

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

**January 5, 2000**

The City Council of the City of Grand Junction, Colorado, convened into regular session the 5<sup>th</sup> day of January, 2000, at 7:35 p.m. at Two Rivers Convention Center. Those present were Cindy Enos-Martinez, Earl Payne, Jack Scott, Jim Spehar, Janet Terry, Reford Theobold, and President of the Council Gene Kinsey. Also present were City Manager Mark Achen, City Attorney Dan Wilson, and City Clerk Stephanie Nye.

Council President Kinsey called the meeting to order and Councilmember Theobold led in the Pledge of Allegiance. The audience remained standing during the invocation by Steve Johnson, Living Hope Evangelical Free Church.

**PRESENTATION OF CERTIFICATES OF APPOINTMENTS TO NEWLY APPOINTED PLANNING COMMISSION MEMBERS**

**PRESENTATION OF CERTIFICATES TO NEWLY REAPPOINTED HISTORIC PRESERVATION BOARD MEMBERS**

**REAPPOINTMENTS TO VISITORS & CONVENTION BUREAU BOARD OF DIRECTORS**

Upon motion by Councilmember Theobold, seconded by Councilmember Payne and carried, Robin Kleinschnitz and Wade Haerle were reappointed to the Visitor and Convention Bureau Board of Directors for three-year terms.

**CITIZEN COMMENTS**

**Mesa County Substance Abuse Summit**

Dr. John Bull and Ruth Michaels, Mesa County Substance Abuse Task Force, to discuss the upcoming Mesa County Substance Abuse Summit. Neither speaker was present for comment.

**Homeless**

Mary Salinas stated she has been homeless for two years. She is the only spokesperson for the homeless. She came with a message of hope regarding the homeless. She said dollars are being spent on the homeless but they aren't

getting any of it. She felt no one locally realizes the scope of things. She felt cheap housing is needed.

Mayor Kinsey said Council recently approved a CDBG contract specifically for a homeless shelter. The Housing Authority is collaborating with several agencies throughout the City to build a new homeless shelter. He said the Housing Authority is aware of the need for affordable housing and they work on it constantly. He felt Ms. Salinas should contact that agency. He said Council will continue to emphasize the importance of providing refuge for the homeless to the Housing Authority. He appreciated Ms. Salinas's concern for the homeless. Ms. Salinas thanked Council for their time.

### **CONSENT ITEMS**

Upon motion by Councilmember Terry, seconded by Councilmember Scott and carried by roll call vote, the following consent items #1 through #13 were approved:

1. **Minutes of Previous Meeting**

*Action: Approve the Minutes of the Special Meeting December 13, 1999*

2. **Annual Designation of the Location for the Posting of Meeting Notices, the 2000 City Council Meeting Schedule and the Special Meeting Procedure**

State law requires an annual designation of the City's official location for the posting of meeting notices. The City's Code of Ordinances, Sec. 2-26, requires the meeting schedule and the procedure for calling special meetings be determined annually by resolution.

Resolution No. 01-00 – A Resolution of the City of Grand Junction Designating the Location for the Posting of the Notice of Meetings, Establishing the City Council Meeting Schedule and the Procedure for Calling of Special Meetings for the City Council

*Action: Adopt Resolution No. 01-00*

3. **Notice of Election for the Special Election to be Held on February 1, 2000**

Both the Charter and the Municipal Election Code have specific publication requirements for the election notice. The proposed notice contained within the resolution being presented meets those requirements.

Resolution No. 02-00 – A Resolution Setting Forth the Notice of Election for the Special Municipal Election to be Held on February 1, 2000 in the City of Grand Junction

*Action: Adopt Resolution No. 02-00*

4. **Renewal of Hazardous Materials Intergovernmental Agreement**

Since 1992, the County has provided funding for the City to respond to emergency incidents involving releases of hazardous materials in the County as the Designated Emergency Response Authority (DERA). The County also provides funding for the City to manage the federally mandated Superfund Amendment Reauthorization Act (SARA) program that deals with hazardous materials in manufacturing, transportation, and storage in controlled environments.

*Action: Approve the Renewal of the Hazardous Materials Intergovernmental Agreement*

5. **Growth Plan Amendment for Desert Hills Estates Located at 2114 Desert Hills Road** [File #ANX-1999-204]

Request for a Growth Plan Amendment from Residential Rural, 5-35 acres per unit, to Residential Estate, 2-5 acres per unit for Desert Hills Estates, consisting of 22 single family lots on approximately 56 acres.

Resolution No. 07-00 Amending the Growth Plan of the City of Grand Junction (Desert Hills Estates)

*Action: Adopt Resolution No. 07-00*

6. **Setting a Hearing on Zoning High Pointe Estates Annexation PR-2, Located at 2462, 2462 ½ and 2464 Broadway** [File #ANX-1999-228]

Request for a Zone of Annexation from County R-2 to City PR-2, Planned Residential with a density not to exceed 2 units per acre.

Proposed Ordinance Zoning High Pointe Estates Annexation PR-2

*Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for January 19, 2000*

6. **Setting a Hearing on Zoning Coventry Club Annexation to PR-17.83, Located at Arlington Drive, North of Quincy Lane** [File #ANX-1999-247]

The 4.32-acre Coventry Club Annexation area consists of one parcel of land (2.860 acres); the entire right-of-way of Oxford Avenue, a distance of 810 feet; and Quincy Lane from Arlington Drive to the pedestrian path on Quincy Lane, about 450 feet. The subdivision currently provides 50 townhomes and one clubhouse. The request for the minor subdivision comes from the homeowners association to convert the clubhouse into a residential unit, therefore increasing the number of units to 51. The requested zoning is PR. This is a similar zoning designation of PD-8, which Mesa County has applied to this property. Staff recommends the zone of PR-16.83.

Proposed Ordinance Zoning Coventry Club Annexation to PR-17.83

*Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for January 19, 2000*

7. **Setting a Hearing on Zoning Broome Annexation to C-1, Located at 3090 I-70B** [File #ANX-1999-263]

The Broome Annexation area consists of two parcels of land, Lots 3 and 6, 31 Road Business Park Subdivision, 2.12 acres in size. Owners of the property have signed a petition for annexation in accordance with the Persigo Agreement. The owners are requesting a C-1 zoning for this property. This zoning district will allow RV sales and service as an allowed use. The applicants are currently under site plan review for a new 5,000 square foot building to house this use.

Proposed Ordinance Zoning Broome Annexation to C-1

*Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for January 19, 2000*

8. **Setting a Hearing on Crowe Annexation, Located at the Southeast Corner of I Road and 26 ½ Road** [File #ANX-1999-271]

The 41.51-acre Crowe Annexation area consists of one parcel of land located at the southeast corner of I Road and 26 ½ Road and including portions of the I Road and 26 ½ Road rights-of-way. The owner of the property has signed a petition for annexation as part of a request for a Growth Plan Amendment.

**a. Referral of Petition for Annexation, Setting a Hearing and Exercising Land Use Control and Jurisdiction**

Resolution No. 04-00 – A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation and Exercising Land Use Control – Crowe Annexation Located at the Southeast Corner of I Road and 26 ½ Road and Including a Portion of the I Road and 26 ½ Road Rights-of-Way

*Action: Adopt Resolution No. 04-00 and Set a Hearing for February 16, 2000*

**b. Set a Hearing on Annexation Ordinance**

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Crowe Annexation, Approximately 41.51 Acres, Located at the Southeast Corner of I Road and 26 ½ Road and Including Portions of the I Road and 26 ½ Road Rights-of-Way

*Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for February 16, 2000*

10. **Setting a Hearing on Webb Crane Annexation, Located at 761 23 ½ Road** [File #ANX-1999-277]

The 24.75-acre Webb Crane Annexation area consists of three parcels of land located at 761 23 ½ Road. Owners of the property have signed a petition for annexation as part of their request for a Growth Plan Amendment and rezoning of this parcel.

**a. Referral of Petition for Annexation, Setting a Hearing and Exercising Land Use Control and Jurisdiction**

Resolution No. 05-00 – A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation and Exercising Land Use Control – Webb

Crane Annexation Located at 761 23 ½ Road and Including a Portion of the 23 ½ Road and I-70 Right-of-Way

\*Action: *Adopt Resolution No. 05–00 and Set a Hearing for February 16, 2000*

**b. Set a Hearing on Annexation Ordinance**

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Webb Crane Annexation, Approximately 24.75 Acres, Located at 761 23 ½ Road and Including a Portion of the 23 ½ Road and I-70 Right-of-Way

Action: *Adopt Proposed Ordinance on First Reading and Set a Hearing for February 16, 2000*

11. **Setting a Hearing on Robertson Annexation, Located at 522 20 ½ Road and Including Portions of the 20 ½ Road Right-of-Way**  
[File #ANX-1999-269]

The 3.80-acre Robertson Annexation area consists of two parcels of land. The southern most parcel contains a single family residence and is proposing adjusting its northern most property line to acquire additional real estate. The remaining parcel, which has one single family residence existing, will be subdivided into 3 residential lots. The owners of the properties have signed a petition for annexation.

**a. Referral of Petition for Annexation, Setting a Hearing and Exercising Land Use Control and Jurisdiction**

Resolution No. 06–00 – A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation and Exercising Land Use Control – Robertson Annexation Located at 522 20 ½ Road and Including Portions of the 20 ½ Road Right-of-Way

Action: *Adopt Resolution No. 06–00 and Set a Hearing for February 16, 2000*

**b. Set a Hearing on Annexation Ordinance**

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Robertson Annexation, Approximately 3.80 Acres, Located at 522 20 ½ Road and Including Portions of the 20 ½ Road Right-of-Way

*Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for February 16, 2000*

12. **Setting a Hearing on Rezoning Garrett Estates from PR-21 to RSF-8, Located at the Northeast Corner of 25 Road and F ½ Road**  
[File #RZP-1999-252]

In conjunction with a request to subdivide two parcels totaling 12.16 acres into a 55-lot subdivision, the applicant requests to rezone the parcels from PR-21 to RSF-8. The proposed zoning is in conformance with the Growth Plan Future land Use designation of Residential Medium Density (4-8 du/ac) and comparable densities in the approved subdivision to the east and north. At its December 21, 1999 hearing, the Planning Commission recommended approval of this request.

Proposed Ordinance Rezoning Property to be Known as the Garrett Estates, Located at the Northeast Corner of 25 Road and F ½ Road, from PR-21 to RSF-8

*Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for January 19, 2000*

13. **Ratifying Acceptance of GOCO Grant for Westlake Park**

At the December 15, 1999 City Council meeting, the Council authorized the City Manager to sign the \$75,000 Grant Contract with Great Outdoors Colorado (GOCO). This resolution ratifies that action in order to satisfy grant funding requirements.

Resolution No. 10-00 – A Resolution Authorizing and Ratifying an Agreement between the City of Grand Junction and the State Board of the Great Outdoors Colorado Trust Fund

*Action: Adopt Resolution No. 10-00*

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

**\*\*\* ITEMS NEEDING INDIVIDUAL CONSIDERATION \*\*\*****OPPOSING FEDERAL LEGISLATION PROHIBITING THE COLLECTION OF STATE AND LOCAL SALES AND USE TAXES ON REMOTE SALES**

Electronic commerce, growing rapidly in popularity with consumers, has begun to impact state and local sales tax revenue. Steps need to be taken to ensure that the City can continue to provide quality services to its citizens and that out-of-town vendors do not have an unfair tax advantage over local retailers.

Ron Lappi, Administrative Services Director, reviewed this item. He explained that this is an important issue. The resolution was prepared at the request of the Colorado Municipal League with added support from various national government organizations. These organizations serve the needs of citizens and taxpayers at the State and local level. The issue is the potential and continued significant loss of local sales and use tax revenue on remote sales, both catalog sales and internet sales which is the fastest growing form of commerce today. The remote sellers have no duty to collect the sales and use taxes that are due. Local governments such as the City have no ability to force that collection since the sellers have no presence in the community. It is not a tax on the internet at all. It is requiring remote vendors to collect the tax that is already due from the consumption of tangible, personal property. It is unfair to the bricks and mortar stores that do collect the tax.

Sales tax is Grand Junction's most important source of revenue. Approximately \$30 million is collected representing 70% of the City's general government resources. It is used to fund most of the City's common services. Colorado's most reliant tax source is sales and use tax, not property tax or income tax. Many legislators don't realize the importance of the sales and use tax to local governments. They believe cities are either being greedy or really don't need the funding. This is untrue. It is a material loss of revenue. The City is not instituting a new tax on any type of commerce. The tax is already due, there just is no ability to collect it.

The resolution opposes federal legislation that prohibits the collection of such taxes. He explained one method by which such taxes might be collected through a third party organization that will calculate the tax due, accept the remittance and then distribute it to the various jurisdictions appropriately. The CML believes this is a viable solution as long as the federal government does not pass legislation saying cities cannot collect sales and use tax from interstate commerce or from catalogue sales.



Councilmember Scott inquired if the third party vendor would charge a small fee. Mr. Lappi said yes, as is done already with vendors. The merchants are currently paid 3.33% for collecting and remitting the City's sales tax.

Councilmember Payne said TV sales should also be included. Mr. Lappi said remote sales over the TV, credit card phone calls, and all remote commerce will be treated the same as bricks and mortar local businesses.

The State government would also be affected as sales tax is a major revenue source at that level, affecting the ability to fund education and important highway projects throughout the state. A twelve-fold increase in interstate internet commerce in the next five years is really significant.

Councilmember Theobald noted that since the federal government does not deal with sales tax they don't care about this issue. He said the time could come when every local merchant will set up a computer in their store and a customer would walk over to the computer and buy it on the internet, and nobody will be collecting sales tax. Mayor Kinsey said the federal government may some day determine that these sales are interstate commerce and will also tax it.

Councilmember Terry thought the City should send correspondence to local businesses, School District #51, the Chamber of Commerce, and the Downtown Association to educate them on the issue to prompt some discussion with them. Councilmember Spehar thought other jurisdictions that rely on sales tax revenue should also be advised of Grand Junction's actions. Councilmember Theobald said Club 20 should also be advised. Mr. Lappi said he would prepare such correspondence for the Mayor's signature.

Resolution No. 03-00 – A Resolution Opposing Federal Legislation Prohibiting the Collection of State and Local Sales and Use Taxes on Remote Sales

Upon motion by Councilmember Payne, seconded by Councilmember Theobald and carried by roll call vote, Resolution No. 03-00 was adopted.

### **EMINENT DOMAIN ACTIONS**

Determining the necessity of and authorizing acquisition of certain real properties.

Dan Wilson, City Attorney, reviewed these items. He explained that one action had been settled prior to this meeting. Both these items were scheduled six weeks ago and oral agreement was reached with the attorneys for both sides. It was removed from the Council agenda believing a final arrangement had been agreed to. Mr. Wilson said they are still in agreement, but one other signature is

still needed on the second item. Signatures were received on the first item this afternoon. It is thought the second item will still be resolved but this authorizes going forward if necessary. The project is such that the City does not have time to wait for the last signature. Independently, the City needs to be able to file the lawsuit. If Council authorizes the resolution, it will take one or two additional days to obtain signatures. A complaint will then have to be filed asking the District Court to give a date for the immediate possession hearing so the project can go forward without delaying the schedule.

Councilmember Spehar clarified that the right-of-way acquisitions along 24 Road have been resolved. Still at issue is the project planned at approximately G Road and 27 Road. City Attorney Wilson concurred.

**a. For Construction of 24 Road**

Resolution No. 08-00 – A Resolution Determining the Necessity of and Authorizing the Acquisition of Real Property Owned by WDM Corporation Located at the Southwest Corner of G Road and 24 Road

(This item was settled this afternoon with final signatures, thus no need for adoption of Resolution No. 08-00.)

**a. For Property at Horizon Drive, G Road and 27 ½ Road**

Resolution No. 09-00 – A Resolution Determining the Necessity of and Authorizing the Acquisition of Real Property Owned by Emanuel Epstein and Jimmy Etter for Property Located at the Southern Intersection of Horizon Drive, G Road and 27 ½ Road

Upon motion by Councilmember Theobald, seconded by Councilmember Enos-Martinez and carried by roll call vote, Resolution No. 09-00 was adopted.

**EXECUTIVE SESSION**

Upon motion by Councilmember Payne, seconded by Councilmember Terry and carried, Council went into executive session to discuss personnel issues at 8:05 p.m. with Council not intending to reconvene.

**ADJOURNMENT**

The meeting was adjourned at 8:05 p.m.

Stephanie Nye, CMC  
City Clerk