

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

**MAY 15, 1996**

The City Council of the City of Grand Junction, Colorado, convened into regular session the 15th day of May, 1996, at 7:35 p.m. in the City/County Auditorium at City Hall. Those present were Jim Baughman, David Graham, R.T. Mantlo, Ron Maupin, Janet Terry, Reford Theobald and President of the Council Linda Afman. Also present were City Manager Mark Achen, City Attorney Dan Wilson, and City Clerk Stephanie Nye.

Council President Afman called the meeting to order and Council-member Baughman led in the Pledge of Allegiance. The audience remained standing during the invocation by Councilmember Graham.

**PROCLAMATION DECLARING JUNE, 1996, AS "ST. MARY'S HOSPITAL MONTH" IN THE CITY OF GRAND JUNCTION**

**PROCLAMATION DECLARING JUNE 27-30, 1996, AS "AMERICAN LEGION WEEK" IN THE CITY OF GRAND JUNCTION**

**PROCLAMATION RECOGNIZING GRAND JUNCTION HIGH SCHOOL'S KNOWLEDGE BOWL CHAMPIONSHIP**

Team members Elizabeth Buescher, Jeffrey Hurd, Jacob Johnson, Jeffrey Mohrlang, Mark Richards, Elizabeth Ryan, Sarah Smith and David Tice were introduced along with their coach, Lorena Thompson, and others who have supported the team's effort. The team will be competing in the national finals in Orlando, Florida in June. This team will represent the State of Colorado, Mesa County, and Grand Junction.

Mayor Afman read into the record a letter from City Council recognizing the accomplishments of the team in winning the State Championship, and pledging \$2,000 toward the team's trip (attachment 1). Ms. Lorena Thompson thanked Council for its support.

**PRESENTATION OF GOVERNMENT FINANCE OFFICERS ASSOCIATION (GFOA) CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING FOR 1994 TO REX RICKS AND RANDY BOOTH - PRESENTED BY RON LAPPI, ADMINISTRATIVE SERVICES DIRECTOR**

Administrative Services Director Ron Lappi stated this is the 11th year in a row the City of Grand Junction as received this award.

**PRESENTATION OF APPRECIATION PLAQUE TO PAST MAYOR RON MAUPIN**

Ron Maupin accepted the plaque saying it has been a pleasure to serve as Mayor.

**CITY COUNCIL ASSIGNMENTS**

A list of the City Council Assignments were presented (attachment 2). Upon motion by Councilmember Theobold, seconded by Council-member Mantlo and carried, the City Council assignments were approved.

**PRESCHEDULED CITIZENS & VISITORS**

**CITIZENS ADDRESS CITY COUNCIL ON A CHARTER AMENDMENT CONCERNING ANNEXATION**

Ms. Darlene Gsell, representing R.O.A.R. (Residents Opposed to Annexation of Redlands), a group of 100 citizens, was present. Mr. Dan Wilkenson could not attend the meeting, so Ms. Gsell was also representing the City group involved in the petition drive (60 petition carriers, 36 were City residents, 24 were assistants).

Petitions were submitted on March 18, 1996 regarding an amendment to the City Charter, and would have changed the way annexation votes were taken. The group had the advice of an attorney and made it clear that only City residents could sign the petition. Fifty-three (53) petitions were submitted containing 1,091 signatures. Ms. Gsell said Colorado citizens have two basic rights: (1) to vote for their representatives; and (2) to petition the government. The power of initiative is a fundamental right at the very core of a republican form of government (McKee vs City of Louisville). The power of initiative is to be liberally construed to allow the greatest possible exercise of such a valuable right (City of Glendale vs Buchanan). The City of Grand Junction is a Home Rule city and allows the State Statute to dictate petition procedure, despite the petition guidelines provided in the City Charter. In Article XVI, Section 133, entitled "Direct Legislation by the People", the Charter states "The procedure in respect to such petitions shall be the same as provided in Sections 28 and 29, Article II of this Charter, with such modifications as the nature of the case requires, except that no blank form shall be furnished or preliminary affidavit made." In Article XVII, Section 151, the Charter states "The Charter may be amended at any time in the manner provided by Article XX of the Constitution of the State of Colorado." But there is no reference to the Statute which was used by the City Clerk to disqualify the petitions.

The petition originated with a group of citizens who obtained a copy of the Grand Junction City Charter and an ordinance which was passed by the citizens of Parker, Colorado. A petition was drawn up and reviewed by an attorney. Thirty-six (36) city residents circulated the petitions, accompanied by 24 Redlands residents. They did not realize they had 90 days instead of 30 according to the State petition

guidelines used by the City Clerk. In four weeks, signatures exceeding 5% of total registered voters (21,483) were gathered. Over 275 people per week signed the petitions. The City Clerk's letter disqualifying the petitions states that "some signers were not City residents". Considering the erratic pattern of most recent annexations, many signers were not sure if they were a City resident. There was no opportunity to make up any deficiency because most of the signers did not put G.J. for Grand Junction after their signature. There were five reasons for that:

- 1.They had to be City residents to sign the petition;
- 2.It is stated three times in the petition and the warning to signers that signers are registered City electors;
- 3.Each address would be verified by the City Clerk anyway;
- 4.Grand Junction is used as a postal address by thousands of people who do not actually reside in the City. Ms. Gsell felt it is meaningless as far as determining if one is a City resident or not;
- 5.The Charter section on recall petitions (Page 1) requires only street number and street name, not City.

The signers and circulators of the petitions did so in good faith. If the Council denies its citizens the right to vote on the proposal it is thwarting the will of the people, as expressed by the 1,091 signatures. Since the City is placing annexation of Clifton on the ballot in November, she requested the People's Charter Amendment be added to that ballot. It is unfair to give Clifton and Fruitvale a choice, and deny other areas the same choice.

Mr. Dave Dearborn, 3093 Walnut Place (outside City), said Council will probably thwart the will of the people once again, as it has a public relations problem. There will be consequences in the future. As he assisted with the petition, he determined the opinion of the people is against annexation.

Ms. Eileen O'Toole, Redlands, asked Council to consider the fact that she is a citizen and feels she has no voice and no vote. She loves Grand Junction, but does not wish to be a member of Grand Junction. Council's great ideas for the valley need to be voted on by the public.

Ila Mae Keithley, 2211 Broadway, Redlands, reaffirmed the statements of Ms. Gsell. She referred to a petition that was presented to the English Parliament in 1848 requesting that the working man of England

be allowed the right to vote. It was signed by over one million people. It probably would never have passed if they'd had to deal with all of the trivial technicalities that her group is now dealing with in the petition process. Technicalities are killing off the petition process and their right to vote and will surely bring the death of our beloved democracy in America.

Mr. Steve Gsell, 1930 Star Canyon Drive, Redlands, distributed a memo to members of Council (attachment 3). The memo cited a resolution that was presented to the County Assembly and voted on unanimously by 260 people in favor. The resolution states that we as voters support the effort of the Legislature to eliminate forced annexation by local governments. Representative Tim Foster's House Bill was recently passed and changes the provisions for the Power of Attorney.

It is Mr. Gsell's contention that the Power of Attorney was slightly misused by the City of Grand Junction because it is not the sole owner of the 201 Sewer System. It is a joint County and City ownership.

The EPA (Environmental Protection Agency) who provided the money for the sewer system, indicate in the applications "If Power of Attorneys are to be used to force annexation, that must be noted."

He could not find any applications where it was duly noted. Mr. Gsell said the sewer system was funded by federal grants, and all taxpayers participated in the cost of the system. Part of Mr. Foster's legislation will require that current landowners be allowed to sign a petition for annexation. As land changes ownership, the POAs will have to be renegotiated. In light of the petition process, the group has the ability to go back to the people and redo the petition taking into consideration the City Clerk's recommendations, and 90 days in which to do that. It will call for a unanimous vote of the Council in annexation matters. Unless Council sees fit to act on its own and put forth a proposal that calls for a unanimous vote of the Council, it is likely the group will initiate another petition drive.

Mr. James Braden, 2420 N. 1st Street, discussed development in newly annexed areas on F 1/2 Road where traffic is a problem. In annexation, he felt the City has a responsibility to provide proper streets to get to the annexed areas. He is serious when he says Council should forego plans for widening of N. 1st Street between Orchard and Patterson Road, and use the funds for the continuation of 25 1/2 Road to F 1/2 Road for the new housing projects.

Mr. Jim Creasy, 125 Franklin Avenue, was involved in the petition process because he saw the petition as an opportunity to take a positive step forward in response to the interests and desires of the community.

He refused to be involved in the petition efforts that were underway to recall City Council because he did not feel it was an appropriate remedy. He received feedback of frustration from some because of lack of knowledge. He felt a key to treating an intelligent and

responsible electorate with respect is proper notice. The POA process presents a lack of personal notice. Mr. Creasy requested Council consider what best serves the City as well as the surrounding residents. Mr. Creasy felt the City should be moving in the same direction as the State for the best interest of the people to minimize litigation and other frustration.

Councilmember Theobald asked what the initial reasons were for disqualification of the petition? City Clerk Stephanie Nye stated the initial two reasons were:

- 1.The Affidavit of Intent needed to be filed with the clerk. On that date, a voter registration list is run and the 90-day circulation period begins. No statement was filed;
- 2.State law also required the petition be approved as to form. That also was not done;

The petition referred to the Peoples Ordinance section of the Charter (Article XVI) rather than the Charter Amendment section of the City Charter (Article XVII). There were certain format requirements that are enumerated in State law that the petition was required to follow that were not followed. Numbers of signatures, etc. was extraneous to the reasons for the petition being invalid.

Councilmember Terry asked the City Clerk if the information is readily available to the petitioners? City Clerk Stephanie Nye responded that no one approached her and asked. The provisions are in the City Charter which Ms. Gsell purchased. "Submission of Charter Amendments" (on Page 3). The Charter may be amended as provided in Article XX of the Constitution. Article XX of the Constitution says "as provided in State law..." which is the formula she followed. Ms. Nye said she provides the resources to go to find the information regarding submission of valid petitions.

Councilmember Graham said the State Statute references 90 days for obtaining signatures on a petition and the City Charter specifies 30 days. Which time period is controlling with respect to petitions to change the City Charter? City Attorney Dan Wilson agreed with the City Clerk that the advice she gave was the analysis he had reached earlier. The Charter has been around for many years and since then the Legislature has laid out a very detailed procedure. The Charter Amendment refers to Article XX of the Constitution that says "you must follow the procedure that the State Legislature adopts." When the Charter language was written, the Legislature had not provided a detailed process to follow. The City took the only approach possible by abiding by the State Statute since that was directed upon the City by the Constitutional provision. To the extent there is

inconsistency, the later legislation governed as it was much more specific.

Councilmember Graham asked the City Attorney and City Clerk if there was sufficient time allowed, in the case of the petition that changed the City Charter, to gather signatures? Mr. Wilson stated the process never began. It must be only City residents that signed. In order to know who is a City resident there must be a date by which you are a resident. Because the petitioners never began with the City Clerk, there was no way to measure the 90 days.

Councilmember Graham asked if there were any substance to the charge that signatures were discounted because City's initials were not added to the address? Ms. Nye said that was not the basis for invalidating the petition. There were additional comments in the letter both to the Council and the circulators of the committee that the City took a cursory view of the signatures. However, the signatures were never compared to a voter registration list since the statement was not filed, nor was the petition approved as to form.

Councilmember Theobald asked if a signature would have been discounted if it had only a street name and number, but turned out to be a valid City address and City resident, but didn't have G.J. or Grand Junction attached to it? Ms. Nye said she would have been obligated to discount it because the State law specifically states "street number and City".

Councilmember Baughman felt the State legislature is continually changing the law to require more steps to constitute a valid petition, and felt it was a detriment, as it subverts the Constitutional process.

Councilmember Graham asked what prerogative Council has to unilaterally change the City Charter? City Attorney Wilson said the Council is bound just as the citizens are bound. There is a prescribed process to Council. The result of a Charter Amendment and a Peoples Ordinance is identical. They are both binding. He stated the City Charter contains a straightforward method to get a Peoples Ordinance before the people. He suggested there are alternatives to the process the petitioners have pursued.

Councilmember Graham asked if Council votes to adopt the proposed amendment to the City Charter that was presented tonight, would it be binding? City Attorney Wilson said Council can direct Staff to put it on the ballot, but the Council cannot change the Charter.

Councilmember Graham asked if the 5% petition is considered to be deficient, then is Council without jurisdiction to affect a change in the City Charter? Mr. Wilson said the 5% provision of the Charter

is direct legislation. There is a direct process to have that put on the ballot to change the City Code. Council can affect that by saying it wants to put it on the ballot. City Manager Mark Achen clarified that Council can propose a charter amendment without a petition and submit it to the voters.

Councilmember Graham asked if Mr. Wilson has reviewed whether Council has any current super majority requirements for any kinds of votes, or if any other City Councils in Colorado have adopted any super majority requirements? Mr. Wilson said he has read there are some efforts on the Front Range. Councilmember Theobald read there is a similar amendment in Parker, Colorado, to make annexations unanimous. He believed the amendment failed.

Councilmember Graham asked the petitioners if it was the intent in the drafting of the petition, requiring a unanimous vote of the Council, that it be of all Councilmembers or of the quorum present? Ms. Gsell said all Councilmembers.

Councilmember Terry asked why the requirement of a unanimous vote? Ms. Gsell said it was discussed among the petitioners as to whether they wanted to go with less than a unanimous vote. They are open to a suggestion of something less than a unanimous vote.

Councilmember Maupin felt the residents of the Redlands should contact those that run their neighborhood, that being Mesa County. The City and County are in the middle of a land use plan. Within 90 days the plan will be adopted. The City and County need to reach some inter-governmental agreements which is one reason the City wanted to annex more of the Redlands. He noted that the citizens of Grand Junction subsidize the fire protection for the Redlands. He again encouraged the residents of the Redlands to get involved with the proposed land use plan.

Councilmember Graham stated the recently designated Planning Adhoc Committee, which was formerly known as Growth Adhoc Committee, is the starting place for annexations as far as the City's plans are concerned and it has been reconfigured. The following members will serve: Councilmembers Terry, Mantlo, Graham and Maupin.

It was moved by Councilmember Theobald, seconded by Councilmember Baughman that the language of the petition presented to the City Clerk which currently reads as follows be amended to read as follows and be placed on the ballot in April, 1997, to be voted on by the citizens of Grand Junction:

Current text:

"The amendment would reflect changes in Article VI, Section 50.b. of the City Charter. Every member when present must vote, and every ordinance passed by the City Council shall require on final passage the affirmative vote of a majority of all members of the council except....."

be changed to read:

" .... except in matters of annexation, whereby no unincorporated areas may be annexed unless, in addition to all other existing legal requirements: (1) the City has received a petition for the annexation of such area signed by residents comprising more than fifty percent of the present landowners and owning more than fifty percent of the land in such area, excluding public streets and alleys and any land owned by the City in such area; (2) at the final hearing the annexation ordinance is adopted by a unanimous vote of all council members."

Councilmember Graham asked if this will be a legal measure if Council adopts it and places it on the ballot as opposed to purporting to unilaterally alter the Charter itself? City Attorney Dan Wilson said yes.

Roll was called on the motion with the following result:

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

The motion failed to pass.

**CONSENT ITEMS**

Mayor Afman announced the substitution of a motion regarding Consent Item #13 which reads "Move to Authorize Staff to Proceed with Closing of Matchett Property" with the motion "Motion to Authorize the Mayor to Sign an Agreement between the City and Mesa County Holding the City and the Joint Sewer System Enterprise Fund Harmless for Repayment of State Loan Funds for the Rosevale Sewer Improvement Project, and Further to Agree that the Provisions of the State Home Agreement between the State and County Cannot be An Issue in the Pending Lawsuit between the City and the County" and be numbered 12.a. Councilmember Graham requested Consent Item #7 be removed for full discussion.

Upon motion by Councilmember Theobold, seconded by Councilmember Maupin and carried by roll call vote with Councilmember **GRAHAM** voting **NO** on Item #14, the following Consent Items 1-6, 8-12.a. and 14 were approved:

**1. Minutes of Previous Meeting**



Action: Approve the minutes of the Regular Meeting May 1, 1996

**2. Instrumentation Purchase**

The following bids were received for the acquisition and installation of Atomic Absorption Spectrometer instrumentation at the Persigo Wastewater Treatment Plant Laboratory:

Varian Analytical Instruments, Houston, TX	\$58,126.50*
GBC Scientific Equip, Inc., Arlington Hts, IL	\$70,747.00
Perkin-Elmer Corp., Norwalk, CN	\$81,677.00
* Recommended Award	

Action: Award Contract for Acquisition and Installation of Atomic Absorption Spectrometer Instrumentation to Varian Analytical Instruments of Houston, Texas, in the Amount of \$58,126.50

**3. 1996 New Sidewalks Construction**

The following bids were received on May 7, 1996:

Mays Concrete, Inc., Grand Junction	\$ 96,834.00
Fred Cunningham Constr., Grand Junction	\$101,217.00
Gary Rinderle Constr., Clifton	\$108,105.86
General Concrete Contractors, Brighton, CO	\$117,960.20
M.A. Concrete Constr., Grand Junction	\$131,882.50
Engineer's Estimate	\$104,571.00

Action: Award Contract for 1996 New Sidewalks Construction to Mays Concrete, Inc. in the Amount of \$96,834

**4. Elm Avenue Waterline Replacement, Seventh Street to Cannell Avenue**

The following bids were received on May 7, 1996:

M.A. Concrete, Construction, Grand Junction	\$79,028
Lyle States Construction, Grand Junction	\$79,729
Engineer's Estimate	\$74,050

Action: Award Contract for Elm Avenue Waterline Replacement, Seventh Street to Cannell Avenue, to M.A. Concrete Construction, Inc. in the Amount of \$79,028

**5. Lease Extension of City Property to the Grand Junction Housing Authority**

The Housing Authority leases the City owned residential structure at 562 Ute Avenue as short-term transitional housing for families referred to them by social service agencies. The existing lease is due to expire and the Housing Authority desires to lease the premises for an additional one-year term.

*Resolution No. 47-96 - A Resolution Authorizing a Lease of the City Property at 562 Ute Avenue to the Grand Junction Housing Authority*

Action: Move for Adoption of Resolution No. 47-96

**6. Conveyance of a Telecommunications Easement to U.S. West Communications**

U.S. West has received a request to expand services for the medical office building located at 372 Ridges Boulevard. Satisfying this request will require the installation of a new buried cable along the perimeter of a tract of Ridges Open Space owned by the City.

*Resolution No. 48-96 - A Resolution Concerning the Granting of a Telecommunications Easement to U.S. West Communications, Inc.*

Action: Move for Adoption of Resolution No. 48-96

**7. Adoption of the City of Grand Junction Water Conservation Plan**  
**REMOVED FOR FULL CONSIDERATION**

**8. Setting a Hearing on Amendments Regarding Permits in the Public Right-of-Way and Establishing Fees Therefor**

The proposed ordinance (1) eliminates the annual permit; (2) allows the permittee to provide the City with the \$10,000 license and permit bond as a form of performance/warranty guarantee for one or more permits; (3) defines process for inspection and testing of work performed under a permit; and (4) clarifies activities, including the performance of work with public right-of-way, which are unlawful without a permit.

**a. Amendments to Code of Ordinances on Permits**

*Proposed Ordinance Amending Chapter 38, Sections 162, 164, 165, 166, 167 and 169 Concerning Right of Way Work Permits and Performance/Warranty Guarantee for Permits of the Code of*

*Ordinances of the City of Grand Junction*

Action: *Move for First Reading and Setting a Hearing on the Proposed Ordinance*

b. Establishing Fees for Permits

*Resolution No. 50-96 - A Resolution Establishing Fees for Permits for Work in the Public Rights-of-Way*

Action: *Move for Adoption of Resolution No. 50-96*

9. Designation of the Stranges Grocery Store, 226 Pitkin Avenue, in the City Register of Historic Sites, Structures and Districts

Marjorie Montgomery and Jana Montgomery Santini, owners of the Stranges Grocery, 226 Pitkin Avenue, are requesting that the building be designated as a historic building in the City Register of Historic Sites, Structures and Districts.

*Resolution No. 51-96 - A Resolution Designating the Stranges Grocery Store in the City Register of Historic Sites, Structures and Districts*

Action: *Move for Adoption of Resolution No. 51-96*

10. Designation of the Fair Building, 501 Main Street, in the City Register of Historic Sites, Structures and Districts

Dr. Roland A. Raso, owner of the Fair Building (A.G. Edwards, 501 Main Street), is requesting that the building be designated as a historic building in the City Register of Historic Sites, Structures and Districts.

*Resolution No. 52-96 - A Resolution Designating the Fair Building in the City Register of Historic Sites, Structures and Districts*

Action: *Move for Adoption of Resolution No. 52-96*

11. Setting a Hearing on Vacation of Right-of-Way in Dawn Subdivision  
[File #VR-96-88]

John Davis, the developer of the proposed Dawn Subdivision, is requesting vacation of a portion of the east side of the 28 Road right-of-way north of the Patterson Road/28 Road intersection in order to incorporate the area into design of the adjacent

proposed Dawn Subdivision.

*Proposed Ordinance Vacating A Portion of the East Side of the 28 Road Right-of-Way North of the 28 Road and Patterson Road Intersection*

Action: *Move for First Reading and Setting a Hearing on the Proposed Ordinance*

**12. Setting a Hearing on Zoning & Development Code Text Amendment - Churches** [File #TAC-96-1.7]

This text amendment allows churches greater flexibility in locating in the City. It makes churches allowable uses in commercial and business zones and conditional uses in I-1 industrial zones. Churches will remain prohibited in I-2 (heavy industrial), P (parking) and PZ (public zone) zones. Churches will be allowed as uses by right or with Special Use Permits in all standard residential zones depending upon their size and location. Churches in Planned Residential zones will still require Planning Commission approval per an approved plan. Specific landscaping and setbacks requirements will be required of churches in residential areas. Other sections of the zoning ordinance have been amended to require certain development standards such as paved parking and landscaping for nonresidential uses in residential zones.

*Proposed Ordinance Amending the Zoning & Development Code of the City of Grand Junction Including Sections 4-3-4 Use/Zone Matrix, 4-8-2 Specific Criteria Matrix, 5-1-4 Vehicular Traffic Areas, 5-4-15 Landscape Standards, and 5-5-1 Off-Street Parking, as They Relate to Churches and Other Nonresidential Uses, and Adding Section 5-4-17 Churches in Residential Zones*

Action: *Move for First Reading and Setting a Hearing on the Proposed Ordinance*

**12.a Agreement between the City and Mesa County Regarding the Joint Sewer System Enterprise Fund**

Action: Motion to Authorize the Mayor to Sign an Agreement between the City and Mesa County Holding the City and the 201 Joint Sewer System Enterprise Fund Harmless for Loan Repayment of State Loan Funds for the Rosevale Sewer Improvement Project, and Further to Agree that the Provisions of the State Home Agreement between the State and County Cannot be An Issue in the Pending Lawsuit between the City and the County

**13. Closing on Purchase of Matchett Property - REMOVED FOR FULL CONSIDERATION**

*Action: Move to Authorize Staff to Proceed with Closing of Matchett Property*

**14. Expansion of Parks and Recreation Department Administrative Offices**

The City of Grand Junction Parks and Recreation Department Administrative Office currently has approximately 1,800 square feet of office/meeting/storage space. With recent and anticipated additions to the department, staffing levels have outgrown existing space in Lincoln Park. The proposed addition will convert the Director's existing office space into a conference room and create six new offices.

During the 1996-1997 budget deliberations, department staff were advised to see what could be done to the existing structure with \$30,000 as identified in the 1996 department budget. Additional funds will be required to meet current and anticipated needs in order to keep Parks and Recreation staff together. It is requested that additional funding be authorized in order to provide adequate office space in Lincoln Park.

*Action: Move to Approve a Transfer of Funds (\$51,818) from the Park Upgrade Fund for a 1271 Square Foot Addition to the Lincoln Park Administration Building (\$31,980 from 1995 Carryover and \$19,838 from 1996)*

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

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

**ADOPTION OF THE CITY OF GRAND JUNCTION WATER CONSERVATION PLAN -RESOLUTION NO. 49-96 ADOPTING THE CITY OF GRAND JUNCTION WATER CONSERVATION PLAN**

The Water Conservation Act of 1991 (HB 91-1154) was passed by the state legislature mandating that every entity in the state that provides water at retail to domestic, commercial, industrial or public facility customers, and which has a total demand of 2,000 acre feet or more, must develop a water conservation plan.

The City's water conservation plan is the document that provides guidelines for future water conservation activities. The conservation plan has a set of goals that either maintain or reduce

water uses. It establishes the criteria by which specific conservation measures will be selected as well as a process for measuring results.

Utilities Director Greg Trainor stated over time the City of Grand Junction and the surrounding area has gone through a number of droughts. In 1977, after voluntary efforts to try to reduce water consumption, the City doubled its water rate. That was successful, but short lived. The City tripled the size of the Juniata Reservoir, acquired additional water rights in the Colorado and Gunnison rivers, and participated with the Clifton Water District in the construction of their treatment plant. In 1991 the Legislature adopted a mandatory requirement that any water supplier that was providing 2,000 acre feet of water or more to its citizens, needed to develop a water conservation plan. This provided the City with the impetus to proceed with a logical plan. The Water Conservation Plan is to formalize a long-term method as a policy of examining water conservation and consumption, and to try to more rationally deal with water consumption both as a public agency (the City of Grand Junction) and individually through the water customers. The Plan would be changed as conditions warrant. The Plan lays out means and methods for examining various levels of water conservation such as metering. The City of Grand Junction has metered its water almost from the beginning while a number of communities have never metered their water. In addition, the master plan lays out some objectives in terms of education to the customers such as how they can conserve water, reduce their consumption, and reduce their monthly bills.

Councilmember Mantlo recapped some of the measures taken in the past when a drought has occurred in the area.

Councilmember Graham asked Mr. Trainor if he could confirm, under the current plan, there are no present coercive or mandatory measures contemplated or no current rate increases contemplated as conservation measures unless an emergency should arise? Mr. Trainor said that was correct. Any emergency would be declared by City Council only.

City Manager Mark Achen understood this legislation was passed and not aimed at Western Slope communities (donor communities to the Front Range water demands) but was primarily intended to insist that Front Range communities engage in some conservation efforts in order to minimize their demand on Western Slope water. He asked how Grand Junction compares with other communities in water consumption per household? Mr. Terry Franklin, Water Resources Superintendent, said the Colorado Water Utilities Council did a 1991 Water Conservation Program Survey which compared average consumption:

Denver                      229 gal/day

Ft. Collins	240 gal/day
Greeley	296 gal/day
Longmont	260 gal/day
Grand Junction	197 gal/day

Upon motion by Councilmember Maupin, seconded by Councilmember Graham and carried by roll call vote, Resolution No. 49-96 was adopted.

**NATIONAL TRAIL DESIGNATION FOR THE OLD SPANISH TRAIL - RESOLUTION NO. 53-96 AUTHORIZING THE PLACEMENT OF A HISTORIC MARKER COMMEMORATING THE OLD SPANISH TRAIL IN EAGLE RIM PARK BY THE DAUGHTERS OF THE AMERICAN REVOLUTION AND ENDORSEMENT OF THEIR EFFORTS TO ACHIEVE NATIONAL TRAIL RECOGNITION**

Local members of the Daughters of the American Revolution (DAR) have done extensive research on the Old Spanish Trail and its crossing of the Colorado River. Eagle Rim Park is close to the original crossing and the DAR believes its historical significance should be recognized with their symbolic "Madonna" marker.

Betty Lou Smith, Regent of the Mt. Garfield Chapter of the National Society of Daughters of the American Revolution, requested authorization to place a memorial in Eagle Rim Park commemorating the Old Spanish Trail.

Upon motion by Councilmember Theobald, seconded by Councilmember Mantlo and carried by roll call vote, Resolution No. 53-96 was adopted.

**PUBLIC HEARING - EDWARDS ANNEXATION, 381 AND 383 SOUTH REDLANDS ROAD - RESOLUTION NO. 54-96 ACCEPTING PETITIONS FOR ANNEXATION, MAKING CERTAIN FINDINGS, DETERMINING THAT PROPERTY KNOWN AS THE EDWARDS ANNEXATION IS ELIGIBLE FOR ANNEXATION AND EXERCISING LAND USE CONTROL AND JURISDICTION - PROPOSED ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO - EDWARDS ANNEXATION, APPROXIMATELY 1.3 ACRES, LOCATED BETWEEN MONUMENT ROAD AND S. REDLANDS ROAD**

The property owner, Cynthia Edwards, is requesting annexation of her property. Staff requests that City Council accept the annexation petition and approve on first reading the Edwards Annexation.

A hearing was held after proper notice. Dave Thornton, Community Development Department, reviewed this item. The area is bounded by South Redlands Road and Monument Road. Based on his professional opinion as a City Planner, he purported the petition met all requirements of Section 31-12-104 of the State Statutes regarding the petition process. He submitted a statement of findings to the City Clerk.

Mary Huber, 580 1/2 Melrose Court, said she attended the May 14, 1996 Planning Commission meeting, and this property was already zoned before the petition was accepted and the first reading of the ordinance. She felt it was upsetting to see the speed with which Council is annexing. Mayor Afman and Councilmember Maupin both stated this is a request from the property owner for annexation and City services. Often the zoning ordinance and annexation ordinance is concurrent so they will end up with the same effective date.

Councilmember Graham shared the feeling that it is unseemly to zone property before the second reading on annexation, but he understands the zoning has not been finalized. The zoning has not come before City Council and will not occur and become effective for approximately two months.

There were no other comments. The hearing was closed.

Upon motion by Councilmember Mantlo, seconded by Councilmember Maupin and carried by roll call vote with Councilmember **THEOBOLD** voting **NO**, Resolution No. 54-96 was adopted.

Upon motion by Councilmember Mantlo, seconded by Councilmember Baughman and carried with Councilmember **THEOBOLD** voting **NO**, the proposed ordinance setting a hearing on the annexation was passed on first reading and ordered published.

**PUBLIC HEARING - COUNTRY CLUB PARK WEST #2 ANNEXATION, 327 AND 331 COUNTRY CLUB PARK ROAD - RESOLUTION NO. 55-96 ACCEPTING PETITIONS FOR ANNEXATION, MAKING CERTAIN FINDINGS, DETERMINING THAT PROPERTY KNOWN AS COUNTRY CLUB PARK WEST #2 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 #2, APPROXIMATELY 1.89 ACRES, LOCATED AT 327 AND 331 COUNTRY CLUB PARK ROAD**

Dale and Luella Dumont and Carl and Kathy Koch, owners of 327 and 331 Country Club Park Road respectively, have signed an annexation petition to allow for the potential formation of a sewer improvement district for their neighborhood. Staff requests that City Council accept the Petition and approve on first reading the annexation ordinance for the Country Club Park West #2 Annexation.

A hearing was held after proper notice. This item was reviewed by Dave Thornton, Community Development Department. Based on his professional opinion as a City Planner, he purported the petition met all requirements of Section 31-12-104 of the State Statutes regarding the petition process. He submitted a statement of findings



to the City Clerk.

Councilmember Baughman asked if there will be any problem servicing this area with sewer service because of the topography? Council answered no.

There were no public comments. The hearing was closed.

Upon motion by Councilmember Baughman, seconded by Councilmember Terry and carried by roll call vote with Councilmember **MAUPIN** voting **NO**, Resolution No. 55-96 was adopted.

Upon motion by Councilmember Terry and seconded by Councilmember Mantlo, the proposed ordinance setting a hearing on the annexation was passed on first reading and ordered published.

**CLOSING ON PURCHASE OF MATCHETT PROPERTY**

City Attorney Dan Wilson stated in the past two months several concerns have been resolved:

- 1.The environmental audit has been completed and the property is clean. There is some gas spillage around the tank, but nothing to be concerned about. The property appears to be without environmental liabilities;
- 2.Title issues have been resolved and the City now has good title;
- 3.A triple "B"+ rating was acquired for the COPs through Standard & Poors, which is unusual for open space;
- 4.Negotiations on the management agreement were completed today; Dr. Matchett is to submit supporting documents on a quarterly basis for pulling money out of the joint account.

May 28, 1996 has been scheduled for the organizational meeting of the Grand Junction Public Finance Corporation. This entity will hold title and lease to the City for the ten-year term, the City will hire Dr. and Mrs. Matchett to manage the property. Closing will actually occur on the 29th of May with funds transferred at that time. Council must make its final decision at this meeting. The survey has been completed and there are 208.3 acres at \$9800/acre. The City will receive title to the Grand Valley Canal property, but the title insurance company will not warranty that part of the property due to potential liability.

Upon motion by Councilmember Mantlo, seconded by Councilmember Theobald and carried by roll call vote with Councilmembers **BAUGHMAN**

and **GRAHAM** voting **NO**, Staff was authorized to proceed with closing of Matchett Property.

**OTHER BUSINESS**

**Petitions for Charter Amendment**

Mr. Jim Creasy, felt it was unfair to ask the City Clerk to make legal decisions. The best resource available to answer the questions of what are the specific legal requirements would be the City Attorney.

A memo from the City Attorney which is adopted and approved by the City Council could be given any time someone approaches the City for a petition. Regardless of whether the City Charter and the State Statutes create some ambiguity, it's the City's (City Attorney's) interpretation that is going to determine the requirements. He asked Council to consider the positive step of spelling out all the requirements. He was not clear on what the first requirement was that the petitioners failed to provide.

Councilmember Theobald said the petitioners did not ask the City for precise instructions.

City Manager Mark Achen said normally someone would inquire of the City Clerk when they want to proceed with a petition for something.

The City Clerk always has the resource of the City Attorney if there are doubts in the procedure. The City Clerk knew what was appropriate on this petition from prior professional experience and training. It is the responsibility of the City Clerk's office to be open, receptive and cooperative with anyone attempting to petition the government, and to do it in a fashion that is neutral and objective, unattached to whatever the City Council's bias might be on the issues.

These petitioners proceeded without the benefit of that resource.

Mr. Creasy understood it is not required to contact the City Clerk.

City Manager Mark Achen said it was required that the petitioners file with the City Clerk to initiate the process which is the part about starting the clock and knowing how many signatures were required.

This is what didn't happen. Because it didn't happen, they also did not receive the benefit of the additional information the City Clerk would have provided to assure them they were following the technical requirements.

Councilmember Baughman agreed the information should be available to the general public on the petition process for each level of government.

Mayor Afman offered Mr. Creasy a copy of the City Charter which explains the petition process.

**Progress of Canyon View Park**

Councilmember Mantlo asked Council to go by the new park at 24 and G Road to see the progress being made. The backstops are being installed.

**Deannexation**

Councilmember Baughman announced Council has received a letter from James and Peggy Rooks, 674 30 Road, requesting deannexation (Darla Jean Annexation). This will be handled by the Planning Department.

**ADJOURNMENT**

Upon motion by Councilmember Theobald, seconded by Councilmember Baughman and carried, the meeting was adjourned at 9:35 p.m.

Stephanie Nye, CMC/AAE  
City Clerk

**ATTACHMENT 1**

May 14, 1996

Lorena Thompson  
Coach, Knowledge Bowl Team  
Grand Junction High School  
1400 N. 5th St.  
Grand Junction, CO 81501

Dear Ms. Thompson,

The Grand Junction City Council would like to recognize the accomplishment of the Grand Junction High School Knowledge Bowl team in winning the state championship. We understand that the students will soon be traveling to the national finals in Florida.

The City Council would like to pledge \$2,000 toward the travel expenses for the team.

We wish you success in Florida, and know you will be fine representatives of your school and your city.

Sincerely,

Linda Afman, Mayor

**ATTACHMENT 2**

**MEMORANDUM**

**TO:** Mayor & City Council  
**FROM:** Mark K. Achen, City Manager  
**DATE:** May 15, 1996  
**RE:** 1996 - 1997 Council Assignments

These are Council member assignments for 1996 - 1997 as revised by Council following your May 13, 1996 meeting.

**ASSOCIATED GOVTS OF NW COLORADO** **Graham**  
Generally meets 1st Thursday of month - moves from City to City (GJ, Craig, Rifle, etc.)

**COLORADO ASSN OF SKI TOWNS (CAST)** **Maupin or Terry**  
Meets 6 times per year (one in conjunction with CML)  
Thurs. evening & Friday

**CML POLICY COMMITTEE** **Afman and Terry**  
Meets 2-3 times per year in Denver

**DOWNTOWN DVLPMT AUTHORITY** **Mantlo**  
Meets first & third Friday of the month at 7:30 AM (over by 9:00 AM).  
Location varies.

**HOUSING AUTHORITY** **Maupin**  
Meets last Tuesday of month @ 7:00 AM - Norwest Bank

**VISITORS & CONVENTION BUREAU** **Maupin and Afman**  
Meets second Tuesday of month @ 3 PM - Location varies

**GJ/MC RIVERFRONT COMMISSION** **Baughman**  
Meets third Tuesday of month @ 7:30 PM @ Valley Agency  
{Location to change}

**MESA CO ECONOMIC DVLPMT COUNCIL** **Afman**  
Meets fourth Wednesday of month @ 7:00 AM @ MCEDC office

**MC TRANSPRTN POLICY ADVISORY COMM** **ON CALL**  
Meets fourth Wednesday of month @ 1:30 PM @ 750 Main Street

**PARKS IMPRVMT ADVISORY BOARD (PIAB)** **Mantlo**  
Meets third Thursday of month (every other month or as needed) @ 8:00 AM  
@ Parks and Rec. office

**WALKER FIELD AIRPORT AUTHORITY**                      **Graham (Interim Basis)**  
Meets third Tuesday of month @ 5:15 PM @ Airport - 3rd Floor

**COLORADO WATER CONGRESS**                              **Theobald**  
Meets at least 12 times a year - always in Denver (generally once a month,  
but not a set date)

**MUSEUM OF WESTERN COLORADO**                              **Terry**  
Meets third Thursday of month @ 4:00 PM @ Museum

**MINORITY ACTION COUNCIL**                                      **ON CALL**  
Meets on demand (generally @ 5:15 PM)

**PUBLIC TELEVISION STEERING COMMITTEE**      **Terry**  
New Committee - on call

**AD HOC COMMITTEES**

**UTILITIES** (Utilities, Dept. Services)  
Baughman, Afman, Graham, Mantlo

**"PLANNING"** (Annexation, Riverfront) {Meets 2nd Wednesday of month -  
3:00 PM in Conf. A}  
Terry, Mantlo, Graham, Maupin

**QUALITY OF LIFE** (Vision/Legislation/Communication)  
Theobald, Terry, Maupin

c: Connie Rosenthal  
Sue Stephens  
Dept Heads

