

GRAND JUNCTION, COLORADO MINUTES OF THE REGULAR ADJOURNED MEETING  
OF THE CITY COUNCIL

August 29, 1990

The City Council of the City of Grand Junction, Colorado, convened in regular adjourned session the 29th day of August, 1990, at 7:30 p.m., in the City/County Auditorium at City Hall. Those present were John Bennett, Paul Nelson, R.T. Mantlo, Earl Payne, Conner Shepherd, Reford Theobald, and President of the Council William E. McCurry. Also present were Acting City Manager Bob Evers, City Attorney Dan Wilson, and City Clerk Neva Lockhart.

Council President McCurry called the meeting to order and Councilman Payne led in the Pledge of Allegiance.

INVOCATION - Councilman Conner Shepherd.

STATUS OF SERVISS LAWSUIT (PROPERTY AT 5TH AND NOLAND) CONTINUED  
FROM AUGUST 15, 1990, CITY COUNCIL MEETING

City Attorney Dan Wilson reported that the City has entered into a stipulation with Mr. Serviss. Mr. Wilson, along with Karl Metzner of the Planning Department, toured the property this afternoon and by tomorrow morning the two will go back and accept occupancy of the property on behalf of the City and Mr. Serviss will have formally vacated the property. Mr. Wilson said the City may have to deal with a punch list on a few very small items. They observed a few tires left on the property during their tour this afternoon. A schedule has been agreed to that has met with the Department of Energy's permission. Mr. Wilson noted that the DOE's schedule has been his driving concern so that the City not lose the opportunity for remediation. Once Mr. Serviss is off the property south of Struthers, the City is set for DOE. The property north of Struthers has been remediated. Mr. Wilson stated that in any event Mr. Serviss will be vacated from all of the premises by November 10, 1990. The stipulation provides for rent of \$100 a day in the event he does not meet the November 10 date; it provides for court enforcement, if necessary; it provides for payment of \$5,000 rent to the City; and negotiated a rental payment of 15% interest to give Mr. Serviss an incentive to pay it sooner rather than later. Mr. Serviss would have until January 1, 1991, to make the first of five payments of \$1,000 each per month plus the accrued interest. Mr. Wilson said they specifically did not deal with the issue of environmental concerns because it is not known that situation, if any, regarding hazardous or toxic materials. There are no reasons to believe there are any, but it was specifically said that if there are any discovered in the future, there are a full set of remedies the City would be entitled to. Mr. Serviss was agreeable to the settlement.

HEARING #30-90 - SPECIAL USE PERMIT FOR JAIL SITE AT 215 RICE  
STREET ON APPROXIMATELY 12.5 ACRES IN A PUBLIC ZONE (PZ) -  
CONTINUED FROM AUGUST 15, 1990

A hearing was held after proper notice on the petition by Mesa County, represented by Project Manager Andy Anderson, for a Special Use Permit for the jail site at 215 Rice Street on approximately 12.5 acres in a Public Zone (PZ). This hearing was continued from August 15, 1990.

Mesa County Commission Chairman John Leane discussed the locations of the Mesa County jails from about 1890 up to the present time. The new jail at 215 Rice Street has an estimated cost of \$14,725,000 for 119,000 square feet to initially accommodate 192 beds and the capacity ultimately to go to 500 beds. Mr. Leane agreed with the City that the jail site and the judicial court functions should be contiguous with the downtown area.

Mr. Anderson said that the City Planning Commission recommended approval of the petition for the Special Use subject to a couple of concerns. One concern was the resolution of the City's and the State's concerns over the signalization of the Rice and Crosby intersections. The other concern was the City's concern over what was going to happen to Crosby Avenue. Mr. Anderson believed those concerns were addressed and finalized in discussion with City Staff this afternoon.

Mr. Anderson submitted three exhibits for the City records. One drawing was the pavement area of the site which outlines all the interior roadways, parking lots, and also the impound lot (C-1 Drawing). Exhibit two was the landscape drawing (Sheet C-4) for the project plus it shows the three housing pods for future buildout on the project and their locations. Exhibit three was Sheet A2-1 which shows what the project will look like on the outside. Not entered for the record but used for discussion were mock up models of the sheriff's office and detention facility. HDR of Dallas, Texas, are the architects.

Mr. Anderson believed it was agreed with the City Planning Commission that the project would stripe the impound lot. Regarding the Rice Street and Highway 340 intersection improvements, specifically the signalization and the raised medians, the County proposes to pay the City of Grand Junction the amount of \$36,000 toward those improvements. The County agreed that, as a part of this project, it will realign Rice Street to line up with Mulberry Street on the north side. The County has discussed with City Staff Spruce Street and Rice Street and proposes the vacation of Rice Street from White Avenue south to the north side of Main Street. If that section is vacated in the near future there would be no need for improvements to it as that will be the site for future construction of the court functions facility. For the section of Rice Street north of White Avenue to Highway 340, the County agrees to dedicate ten feet of right-of-way on the south side (the County's side) of the property and to the half-street improvements.

It was pointed out that if and when Rice Street is vacated and

cuts off the access to affected property owners in the area, the County would agree to hold the City harmless from those claims of damage to the remainder for loss of access. The question was raised that should Rice Street be vacated at some future date and then the purchase and construction of the other facilities, the court house etc., does not occur, what would happen. Lyle DeChant, County Attorney, said that if the County took it off condemnation and then ultimately not build the court house, he thought that at that particular point whatever project came in there again the City would have to require (?) and a redesign of the project.

The City Attorney brought up the agreement for a schedule to make those decisions and to do the Rice Street improvements. Mr. Anderson gave the timeline of December 31, 1996, for the construction of the Court House. It was noted that this 2 1/2 acres is not a part of the Special Use for the jail facilities. Mr. Anderson proposed that regarding Crosby Avenue, Mesa County agreed that full improvements will be necessary approximately one year after final CO and the County agrees to full street improvements, which would include sidewalk on one side built to collector standards from the point beginning at the south property line of the parcel right at the northeast corner of Main Street to a point that would be the north side of the service entrance proposed for the parcel or half way between the two property lines north and south, whichever is the greater. The County requested they not be required to do those improvements until December 31, 1992. Mr. Anderson asked that the County be allowed the flexibility to close Crosby Avenue for about six months or so commencing at the beginning of the project (middle of September of this year). Mr. Wilson brought up the issue of forewarning users of the street of what will be occurring. Mr. Anderson indicated they would put up a sign. Mr. Wilson suggested there may be negative reactions from area businessmen or residents to the closure of the street and asked if the County could live with leaving Crosby open under some flagging or traffic control solutions. Mr. Anderson said that it presents a hazard and it needs to be dealt with. He stated that the bidders have been requested to put in their bids for traffic control during that period of excavation. They will need flag people and traffic control. They have been told they cannot use Rice Street onto 340 or Crosby.

Mr. Anderson said the County proposes to dedicate all of Crosby Avenue that it owns to the City of Grand Junction.

There was discussion about the trees at the northwest corner of the property for screening purposes. The County has agreed to look at additional trees so long as it does not present a security hazard for the detention facility. Mr. Wilson suggested a condition that said "The County will plant a reasonable number of trees," and then the Council could look to the City Planning Staff to work out the details. Mr. Anderson agreed that the County would look at the landscaping of the property.

Mr. Wilson said that he and the County Attorney, Lyle DeChant, have talked about incorporating into the record the Planning Department file, which would include the application and the evidence that came before the Planning Commission plus the review comments, and part of the Council's motion should incorporate the review comments that were already dealt with, such things as drainage and parking, that is really a part of that plan, but is not a part of the contested issue before Council this evening. It was discussed by Mr. Wilson and Mr. DeChant subject to Council's approval that a Resolution of Findings be scheduled for Council's consideration on September 5, 1990, because of the complexity of the issue. Mr. Wilson suggested that Mr. DeChant submit a draft that the two attorneys can work with to make sure they incorporate all those items that the Planning Commission dealt with and those items that the City Council dealt with this evening so it is very clear. Mr. Wilson requested that the City, Mr. Anderson and Mr. Metzner submit a list to he and Mr. DeChant of the review comments and the resolution of the review comments so they can be incorporated into the Resolution of Findings.

There were no opponents, letters, or counterpetitions. The President closed the hearing.

Upon motion of Councilman Payne, seconded by Councilman Theobold and carried, the City Council plans to grant the Special Use Permit based on the discussions, and directed the City Attorney to coordinate with the County Attorney a Findings of Fact in the form of a Resolution to be adopted by the City Council on September 5, 1990.

Mr. Leane invited the City Council to attend the groundbreaking for the jail site at 10:00 a.m. Thursday, August 30, 1990.

ADJOURNMENT

Council President McCurry adjourned the meeting.

Neva B. Lockhart

---

Neva B. Lockhart, CMC  
City Clerk