

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

**April 21, 2004**

The City Council of the City of Grand Junction convened into regular session on the 21<sup>st</sup> day of April 2004, at 7:30 p.m. in the City Auditorium. Those present were Councilmembers Cindy Enos-Martinez, Bruce Hill, Dennis Kirtland, Gregg Palmer, Bill McCurry and President of the Council Pro Tem Harry Butler. President of the Council Jim Spehar was absent. Also present were City Manager Kelly Arnold, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Pro Tem Harry Butler called the meeting to order. Councilmember McCurry led the pledge of allegiance. The audience remained standing for the invocation by Pastor Steve Fenske, Sunrise Church of God.

**PRESENTATION OF CERTIFICATE OF APPOINTMENT**

To the Parks and Recreation Advisory Board

Lenna Watson was present and received her certificate of appointment.

**APPOINTMENTS**

Resolution No. 29-04 – A Resolution Appointing John P. Shaver as City Attorney for the City of Grand Junction, Colorado

Councilmember Palmer moved to adopt Resolution No. 29-04. Councilmember McCurry seconded the motion. Motion carried by a roll call vote.

Stephanie Tuin, City Clerk, administered the Oath of Office to John P. Shaver as City Attorney.

**CITIZEN COMMENTS**

There were none.

**Update on the Rural Fire Protection District**

City Attorney John Shaver provided new information regarding the Rural Fire Protection District explaining that Judge Bailey entered a motion on the open records request and the District now has an opportunity to respond. He said he has spoken with the District's attorney and has been told they are working on it and that the District has retained an investigator to research the investment of the funds. City Attorney Shaver said he also spoke with Mr. Westfall who is the District's new attorney. He said Mr. Bruno of e.NVIZION, the firm chosen by the District to invest the funds, has provided the City

with an accounting statement. City Attorney Shaver showed the report and noted the lack of detailed information. He said the report does not specify where the funds are but states the balance, the deposits, and the withdrawals.

Lastly, he referred to an e-mail sent from Mr. Bruno to the Daily Sentinel, of which a copy has been provided to Council. He anticipates the Sentinel will publish the contents of the email.

Councilmember Enos-Martinez asked if Mr. Westfall is with Mr. Cole's firm. City Attorney Shaver said Mr. Westfall is with a different firm and is hired to investigate the funds only. He informed Council of the District's meeting on Friday, April 23<sup>rd</sup>, at the Church on the Rock. Councilmember Enos-Martinez asked how they could hold a meeting without a quorum. City Attorney Shaver said that it is their attorney's contention under Special District law, that they can do business with the two members.

Councilmember Kirtland referred to the letter from the Assessor and asked if the Assessor has withdrawn that opinion. City Attorney Shaver said he is not aware of that fact. The District evidently did not have a problem when they certified the levy to the assessor in December 2002. Councilmember Kirtland asked about the opinion of the County Attorney. City Attorney Shaver said the County Attorney does not find a problem with the collection. His opinion is that this is what the voters intended and that the ballot language was clear.

Councilmember Kirtland expressed that the District's opposition of the collection of the mill levy is just a ruse since the money is not there to be paid to the City. He noted that an upcoming payment would be due in July for approximately one million dollars. He questioned if the County Treasurer would deposit the additional taxes into the District's account. City Attorney Shaver said it is possible for Council to request those accounts be frozen.

Councilmember Hill asked if there would be enough time to do so if they wait until the next meeting. City Attorney Shaver explained the County could file an interpleader action against the Treasurer, which would require the funds be placed in the hands of the court.

Councilmember Palmer assured the citizens that the City has no intention of stopping the construction of the Redlands Fire Station or discontinuing fire protection for the residents.

## **CONSENT CALENDAR**

Councilmember Hill referred to Item #3, amendment to the Landscape Code, explaining he is not asking to pull this item but wanted to make sure all knew that the public hearing would be on May 5, 2004. He said regarding the public hearing listed as Item #14 (Reduction of Distance Restriction for Hotel and Liquor Licenses to College Campuses)

under section Items Needing Individual Consideration he intends to make a motion to table that item to May 5, 2004.

It was moved by Councilmember Enos-Martinez, seconded by Councilmember Palmer, and carried by a roll call vote, to approve Consent Calendar Items #1 through #9.

1. **Minutes of Previous Meetings**

*Action: Approve the Summary of the April 5, 2004 Noon Workshop, the April 5, 2004 Workshop, the Minutes of the April 7, 2004 Regular Meeting, the Special Meeting of April 7, 2004, and the Special Meeting of April 12, 2004*

2. **Setting a Hearing on Rezoning the Old Orchard Estates Property Located at 774 Old Orchard Road** [File #RZ-2004-023]

Introduction of a proposed ordinance to rezone the Old Orchard Estates property, located at 774 Old Orchard Road, from the RSF-R, Residential Single Family Rural to RSF-2, Residential Single Family-2, for future residential development.

Proposed Ordinance Rezoning the Old Orchard Estates Property Located at 774 Old Orchard Road, from Residential Single Family Rural (RSF-R) to Residential Single Family-2 (RSF-2)

*Action: Introduction of Proposed Ordinance and Set a Hearing for May 5, 2004*

3. **Setting a Hearing on Amendments to Section 6.5 of the Zoning and Development Code, Landscaping, Buffering and Screening Standards** [File #TAC-2004-040]

Introduction of a proposed ordinance amending Section 6.5 of the Zoning and Development Code, including landscape standards in Industrial zone districts, modifying the required perimeter enclosure landscape requirement, clarifying requirements and credits, and allowing the use of hardscape, xeriscape and public art as a part of the landscape requirement.

Proposed Ordinance Amending Section 6.5 of the Zoning and Development Code, Landscaping, Buffering and Screening Standards to be published in Pamphlet Form

*Action: Introduction of Proposed Ordinance and Set a Hearing for May 5, 2004*

4. **Setting a Hearing for the Cameck Annexation Located at 3048 D ½ Road** [File #ANX-2004-049]

Resolution referring a petition for annexation and introduction of proposed ordinances. The 2.5005 acre Cameck Annexation consists of 1 parcel and approx-

imately 160' of the north ½ of D ½ Road Located at 3048 D ½ Road and is a 2 Part Serial Annexation.

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

Resolution No. 30-04 – 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, Cameck Annexation, Located at 3048 D ½ Road

*Action: Adopt Resolution No. 30-04*

**b. Setting a Hearing on Proposed Ordinances**

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Cameck Annexation #1, Approximately 0.6036 Acres, Located at 3048 D ½ Road

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Cameck Annexation #2, Approximately 1.8969 Acres, Located at 3048 D ½ Road

*Action: Introduction of Proposed Ordinances and Set a Hearing for June 2, 2004*

**5. Setting a Hearing for the Holley Annexation Located at 2936 D ½ Road [File #ANX-2004-059]**

Resolution referring a petition for annexation and introduction of proposed ordinances. The 0.8402-acre Holley Annexation consists of one parcel located at 2936 D ½ Road and is a 2 part serial annexation.

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

Resolution No. 31-04 – 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, Holley Annexation, Located at 2936 D ½ Road

*Action: Adopt Resolution No. 31-04*

**b. Setting a Hearing on Proposed Ordinances**

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Holley Annexation #1, Approximately 0.1663 Acres, Located at 2936 D ½ Road

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Holley Annexation #2, Approximately 0.6739 Acres, Located at 2936 D ½ Road

*Action: Introduction of Proposed Ordinances and Set a Hearing for June 2, 2004*

6. **Vacation of a Portion of a Utility Easement Located at 722 ½ Spanish Trail Drive** [File #VE-2004-015]

The applicants wish to vacate a 10' x 36.3' area of a 15' Drainage & Utility Easement located within Lot 20, Block 10, Spanish Trail Subdivision, Phase 3. Due to a site plan error at the time the Planning Clearance was issued, the recently constructed single-family home was constructed into this existing easement. There are no utilities currently located or proposed within the area to be vacated. The Planning Commission recommended approval at its April 20, 2004 meeting.

Resolution No. 32-04 - A Resolution Vacating a 10' X 36.3' Portion of a 15' Drainage & Utility Easement Lying Within Lot 20, Block 10, Spanish Trail Subdivision, Phase 3, Known As: 722 ½ Spanish Trail Drive

*Action: Adopt Resolution No. 32-04*

7. **Purchase of 1.5-Ton Dump Trucks**

This purchase is for the replacement of two (2) dump trucks. They are currently scheduled for replacement in 2004 as identified by the annual review of the fleet replacement committee.

*Action: Authorize the City Purchasing Manager to Purchase Two (2) Dump Trucks from Western Slope Ford for the Amount of \$58,892.00*

8. **Setting a Hearing - Amending the Grand Junction City Code Regarding Sales and Use Tax**

The attached Ordinance amends the City's Code of Ordinances relative to Sales and Use Tax to provide for the Levy or Garnishment of accounts and money, as part of the enforcement procedures on delinquent taxes in a similar manner as the State of Colorado.

Proposed Ordinance Amending Section 154 of Chapter 34 of the City of Grand Junction Code of Ordinances Concerning Sales and Use Tax

*Action: Introduction of Proposed Ordinance and Set a Hearing for May 5, 2004*

9. **Release First Right of Refusal to Purchase Property Located at 402 Grand Avenue**

The City's parking lease with the First Assembly of God Church provides the City with a first right of refusal to purchase all of the Church's property at 402 Grand Avenue. Since the City and Mesa County have developed a parking structure, the parking lease and first right of refusal are no longer necessary.

Resolution No. 33-04 – A Resolution Relinquishing a First Right of Refusal to Purchase Real Property at 402 Grand Avenue from the First Assembly of God Church

*Action: Adopt Resolution No. 33-04*

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

**Lincoln Park Master Plan Design Contract**

Contract with the professional planning firm, Winston and Associates, to conduct a study of Lincoln Park and prepare a short and long term master plan.

Joe Stevens, Parks and Recreation Director, reviewed this item. He said this contract would allow the City to continue in its effort to develop a Master Plan for Lincoln Park. He stated Winston & Associates has put together a great team. He said the review started with six firms and the interview committee pared the numbers down.

Councilmember Palmer asked about the general cost estimates. Mr. Stevens said the costs would be for 9 to 12 million dollars for the preferred alternative, on the low end it would be \$3.5 million. Councilmember Palmer said he is concerned because the City would not realistically have the funds in time for the Master Plan to be useful.

City Manager Arnold said it would depend on the approach taken, and it could be done incrementally. He pointed out it is a similar approach as was done with the west downtown plan and it is a long range approach.

Mr. Stevens said Councilmember Palmer's question is an excellent question and some of it may need to be evaluated. The study may make suggestions that are cost effective or will help to develop a revenue stream and be a good decision-making tool.

Councilmember Hill said Winston & Associates did the study on the Parks Master Plan and some of those items have been prioritized. He said that study suggested a separate plan for Lincoln Park. Mr. Stevens replied that the study identified that Lincoln Park needed to be looked at as a whole and this requested study would be much more specific to Lincoln Park.

Councilmember Hill asked about improvements to satellite maintenance buildings or the relocation of those buildings. Mr. Stevens said the City is planning on improving current facilities. That decision was made prior to the overall City facilities study. Monies now will be set aside annually for that purpose. He said a satellite facility could be located in some other areas, like at Canyon View Park and on Orchard Mesa, but no conclusions were drawn.

Councilmember Palmer questioned if the timing is right to do this study, or if it would be better to do it closer to when the money might be available. Mr. Stevens thought there are other entities involved and they would like to see some facilities updated. He said it is possible that funding from those entities might be used to leverage GOCO and lottery funds, besides Matchett Park funding and the improvement costs for Canyon View Park will mature and then will free up some money.

Councilmember Enos-Martinez asked if those funds would be just for the stadium. Mr. Stevens said it could still be used for leverage.

Councilmember Kirtland questioned if the study would be looking at any adjoining neighborhood issues. Mr. Stevens said certainly it would look at how the area is changing, how changes would impact them, and make projections for the future. Councilmember Kirtland inquired about the City's relationship with Mesa State College. Mr. Stevens replied the intent is all users would be included when looking at different opportunities.

City Manager Arnold suggested a May 3<sup>rd</sup> discussion of this study at a workshop.

Councilmember Kirtland felt it should not be done piecemeal. Mr. Stevens agreed and pointed out this was another good reason for the Master Plan and to determine a long term plan, have discussions about Pear Park and with Mesa State College about its property, which could be available for sports facilities.

Councilmember Hill referred to the 2001 study proposal of a tax increase to fund park development and asked if that proposal has been considered. Mr. Stevens said yes, but only in the context of a recreation center, and the proposal was not for more parks which would require another levy.

Councilmember Kirtland supported postponing the matter until further discussion can take place. Mr. Stevens said the proposal can be restructured if that is Council's preference.

Councilmember Kirtland moved to table this matter to May 5, 2004. Councilmember Palmer seconded the motion and to first have a discussion on May 3<sup>rd</sup>.

City Manager Arnold asked Council if they were comfortable giving him authorization to award the contract based on the May 3<sup>rd</sup> discussion.

Councilmember Hill stated the Stocker Stadium study was done for \$35,000, the money has not been identified, and he has a tough time having this study done when there will

be difficulty funding any proposed projects. He felt the request should be taken back to the Parks & Recreation Advisory Committee.

Mr. Stevens explained the study is to try to get a handle on the entire property and look at trends in golf. He said the projections on golf revenues are not positive.

Councilmember Enos-Martinez said it would be difficult to do anything different with the Lincoln Park Golf Course.

Mr. Stevens listed areas that could be addressed, like rerouting the course and/or changing it to an Executive Course.

The question was called. The motion carried with Mayor Pro Tem Butler voting **NO**.

### **Property Exchange Agreement with Ice Skating Inc.**

City staff proposes to enter into an agreement with Ice Skating Inc. (ISI), to trade property for Riverside Parkway right-of-way. The trade will include the City reimbursing ISI for the cost to redesign their building and site improvements.

Mark Relph, Public Works and Utilities Director, reviewed this item. He identified the property in question. He said the City needs this property, which belongs to Ice Skating Inc. (ISI) for the Riverside Parkway. He said ISI is interested in the remnant piece of the property and the outright purchase price would be \$417,000. He explained to facilitate this trade the City would pay around \$62,000 in order to pay for the redesign less the Transportation Capacity Payment. He said ISI's current property consists of two acres, the piece of property they will receive in the exchange would be four acres but the new configuration of the parcel makes it much more difficult to develop.

Councilmember Palmer asked if the property values are relatively equal. Mr. Relph said yes but the geometry is awkward. He said the exchange is a good value for the public to make this trade.

Resolution No. 34-04 - A Resolution Authorizing the Exchange of Real Estate with Ice Skating Inc.

Councilmember Palmer moved to adopt Resolution No. 34-04. Councilmember Enos-Martinez seconded the motion. Motion carried.

Kurt Maki, Ice Skating Inc., thanked City Manager Arnold and City Attorney Shaver for their help, Jim Shanks on how proficient and helpful he was, Carter Burgess, and the Riverside Parkway staff.

**Purchase of Properties for Riverside Parkway**

The City has entered into two contracts to purchase four vacant parcels for the Riverside Parkway Project. The C&K properties consist of three parcels located at 2505 River Road, 2509 River Road, and 2521 River Road. The Nesbitt property is an un-addressed parcel on the south side of River Road at the extension of 25 Road. The City's obligation to purchase the properties is contingent upon Council's ratification of the purchase contract.

**a. C&K of Mesa County LLC and b. Ken W. Nesbitt**

Mark Relph, Public Works and Utilities Director, reviewed this item. He identified the properties in question. He explained these properties are needed for the Riverside Parkway and the combined acreage is 7.2 acres. He said the City is paying a fair and reasonable price for the properties.

Councilmember Hill asked about any remnants. Mr. Relph said there are none in this collection, just the wetlands.

Resolution No. 35-04 – A Resolution Authorizing the Purchase of Real Property from C&K of Mesa County, LLC

Resolution No. 36-04 – A Resolution Authorizing the Purchase of Real Property from Ken W. Nesbitt

Councilmember Enos-Martinez moved to adopt Resolutions No. 35-04 and 36-04. Councilmember Hill seconded the motion. Motion carried by a roll call vote.

**c. Kristal K. Slough**

The City has leased the property at 635 West White Avenue since 2002. The lease agreement gives the City the right to purchase the property at anytime prior to February 28, 2005. This property is necessary to accommodate the Riverside Parkway improvements.

Mark Relph, Public Works and Utilities Director, reviewed this item. He identified the location of the property and noted the City has been leasing the property for the last two years. He said the site is used for storage of fire equipment and that the Riverside Parkway will go through this location and the building. He asked Council to exercise the right of the purchase option in the lease agreement.

Councilmember Enos-Martinez asked if the building could be moved. Mr. Relph said Staff is looking at some options and to reduce costs of demolition by including the building in payment thereof.

Resolution No. 37-04 — A Resolution Authorizing the Purchase of Real Property at 635 West White Avenue from Kristal K. Slough

Councilmember Kirtland moved to adopt Resolution No. 37-04. Councilmember Palmer seconded the motion. Motion carried by a roll call vote.

**Public Hearing – Amend Action Plan for 2003 Program Year Community Development Block Grant (CDBG) Program** [File #CDBG-2003-01 and 2003-08]

Amending the City's 2003 Action Plan for the Community Development Block Grant (CDBG) Program Year 2003 to utilize a portion of the funds earmarked for neighborhood program (\$64,400) administration for construction of the Linden Pointe Apartments affordable housing project and authorizing the City Manager to sign the amendment to the Subrecipient Contract approved September 17, 2003 between the City and the Grand Junction Housing Authority (GJHA) for the Linden Pointe affordable housing project at 276 Linden Avenue by increasing the CDBG grant to GJHA by \$64,400.

The public hearing was opened at 8:40 p.m.

Councilmember Kirtland recused himself as his company is constructing this project.

Dave Thornton, CDBG Program Manager, reviewed this item. He briefed Council on their previous actions to fund this development and of the need to amend the action plan so the project can go forward. He said the new amount of the 2003 CDBG funds granted to the GJHA for the housing project is \$335,450.

Councilmember Palmer asked if the requested amount is for this programs fund or for administration costs.

Mr. Thornton explained the original 2003 Action Plan included a project that was to earmark \$83,400 to be used toward initial activities for a neighborhood-based CDBG program. Since then, the City has identified a project within the Riverside neighborhood for which it proposes to expend a portion of these CDBG funds. He said the Historic Structure Assessment and the roof repair projects for the Riverside Community Center would expend a total of \$19,000, leaving a \$64,000 balance remaining in the neighborhood-based CDBG program fund for the 2003 Program Year.

The public hearing was closed at 8:44 p.m.

Councilmember Hill moved to approve:

- 1) The amendment to the City's CDBG Consolidated 2003 Action Plan to reflect the revisions to a portion of the grant dollars earmarked for the neighborhood program administration for construction of the Linden Pointe Apartments Affordable Housing Project; and

- 2) Authorize the City Manager to sign the amendment to the Subrecipient Contract between the City and the Grand Junction Housing Authority.

Councilmember Enos-Martinez seconded the motion. Motion carried.

Councilmember Kirtland returned to the dais.

### **Public Hearing – Reduction of Distance Restriction for Hotel and Restaurant Liquor Licenses to College Campuses**

State law requires five hundred feet, using direct pedestrian access, from the property line of a school to the liquor-licensed premise; however, the law also allows local jurisdictions to reduce that distance for a certain class of license for one or more types of schools. In 1987, the Grand Junction City Council reduced the distance for full service restaurant licenses from college campuses to 300 feet. A property owner near Mesa State College has requested that City Council consider further reducing or eliminating the distance restriction for hotel/restaurant liquor licenses for principal college campuses.

The public hearing was opened at 8:45 p.m.

Councilmember Hill moved to continue the Public Hearing to May 5, 2004. Councilmember Enos-Martinez seconded the motion. Motion carried.

### **Public Hearing – Creating the Horizon Drive Association Business Improvement District and Set Mill Levy**

The Horizon Drive Association group has turned in petitions, which appear to represent more than 50% of the property owners in the proposed Business Improvement District. At the hearing, the City Council will determine if the petitions were signed in conformity with the law and if the district should be formed. The City Council may also exclude property from the district as allowed by Statute or if it deems it to be in the best interest of the district. Once created the mill levy will need to be set. The request is for a 5-mill levy upon each \$1.00 of total assessment of taxable property in the District.

The public hearing was opened at 8:46 p.m.

Stephanie Tuin, City Clerk, reviewed this item. Using a PowerPoint presentation, Ms. Tuin explained the procedure and requirements to form an improvement district and set a mill levy. She showed a map of the proposed district and identified various parcels. She then showed a map that identified the parcels for which she had signed petitions.

Ms. Tuin stated that the petitions submitted to the City represented more than 50 percent of both the property and of the valuation.

Ms. Tuin told the City Council the proposed ordinance would form the District and approve the proposed operating plan and budget provided to the City earlier by the Horizon Drive Association. She said the ordinance also sets forth the structure for the initial board of directors. Also included with the proposal is a resolution setting the mill levy for the District.

Ms. Tuin advised Council that she, the City Clerk, published a notice and notified all affected property owners with a notice of the hearing by certified mail. She noted if Council approved the request, she, the City Clerk, would file the paperwork with the County Assessor prior to May 1, 2004.

Ms. Tuin advised that the statute does not require the District be contiguous, so if the Council chooses to exclude any properties, the District could still be formed. Ms. Tuin has the information available to calculate the new valuation. The statute requires certain findings be made prior to the formation of the District and Ms. Tuin listed those findings.

In conclusion, Ms. Tuin advised that there are property owners in attendance and they may want to make comments. She also has a letter from a property owner she will need to read into the record.

Councilmember Hill inquired about term limits for the Board. Ms. Tuin responded that would be up to Council, there are no by-laws at this time. The representatives have indicated that they would be amenable to Council's recommendations.

John Shaver, City Attorney, clarified that the District, if formed, is a separate political subdivision that will have the power to levy taxes. The use of those revenues is not really known at this time, it could be for any number of things on their list of services and improvements. The proposed ordinance allows for a levy up to five mills but does not specify. The HDA has asked for a five mill levy and if Council wants to set the mill levy it will need to be by resolution.

Councilmember Palmer asked who the District will be accountable to. Mr. Shaver said to their board unless Council specifies otherwise.

Council President Pro Tem Butler likened the proposed District to the DDA to which City Attorney Shaver agreed it would be similar.

Richard Talley, President of the Horizon Drive Association, addressed Council and said he had nothing more to add unless there are objections to inclusion.

Councilmember Enos-Martinez asked if property owners have requested to be excluded from the District. Mr. Talley replied that none did but some declined to sign the petition. Councilmember Enos-Martinez asked how many did not sign the petition. Mr. Talley said he did not know and referred this question to Ms. Tuin.

Stephanie Tuin, City Clerk, said it appears that the petitions represented 55.2 percent of the property and 60.8 percent of the valuation.

Steve Castor, a property owner on Horizon Court, said he strongly favors the formation of the Horizon Association Business Improvement District and he is also a new member of the Association. He felt the area needs improvements like to the exit and entrance to the City, to parks, besides property values are going up and these items need to be addressed. He said the area is becoming professionalized and creating a district is critical. He wants to draw more professionals to the area.

Dan Sharp, General Manager of the Grand Vista Hotel, said he is in favor of the Improvement District and hopes Council would be willing to work with the Horizon Drive Association to get the District going. He clarified that parcels not represented by petition, the owners did not necessarily decline, they perhaps were not contacted. He said he has no problem with the Board of Directors reporting to the City Council and would like its direction, but felt board members should only be selected from within the Horizon Drive Improvement District.

Robert Armantrout, 751 Horizon Court, felt the tax amounts needed to be curtailed since he is already paying \$65,000 without the assessment raised. He felt the proposal meant the Association could do anything they wanted to do, that the government should maintain the interchange, and he is against the proposal.

Stephanie Tuin, City Clerk, next read the following fax, dated April 21, 2004 which she had received from Reutzel & Associates, LLC on behalf of their client regarding Parcels 2705-312-01-117 and 2075-312-01-120 (the "Properties") into record (*See Exhibit "A" attached*):

"Dear Mayor Spehar and Members of City Council. My client, A/R Investments, has asked me to respond to the April 8, 2004 letter the City sent regarding the public hearing for the Horizon Drive Business Improvement District scheduled for this evening. A/R Investments cannot attend this evening but would like this letter read into and made part of the record for tonight's public hearing.

My client respectfully requests exclusion from participating in the Horizon Drive BID pursuant to §31-25-1207(4), CRS. As grounds for the request, we submit that the buildings on the Properties have historically been, and are currently being used to office departments of the federal government. The offices of the US Fish and Wildlife Service, USGS, US Soil Conservation Services, and the Army/Navy Recruiting Facility all office out of the two buildings located on the above described parcel number.

The existing lease with the federal government runs for a number of years and the traditional lease provision regarding property tax increases being passed on to the lessee does not exist in leases with the federal government. As such my client would be burdened from the establishment of the mill levy on property tax without any way of passing that increase on to the tenant, especially for improvements to the area that are unde-

financed in the proposed operating budget. Therefore, I request that the City Council exclude the properties from the Horizon Drive BID.

On behalf of my client, I appreciate the Council's consideration. Very truly yours,  
REUTZEL & ASSOCIATES, LLC., by Jack E. Reutzel.”

Dale Reece, property owner, supported the formation of the District. He felt the area needed to be improved to give a better impression. He said he helped get the petitions signed and everyone he talked to was really in favor of forming an improvement district.

Councilmember Kirtland asked if the money would only be used in that area. Mr. Reece replied the monies would mainly be used to improve the ambiance of the area and one of the main entrances into the City.

Councilmember Enos-Martinez pointed out that it would also improve property values.

Mr. Reece agreed but felt the biggest benefit of the improvements would be to the City of Grand Junction.

Robert Armantrout re-addressed the Council and asked to exclude his property on Horizon Court, and exclude those property owners that do not want to be in the district.

Doug Briggs, attorney for the Horizon Drive Association, wanted to comment on these exclusions, and he said they can't be gerrymandered, since all in the District will benefit. Excluding some will provide them with the benefit at no cost. He said even though the statute allows exclusions, the reasons given are not significant.

Councilmember Enos-Martinez asked if improvements would stop in front of the excluded property when doing improvements. City Attorney Shaver said no the improvements would also be done including the properties of owners who requested to be excluded from the District.

Councilmember Hill asked if a property owner could be excluded later.

City Attorney Shaver said the statute only contains inclusion provisions, not an exclusion proviso.

Councilmember Kirtland noted the same rules would apply for this District like in other special improvement districts.

The public hearing was closed at 9:25 p.m.

Councilmember Hill asked about any possible TABOR implications. City Attorney Shaver said there are none.

Councilmember Hill said he attended an Orchard Mesa Chamber coffee meeting and was pleased of all the interest of the Orchard Mesa Chamber Members in helping themselves. He said he is applauding the efforts of the Horizon Drive Association and the property owners that have done a significant piece to help create the district. He said it is refreshing to help groups like these, and he fully supports everything proposed 100 percent.

Councilmember Palmer agreed with Councilmember Hill and said more can be accomplished when banding together. He knows some people will always try to opt out, but an improvement district will benefit all. Horizon Drive is a gateway to the City and he wishes the Association the best of luck.

Councilmember Kirtland acknowledged that all business owners pay a bigger portion of property taxes and therefore understands Mr. Armantrout's concern and noted five mills is a significant amount of money. He pointed out the seriousness and the responsibility the new District will be taking on. Councilmember Kirtland said he would not support exclusions, but suggests the Association ban together to deliver on promises made and get those property owners who are against the District involved so they can see the benefits.

Ordinance No. 3621 – An Ordinance Creating and Establishing the Horizon Drive Association Business Improvement District and Approving an Operating Plan and Budget Therefore

Resolution No. 38-04 – A Resolution Levying Taxes for the Year 2004 in the Horizon Drive Association Business Improvement District a part of the City of Grand Junction, Colorado

Councilmember Hill made the following findings:

1. That the total valuation for assessment of the taxable real and personal property is \$76,983,410;
2. That the classification of all the taxable property within said District is commercial, that none is residential or agricultural;
3. That the organization petition appears to have been duly signed and presented in conformity with Title 31, Article 25, Part 12 of C.R.S.;
4. That the allegations of the organization petition are true and the types of services or improvements to be provided by the proposed district are those services or improvements which best satisfy the purpose set forth in Title 31, Article 25, Part 12 of C.R.S., and he

moved to adopt Ordinance No. 3621 on Second Reading and ordered it published and adopt Resolution No. 38-04 , Setting the Mill Levy at 5 Mills. Councilmember Kirtland seconded the motion. Motion carried by a roll call vote.

Regarding appointment of the board members, Councilmember Kirtland asked if Council would continue to appoint members. Doug Briggs, attorney for the Horizon Drive Associ-

ation replied that this is what the Association has discussed and felt that either a property owner or their agent could serve on the board.

Councilmember Hill asked Mr. Briggs if he is proposing that Council should be interviewing the first board members.

Council President Pro Tem Butler suggested appointing the people recommended by the Association on the list provided by them and to proceed with interviewing prospects at term end.

Councilmember Hill moved to adopt the board as submitted by the Horizon Drive Association to allow them to go forward.

City Attorney Shaver advised Council to request the Horizon Drive Association decide the terms and report to Council after discussing term limits.

Councilmember Kirtland seconded the motion allowing two terms and requiring the Board report to Council after terms are established. Motion carried.

Council President Pro Tem Butler called a recess at 9:45 p.m.

The meeting was back in session at 9:52 p.m.

**Public Hearing – Blue Heron Rezone Located on the South Side of Blue Heron Road, East of the Blue Heron River Trail** [File #RZ-2004-038]

Request to rezone property located on the south side of Blue Heron Road, east of the Blue Heron River Trail, consisting of one parcel, from the CSR (Community Services and Recreation) zone district to I-2 (General Industrial) zone district. Planning Commission recommended approval at its March 23, 2004 meeting.

The public hearing was opened at 9:53 p.m.

Ronnie Edwards, Associate Planner, reviewed this item. She described the site location and the purpose of the request to allow a second access for Innovative Textiles. She said the community would benefit because the new owners would now maintain the property and would also get pedestrian access. The City would also maintain the necessary land for the future dike construction.

There were no public comments.

The public hearing closed at 9:55 p.m.

Ordinance No. 3622 – An Ordinance Rezoning a Parcel of Land from CSR (Community Services and Recreation) to I-2 (General Industrial) Located on the South Side of Blue Heron Road, East of the Blue Heron River Trail

Councilmember Kirtland moved to adopt Ordinance No. 3622 on Second Reading and ordered it published. Councilmember Palmer seconded the motion. Motion carried by a roll call vote.

**Public Hearing – Text Amendments to the SSID Manual (Submittal Standards for Improvements and Development)** [File #TAC-2003-01.04]

Staff recently completed needed changes to the SSID Manual that reflect changes in the Zoning and Development Code adopted in 2002. The manual pertains to all development activity as defined by the City of Grand Junction's Zoning and Development Code.

The public hearing was opened at 9:55 p.m.

Lori V. Bowers, Senior Planner, reviewed this item. She explained that the purpose of adopting the revised manual is to be able to use the Zoning and Development Code and the TEDS manual. She explained the changes are massive but are non-substantive. She said the SSID manual is used daily by the Community Development Department.

There were no public comments.

The public hearing was closed at 9:59 p.m.

Councilmember Hill noted the original preface included the development community in the acknowledgments. The revised preface does not include the development community. City Attorney Shaver noted that outreach to the development community was only done when creating the first SSID manual.

Councilmember Hill questioned if the manual has the effect of law but could be varied. City Attorney Shaver said the manual is application of the law, and he gave examples of times when it may be varied, it does not change the substance of the regulations, but rather it makes determinations.

Councilmember Hill referred to the new Section 4 and felt it conflicts with the development community and leans toward the City. City Attorney Shaver replied that the manual informs people up front what the City's expectations are.

Councilmember Hill questioned the definitions, wanting to point out that City Staff does not represent the applicant, but felt it should be said differently, with an affirmative statement and right up front.

Ms. Bowers gave some examples of the regulations and how the SSID manual brings all of the manuals together so they can be understood.

Ordinance No. 3623 – An Ordinance Amending the City of Grand Junction’s “Submittal Standards for Improvements and Development”, SSID Manual, and Authorizing Publication of the Amendments by Pamphlet

Councilmember McCurry moved to adopt Ordinance No. 3623 on Second Reading and ordered it published. Councilmember Palmer seconded the motion. Motion carried by a roll call vote.

### **Transportation Engineering Design Standards Update**

Council will consider amendments to the adopted City Transportation Engineering Design Standards (TEDS) Manual to add performance based Alternate Residential Street Standards and revisions to dead-end street limitations.

The public hearing was opened at 10:10 p.m.

Tim Moore, Public Works Manager, reviewed this item. He said two changes are suggested to the alternative residential street standards and the standards for cul-de-sac and dead end streets. He said a single access street would only be allowed for a maximum of a 100 dwelling units. He referred to the proposed text amendment to the TEDS Manual in Section 5.1.3 *Cul-de-Sacs and Dead End Streets*, which would be amended to the following:

No cul-de-sac shall be more than 750 feet long, measured from the center of the intersection to the center of the turnaround.

No more than 30 lots shall be located on a cul-de-sac street. All cul-de-sacs shall have a turnaround at the terminus point.

Surface drainage of a cul-de-sac shall be conveyed toward the intersecting street, if possible, and if not possible, a drainage easement shall be provided leading out of the cul-de-sac.

Fire Department access standards contain additional details to assist developers and designers in meeting the requirements of the fire department.

Single access street systems shall be allowed for a maximum of 100 dwelling units. The layout of the subdivision shall meet sections D 104.3 and D 107 of the International Fire Code. A future secondary access is required to be platted as public right-of-way and constructed to public street standards to the property line of the subdivision. A temporary turnaround shall be constructed if the stub street access is longer than 15 feet.

There were no public comments.

The public hearing was closed at 10:29 p.m.

Resolution No. 39-04 – A Resolution Adopting the Revised Transportation Engineering Design Standards (TEDS) Manual

Councilmember Kirtland moved to adopt Resolution No. 39-04. Councilmember Enos-Martinez seconded the motion. Motion carried by a roll call vote.

**NON-SCHEDULED CITIZENS & VISITORS**

There were none.

**OTHER BUSINESS**

There was none.

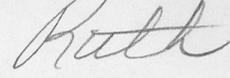
**ADJOURNMENT**

The meeting adjourned at 10:30 p.m.

Stephanie Tuin, MMC  
City Clerk

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Land Use/Zoning  
Real Estate  
Annexations  
Community Associations  
Oil and Gas  
Local Government

April 21, 2004

Honorable Jim Spehar and  
Members of City Council  
City of Grand Junction  
250 North 5<sup>th</sup> Street  
Grand Junction, CO 81501

Re: Business Improvement District- Parcels 2705-312-01-117 and  
2075-312-01-120 (the "Properties")

Dear Mayor Spehar and  
Members of City Council

My client, A/R Investments, has asked me to respond to the April 8, 2004 letter the City sent regarding the public hearing for the Horizon Drive Business Improvement District ("BID) scheduled for this evening. A/R can not attend this evening but would like this letter read into and made part of the record for tonight's public hearing.

My client respectfully requests exclusion from participating in the Horizon Drive BID pursuant to §31-25-1207 (4), CRS. As grounds for the request, we submit that the buildings on the Properties have historically been, and are currently being used to office departments of the federal government. The offices of the US Fish and Wildlife Service, USGS, US Soil Conservation Services and the Army/Navy Recruiting Facility all office out of the two buildings located on the above described parcel numbers.

The existing lease with the federal government runs for a number of years and the traditional lease provision regarding property tax increases being passed on to the lessee does not exist in leases with the federal government. As such, my client would be burdened from the establishment of the mill levy on property tax without any way of passing that increase on to the tenant, especially for improvements to the area that are undefined in the proposed operating budget. Therefore, I request that the City Council exclude the Properties from the Horizon Drive BID.

On behalf of my client, I appreciate the Council's consideration.

Very Truly Yours

REUTZEL & ASSOCIATES, LLC

By:

*Handwritten signature of Jack E. Reutzel* ON BEHALF OF JACK E. REUTZEL

Jack E. Reutzel

cc: Stephanie Tuin, MMC