the City's proposed Growth Plan and the majority of surrounding land uses that have developed in the City and County.

A hearing was held after proper notice on the Resolution accepting petitions for annexation. Dave Thornton, Community Development Department, reviewed this item. As a professional planner, it was Mr. Thornton's belief, based on his review of the petition, that the Valley Meadows East Annexation is eligible to be annexed, and meets the necessary Statutory requirements of the petition process and the requirements of C.R.S. 31-12-104. He submitted said statement to the City Clerk for the record. The hearing on the annexation and the zoning will take place on May 1, 1996.

Councilmember Graham asked why the proposed ordinances on annexation and zoning were not placed on the Consent Agenda. City Attorney Wilson stated judgement was to place all three steps regarding the same annexation collectively on the agenda. The previous action of a referral of the annexation caused tonight's hearing.

Mr. Tom Rolland, Rolland Engineering, was present representing the petitioners. He was also confused on what was to be heard at this meeting. He was present to answer questions of Council. Council will have questions at the May 1, 1996 hearing.

There were no other comments. The hearing was closed.

Upon motion by Councilmember Mantlo, seconded by Councilmember Baughman and carried by roll call vote, Resolution No. 42-96 was adopted.

Upon motion by Councilmember Afman, seconded by Councilmember Mantlo and carried by roll call vote with Councilmember **GRAHAM ABSTAINING** on the proposed zoning ordinance, the proposed ordinances annexing and zoning Valley Meadows Annexation were passed on first reading and ordered published.

PUBLIC HEARING - EULER ANNEXATION AND ZONING - RESOLUTION NO. 43-96
ACCEPTING PETITIONS FOR ANNEXATION, MAKING CERTAIN FINDINGS,
DETERMINING THAT PROPERTY KNOWN AS EULER ANNEXATION IS ELIGIBLE FOR
ANNEXATION AND EXERCISING LAND USE CONTROL AND JURISDICTION - PROPOSED
ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO
- EULER ANNEXATION, APPROXIMATELY 4.09 ACRES, LOCATED AT 720 24 3/4
ROAD - PROPOSED ORDINANCE ZONING EULER ANNEXATION RSF-4 [FILE
#ANX-96-41]

George and Carrie Euler, property owners, have signed a POA for annexation and are requesting to be annexed into the City limits. Staff requests City Council approve the resolution accepting the petition for the 4.09 acres, Euler Annexation, and adopt the annexation ordinance on first reading.

The Euler Annexation is being considered by City Council. The City is required to zone all property annexed into the City within 90 days of the annexation. Staff recommends approval of the proposed zoning of RSF-4 because it is consistent with the surrounding land uses and zoning. The previous County zone was Planned Residential with a maximum of 12 units per acre.

A hearing was held after proper notice on the Resolution accepting petitions for annexation. This item was reviewed by Dave Thornton, Community Development Department. It was Mr. Thornton's belief, as a professional planner, that the Statutory requirements of C.R.S. 31-12-104 have been met as far as the petition process. Said statement was submitted to the City Clerk and entered into the record.

Councilmember Baughman asked if this property was an enclave. Mr. Thornton said it is completely surrounded by the City and is an enclave.

There were no other comments. The hearing was closed.

Upon motion by Councilmember Terry, seconded by Councilmember Mantlo, and carried by roll call vote with Councilmember **GRAHAM ABSTAINING** on the proposed zoning ordinance, Resolution No. 43-96 was adopted and the proposed ordinances annexing and zoning the Euler Annexation were passed on first reading and ordered published.

NON-SCHEDULED CITIZENS & VISITORS

Mesa State College Foundation

Mr. Bob Zentneir thanked Council for its wisdom in supporting the Mesa State College Foundation's expansion project.

OTHER BUSINESS

Councilmember Mantlo commended KJCT for attending tonight's meeting.

ADJOURNMENT

Upon motion by Councilmember Theobald, seconded by Councilmember Afman and carried, the meeting was adjourned at 8:44 p.m.

Stephanie Nye, CMC/AAE
City Clerk