

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

January 16, 1991

The City Council of the City of Grand Junction, Colorado, convened in regular session the 16th day of January, 1991, at 7:30 p.m. in the City/County Auditorium at City Hall. Those present were John Bennett, R.T. Mantlo, Paul Nelson, Earl Payne, Conner Shepherd, and President of the Council William McCurry. Councilman Reford Theobald was absent. Also present were City Manager Mark Achen, City Attorney Dan Wilson, and City Clerk Neva Lockhart.

Council President McCurry called the Meeting to order and Councilman Paul Nelson let in the Pledge of Allegiance.

INVOCATION - Councilman R.T. Mantlo.

MINUTES

Upon motion by Councilman Nelson, seconded by Councilman Payne and carried, the minutes of the December 19, 1990, City Council meeting were approved as submitted.

JACK KAMMERER, CHAIRMAN, PARKS AND RECREATION ADVISORY BOARD, PRESENTS SERVICE AWARDS TO ALICE DAVIS AND MARIE SHOPE, CO-CHAIR OF THE 4TH OF JULY COMMITTEE

PRESIDENT OF THE COUNCIL MC CURRY PRESENTS STATEMENT REGARDING THE ACTIONS OF CITY COUNCIL REGARDING RECENT REAL ESTATE PURCHASES

Council President McCurry presented a prepared statement regarding the recent purchases of the Somerville, Ranch, the Jarvis property, and the Valley Federal Plaza building. (See next page.)

CONSIDERATION OF BIDS - AWARD OF CONTRACTS

Custodial Service Contract for Nine (9) Municipal Buildings - D&R Cleaning, \$36,000 per Year (includes City Hall, Police Department, Communication Center and Fire Station No. 1) - Dinosaur Janitorial, \$17,520 per Year (includes Municipal Shops, Old Shops, Traffic Lab, Lincoln Park Administration and Older American Center)

Sole Source Request for G.I.S. Mapping System Software for Engineering - Generation 5 Technology of Denver - \$38,499

Upon motion by Councilman Mantlo, seconded by Councilman Nelson and carried, the above contracts were awarded as noted, and the City Manager was authorized the sign said Contracts.

HEARING #52-90 - PROPOSED ORDINANCE - RIGHT-OF-WAY VACATION OF PORTION OF WEST PIAZZA IN CROWN HEIGHTS SUBDIVISION

A hearing was held after proper notice on the petition by T.L. Benson for a right-of-way vacation of a portion of West Piazza in Crown Heights Subdivision. There were no opponents, letters or counterpetitions.

The following entitled proposed ordinance was presented and read: VACATING WEST PIAZZA PLACE. Upon motion by Councilman Nelson, seconded by Councilman Mantlo and carried, the proposed ordinance was passed for publication.

HEARING #48-90 - REZONE FROM PR-8 AND PB TO RSF-8 AND HO ZONES FOR HORIZON PARK SUBDIVISION LOCATED AT 27 ROAD BETWEEN G ROAD AND HORIZON DRIVE, AND REQUEST FOR MINOR SUBDIVISION WITH 3 LOTS ON APPROXIMATELY 27 ACRES - PROPOSED ORDINANCE TO REZONE TO PR-6 AND H.O. SCHEDULED FOR FEBRUARY 6, 1991 MEETING

A hearing was held after proper notice on the petition by Jeff Williams to rezone from Planned Residential (PR-8) and Planned Business (PB) to Residential Single-Family (RSF-8) and Highway Oriented (HO) Zones for Horizon Park Subdivision located at 27 Road Subdivision with three lots on approximately 27 acres.

Jeff Williams was present on behalf of First Interstate Bank. He spoke on behalf of the petitioners and the prospective purchasers. He stated that the petitioner intends to split the property into three manageable parcels, one commercial, and two residential. The prospective purchasers do not have the development plan at this time. Petitioners are requesting a two-year time period to submit a final development plan to the City Planning Department. He requested the Council's support by accepting a building permit hold on these three lots, and at the time the development plan is prepared, completed and recorded, the appropriate fees will be paid. The petitioners request that Council defray one half road improvements such as pavement due to the limited development impact of this parcel. The prospective purchaser has agreed to the payment of park fees, sidewalk, curb, gutter, and drainage improvement at the time of recording of any development plan. This will allow the City to review any development plan for each lot. Prospective purchaser will make every effort to adhere to all Planning Department recommendations for proposed development on these lots. Forcing up-front payment of these development fees simply stifles the development of this and other properties. With no specific policies adopted for this site, he submitted the application for the minor subdivision. Mr. Williams went on to say he has contacted Mr. Ken Johnson of the Corps of Engineers concerning wetland identification. Mr. Johnson has agreed to review the property and to prepare a written statement as to area wet land before submittal of any development plan. Mr. Williams has contacted Chan & Associates of Denver, Colorado, who prepared a soil investigation for the previous development. Chan & Associates has agreed to recertify the report for recording of this minor subdivision. As to the easement of the sewer service, prospective purchasers are agreeable to easements, however, until a development plan is developed for this property, placement of

these easements are difficult. With the Planning Department's approval of this split, his concern is the timetable as to the payment of the development fees. With the stature of the proposed developers, the City can be confident of payment of these fees.

Mr. Williams stated that the question of rezoning this property was brought on completely by the City Planning Department.

Before we start tonight's agenda, I would like to say a few words concerning the actions of the Council in the last few months. It seems a lot of things have happened that need a little explaining to give you and the rest of the citizens a clear understanding of what we are trying to do in the best interests of the City as a whole.

First, the Somerville Ranch. It was not the ranch we were after, but the water rights. If we had not bought the ranch, then some other city outside the Valley would have and then sold or used the water rights as a bargaining tool for other rights and we would have lost them forever. This way they stay in the Valley for our use and the future use of the citizens of the Valley.

Second is the purchase of the Jarvis property on the Fifth Street Corridor. This area has been an eyesore for many years and to have it cleaned up improves the appearance of our city coming into town from the south. We hope to sell some of that property for business or industrial use sometime in the future.

Third. The Valley Federal Building was an investment that will return money to the City in the future. The stories being told as to the private sector not buying it when it was on the market are true. They didn't buy it or get it because their bids were too low. One thing we do not want to do is infringe or compete with the private sector. Those bidding were hoping to get it for nothing. An outside investor would either sell it or rent it and all the profits would have left the Valley. This way all profit and proceeds from that building will stay here.

The Council made each of these three purchases with the City's long term future in mind. Too often government is near-sighted and does not take a long range approach. Our City's condition and success has been because of the dedication and foresight, not only of this Council, but all other Councils that have served before. They all took heat as this Council has and those in the future will face the same thing. To vision this City and the Grand Valley in the future is what we all have to look forward to. To sit and do nothing is an error on our part and an injustice to the citizens of this community. People may think we make these decisions on the spur of the moment. Wrong. Several months and many hours are put into making these decisions. It's not easy and the people on Council and the staff review and review what hopefully is the best for all concerned. Those that have lived here most of their lives have seen the good and the bad times. Those that follow in the future hopefully will say, "Thank God

someone had the foresight and guts to make this a grand place to live and raise a family."

The Council works hard to be sure taxpayers' money is well spent. We use the best judgment we can for the well being and the best interests of this community. What we have is kept in the area, not like some companies that pay wages and send the profits out of town and are not returned to the area.

Those of us that are here on the Council are not in it for the money. Its dedication to the community, it's time consuming and speaking for myself, I have no complaints. It makes you feel good to be able to give something to the community. I feel that more citizens should get involved in more that is going on, then they would see the frustrations we go through.

Myself, I'm proud of what this Council has done. I try, as I've said before, to make the best possible decisions with what is presented. If I make a bad decision, I am the one that has to take the heat and live with it. I believe the future of the City and the community as a whole will benefit from what we have done.

In closing, you can't please everybody, but I fully believe that those in favor of what we are doing are the majority. We are always going to have those who disagree with anything and everything being done.

William E. McCurry

January 16, 1991

City Planner Kathy Portner explained that the original application was to rezone to RSF-8. That was the most comparable straight zone to the existing plan zone on the property. During the review time, one of the potential buyers was interested in retaining the plan zone, and agreed to reduce the density from 8 to 6 units per acre. The Planning Commission recommended the PR-6 with City Planning's report, and that is the recommendation that is before Council tonight. The original request was for PR-8, and was so advertised.

Mr. Keith Mumby, attorney, was present on behalf of the purchaser of Lots 1 and 2. He explained that the petitioner filed the application for the subdivision without the contract totally in hand. The recommendations of the Planning Staff was RSF-8. Representing the purchasers of Lot 1, he met with the City Attorney, Planning Staff and the City Engineer, and agreed to reduce from PR-8 to PR-6 on Lot 1, having nothing to do at all with Lot 2. The day of the Planning Commission meeting, Mr. Mumby's client signed a contract on Lot 2. The night of the Planning Commission meeting Mr. Mumby asked that the Planning Commission extend the agreement for PR-6 on Lots 1 and 2. That is probably why all the changes have not caught up. But it was the

recommendations of the Planning Commission for PR-6 on both Lot 1 and Lot 2, a reduction from the PR-8.

Mr. Williams reiterated that the prospective purchaser has agreed to park fees, curb, gutter, sidewalk, and drainage plans. The only thing he asked was that the fees not have to be paid until such time as the development plan is submitted; however, he was asking for the elimination of half-road paving improvements. He stated that the total cost for road improvements on 12th Street, G Road and Horizon Drive came to approximately \$270,000 (\$30/running foot for half-road), almost equal to the selling price of the property. He requested that the improvements on pavement only be eliminated.

City Manager Mark Achen stated that normally there would be a specific plan in front of Council to consider this evening. In order for First Interstate to sell the property it requires that they have to subdivide. You have a situation where interested investors are buying the property, but are not yet ready to develop and do not have a plan immediately. Other unusual circumstances are you have a large parcel of land, with a lot of street frontage on it, which is very attractive from a developer's point of view because there is a lot of access. From a cost perspective you have a lot of road improvements to put in with property, and the applicant is requesting that you provide some variance to those costs. The issues are (1) whether to defer any of the costs that normally would be paid at this point; (2) whether to allow a lower standard of development than would be allowed another property owner. Horizon Drive across the intersection is a fully development. Twelfth Street immediately to the south is not what is on the City's ten-year capital improvement plan to bring those improvements right up to the other corner of that intersection. The commercial nature of the Horizon Drive frontage would lead Staff to strongly encourage that whatever be done in that area be developed to standards similar to what is seen on Horizon Drive to the north and the east.

City Planner Kathy Portner stated that the value of Lot 3 was shown as \$284,000 at 37 cents per square foot, based on business development.

City Attorney Wilson clarified that if the purchaser did not want to subdivide, Council could approve the zoning request now and have the purchaser come back with a development plan. Then, they would submit a subdivision, and then the fees would be triggered.

Mr. Tom Logue spoke on behalf of the potential purchaser of Lot 3 which is the HO Zone. He was unable to divulge the identity of the purchaser until after the closing. He did state that the purchaser is local. Mr. Logue has been hired to evaluate some development alternatives for Lot 3. The purchaser is looking at an office, limited retail proposal on the property in a campus type setting. His client is requesting deferral of road improvement costs until such time as construction begins.

Keith Mumby, with the firm of Golden, Summers, Mumby & Livingston, spoke on behalf of the purchasers of Lots 1 and 2, which is a single party, local, Tim Woomer and Frank Prinster and their wives. He requested the following:

1. That the easement across Lot 3 be in writing so that when the time comes to put it in, his client can have it;
2. With respect to Lots 1 and 2, that the half-road improvements be waived, eliminated, forgotten. Tie that waiver to planned unit 6 so if anyone comes back and requests any type of change with respect to the zoning of the plan, the rules can be changed;
3. That curb, gutter and sidewalk be deferred and paid at the time the development plan is submitted and approved;
4. His clients will pay park and recreation fees up front rather than later.

Mr. Mumby stated that he does not agree with the request of Mr. Williams regarding a building permit hold for this to be resolved, unless it is done lot by lot. It is possible that Lots 1 and 2 will be developed first and he does not want to be sitting with a building permit hold until such time as Lot 3 is developed.

City Attorney Wilson interjected that the City has the right to change the fee structure between now and the actual time of development. Mr. Mumby was willing to take the risk of future fees.

The hearing was closed.

Councilman Nelson commented that from his years of experience, he sees problems with development such as water tap fees, sewer tap fees, half-road improvements, costs of getting a development ready to go, and those continue to increase. The cost of land has increased, the cost of borrowing money has increased over the years, and the red tape is getting worse and worse. The cost of housing is rising, the difficulty of getting it done is rising, banks are much less likely to loan money now than they ever were. We are in a growth phase, clearly, in this valley. The amount of residential housing units is at an eight or nine-year low, the market place is very active, and progressing. He stated that tonight's debate is going to occur over and over from now on. He felt that policy needs to be set regarding future developments. He wants developers to accomplish what they've intended, but he also wants the City to cover costs as much as it can so that it does not have to go back and fix things at a large expense to the taxpayers, which is something being done constantly now.

Councilman Mantlo said he has no problem deferring the fees, but he does have a problem eliminating the fees.

Councilman Shepherd recommended identifying a strategy that would

allow some sort of deferral for the payment of the half-road improvements until such time as final plat or plan can be filed, and allow developers the opportunity to devise some strategy to mitigate their costs.

City Attorney Wilson recommended segregating the zoning issue from the subdivision issue. The concept of what has been discussed is good, and Council could say that the Planning Commission's recommendation as to the zoning is accepted and approved, and take no action on the subdivision of the land at this point, and instruct the developer to come back when ready to file a plat and plan.

City Attorney Wilson asked Mr. Williams if Council requires that half-street improvements must be constructed for all three lots, is the contract to purchase the lots cancelled? Mr. Williams replied that it would indeed become null and void. He cannot sell just one of the lots.

Upon motion by Councilman Shepherd, seconded by Councilman Nelson and carried, the rezone was approved, the half-road improvements for the development of all three lots were deferred until a final plat or plan has been filed for future development, and the City Attorney was directed to bring back a proposed ordinance at the next meeting of Council on February 6, 1991, which outlines and clarifies the different issues addressed at tonight's meeting.

The President declared a five-minute recess. Upon reconvening, the above six members of Council were present.

HEARING #90-14 - REQUEST FOR WAIVER OF \$115 FEE FOR VARIANCE OF SIDEYARD SETBACK IN AN RSF-8 ZONE

A hearing was held after proper notice on the petition by Stella W. Krantwashl to waive the \$115 fee for the variance of a sideyard setback from three feet to one foot in an RSF-8 Zone to allow construction of a carport at 2854 Elm Avenue in Cottonwood Meadows. Mrs. Krantwashl was present and stated that she is on a fixed income. She also presented a personal financial statement.

City Attorney Wilson stated that the Board of Appeals denied Mrs. Krantwashl's request and gave her 120 days to correct her carport. Ordinarily staff would say that an applicant should pay the fee. He felt that because Mrs. Krantwashl is on a fixed income, elderly, and an innocent victim, he would recommend that the fee be waived.

Upon motion by Councilman Nelson, seconded by Councilman Payne and carried, the \$115 fee for variance of a sideyard setback from three feet to one foot in an RSF-8 Zone to allow construction of a carport at 2854 Elm Avenue was waived due to the fact that Mrs. Krantwashl is on a fixed income, elderly, and an innocent victim.

ORDINANCES ON FINAL PASSAGE - PROOFS OF PUBLICATION

Proofs of Publication on the following Ordinances proposed for final passage have been received and filed. Copies of the Ordinances proposed for final passage were submitted to the City Council prior to the meeting.

ORDINANCE NO. 2500 - PROVIDING FOR AN ALTERNATIVE SALES AND USE TAX CALCULATION TO APPLY TO THE SALE OR USE OF CONSTRUCTION EQUIPMENT AND VEHICLES

Upon motion by Councilman Nelson, seconded by Councilman Payne and carried, the following entitled proposed ordinance was called up for final passage and read by title only: AN ORDINANCE WHICH PROVIDES FOR AN ALTERNATIVE SALES AND USE TAX CALCULATION TO APPLY TO THE SALE OR USE OF CONSTRUCTION EQUIPMENT AND VEHICLES.

There were no comments. Upon motion by Councilman Mantlo, seconded by Councilman Payne and carried by roll call vote, the Ordinance was passed, adopted, numbered 2500, and ordered published.

ORDINANCE NO. 2501 - AMENDING SECTION 5-11-3-A.4 OF THE ZONING AND DEVELOPMENT CODE OF THE CITY OF GRAND JUNCTION

Upon motion by Councilman Nelson, seconded by Councilman Payne and carried, the following entitled proposed ordinance was called up for final passage and read by title only: AMENDING SECTION 5-11-3.A.4 OF THE ZONING AND DEVELOPMENT CODE OF THE CITY OF GRAND JUNCTION.

Upon motion by Councilman Nelson, seconded by Councilman Shepherd and carried by roll call vote, the Ordinance was passed, adopted, numbered 2501, and ordered published.

RESOLUTION NO. 1-91 APPROVING THE HIGHWAY SAFETY CONTRACT WITH THE COLORADO DEPARTMENT OF HIGHWAYS, DIVISION OF HIGHWAY SAFETY - GRANT IN THE AMOUNT OF \$17,750

The following Resolution was presented and read: (See next page.).

Upon motion by Councilman Mantlo, seconded by Councilman Payne and carried by roll call vote, the Resolution was passed and adopted as read.

RESOLUTION NO. 1-91

RESOLUTION APPROVING THE HIGHWAY SAFETY CONTRACT WITH THE COLORADO DEPARTMENT OF HIGHWAYS, DIVISION OF HIGHWAY SAFETY

WHEREAS, the City of Grand Junction, on behalf of the Grand Junction Police Department, has submitted an application to the Colorado Department of Highways, Division of Highway Safety for federal funding to conduct a traffic safety project; and

WHEREAS, the City has budget authority for the Police Department;

and

WHEREAS, the matching City funds for this project are included within the Police Department's approved budget; and

WHEREAS, a resolution by the City formally approving the contract with the Division of Highway Safety and authorizing the Mayor to sign such contract is required by the State of Colorado.

NOW, THEREFORE, BE IT RESOLVED, the City of Grand Junction, Colorado, hereby approves the terms, conditions and obligations of the contract for project 14-91 and hereby authorizes the President of the Council to sign the contract on behalf of the City and the Police Department.

PASSED AND ADOPTED this 16th day of January, 1991.

William E. McCurry

President of the Council

Attest:

Neva B. Lockhart, CMC

City Clerk

RESOLUTION NO. 2-91 AUTHORIZING THE USE OF UNDERGROUNDING FUNDS FOR SOUTH 7TH STREET

The following Resolution was presented and read: (See next page.).

Upon motion by Councilman Nelson, seconded by Councilman Mantlo and carried by roll call vote, the Resolution was passed and adopted as read.

RESOLUTION NO. 3-91 AUTHORIZING A LEASE OF THE HUNTING RIGHTS ON A PORTION OF THE SOMERVILLE RANCH PROPERTY

The following Resolution was presented and read: (See next page.).

Upon motion by Councilman Payne, seconded by Councilman Nelson and carried by roll call vote with Councilman BENNETT voting NO, the Resolution was passed and adopted as read.

ECONOMIC DEVELOPMENT INCENTIVE TO TRINITY ARCHITECTURAL METALS COMPANY, INC. - \$18,000

Upon notion by Councilman Payne, seconded by Councilman Mantlo and carried, the City Manager was authorized to expend \$18,000 from the Economic Development Funds for an Economic Development Incentive to Trinity Architectural Metals Company, Inc.

HUNTING ON SOMERVILLE RANCH ARTICLE

Councilman Mantlo commented on the recent article written by a Mr. Grant and published in The Daily Sentinel regarding Council's action on hunting rights on Somerville Ranch. He felt that the article was full of untruths, and they somehow needed to be addressed.

ADJOURNMENT

The President adjourned the meeting.

Neva B. Lockhart

Neva B. Lockhart, CMC
City Clerk

RESOLUTION NO. 2-91

Authorizing the use of undergrounding funds for South 7th Street.

WHEREAS, the City intends to reconstruct South 7th Street from Pitkin Avenue to Struthers Avenue; and

WHEREAS, the City Council believes the undergrounding of existing utility lines is necessary for the overall upgrading of the South 7th Street corridor, linking downtown to the Colorado Riverfront Project; and

WHEREAS, under the Public Service franchise, funds are allotted for such purposes.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION:

That the use of undergrounding funds to underground utilities along South 7th Street between Pitkin Avenue and Struthers Avenue is hereby approved for such amounts as the City Manager may designate.

ADOPTED AND APPROVED THIS 16th DAY OF JANUARY, 1991.

APPROVED:

William E. McCurry

President of the Council

ATTEST:

Neva B. Lockhart, CMC

City Clerk

RESOLUTION NO. 3-91

AUTHORIZING A LEASE OF THE HUNTING RIGHTS ON A PORTION OF THE "SOMERVILLE RANCH" PROPERTY

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION:

That the City Manager be authorized, on behalf of the City and as the act of the City, to execute the attached Lease Agreement with B&W Guide Services for the lease of the deer and elk hunting rights on approximately 4,800 acres of City property known as the "Somerville Ranch" during the 1991 Big Game hunting season, as defined by the Colorado Division of Wildlife, for a rental fee of \$20,000.00 and subject to the several terms and conditions of the attached Hunting Lease Agreement.

PASSED and ADOPTED this 16th day of January, 1991.

William E. McCurry

President of City Council

Attest:

Neva B. Lockhart, CMC

City Clerk

How many hunters will the land support?

To answer this question we asked the Division of Wildlife to look at the ranch from a game management perspective and provide a recommendation for the number hunters that should be allowed to meet their herd management objectives.

With regard to the archery and muzzle loading seasons, they did not recommend we limit hunters but simply keep a record of hunters and harvest. They recommended the following numbers for rifle which are greater than those proposed by B&W Guide Service.

SEASON		ANTLERED DEER		ANTLERLESS DEER		ANTLERED ELK		ANTLERLESS ELK
	DOW	B&W	DOW	B&W	DOW	B&W	DOW	B&W
1st	20	10	-	-	4	4	-	-

2nd	20	10	10	-	4	4	4	4
3rd	20	10	10	-	4	4	4	4

DOW recommends a total of 100 hunters; B&W is proposing a total of 50 hunters