

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

March 19, 1997

The City Council of the City of Grand Junction, Colorado, convened into regular session the 19th day of March, 1997, at 7:30 p.m. in the City/County Auditorium at City Hall. Those present were Mike Sutherland, David Graham, R.T. Mantlo, Ron Maupin, Janet Terry and President of the Council Linda Afman. Reford Theobald was absent. Also present were City Manager Mark Achen, Assistant City Attorney John Shaver, and City Clerk Stephanie Nye.

Council President Afman called the meeting to order and Councilmember Sutherland led in the Pledge of Allegiance. The audience remained standing during the invocation by Rev. Scott Hogue, First Baptist Church.

**PROCLAMATION DECLARING DENNIS DUPONT "RECYCLER OF THE YEAR 1996"
IN THE CITY OF GRAND JUNCTION**

CONSENT ITEMS

Councilmember Sutherland requested Consent Item #2 be removed for discussion.

Upon motion by Councilmember Mantlo, seconded by Councilmember Maupin and carried by roll call vote with Councilmember **GRAHAM** voting **NO** on Items #7 and #12, and Councilmember **MAUPIN** voting **NO** on Item #12, the following Consent Items #1 and #3-13 were approved:

1. **Donation to Kids Voting Project for 1997**

The Kids Voting Project is asking the City for a contribution of \$5,000 for the costs to run their program in 1997.

Action: Approve a donation of \$5,000 to the Kids Voting Project

2. **Notice of Election for the Regular Municipal Election to be Held on April 8, 1997 in the City of Grand Junction**
REMOVED FOR FULL DISCUSSION

3. **Designating the Voting District Boundaries**

Section 36 of the Charter provides that the City Council may designate the voting district boundaries by resolution. The

City Council has annexed several properties since the last resolution designating the boundaries. The legal descriptions include all properties annexed with an effective date prior to the election. The resolution requires adoption by two thirds of the Council.

Resolution No. 26-97 - A Resolution Designating the Voting District Boundaries in the City of Grand Junction

Action: Adopt Resolution No. 26-97

4. **50 HP Tractor for the Parks Maintenance Division**

The following bids were received:

Western Implement Company (Ford), Grand Junction	\$16,566*
Delta Implement Company (John-Deere), Delta	\$18,365

* Recommended Award

Action: Award Contract for a 1997 Ford Model 4630 Tractor for the Parks Maintenance Division to Western Implement Company in the Amount of \$16,566

5. **Construction Contract Award of \$1,230,316 for Schedules A and B for the Unawep Avenue Street Improvements Project, Phase II - Highway 50 to 27 3/8 Road**

The following bids were received on March 4, 1997:

<u>Contractor</u>	<u>Schedule A</u>	<u>Schedule B</u>	<u>Schedule A+B</u>
Elam Construction, Inc., G.J.	\$1,189,598.60	\$40,717.40	\$1,230,316.00
United Companies, G.J.	\$1,169,503.40	\$65,789.00	\$1,235,292.40
Parkerson Construction, Inc., G.J.	\$1,179,948.50	\$84,384.00	\$1,264,332.50
MA. Concrete, G.J.	\$1,244,083.75	\$65,420.00	\$1,309,503.75
Engineer's Estimate	\$1,228,536.00	\$62,680.00	\$1,291,216.00

Action: Authorize the City Manager to Execute a Contract for Schedules A and B for Unawep Avenue Street Improvements Project, Phase II - Highway 50 to 27 3/8 Road to Elam Construction, Inc. in the Amount of \$1,230,316.00

6. **Public Restrooms at the Western Colorado Botanical Society's Greenhouse/Butterfly House**

On June 15, 1994 the Western Colorado Botanical Society and the City of Grand Junction entered into an agreement for the lease of City property to the Botanical Society along the Colorado River corridor for the purpose of developing a Botanical Garden and related improvements. In the Fall of 1996 the Botanical Society broke ground for a greenhouse-butterfly house. Pursuant to the 1994 agreement, the City's share for the restroom is \$20,618 plus \$2,903 for a freeze-free handicap accessible drinking fountain bringing the total to \$23,618.

Action: Authorize a Contingency Transfer of \$23,618 for the City's Share of a Public Restroom in Conjunction with the Western Colorado Botanical Society's Greenhouse/Butterfly House

7. **Repairs on Watson Island**

Over the past two years, extensive erosion has taken place on the east end of Watson Island. The erosion has washed out the eastern section of trail and has cut a new flowing channel across the island. In an effort to prevent further erosion, the Parks Department has contacted Ciavonne and Associates to create plans to help retain the most erosion prone corner of the island and to further channelize the flow.

Action: Authorize a Contingency Transfer of \$14,000 and Award Contracts to Fund Necessary Repairs on Watson Island to Ciavonne & Associates for \$2,000 and to Skyline Construction Company of Grand Junction in An Amount Not to Exceed \$12,000

8. **Setting a Hearing on an Easement Vacation Located at 716 Arrowest Road** [File #VE-1997-025]

The request is to vacate a future roadway easement located at the end of Arrowest Road. The easement is no longer needed due to platting of land to the north which provided access to this area from the east. Also, the underlying owners both would like it vacated. A 20' utility easement will replace it in order to provide sewer service to 23 Road Commercial Subdivision.

Proposed Ordinance Vacating a Future Roadway Easement on Lots 15 and 16, Arrowest Subdivision

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for April 2, 1997

9. **Setting a Hearing on Rezoning the Proposed Brodak Subdivision Located at 2741 Patterson Road to RSF-4**

[File #RZF-1997-026]

Three of four lots proposed through a minor subdivision are proposed for rezoning from PD-8 to RSF-4. The rezoning and subdivision allows the petitioner to create a residential lot to construct a single family home and adjust lot lines that encroach into existing structures or have created a landlocked parcel. At their March 4, 1997 hearing the Planning Commission recommended approval of the rezone and approved the minor subdivision subject to conditions.

Proposed Ordinance Rezoning Property to be Known as Lots 2, 3 and 4, Brodak Minor Subdivision, Located on the South Side of Patterson Road, West of 27 1/2 Road from PD-8 to RSF-4

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for April 2, 1997

10. **Setting a Hearing on Rezoning Property Located at the Northeast Corner of Highway 50 and Palisade Street to H.O.**

[File #CUP-1997-029]

A request for a rezone from RMF-16 to H.O. to allow a kennel and veterinary clinic to be developed on an approximately one acre site located at the northeast corner of Highway 50 and Palisade Street on Orchard Mesa. Conditional Use Permit approval for the kennel has been approved by the Planning Commission contingent upon the rezone. Staff recommends approval.

Proposed Ordinance Rezoning Land Located at the Northeast Corner of Highway 50 and Palisade Street in Orchard Mesa

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for April 2, 1997

11. Setting a Hearing on Vacation of Water Line Easement at 2584 Patterson Road (Redstone Business Park) [File #RP-1996-273]

A request for the vacation of an existing 10' water line easement at 2584 Patterson Road. The water line in the easement, which served Lot 1 in the Tomkins Subdivision, has been abandoned and relocated to an easement to the east. The vacation of the easement will permit greater flexibility in the development of proposed Lot 2 in the Redstone Business Park Subdivision. Staff recommends approval.

Proposed Ordinance Vacating a Water Line Easement Located in the Southwest Quarter of Section 3, Township 1 South, Range 1 West of the Ute Meridian (2584 Patterson Road)

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for April 2, 1997

12. Change in Appointment of Members and Funding of the Riverfront Commission

A change to the policy on the appointment of members to the Riverfront Commission and a statement of policy on the funding of the Commission to include Grand Junction, Fruita, Palisade, and Mesa County.

Resolution No. 31-97 - A Joint Resolution Between the City of Grand Junction, the Town of Palisade, the Town of Fruita and the County of Mesa Concerning Appointment of Members to the Commission and 1997 Funding

Action: Adopt Resolution No. 31-97

13. Grant from the State of Colorado Department of Transportation for Colorado's Occupant Protection Overtime Enforcement Campaign

The Colorado Department of Transportation (CDOT) is administering an 18 month education and enforcement campaign.

The campaign is funded by federal highway funds and entails paying overtime to police officers for enforcement of the occupant restraint laws, especially those violations involving child passengers under the age of 16. There are eight weeks specified during the 18 month period when the

overtime enforcement will be directed. The grant amount is \$6,400 with no hard dollar match required.

Resolution No. 28-97 - A Resolution Approving Occupant Protection Twist Campaign Contract

Action: Adopt Resolution No. 28-97

* * * END OF CONSENT CALENDAR * * *

* * * ITEMS NEEDING INDIVIDUAL CONSIDERATION * * *

NOTICE OF ELECTION FOR THE REGULAR MUNICIPAL ELECTION TO BE HELD ON APRIL 8, 1997 IN THE CITY OF GRAND JUNCTION - RESOLUTION NO. 25-97 SETTING FORTH THE NOTICE OF ELECTION FOR THE REGULAR MUNICIPAL ELECTION TO BE HELD ON APRIL 8, 1997 IN THE CITY OF GRAND JUNCTION

A resolution setting forth the notice to be published including candidates, terms and ballot questions (the one sale of surplus property question and the Charter Amendment regarding Council salaries) for the April 8, 1997 Municipal Election Councilmember Sutherland said Mr. Hugenberg, City Council candidate for the At Large seat, would like to discuss the wording on one of the ballot initiatives. Mr. Bill Hugenberg, 2695 Mazatlan Drive, said he was concerned about the wording of the ballot issue having to do with the sale of surplus property (Burkey Park property). He urged Council to consider adding a proviso to the language on the ballot that assures the property will be used for park purposes by whomever it is conveyed.

Assistant City Attorney Shaver said a restriction that whoever bought the property would have to leave that site as a park, would be a deed restriction that could be made in the bargain for sale.

Council would have the option to include that, although the question as being submitted does not bind any future Councils to that. The current ballot language suggests the City's obligations relative to the property would be that future parks would be contemplated.

Councilmember Maupin said he felt Council wants to ask the City voters if they think the Burkey property should continue to be held in inventory.

Councilmember Graham said Council's action tonight is an administrative approval of the wording of the ballot. Assistant City Attorney Shaver said the proposed resolution before City Council is for finalization.

It was moved by Councilmember Maupin and seconded by Councilmember Graham that Resolution No. 25-97 be adopted.

Councilmember Sutherland suggested if the voters approve the sale or transfer, the sitting Council at the time would have the option of putting in a deed restriction at that time.

Councilmember Sutherland noted the term for District D in the notice should read "Four-Year Term". Clerk Nye made the correction.

Roll was called on the motion with the following result:

AYE: SUTHERLAND, TERRY, GRAHAM, MANTLO, MAUPIN, AFMAN.
Motion carried.

"RIDE THE ROCKIES" CONTRIBUTION

A request for a contribution to the "Ride the Rockies" event June 14-15 with Grand Junction as the host city.

Assistant City Manager David Varley said the Denver Post "Ride the Rockies" group has chosen the City of Grand Junction to be the host city for this year's bicycle tour. The host committee is putting together a program for the cyclists as they leave Grand Junction on the first day of their 90-mile trip over the Grand Mesa. The committee is requesting a City contribution of up to \$8,000 to fund the "send-off" for the cyclists.

It was moved by Councilmember Maupin and seconded by Councilmember Mantlo that \$4,000 be contributed from the City Council's contribution account toward the "Ride the Rockies" event. He suggested that Ms. Jane Fine could come back to the City if there are other areas in which it can help.

Councilmember Terry clarified that if there are deficiencies because of the \$4,000 contribution, the VCB has volunteered to help solicit other funds.

Councilmember Graham felt that if the taxpayers' money is to be spent to hear the symphony play, it should be scheduled at a time and location when it's calculated to have the most benefit for City residents as opposed to it being merely a "fanfair" for people who will be pedaling away once the program begins.

Mayor Afman said the committee is hoping to have a lingering crowd after the send off, so the symphony should be enjoyed by more people than just the riders.

Councilmember Mantlo said the families of the riders stay in the area for breakfast, and spend more time in Grand Junction than the riders.

Councilmember Maupin amended his motion to include "this is a free public concert" with no charge to the residents. Council-member Mantlo agreed to the amendment.

Roll was called on the motion with the following result:

AYE: MANTLO, MAUPIN, SUTHERLAND, TERRY, AFMAN
NO: GRAHAM.

**MUNICIPAL ANNEXATION PLAN - RESOLUTION NO. 27-97 ADOPTING THE 1997
MUNICIPAL ANNEXATION PLAN** [FILE #PLN-1997-066]

CRS 31-12-101, et seq. requires yearly review and updating, if necessary, to the Municipal Annexation Plan. This plan describes the area within which possible annexation may occur, existing and proposed infrastructure, City services, and proposed land uses. The 1997 Municipal Annexation Plan incorporates minor changes to the descriptions of City facilities and services and incorporates those future land uses as adopted by the City of Grand Junction and Mesa County for the joint planning area in the Grand Junction Growth Plan and the Mesa Countywide Land Use Plan. Upon adoption, this plan will be forwarded to the County Commissioners as required by State Statutes.

This item was reviewed by Dave Thornton, Community Development Department. State Statute requires the Municipal Annexation Plan be reviewed annually. Upon adoption, a copy is sent to the Mesa County Commissioners. Mr. Thornton said there are very few changes this year from the 1996 plan. Because the City and County has adopted the Joint Planning Area Growth Plan/Countywide Land Use Plan, it is recommended City Council adopt within the

Municipal Annexation Land the same land uses adopted as part of the Growth Plan. The joint cooperative planning areas have been added to the map (interim agreement with Fruita and Mesa County on the northwest, with Palisade and Mesa County on the east). Some of the language has been updated regarding existing conditions within the City.

Councilmember Sutherland asked if previous details on specific properties have been included in the Annexation Plan. Mr. Thornton said no, that information was an update of the Annexation Work Plan which is brought to Council from time to time.

Councilmember Graham noted an error in his distributed memo dated March 17, 1997 (attachment to this item) in paragraph c. It should read "31-12-103(4)" instead of "31-12-104(4)". He discussed two features for this plan. The first being a statement of policy with respect to annexation of enclaves. His intention was to create something that would legally leave unimpaired the discretion of Council to approve whatever annexations brought before it that Council felt was appropriate. So he has used the word "should" instead of "shall" and "will" in the suggested additional language for paragraph c, saying "The City should not annex an area designated an enclave unless Sections 104 (lists the 6 requirements normally necessary for a petition to be accepted) and 107 (details language for that as well as petitions for an election on an annexation issue), or the enclave is already in existence. If the City is facing an enclave, the policies that surround the grant of statutory authority would allow the City to annex those currently enclaves. However, if this amendment is passed by Council, the City Council would be saying the City Council does not look upon annexation of enclaves as the norm, unless these other qualifications exist.

Assistant City Attorney Shaver said the C.R.S. contemplates that the annexation plan is a policy document, and felt it would not have binding legal effect because the overriding legal theory is the State Statutes. He said Councilmember Graham's proposed language defines an enclave by exclusion. That is intentional, and Council may want to decide whether that is the appropriate statement for the purposes of the planning documents. He felt the language should be worded in the positive term rather than negative. He said nothing is detailed in the proposed amendment that talks about ownership and enclaves of municipal property, and whether or not that is intended to be included in the terms. Councilmember Graham said that was not his intention, and would

agree to adding a sub-section iii saying "such enclave is owned by the City of Grand Junction," such as the Tiara Rado Golf Course.

Councilmember Maupin strongly urged Council not to add this to the Annexation Plan. He felt it is bad government. Any enclave, perhaps a commercial property, surrounded by city limits could refuse annexation. This is the same legislation that was turned down in the State Legislature that said County's cannot afford to have these pockets of County left surrounded by cities. That means the city taxpayers must pay more to service enclaves.

Councilmember Graham said if one or more annexations can be predicted to result in an enclave, the solution is to figure what type of majority requirements would be sufficient in terms of the affected area and in terms of the number of property owners so an area that otherwise would be turned into an enclave would be included in the annexation itself, and the majority would still be preserved. Another problem with absorbing enclaves is that it creates a hole in the City itself. This amendment would provide a means for Staff to draft an annexation so that no enclaves are created. If it's possible to achieve the majority requirements for the affected area and for the numbers of the property owners, then those areas which don't want to be part of the City, as far as an enclave is concerned, could be written into the language for the original petition. This would avoid an oversight whenever an enclave is allowed to be created. Councilmember Terry reminded Council that they recently adopted a resolution which said Council does not intend to create enclaves. There are many enclaves already that will need to be taken care of in the near future. This does not address that issue, but by adopting this proposed resolution, it gives more credence to the fact that Council means what it says about not deliberately creating enclaves. Council intends to do progressive growth from the City boundaries.

Councilmember Mantlo said a bill is going through at the State level that may change the direction of policies regarding annexation in the future. He felt this resolution should be adopted, and let a new City Council in April, 1997, set policy on the issue of future annexations. He felt the current Council should not set policy for a new Council.

Mayor Afman felt it is important that Council state a goal along with the Annexation Plan. She felt Council should consider what is the overall goal of this Council and future Councils. Whenever Council is provided with an analysis on an annexation, they are

always given a recapture time period. She felt it should be addressed in the cost analysis. Council has an opportunity to determine over a period of time what cost will be paid back. She suggested incorporating this in the proposal.

Councilmember Maupin said the reason Council has been annexing vacant land over the past few years is because the City makes money on it. When a new house is built, the sales tax comes to the City of Grand Junction which helps pay for the growth of the City. It costs the City nothing to annex these lands and have new subdivisions built on them.

Councilmember Sutherland did not completely agree with Councilmember Maupin. He said the City must conduct utility inspections and other services.

Councilmember Graham said by the time of actual buildout, Council should be able to provide an estimate of City services to come up with a per capita figure. He hopes to avoid receiving Staff reports that say the impact is negligible. It all has a cumulative effect. He wanted to make sure there is something in the resolution that would work out a methodology for estimating fiscal impact. Once the methodology is determined, the application should be simple, and will help future Councils as well as the current City Council see the total picture. Councilmember Sutherland felt it might lead to forcing Staff to prepare wild guesses rather than admitting they cannot determine the cost of annexation. Councilmember Graham said by adding "in addition," add "where practicable,". Staff can say it cannot make an estimate in some instances (smaller parcels) which would be better than assuming it is negligible.

City Manager Achen said most of the time Staff can give Council a range of potential or some benchmarks for comparison.

Councilmember Graham said when the annexation policy resolution was adopted concerning the Redlands, it stated 100% petitions.

Councilmember Mantlo asked if a portion of an enclave area wishes to be annexed to the City, could the entire enclave be annexed without a vote of all the residents within the enclave. Councilmember Graham said if a portion of an enclave that is created wanted to be annexed by a petition or election, the scope of the annexation could be limited to a majority who wanted to be annexed. That means if the majority of the property owners wanted

to be annexed, but a significant minority did not, there would be enough votes for a majority petition to annex the entire enclave.

If an enclave is subdivided into another enclave, and it comes in through a petition or election, then the enclave would be the area of the people who were asking to come into the City. It would be consistent with the policy if that was the decision Council had in mind.

City Manager Achen said it would operate much like it has in the past where portions of an enclave have requested to be annexed before the enclave could be annexed. This policy does not restrict Council in that regard. It merely says don't annex the whole enclave unless there is a majority.

Councilmember Graham said the 100% requirement could lead to the creation of enclaves. If only lands that are owned by people that wish to be annexed can be annexed, then the notion of a majority petition loses its relevance. The question of inadvertently creating enclaves becomes a real threat. A more reasonable and consistent approach would be to revise the Redlands position to say "majority" annexations as opposed to limiting to "100%" annexations. He felt the same policy should be used for all areas geographically speaking.

Councilmember Terry said Council has not taken the formal step of adopting a resolution which lays out an overall annexation policy, only in terms of the Redlands. She suggested that step should be taken soon.

Councilmember Maupin reminded Council its responsibility is to the citizens of Grand Junction, to help the City to continue to be healthy. In order to do that, sometimes it is necessary to annex areas. Sales tax is the lifeblood of the City. Annexation helps growth pay for itself. The State gives municipal annexation laws to help the City take care of itself. This amendment goes adversely to the State annexation laws. It sets a policy. From now on, someone who does not want to be annexed in an enclave, will say Council's policy says it should not be done. He again reiterated that adoption of this paragraph which says an enclave should be able to have a vote or have a majority petition to be annexed to the City, sets a bad precedent.

Councilmember Graham said that would be best addressed at the planning stage when the configuration of the annexation is being considered. If it appears an enclave is likely to be created,

Staff should be required to see how much of the area and how many of the affected property owners in favor of the annexation would be necessary in order to annex. Councilmember Maupin felt it should be Staff's job to annex the person that wishes to be annexed. Councilmember Graham said the problem with enclaves is that it is an oversight that no one had contemplated. He did not feel the City needs enclaves. They are bad policy.

Mayor Afman questioned if Council is putting City Staff in a difficult position where Council is giving them guidance to not create enclaves by virtue of going through the planning process, and will Staff be making the determination rather than the public or Council. Councilmember Terry reminded Council the policy has said "no deliberate enclaves to be created."

Councilmember Graham gave the following scenario: Property owners adjacent to the City wish to be annexed. The affect of annexing only their property would result in the creation of an enclave. The City goes to the people who would otherwise be in the enclave and advise them the City is putting together a petition of annexation, and ask if they want to sign the petition. If they say no, then Staff can say it has tried to include this property in part of the annexation itself, but failed. Then Council would be faced with a tough policy call of whether Council votes for the annexation notwithstanding the fact that it creates an enclave, or against. If it can be shown that the City has done everything possible to avoid the creation of an enclave, Council could say it will annex anyway, and will create the enclave anyway. Councilmember Graham was trying to articulate what should be the normal procedure.

Councilmember Graham suggested approving the Municipal Annexation Plan for 1997, and then offer proposed amendments to the Plan, with each Councilmember, in turn, making his/her amendment. It was moved by Councilmember Graham and seconded by Councilmember Mantlo that the 1997 Municipal Annexation Plan be adopted.

Councilmember Terry proposed an amendment to Chapter 1, Purpose and Intent, Pages 1 and 2, paragraph a: Delete the last part of the first paragraph identified as "a" beginning with the word "numerous" and ending with the word "apparatus". The wording is outdated. Paragraph B on Page 2, second sentence, delete the phrase "avoid inconsistent development standards", and delete the entire last sentence in Paragraph B beginning with "by" and ending with "avoided." Paragraph C add a final statement reading

"Annexations occurring through the ensuing year will be determined on a case by case basis, and in accordance with the currently adopted annexation policy." Councilmember Terry said the purpose is to better define what Council has laid out to be its policy for the current year, rather than identifying the entire boundary.

Councilmember Graham suggested language that addresses the potentiality of these problems rather than asserting that they are happening and are numerous. The objective of the annexation plan would be maintained.

It was moved by Councilmember Terry and seconded by Councilmember Graham that Chapter 1, Purpose and Intent, Pages 1 and 2, paragraph (a) be amended by deleting the last part of the first paragraph identified as "a" beginning with the word "numerous" and ending with the word "apparatus". Roll was called on the motion with the following result:

AYE: TERRY, GRAHAM, SUTHERLAND
NO: MANTLO, MAUPIN, AFMAN.

Motion for the amendment failed.

It was moved by Councilmember Terry and seconded by Councilmember Graham that in Paragraph B on Page 2, second sentence, be amended by deleting the phrase "avoid inconsistent development standards", and deleting the entire last sentence in Paragraph B beginning with "by" and ending with "avoided." Roll was called on the motion with the following result:

AYE: GRAHAM, MANTLO, SUTHERLAND, TERRY
NO: MAUPIN, AFMAN.

Motion for the amendment carried.

It was moved by Councilmember Graham and seconded by Councilmember Terry that Paragraph C be amended to include the following additional language: "However the City should only annex an area designated as an enclave as that term is defined under CRS Section 31-12-103(4) if:

i. The proposed annexation is otherwise eligible for annexation under CRS 31-12-104 and/or CRS 31-12-107; or

ii. Such enclave was in existence prior to the adoption of this Municipal Annexation Plan; or

iii. Such enclave is owned by the City of Grand Junction."

Roll was called on the motion with the following result:

AYE: GRAHAM, MANTLO, SUTHERLAND, TERRY, AFMAN
NO: MAUPIN.

Motion for amendment carried.

It was moved by Councilmember Terry and seconded by Councilmember Graham that Paragraph C, Page 2 of Chapter 1, Purpose and Intent, be further amended by adding the final statement "Annexations occurring throughout the ensuing year will be determined on a case by case basis, and in accordance with the currently adopted Annexation Policy.

City Manager Achen asked if Councilmember Terry was referring to the work plan as opposed to the policy which was adopted by Council in the Redlands resolution. Councilmember Terry clarified she was referring to Council's general policy statement that is broader than the Redlands policy. It does not say 100% petition, but a majority petition.

Roll was called on the motion with the following result:

AYE: MANTLO, MAUPIN, SUTHERLAND, TERRY, GRAHAM, AFMAN
NO: NONE.

Motion for the amendment carried.

It was moved by Councilmember Graham and seconded by Councilmember Maupin that Paragraph D be amended to include the following language: In addition, where practicable, for each proposed annexation, the City will prepare an accurate, itemized fiscal impact statement and recapture analysis, of the proposed annexation to the City. Said analysis shall/may include contributions from the County addressing infrastructure deficiencies." Roll was called on the motion with the following result:

AYE: MAUPIN, SUTHERLAND, TERRY, GRAHAM, MANTLO, AFMAN
NO: NONE

Motion for the amendment carried.

It was moved by Councilmember Graham and seconded by Councilmember Maupin that the following language be placed immediately after the language "PURPOSE AND INTENT" but before the beginning of Paragraph A in upper case letters and in a larger sized font: "Annexation goal: Annexation of lands to Grand Junction should strengthen the economic, social and physical fabric of the City." Roll was called on the motion with the following result:

AYE: SUTHERLAND, TERRY, GRAHAM, MANTLO, MAUPIN, AFMAN
NO: NONE.

Motion for the amendment carried.

Roll was called on the underlying motion regarding adoption of Resolution No. 27-97 with the following result:

AYE: MANTLO, MAUPIN, SUTHERLAND, TERRY, GRAHAM, AFMAN
NO: NONE.

Motion carried.

PUBLIC HEARING - RITTER/BALERIO ANNEXATION, LOCATED AT 2248 S. BROADWAY AND 2249 IRIS COURT - RESOLUTION NO. 29-97 - ACCEPTING PETITIONS FOR ANNEXATION, MAKING CERTAIN FINDINGS, DETERMINING THAT PROPERTY KNOWN AS RITTER/BALERIO ANNEXATION IS ELIGIBLE FOR ANNEXATION AND EXERCISING LAND USE CONTROL AND JURISDICTION - PROPOSED ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO, RITTER/BALERIO ANNEXATION, APPROXIMATELY 2.33 ACRES LOCATED AT 2248 S. BROADWAY AND 2249 IRIS COURT - PROPOSED ORDINANCE ZONING THE RITTER/BALERIO ANNEXATION RSF-2 [FILE #ANX-97-022]

The 2.33 acre Ritter/Balerio Annexation comprises two parcels of land. The property owners for both parcels have requested to join the City and have signed a petition for annexation. The City must apply a City zone district to all annexed properties within 90 days of annexation. It is recommended that a RSF-2 zone district be applied to the Ritter/Balerio Annexation.

A hearing was held after proper notice. This item was reviewed by Dave Thornton, Community Development Department. Based on Mr. Thornton's professional opinion, the petition for annexation

meets the statutory requirements. He submitted to the City Clerk a signed statement to that effect.

Councilmember Graham said the annexation of this property will create an enclave, however because the annexation petition was drafted before the Council had articulated a position, he did not think that was a reason for denial on first or second reading. He asked if the residents in the affected area that will become an enclave were asked if they wanted to sign a petition. Mr. Thornton said they were not. He said they were notified by a City Council directive letter of the potential enclave. Councilmember Graham asked if a property owner in the enclave would be given the opportunity to sign the petition at a later date as long as it was before the hearing for final adoption of the annexation ordinance. City Manager Achen said the previous opinion has been once a legal notice has been given, items can only be deleted from a proposal as opposed to added. Councilmember Graham asked if it is possible to change definition of the area of annexation to include this enclave. The answer would be no because it is an addition.

There were no public comments. The hearing was closed.

Upon motion by Councilmember Mantlo, seconded by Councilmember Maupin and carried by roll call vote, Resolution No. 29-97 was adopted.

Upon motion by Councilmember Maupin, seconded by Councilmember Sutherland and carried by roll call vote with Councilmember **GRAHAM ABSTAINING** on the proposed zoning ordinance, the proposed ordinances annexing Ritter/Balerio Annexation and zoning the annexation were adopted on first reading and hearings were set for April 2, 1997.

PUBLIC HEARING - SMITH/ASHLEY/CROWLEY/ROBINSON ANNEXATION LOCATED AT 2556 G ROAD AND 702 25 1/2 ROAD - RESOLUTION NO. 30-97 ACCEPTING PETITIONS FOR ANNEXATION, MAKING CERTAIN FINDINGS, DETERMINING THAT PROPERTY KNOWN AS SMITH/ASHLEY/CROWLEY/ROBINSON ANNEXATION IS ELIGIBLE FOR ANNEXATION AND EXERCISING LAND USE CONTROL AND JURISDICTION - PROPOSED ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO, SMITH/ASHLEY/CROWLEY/ROBINSON ANNEXATION, APPROXIMATELY 4.24 ACRES LOCATED AT THE NORTHEAST CORNER OF G AND 25 1/2 ROADS - PROPOSED ORDINANCE ZONING THE SMITH/ASHLEY/CROWLEY/ROBINSON ANNEXATION RSF-1

[FILE #ANX-97-023]

The 4.24 acre Smith/Ashley/Crowley/Robinson Annexation comprises two parcels of land. The property owners for both parcels have requested to join the City and have signed a petition for annexation. The City must apply a City zone district to all annexed properties within 90 days of annexation. It is recommended that a RSF-1 zone district be applied to the Smith/Ashley/Crowley/Robinson Annexation.

A hearing was held after proper notice. This item was reviewed by Dave Thornton, Community Development Department. This property is a 100% petition. He found the petition meets all statutory requirements. He submitted to the City Clerk a signed statement to that effect.

There were no public comments. The hearing was closed.

Upon motion by Councilmember Maupin, seconded by Councilmember Mantlo and carried by roll call vote, Resolution No. 30-97 was adopted.

Upon motion by Councilmember Maupin, seconded by Councilmember Terry and carried by roll call vote with Councilmember **GRAHAM ABSTAINING** on the proposed zoning ordinance, the proposed ordinances annexing and zoning Smith/Ashley/Crowley/Robinson Annexation were adopted on first reading and hearings were set for April 2, 1997.

PURCHASE OF BUS DEPOT

The City has the right to exercise an option to purchase the bus depot at the corner of 5th and Ute Avenue.

This item was reviewed by Mark Relph, Public Works Manager. He said Staff has no new information since the March 3, 1997 Council Workshop.

Mr. Relph said the cost to purchase the property is approximately \$400,000. The DDA contribution of \$100,000 and the \$181,000 net income through the year 2003, based on the existing lease with Greyhound, can be deducted from the \$400,000. Councilmember Graham asked how this compares with other properties used for comparable uses for the City. Barbara Creasman, DDA Director, said the City has acquired the 7 of the 16 lots at the east end of

this block, leaving 9 additional lots to be acquired. She said this purchase is reasonable compared to what has been purchased in the past per lot.

Councilmember Mantlo asked if the rental income from the property can be designated to go into the contingency fund. Councilmember Maupin said property negotiations will be discussed at a later date. He hoped Council will direct Staff and the DDA to proceed to exercise the option to purchase. The terms should then be discussed in executive session.

City Manager Achen said the intent is to use the General Fund Contingency for this purpose. Councilmember Maupin would like to see a loan from the General Fund and use the rental income to repay the loan. City Manager Achen said that because this income is coming in future years, it may exhaust the contingency for 1997 but by 1998 money will be restored to the fund.

Councilmember Graham asked about the rights of the current tenant of the property to extend or renew the lease. Assistant City Attorney John Shaver said he has not seen the current tenant agreement, but said normally it would require renewal since this is a definite term lease, but could not say with certainty.

City Manager Achen said Greyhound has the option to renew, but the terms are negotiable. If the City chose not to renew, the City could stipulate a rent that Greyhound was unwilling to pay, and the City would not be an unwitting landlord in perpetuity.

Upon motion by Councilmember Maupin, seconded by Councilmember Sutherland and carried by roll call vote, Staff was directed to exercise the City's right on the option to purchase the bus depot property at the corner of 5th Street and Ute Avenue.

NON-SCHEDULED CITIZENS & VISITORS

Ms. Mary Huber, 580 1/2 Melrose Court, asked about Resolution No. 7-97 which was adopted on January 15, 1997 and preceded the annexation to inform the Redlands residents of Council's policy. She asked if it is still in effect, or has it been replaced by Resolution No. 27-97 which was adopted this evening. She asked if the resolution has been published in the local newspaper. City Clerk Stephanie Nye said publication of the resolution is not required. Mayor Afman stated Council offered to read the

resolution in its entirety at the January 15 meeting, and the audience chose not to have it read to them.

Ms. Huber asked if Resolution No. 27-97 will be made available to the public. Mayor Afman said the news media will probably take care of that. Councilmember Terry said the State of Colorado requires the 1997 Municipal Annexation Plan be filed with the County for the purposes of putting the public on notice as to what is contained in the Plan.

Ms. Huber asked if Resolution No. 7-97 has been replaced by Resolution No. 27-97. Councilmember Graham said if there is a conflict it would have to be reconciled in the future. There is a rule of construction with respect to legislative enactments which is considered to be operative where there is a conflict. If there is a conflict which is not otherwise resolved, his position, as a lawyer, would be that the resolution passed tonight would be the operative resolution. Councilmember Terry reminded Council there is no conflict in tonight's resolution because of the amended wording.

Assistant City Attorney Shaver said there is no express repeal language contained in the Annexation Plan adopted this evening.

Mayor Afman said much of Council's transactions does not get out to County residents. She said within the next sixty days, the Council meetings will be televised so all residents will have access to the information. Ms. Huber asked if the broadcast will be live or taped. Mayor Afman said it will be live.

OTHER BUSINESS

Councilmember Graham said having the same standard for all annexations makes a lot of sense. He appreciated the flexibility and the goodwill of the Council to pass the Municipal Annexation Plan with the proposed amendments. He felt if Council is going to require 100% petitions on the Redlands, it will result in creating enclaves. The resolution regarding the Redlands could be modified.

Councilmember Mantlo was in favor of a meeting where all people who are interested in annexation can come and discuss the City's general annexation problems. Councilmember Terry said it is a broad approach and makes a lot of sense, but felt it needed to be done area by area.

Mayor Afman asked Council if it wanted to proceed with the scheduled April 10, 1997 meeting with what was passed this evening or did Council want to readdress the Redlands resolution in the future to have it coincide with the policy which was passed tonight. She said there has been no confirmation from the Redlands residents. She said the Redlands residents were contacted right after the news media did the interview with her, so she felt they are aware of the upcoming April 10 meeting. Councilmember Graham suggested having any interested Council members and Staff be available, thus eliminating the need and expense for a facilitator. Those Councilmembers planning to attend the meeting were Sutherland, Graham and Terry. Councilmembers Maupin and Mantlo did not plan to attend the meeting.

ADJOURNMENT

Upon motion by Councilmember Maupin, seconded by Councilmember Graham and carried, the meeting was adjourned at 9:11 p.m.

Stephanie Nye, CMC/AAE
City Clerk