

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

April 2, 1997

The City Council of the City of Grand Junction, Colorado, convened into regular session the 2nd day of April, 1997, at 7:30 p.m. in the City/County Auditorium at City Hall. Those present were David Graham, R.T. Mantlo, Ron Maupin, Mike Sutherland, 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 Councilmember Sutherland led in the Pledge of Allegiance. The audience remained standing during the invocation by Rev. Jim Spark, First Church of God.

PRESENTATION OF AWARDS TO THE GRAND JUNCTION VISITOR & CONVENTION BUREAU FOR HOSPITALITY, SALES & MARKETING ASSOCIATION INTERNATIONAL ADVERTISING AWARDS - GOLD AWARD FOR THE VCB WEBSITE AND BRONZE AWARD FOR AN ADVERTISING "SKI" CAMPAIGN - PRESENTATION BY DEBBIE KOVALIK, VCB DIRECTOR

PROCLAMATION DECLARING APRIL, 1997 AS "FRESH AS A DAISY MONTH" IN THE CITY OF GRAND JUNCTION

CONSENT ITEMS

Councilmember Sutherland requested Consent Item #7 be removed for full discussion.

Upon motion by Councilmember Maupin, seconded by Councilmember Terry and carried by roll call vote, the following Consent Items #1-6 were approved:

1. **Minutes of Previous Meetings**

Action: Approve the minutes of the Regular Meetings March 5, 1997 and March 19, 1997

2. **Setting a Hearing on Supplemental Appropriations to the 1997 Budget**

The requests are to appropriate amounts as contingencies and reserves for the General Fund, Self Insurance Fund, and the

Economic Development Fund. They are to appropriate amounts for projects and contracts which were not completed in 1996, but are being completed in 1997. They include amounts previously approved by Council and minor budget corrections. Proposed Ordinance Making Supplemental Appropriations to the 1997 Budget of the City of Grand Junction

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for April 16, 1997

3. **Curb, Gutter & Sidewalk Repairs - 1997**

The following bids were received on March 25, 1997:

Precision Paving & Constr., Grand Junction	\$235,855.00
Mays Concrete, Grand Junction	\$319,331.00
Atkins & Associates, Meeker	\$340,491.60
Reyes Construction, Grand Junction	\$363,632.50
Engineer's Estimate	\$256,222.00

Action: Award Contract for Curb, Gutter & Sidewalk Repairs - 1997 to Precision Paving & Construction in the Amount of \$235,855_

4. **Setting a Hearing on Vacation of an Easement at 3530 Senna Way** [File #VE-1997-059]

Request to vacate the north five feet of the existing 10-foot utility easement on the south side of the property to allow conformance of an existing residence at 3530 Senna Way.

Proposed Ordinance Vacating a Portion of a General Utilities Easement in Pheasant Run, Spring Valley Filing 6

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for April 16, 1997

5. **Setting a Hearing on Vacation of an Easement at 2225 Mescalero Avenue** [File #VE-1997-051]

Request to vacate the eastern four feet of the existing 10-foot utility and drainage easement on the west side of the

property to allow conformance of an existing residence at 2225 Mescalero Avenue

Proposed Ordinance Vacating a Portion of a Drainage and Utilities Easement in Trails West Village, Filing 1

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for April 16, 1997

6. **Setting a Hearing on Rezoning 1320 North Avenue from PB to C-1** [File #RZ-1997-056]

This request is to rezone the property at 1320 North Avenue from Planned Business (with restaurant uses) to Light Commercial (C-1). The proposed Light Commercial zone is compatible with the area. The majority of North Avenue has C-1 zoning and the immediate areas east and west of this site also have this zoning. Staff recommends approval with the conditions that the petitioner provide an underground sprinkler system for the proposed landscaped areas, the western curb cut be removed and that sidewalks be installed along the entire frontage.

Proposed Ordinance Rezoning 1320 North Avenue from PB to C-1

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for April 16, 1997

7. **Setting a Hearing on Amending the Zoning & Development Code Regarding the Appeals Process** [File #TAC-1997-0012]
REMOVED FOR FULL DISCUSSION

* * * END OF CONSENT CALENDAR * * *
* * * ITEMS NEEDING INDIVIDUAL CONSIDERATION * * *

SETTING A HEARING ON AMENDING THE ZONING & DEVELOPMENT CODE REGARDING THE APPEALS PROCESS - PROPOSED ORDINANCE AMENDING THE ZONING AND DEVELOPMENT CODE REGARDING APPEALS OF PLANNING COMMISSION DECISIONS [FILE #TAC-1997-0012]

Amending various sections of the Zoning & Development Code of the City of Grand Junction, including 2-2-2.C, 2-2-2.D, 4-4-2.D, 7-5-4.C and 4-5-5.B to revise the process for appeals of Planning Commission decisions.

Councilmember Sutherland stated City Council has been given additional information for changes recommended by the Planning Commission which should be included when the ordinance is published advertising the April 16, 1997 hearing.

Upon motion by Councilmember Maupin, seconded by Councilmember Mantlo and carried, the proposed ordinance was adopted on first reading and ordered published as amended.

REVISED LEASE WITH OPTION TO PURCHASE WITH THE MUSEUM OF WESTERN COLORADO FOR THE CD SMITH BUILDING AND ASSIGNMENT OF OPTION TO PURCHASE BUS DEPOT TO THE CITY

Consideration of a revised lease that includes an option to purchase the CD Smith Building between the City and the Museum of Western Colorado. Also, an assignment of the purchase option for the bus depot property from the Museum to the City.

City Attorney Wilson reviewed the proposed lease, proposed deed and proposed assignment of an option. In 1993, the City of Grand Junction entered into a resolution whereby the City, via various parties, ended up acquiring the C.D. Smith property. This transaction would propose to deed the property back to the Museum of Western Colorado. Because of the ability to obtain grants, there is a possibility of wanting to lease the property with an option by the Museum to then obtain title from the City. He recommended proceeding straight to deed. In order to know whether the funding would be jeopardized, he recommended waiting consentually for a 30-day period before formally transferring so the final details can be verified. The Assignment of the Option for the bus depot, which the Museum acquired in 1993, formalizes the transfer of that right to the City to submit an option to then acquire the bus depot property. Referring to the deed only, language on the first page dealing with restrictions 1, 2 and 3 has been changed to say a failure to enforce restrictions for some period of time does not mean it cannot be done in the future. The conditions are:

1. The Museum must only use the building for museum operations;
2. There be 12 free calendar days to City residents;
3. The Museum's primary facilities stay within the City's limits forever.

As long as those three conditions were complied with, title would remain with the Museum forever. If there were a breach of those conditions, the title could revert to the City of Grand Junction. If there were a breach of the three conditions, the City would be obligated to send a 30-day notice to the Museum as a reminder of the obligation, and the Museum would have 30 days to remedy it. It was questioned whether such language would end up in arguments about proceeding quickly enough (due diligence). City Attorney Wilson recommended changing from a 30-day default notice to 90 days saying compliance must be met within 90 days or title could revert. It would avoid factual disputes over how quickly cure was occurring.

City Manager Achen said a meeting was conducted this morning between the Museum and the Department of Local Affairs. Their needs could be satisfied for the grant with a deed that provides restrictions to assure the property is used for the purpose they intended, and that a public entity had control of the land. It appears that would be more desirable from the private foundation's perspective because it assures that grant agency that the Museum has full control of the property.

Mr. Harry Griff, Museum Board Member and attorney for the Museum, said the Museum appreciates everything the City and County is doing for the Museum. He does not want to jeopardize the potential energy impact grant. He would like to wait, staying with the current, informal lease arrangement and assuming the energy funds are forthcoming. He requested authorization for the deed so there is no misunderstanding that Council has authorized the execution of the deed in light of some possible changes. He addressed the form of the deed. He felt the estoppel language in the deed is very stringent, and preferred it not be in the deed. He felt the language should be more cooperative and flexible in the Museum's relationships. He preferred the language remain the same in paragraph 4 so that if a situation should arise where it takes more time to cure a default, the Museum can work with the City. The issue of the 12 free days is readily curable. Mr. Griff's main concern was a default in a situation involving a sub-tenant. He requested the 90 days be changed to 180 days because in a situation where the Museum needs to make arrangements for tenants to relocate, 90 days may not be enough time in which to make such arrangements.

Mayor Afman asked Mr. Griff to define the type of tenants. Mr. Griff said the real property shall be used perpetually and solely for the operation of a museum, except as may be approved in writing by Council. Currently, the building is housing a number of city related organizations such as DDA, Riverfront Commission, Botanical Society, etc. There are no intentions of adding more tenants, but if needed, it would not be done without Council approval.

Councilmember Graham asked, with respect to the energy impact grant, if the Museum would want Council to direct Staff to withhold delivery of the deed until the Museum requests it in order to prevent the consummation of the transfer for as long as is convenient. Mr. Jim Widdows, 733 W. Wilshire Court, chair of the Museum Board, answered that within 7-10 days Tim Sarmo, Department of Local Affairs, could get final confirmation that the Museum would be in compliance with the State guidelines for the energy impact fund if they own the building.

Councilmember Graham asked what arrangements the current sub-tenants may expect in the future. Mr. Widdows said no change is anticipated until the remodel is completed. The Museum desires to keep the tenants as long as possible, hopefully two to five more years.

Mr. Griff said the legal description on the deed is Lot 17-24 inclusive. He did not know whether Lots 17-24 only include the building or whether the City owns separately the vacant land adjacent to the CD Smith building. He hopes the City will be conveying to the Museum whatever the City owns in that area (not just the CD Smith building, but also the vacant land between CD Smith and Whitman Park). He requested the deed include the additional vacant land. City Attorney Wilson said he took the legal description from the Smith conveyance to the Enterprise Zone to the Museum, to the City, which is this description. He did not look for additional lots in that block which the City had acquired independently.

Councilmember Graham asked about this being a warranty deed as opposed to a quit-claim deed, and asked if there is no potential defect on title that would be a breach of warranty. City Attorney Wilson said the City did not pull a title policy. It was based on the assumption that the Museum has not conveyed out and the fact that the City has not conveyed any portion of the property. It is a Special Warranty Deed so the City is only

warranting for the period of time it owned the property. No one has authority to have conveyed out during the period of time that the City held the title.

Mayor Afman asked for Council comment on the 90 days versus 180 days. Councilmember Graham said the question of what could happen in the event of a default could be resolved by first notifying the Museum of the existence of a default without triggering that to see if, short of the written notice, the City can get some satisfaction. He was comfortable with the City asking first, then sending a written notice second, and the 90 day period, following as being sufficient. The notice could then be tailored to how much time would be necessary. He felt the 90 day period is reasonable since the City can forbear sending notice altogether for as long as it wishes. City Attorney Wilson felt future Councils will be working with the Museum and felt this concern is minuscule.

City Attorney Wilson reminded Council of the Alternative 2 language under restrictions and conditions, the word "only" when referring to free days for city residents.

Councilmember Mantlo recommended including "Grantee shall approve at least 12 days each calendar year free admission to the public exhibits and programs of the Grantee" and strike "the residents of the City shall have." He felt free days for City residents only is not fair. Mr. Widdows said by taking out the word "only" does not restrict the Museum from doing it for Mesa County residents, which is what the Museum Board has approved so far. Councilmember Mantlo said that is the way he would like it to read.

It was moved by Councilmember Graham and seconded by Councilmember Maupin that the execution of the document titled "Special Warranty Deed (fee simple determinable)" be approved with the deletion of the language in brackets "[ALT: **ONLY**]" from paragraph 2 and paragraph 4 to read "If Grantee is in breach of restriction or condition #1 or #2 above, the City shall give written notice thereof to the Grantee, such default shall be cured and title shall not revert, based thereon, only if within 90 days of said notice, lessee cures the default". The City Attorney was further directed to prepare a suitable written instrument authorizing the current sub-tenants of the CD Smith building to continue using it as such, and that Council direct whomever be responsible for the

delivery of the deed to withhold from delivering the deed until requested by an authorized agent for the Museum.

City Attorney Wilson recommended approving the Assignment of Option. Councilmembers Graham and Mantlo amended the motion to reflect approval of the Assignment of Option.

Councilmember Terry said she understood Mr. Griff's request relative to the legal description, but was not sure Council has the authority to do anything beyond what Council has established as the City has by way of the City's deed. If there is a discrepancy, Council can take care of it rather easily.

Roll was called on the motion and amendment with the following result:

 AYE: GRAHAM, MANTLO, MAUPIN, SUTHERLAND, TERRY, THEOBOLD,
 AFMAN.

The motion carried.

**PUBLIC HEARING - SMITH/ASHLEY/CROWLEY/ROBINSON ANNEXATION LOCATED
AT 2556 G ROAD AND 702 25 1/2 ROAD [FILE #ANX-97-023]
HEARING CONTINUED TO APRIL 16, 1997 CITY COUNCIL MEETING**

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.

The hearing was opened by Mayor Afman. Dave Thornton, Community Development Department, said the publication of the notice of hearing on this item was inadvertently left out of the Daily Sentinel. Therefore, Staff is requesting Council continue both the proposed ordinances on annexing and zoning of this item until April 16, 1997.

Upon motion by Councilmember Mantlo, seconded by Councilmember Sutherland and carried by roll call vote, the hearing on the proposed ordinances annexing and zoning Smith/Ashley/Crowley/Robinson Annexation were continued to April 16, 1997.

**PUBLIC HEARING - VACATION OF ROADWAY EASEMENT AT THE END OF
ARROWEST ROAD - ORDINANCE NO. 2993 VACATING A FUTURE ROADWAY
EASEMENT ON LOTS 15 AND 16, ARROWEST SUBDIVISION**

[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.

A hearing was held after proper notice. This item was reviewed by Mike Pelletier, Community Development Department. There is a future roadway easement with half on the petitioner's parcel and half on the parcel to the west. The petitioner would like it vacated as it meets all the criteria of a vacation in the Zoning and Development Code. The City would like to retain 20' of the area for a sewer easement to provide sewer to the subdivision to the north. The future roadway easement is no longer necessary because the subdivision to the north (23 Road Commercial Subdivision) has been platted and there is access from there.

There were no public comments. The hearing was closed.

Upon motion by Councilmember Maupin, seconded by Councilmember Sutherland and carried by roll call vote, Ordinance No. 2993 was adopted on second reading and ordered published.

**PUBLIC HEARING - REZONING THE PROPOSED BRODAK SUBDIVISION LOCATED
AT 2741 PATTERSON ROAD TO RSF-4 - ORDINANCE NO. 2994 REZONING
PROPERTY TO BE KNOWN AS LOTS 2, 3 AND 4, BRODAK MINOR SUBDI-
VISION, LOCATED ON THE SOUTH SIDE OF PATTERSON ROAD, WEST OF 27
1/2 ROAD FROM PD-8 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.

Councilmember Theobold excused himself from discussion and voting on this item as he is an adjoining property owner.

A hearing was held after proper notice. This item was reviewed by Bill Nebeker, Community Development Department. This is a request by Julie Kelly and L.A. Brodak to rezone Lots 2, 3 and 4 of the proposed Brodak Subdivision. Ms. Kelley wishes to build a home on Lot 2. The zoning on the entire parcel is PD-8. Because Lots 2, 3 and 4 are being used for single-family residential use, Staff recommends it be rezoned to RSF-4, meeting the Growth Plan and accommodating the proposed use. Lot 1 would remain PD-8 to be developed in the future. Staff recommends the rezone.

Councilmember Maupin asked if the flag which attaches to Lot 1 is a public right-of-way. Mr. Nebeker said no, it will be used as an ingress/egress easement because Lot 2 will use the flag off of Wellington to get to Lot 2. The easement is approximately 50' wide. The purpose of the easement is to leave the option open for a road with access to Wellington in the future. None of the adjoining property owners were at the Planning Commission to voice any objection.

There were no public comments. The hearing was closed.

Upon motion by Councilmember Mantlo, seconded by Councilmember Maupin and carried by roll call vote, Ordinance No. 2994 was adopted on second reading and ordered published.

Councilmember Theobold returned to the meeting at this time.

PUBLIC HEARING - REZONING PROPERTY LOCATED AT THE NORTHEAST CORNER OF HIGHWAY 50 AND PALISADE STREET TO H.O. - ORDINANCE NO. 2995 REZONING LAND LOCATED AT THE NORTHEAST CORNER OF HIGHWAY 50 AND PALISADE STREET IN ORCHARD MESA [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.

A hearing was held after proper notice. Kathy Portner, Acting Community Development Director, reviewed this item. A portion of the property that fronts Highway 50 is already zoned H.O. The

back portion is zoned RMF-16. This request was approved by the Planning Commission and the conditional use permit for the proposed veterinary clinic and kennel was approved. Staff finds the proposed rezone meets Section 4-4-4, the rezone criteria of the Zoning and Development Code. It is in conformance with the newly adopted Growth Plan. Staff recommended approval of the request. Kennels are not an allowed use anywhere, and requires a special use permit.

Petitioner Tom Melzer, veterinarian, 266 29-1/2 Road, said he has had the veterinary clinic on Orchard Mesa since 1982. His business has grown and the clients are in need of a kennel also. The zoning is for the clinic while the conditional use permit is for the kennel. The existing kennel is totally enclosed and addresses the odor and noise issues. The property is surrounded by vacant land.

There were no other comments. The hearing was closed.

Councilmember Maupin felt this would be a nice infill project for the area and a real benefit.

Upon motion by Councilmember Maupin, seconded by Councilmember Terry and carried by roll call vote, Ordinance No. 2995 was adopted on second reading and ordered published.

PUBLIC HEARING - VACATION OF WATER LINE EASEMENT AT 2584 PATTERSON ROAD (REDSTONE BUSINESS PARK) - ORDINANCE NO. 2996 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) [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.

A hearing was held after proper notice. This item was reviewed by Kathy Portner, Acting Community Development Director. The water line has been relocated and the petitioner is requesting to vacate the easement to allow more flexibility in development of the lot. It meets the criteria listed in Section 8-3 of the Zoning and

Development Code for vacation of easements. The Planning Commission recommended approval. Staff also recommends approval.

There were no public comments. The hearing was closed.

Upon motion by Councilmember Mantlo, seconded by Councilmember Terry and carried by roll call vote, Ordinance No. 2996 was approved on second reading and ordered published.

PUBLIC HEARING - RITTER/BALERIO ANNEXATION, LOCATED AT 2248 S. BROADWAY AND 2249 IRIS COURT - ORDINANCE NO. 2997 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 - ORDINANCE NO. 2998 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. Dave Thornton, Community Development Department, reviewed this item. The annexation contains two single-family residences, one on each lot. Both lots are slightly under one acre in size. It is a 100% owner petition annexation. Both properties have recently hooked onto City sewer and signed the annexation petitions at that time. The proposed zoning is RSF-2. Considering the Growth Plan and future land use map, the recommended densities for this area is residential low density, which is lot sizes ranging between .5 acre to 1.9 acres in size. The proposed zoning meets the zoning criteria in Sections 4-4-4 and 4-11 of the Zoning and Development Code. The Planning Commission recommended RSF-2 at their March 4, 1997 meeting. Staff recommends Council approve the annexation and the RSF-2 zoning. Mr. Thornton noted there is one property (2250 S. Broadway) being enclaved as a result of annexation of these two lots.

There were no public comments. The hearing was closed.

Councilmember Terry asked about the property owner of 2250 S. Broadway being notified of the proposed enclave of her property.

Mr. Thornton said he talked to the property owner, Ms. LaVonne Hunt, today and she expressed a concern of not wanting to be annexed. She realized the enclave would allow the City to legally annex her property within three years of this annexation. Her home is 40 years old and she has a septic system that has never been replaced. She realizes at some point she will be asking for sewer service. She said she would attend tonight's meeting to submit comment. She was not in attendance in tonight's audience.

Upon motion by Councilmember Maupin, seconded by Councilmember Graham and carried by roll call vote, Ordinance No. 2997 was adopted on second reading and ordered published.

Upon motion by Councilmember Maupin, seconded by Councilmember Graham and carried by roll call vote, Ordinance No. 2998 was adopted on second reading and ordered published.

NON-SCHEDULED CITIZENS & VISITORS

Mr. Jim Braden, 2420 N. 1st Street, discussed the 1st Street Improvement Project. It was his understanding that when Mary Moore's walnut tree was removed, the street would be moved back to the section line and equally divided on either side. The proposed construction plans do not show such a plan. He was told by a staff member a calming device will be constructed, and it will make turning into Mr. Braden's driveway difficult. He did not have a solution, but asked City Council to honor the fact that Mrs. Moore's tree had to be removed. The City is benefiting from all the new housing projects on Patterson Road while the 1st Street residents are losing peace of mind as many of the other trees and shrubs on 1st Street will be removed to accommodate the expansion project.

Councilmember Sutherland asked Mr. Braden to itemize his concerns in writing for Staff's response. Mr. Braden said he has asked Staff to come out and do a measurement of the section line designating the sidewalk, bike trails, etc. That has not happened.

Councilmember Graham asked if Mr. Braden felt the City will be building anywhere off the right-of-way that it owns. Mr. Braden said he didn't know. He said 1895 regulations stated the section line should be 30 feet on either side of the section lines when roadways were established along north/south routes. He has been

told by the City there is an exception for N. 1st Street. He has not seen justification for the exception.

Mr. Jim Shanks, Public Works & Utilities Director, said he and the project engineer would be glad to meet with Mr. Braden and go over the plans in detail and examine the exact cross section, how it will fit in the existing and proposed right-of-way. He has no intention of building any part of the street on public property.

City Attorney Wilson said the 1890 action of the County Commissioners was a Federal concept, then a State concept, which allowed county commissioners to declare certain section lines as being public roads. It meant as development occurred, the government would not have to purchase from the private patent for the property to construct a roadway. It never prescribed where within the 60', 30' on center, the road would be. It depends on the topography and there is no restriction that it be centered on the section line. Mr. Wilson said the City's property agent has said this particular portion of N. 1st Street was not a centerline declaration.

Mr. Braden agreed to meet with Mr. Shanks to discuss the concerns.

OTHER BUSINESS

Councilmember Terry attended the CML Growth Committee today. It is a sub-committee of the policy board which deals with legislative issues regarding land use issues. She discussed the status of the current SB47 which is the takings legislation. All of the proposed amendments by CML have been accepted by the House and the Senate. The original sponsor of the bill, Senator Norton, has called for a conference committee to discuss a last minute amendment. The Conference Committee is waiting to find out what the issues are.

She said HB1312 is the vested property rights bill which has been amended substantially at the Senate level. Final decision is going to take place tomorrow. Once the final version is provided, the Growth Committee will review, and possibly solicit letters to the governor for a veto on this bill.

HB1099 is the annexation bill by Matt Smith. It is scheduled for conference committee on Thursday, April 3, 1997. The purpose of the Conference Committee is to remove the amendment so the version of the annexation bill, as passed through the House and Senate

prior to the amendment, will go back to the original status. The sponsors of the bill have talked to the Governor.

HB1093 concerns Master Plans. It has been amended enough to be acceptable for statutory cities.

ADJOURNMENT

Upon motion by Councilmember Maupin, seconded by Councilmember Graham and carried, the meeting was adjourned at 8:50 p.m.

Stephanie Nye, CMC/AAE
City Clerk