

MINUTES

RECESSED MEETING

GRAND JUNCTION PLANNING COMMISSION

Friday -- February 26, 1960 -- 8:00 A. M.

CONFERENCE ROOM - CITY HALL

This recessed meeting of the Grand Junction Planning Commission was called to order by Chairman Glen Hopper, with the following members present: Mr. Elmer Nelson, Mrs. Cleo Diemer, Mr. Robert Van Densen, and Mr. Abbott Tessman.

Members absent: Mr. Alex Bauer, Mr. V. L. Colony, and Mr. Frank Mercer.

Also present: Councilman Ed Strnad, City Manager Joe Lacy, City Engineer Carl Alstatt, Office Engineer Don Warner, City Attorney Gerald Ashby, Regional Planning Director Gene Allen, and others.

IV. ROAD NETWORK FOR BRACH AREA APPROVED

City Engineer Alstatt presented a sketch for a roadway in this area, which is the McCormack property which Mr. McCormack wishes to subdivide. It was pointed out that the lots are too deep to use unless serviced from the back, also, it was determined that the ditch would be tiled at the property owner's own expense.

Mr. Alstatt said that Mr. Brach has agreed to give right of way to a certain point to be determined, although he will not gain anything from this road. He said that there is a possibility that they will have a 50 ft. right of way (which is the minimum called for by subdivision regulations) although there is a possibility that it will be less than 50 ft., perhaps only 40 ft., which he said would still be sufficient for this use and still allow for curb, gutter, and sidewalks. He also suggested that a T-turn-around might be the solution to the problem. He said this road would open up four and perhaps five building sites which could not be used otherwise.

He asked for some kind of a recommendation from the Planning Commission so that they can have something definite to tell the property owners and ask for right-of-way in order to work it out.

Mr. Nelson made the following motion: That the City proceed to survey the area, and if a T-turn-around can be worked out, the Planning Commission approve it. Attempt to secure 50 ft. right-of-way, but accept a minimum of 40 ft., since it only serves approximately four lots. Also, city money will not be used for tiling the ditch; this must be done at property owner's expense.

Motion was seconded by Mr. Van Deusen, and carried.

VI. WEST FRUITVALE ANNEXATION APPROVED

Mr. Stephens was present in this interest, and explained that the area in question was bounded on the South by North Avenue, on the North by Orchard Avenue, on the East by 28 $\frac{1}{2}$ Road, and was contiguous to the City on the West. It is an area of approximately 151 acres, 70% of the resident land owners have signed in favor of the annexation, and 60% to 70% of the property owners. He showed a map which indicated those that had signed up. He said the Telephone Company had not signed but were willing to come into the City, but were not sure of their legal rights to sign.

Mr. Tessman of KEXO had not signed, but stated that he would not oppose the annexation. His problem is that he needs all of his present area for his business, and it is necessary that his cables and wires that are underground not be disturbed by water lines, sewers, etc. If he can be sure that they will remain intact, he is willing to annex.

Several property owners who own approximately 8 acres in the SE corner of this proposed annexation were present to protest the annexation. Mrs. McMahan, Mr. Howell, and Mr. Hill all spoke, saying that they had moved into this suburban area so that they would not be in the City, and wished it to remain suburban. They were present to ask that they be dropped from the annexation.

City Attorney Ashby said that the Planning Commission could not drop them from the annexation, and the City Council cannot drop them after the petition has been presented. The County Court would have the authority to draw up a document letting them out of the annexation, which would be the only way it could be done.

Also, if this petition were changed now, it would have to go back to all the signers to be signed again and would probably jeopardize the whole annexation. It was pointed out that some had signed this petition so that the area beyond might be annexed.

When questioned as to why they objected to annexation, again, Mrs. Howell replied that they felt they were being forced into annexation because of the water situation. She also stated that their property would be at least 400 ft. from water and sewer lines so they thought it would be of no advantage to them. Also, they had large tracts of land and felt that their taxes would be very high. She then said that the City had not answered their questions or fulfilled their promises.

When asked by Councilman Strnad what these were, she said, "Cannot pin them down on small things - like what about weeds? Or keeping a cow?"

Mr. Tessman said then that he has not signed up, but it was not because of the cost of annexing. He felt he would save a great deal in insurance rates and water rates if annexed, but his only problem was that his five acres must remain intact.

In regard to the taxation problem facing these people, Attorney Ashby said that of course that remained up to the County Assessor, but that he did make a difference between land divided up into lots and large acreages. Mr. Nelson said that land 300 ft. back from North Avenue is assessed at a lower rate than property along North Avenue.

Chairman Hopper remarked that in his opinion it would be better to go in with the annexation, pointing out that they had enough property so that it would be to their advantage and that he felt that problems like taking care of weeds, etc. on their property would take care of themselves as the area developed. He pointed out that progress cannot be stopped and that they would probably be faced with the same situation again within 60 days. "Once you are annexed, you will become the responsibility of the City", he said.

Mr. Nelson said he could see a tremendous difference since North Avenue has been improved, and he told these people that their water and sewer would eventually cost them more than by coming into the City.

Mr. Allen pointed out to them, as an example, that West Lake Park had just been annexed about two and one-half months ago and already new water lines are under construction. He advised them that the new water lines would not cost them anything; they would pay just the same as everyone else does in the City.

They then said that when this first came up, most of them had been willing to go along, but the thing that they have resented and which has made so much opposition was the fact that they were not presented with the things that would be to their advantage; the only thing they were presented with was this "you do or you don't" water deal. They stated they might have gone along had it been presented in the right manner.

City Manager Lacy said that he could not blame these people for feeling as they did, as they have not received definite answers from the City on all questions. He said that the City has had its own problems and that it is not general knowledge that to buy enough water rights for 5000 people costs as much as two or three thousand collars that the inside city tax payers have to pay to bring the water and then pay more to develop the filter plant. The people outside of the City do not help to pay for this in taxes and bonds, and these reasons have not been pointed out to the people for the increase in water rates. He said the contract they sign states "that upon accepting this City water I agree to annex when the annexation comes to me and I agree to sign the petition because I understand that the city dweller is paying this much for water to the community". Mr. Lacy then reminded them that all City offices are open to them at all times and if they cared to come in perhaps some light could be thrown on some dark corners and they might get straightened out on some of their impressions.

The people opposing the annexation then left, and Chairman Hopper asked for a report from the Annexation Committee.

Mr. Van Deusen said that the committee had met the day before and had examined the property as to its eligibility for annexation, discussed the engineering phase of it and the relationship it would

have to the total community pattern, and on the basis of their observations they would like to suggest that this Commission recommend this annexation to the City Council.

Mrs. Diemer made the motion that this report be accepted and that recommendation made to the City Council that this West Fruitvale district be annexed to the City. Motion was seconded by Mr. Nelson, and carried.

Some discussion was had concerning a petition for an area East of this annexation, and Attorney Ashby advised that the best thing to do would be for the Council to pass this annexation as an emergency ordinance, and then the petition could be circulated for the next section.

VII. SPECIAL MEETING OF NOVEMBER 4, 1959 ILLEGAL

Chairman Hopper said that this special meeting of November 4, 1959 had been called under the premises that Section II - "Special Meetings" had been approved by the Commission; however, upon investigation it was found that this Section II had been presented to the Commission, and had appeared on several Agendas, but had never been reported upon by the Committee studying it nor adopted by the Commission; therefore, this meeting must be void and Mrs. Diemer's recommendation was quite in order.

Mrs. Diemer made the motion that the minutes of the special meeting of November 4, 1959 be deleted from the records of the Planning Commission because of the invalid nature of the meeting. Motion was seconded by Mr. Van Deusen, and carried.

The Chairman then asked if the Commission felt that an Amendment such as this was needed in order that special meetings could be called.

Copies of this Amendment were distributed to members present, and this matter will be taken up at the next regular meeting.

Mr. Hopper then said that he had received a resignation from Mr. R. E. Cheever from membership on the Grand Junction Planning Commission. This was given to Mr. Lacy so that the City Council can determine what to do about this.

Mr. Van Deusen made the motion to adjourn, which was seconded by Mr. Tessman, and carried.

Section II

SPECIAL MEETINGS

Special meetings of the Commission may be called at the discretion of the Chairman, Secretary and Planning Director. These special meetings shall be devoted exclusively to study of matters conforming to numbers 1 to 4 as follows:

1. Long range planning matters which are, or are to become a part of the master plan;
2. Matters tabled by the Commission, or referred to a special study committee by the Chairman at a preceeding meeting;
3. Such matters as the Commission has considered and acted upon at the preceeding meeting, upon which significant new facts are apparent to the Chairman, Secretary and Planning Director, and which are to have final action thereon by the Grand Junction City Council before the next regularly scheduled meeting of the Planning Commission;
4. Items which were to have been considered at a regular meeting, if such meeting is postponed for reasons listed in Section 1, above.

Three day advance notice as required in paragraph (a) of Section 3 hereof may be waived for matters conforming to provisions set out in 2. and 3. of the above paragraph, providing at least 24 hours verbal notice of the meeting is given to members.