

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

MAY 5, 1993

The City Council of the City of Grand Junction, Colorado, convened in regular session the 5th day of May, 1993, at 7:35 p.m. in the City/County Auditorium at City Hall. Those present were Linda Afman, Jim Baughman, Bill Bessinger, R.T. Mantlo, Ron Maupin, Dan Rosenthal, and President of the Council Reford Theobold. Also present were City Manager Mark Achen, City Attorney Dan Wilson, and City Clerk Stephanie Nye.

Council President Theobold called the meeting to order and Councilmember Mantlo led in the Pledge of Allegiance. The audience remained standing during the invocation by Rev. Richard A. Riddoch, First Congregational Church.

PROCLAMATIONS/RECOGNITIONS

PROCLAMATION DECLARING MAY 2-8, 1993, AS "MUNICIPAL CLERK'S WEEK" IN THE CITY OF GRAND JUNCTION

PROCLAMATION DECLARING MAY 10-16, 1993, AS "NATIONAL SALVATION ARMY WEEK" IN THE CITY OF GRAND JUNCTION

PROCLAMATION DECLARING MAY 16-22, 1993, AS "NATIONAL PUBLIC WORKS WEEK" IN THE CITY OF GRAND JUNCTION

PROCLAMATION DECLARING MAY 15, 1993, AS "GRAND JUNCTION LETTER CARRIERS STOCK THE COMMUNITY FOOD BANKS DAY" IN THE CITY OF GRAND JUNCTION

PROCLAMATION DECLARING MAY, 1993, AS "SMALL BUSINESS MONTH" IN THE CITY OF GRAND JUNCTION

SPECIAL RECOGNITION FOR FIREFIGHTER/PARAMEDIC MIKE PAGE

SELECTION OF PRESIDENT OF THE COUNCIL, EX-OFFICIO MAYOR, AND PRESIDENT OF THE COUNCIL PRO TEMPORE, EX-OFFICIO MAYOR PRO TEMPORE - OATHS OF OFFICE

Upon motion by Councilmember Rosenthal, seconded by Councilmember Maupin and carried, Reford C. Theobold, was appointed President of the Council, Ex-Officio Mayor.

Upon motion by Councilmember Baughman, seconded by Councilmember Bessinger and carried, R.T. Mantlo was appointed President of the Council Pro Tempore, Ex-Officio Mayor Pro Tempore.

City Clerk Stephanie Nye administered the Oath of Office to President of the Council and President of the Council Pro Tempore.

REORGANIZATION OF COUNCIL- APPOINTMENTS TO BOARDS AND COMMISSIONS

Upon motion by Councilmember Bessinger, seconded by Councilmember Afman and carried, the list of Council appointments to various boards and commissions was approved: (attached).

CONSENT ITEMS

It was moved by Councilmember Bessinger and seconded by Councilmember Afman that Consent Items 1-8 be approved. Councilmember Baughman requested that Items 7 and 8 be removed for full consideration. Councilmember Bessinger amended his motion to approve the following Consent Items. Councilmember Afman seconded the amended motion. The motion carried by roll call vote:

1. **Approval** of the minutes of the Regular Meeting April 21, 1993
2. **Award of Contract** - Utility Line Replacements, West Mesa and Bass Street, First Street and Independent Avenue - Parkerson Construction - \$256,573.50

Bids received April 27, 1993, are summarized as follows:

<u>Contractor</u>	<u>Bid</u>	<u>Start Date</u>
Parkerson Construction	\$256,573.50**	June 1st
Reed Constructors	\$262,448.25	May 12th
Lyle States construction	\$288,575.00	May 10th
M.A. Concrete Construction	\$320,143.00	June 1st
Engineer's Estimate	\$302,469.00	

** recommended award

3. **Authorization** to contract for architectural and engineering services required for the remodel of Fire Station No. 1, first floor, and the pre-design of Fire Station No. 5 - Vostatek/Gregg/CGA Associated Architects - \$24,200

The City Purchasing Department advertised for request for qualifications from architectural firms interested in providing design services for the remodel of the first floor of Fire Station No. 1 and the pre-design of Fire Station No. 5. The remodel of Station 1 is scheduled for 1994; the construction of a new station on the Redlands is scheduled for 1995.

The City received and reviewed the qualifications of six (6) firms. A screening evaluation was done by the selection committee and the group was short-listed to three (3) firms invited for interviews. The selection committee interviewed the three (3) firms and selected Vostatek/Gregg/CGA for contract negotiations. The Selection Committee

came to terms regarding the project scope of work, time schedule and the not-to-exceed contract cost.

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The fee for the remodel design work, including construction bid documents, will be \$16,800. Pre-design services for Station 5 will cost \$7,400. Total contract cost to the Fire Department is \$24,200.

Architectural Firms

Selection Team

Vostatek/Gregg/CGA*
PA/DS Design Services*
Vanderwood Associates*
Dillon-Hunt, P.C.
Stastny Architecture
Muir and Associates
* firms interviewed

John Knudsen, Fire
John Kenney, Public Works
Terry Franklin, Public Works
Lynda Lovern, Parks
Mark Smith, Purchasing

4. **Authorization** to contract for the construction of a 44' x 20' addition to Fire Station No. 4 - Nelson Construction - \$59,550

Bids were opened April 26th for the construction of a 44' x 20' addition to Fire Station No. 4. Bid documents were prepared by the architectural firm of Dillon-Hunt, P.C. Bid invitations were distributed to 12 local contractors. The following four (4) responsive bids were received:

Nelson Construction	\$59,550 **
Comet Construction	\$63,569
Classic Construction	\$76,000
McClure Construction	\$77,891

** recommended award

The low bid was submitted by Nelson Construction. Dillon-Hunt, having worked with Nelson, recommended acceptance of the bid.

5. **Authorization** to contract for the construction of a 32' x 40' x 12' metal storage building at Lincoln Park - Kelco General Contractors - \$21,579

Bids were opened April 27th for the construction of a 32' x 40' x 12' metal storage building in Lincoln Park. The building will be utilized as a maintenance shop and equipment storage facility by the golf course maintenance division.

Invitations for bids were distributed to nine (9) local contractors. Bids were received from the following:

Kelco General Contractors \$21,579 **
Francis Constructors, Inc. \$24,000
Classic Constructors, Inc. \$39,697
** recommended award

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6. ***Resolution No. 30-93** concerning the appropriation of additional water for the city ditch enlargement

The City of Grand Junction owns 27 CFS of water in the North Fork of Kannah Creek, essentially 100% of flow. Of this, only 10.97 CFS is decreed for a municipal use that must be passed through Purdy Mesa Reservoir and not stored. The remaining water is decreed for irrigation purposes only. Instead of losing a portion of water right through a change proceeding, Wayne Schroeder, the City Water Attorney, recommends the City apply for a new municipal water right that can also be stored in Purdy Mesa or Juniata Reservoirs.

* * * END OF CONSENT ITEMS * * *

* * * ITEMS NEEDING INDIVIDUAL CONSIDERATION * * *

PROPOSED ORDINANCE - AUTHORIZING THE ISSUANCE AND SALE OF THE CITY OF GRAND JUNCTION, COLORADO, HOSPITAL REVENUE REFUNDING AND IMPROVEMENT BONDS, SERIES 1993 (COMMUNITY HOSPITAL CORPORATION PROJECT), IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$5,000,000 TO FINANCE A PROJECT; RATIFYING CERTAIN ACTION HERETOFORE TAKEN; AUTHORIZING THE EXECUTION AND DELIVERY BY THE CITY OF A MORTGAGE AND LOAN AGREEMENT, TRUST INDENTURE, ESCROW AGREEMENT, BOND PURCHASE AGREEMENT, SUCH BONDS AND CLOSING DOCUMENTS IN CONNECTION THEREWITH; MAKING DETERMINATIONS AS TO THE SUFFICIENCY OF REVENUES AND AS TO OTHER MATTERS RELATED TO THE PROJECT; AND REPEALING ACTION HERETOFORE TAKEN IN CONFLICT HEREWITH

In May, 1987, the City of Grand Junction authorized the issuance of \$2,450,000 in Industrial Revenue Bonds (IRBs) on behalf of Community Hospital (Lincoln Park Osteopathic hospital) a 501(c)3 organization. The hospital through its Associate Administrator, Joseph Boyle; its selected underwriter, John Buck of Hanifen Imhoff; and its bond counsel, Amy Kennedy of Sherman and Howard has requested authorization from the City to refund the outstanding bonds and sell additional improvement bonds. The new bonds not to exceed in the aggregate \$5,000,000. They want to take advantage of the current low interest rate market as the City recently did.

Mr. Randy Booth, City Controller, and Mr. Roger Zumwalt, Executive Director of Community Hospital, and John Buck, representative of the Underwriters

that are being used to sell the bonds, were present to answer questions of Council regarding tax exempt financing.

Councilmember Baughman felt that it was inappropriate for a private organization to qualify for tax exempt status.

Mr. Buck explained that under the Tax Code, Community Hospital is a 501(c)(3) organization which qualifies it to take advantage of tax exempt financing (an Industrial Revenue Bond). The hospital is also authorized under Title 29 of

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the Colorado Revised Statutes, which is the County/Municipality Industrial Revenue Bond Act, which allows Colorado municipalities and counties to issue these types of bonds. Mr. Buck felt the reasons for allowing this type of financing is that there is a perceived benefit to the community by taking part in such financings. These savings (approximately \$400,000 in interest) flow through to the ultimate consumers of the services. They are limited to certain types of financing and services such as health care, pollution controls, etc. Mr. Buck stated that the interest rate on the bonds will be exempt from Federal and State income taxation, and will be excluded for purposes of alternative minimum tax. The resulting interest rate will be very attractive as a financing vehicle for the Hospital.

Upon motion by Councilmember Maupin, seconded by Councilmember Mantlo and carried with Councilmember **BAUGHMAN** voting **NO**, the proposed ordinance was passed for publication.

APPROVAL OF A PART-TIME VICTIM ASSISTANCE COORDINATOR THAT IS FUNDED BY A VICTIMS OF CRIME ACT PROGRAM GRANT

The Police Department is submitting an application for a part-time victim assistance coordinator that is totally funded by the 1993 Victims of Crime Act program (VOCA). The purpose of this position will be to assist the Police Volunteer Supervisor, Dr. Otis Testerman, in providing assistance to anyone who is the victim of a traumatic crime within the city.

Police Chief Darold Sloan explained that the coordinator would be funded by VOCA (Federal) with only in-kind volunteer hours to match on the part of the City. The City will have control over the coordinator.

Upon motion by Councilmember Rosenthal, seconded by Councilmember Bessinger and carried with Councilmember **BAUGHMAN** voting **NO**, approval was given for a part-time Victim Assistance Coordinator to be funded by a Victims of Crime Act Program grant.

Councilmember Baughman felt that this position should be funded by local funds and not at the Federal level.

HEARING - REQUEST FOR A VARIANCE OF THE STREET IMPROVEMENTS REQUIREMENTS FOR 24-3/4 ROAD- DENIED

Proposed resubdivision of Lot 1 of Payton Subdivision into 4 lots would require half street improvements for abutting 24-3/4 Road. Petitioner is requesting a variance of this requirement since the rest of the properties along 24-3/4 Road in this area are developed and no street improvements were required with the development of the other lots.

Karl Metzner, Community Development Department, reviewed this item. He stated that Section 5-4 of the Zoning and Development Code requires half-street improvements for new development, which includes subdivisions and

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resubdivision and replatting. The property is approximately 3.7 acres located at 24-3/4 Road, north of G Road, to the west of Fountainhead Subdivision. The petitioner would propose to resubdivide the lot into 4 lots at an average of one acre each. When the area was annexed to the City 24-3/4 Road was a gravel road. In 1992 the Public Works Department placed a coat of recycled asphalt on the street to the north boundary of this proposed subdivision, which is the city limits line. The estimated cost for said improvements to the subject property is \$12,300 for approximately 309 feet of frontage.

The Planning Commission recommended approval of the variance based on the following:

1. It is an isolated case;
2. The area is likely to be undeveloped for a number of years;
3. The street is not on any City improvement plans;
4. An urban street section would be out of place with the existing rural setting of the area.

Reference was made to consideration of subparagraph b. of Section 5-4-16 of the Zoning and Development Code which states "an undue hardship would be created by the strict application of the provisions of this section."

The petitioner, Mr. Payton Roberson, 717 24-3/4 Road, was present. He stated that he owned the property at the time that the City annexed it. Mr. Roberson was against the annexation. He estimated \$12,000 for required sewer improvements. There would also be water expenses.

City Manager Mark Achen felt the issue seems to be the standards that Council wants to demand of such developers.

City Attorney Dan Wilson counseled that the Zoning and Development Code

requires that the following findings must be made in order for such a variance to be granted:

- a. There are exceptional topographic, soil, or other subsurface conditions, or other conditions peculiar to the site; and
- b. An undue hardship would be created by the strict application of the provisions of this section; and
- c. Such hardship is not created by an act of the applicant; and
- d. Such variance would not be detrimental to the public welfare or impair the intent and purpose of this section.

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He advised that if the Council felt such variances should be granted, it should direct him to draft an amendment to the Code that changes those criteria.

Upon motion by Councilmember Maupin, seconded by Councilmember Bessinger and carried with Councilmember Afman voting **NO**, the request for waiver of street improvements requirements for 24-3/4 Road was denied.

HEARING - APPEAL OF A PLANNING & ZONING COMMISSION DECISION REGARDING A REQUEST TO CHANGE THE REAR YARD SETBACK ON A PLANNED ZONE FROM 20 FEET TO 10 FEET - THIS ITEM WAS PULLED FROM AGENDA AND RESCHEDULED FOR MAY 19, 1993

CITY'S FINANCIAL PARTICIPATION IN SETTLEMENT WITH NORWEST BANK OF CLAIMS FOR THE VINEYARDS SEWER CONNECTION FEES

It was moved by Councilmember Mantlo and seconded by Councilmember Afman to accept the City Attorney's recommendation regarding settlement.

Councilmember Mantlo amended his motion to settle for \$5,000 as outlined by the City Attorney in that "the City Attorney be authorized to fully and finally settle, for \$5,000 in money or credit against future sewer connections, all liability and obligations the City may have arising out of sewer connections in the Vineyards or to the Greenbelt sewer line including any duties and liabilities the city may have pursuant to the February 2, 1988 agreement between the City, Oxford Avenue Limited, and Aryl Aldred." Councilmember Afman seconded the amendment. The motion carried with Councilmember **BESSINGER** voting **NO**.

ORDINANCE NO. 2674 - RIGHT-OF-WAY VACATION, ST. JOSEPH'S CHURCH, 330 WHITE AVENUE

A hearing was held after proper notice. There were no comments. Upon motion by Councilmember Baughman, seconded by Councilmember Mantlo and

carried by roll call vote, Ordinance No. 2674 was passed and adopted, and ordered published.

ORDINANCE NO. 2675 - AMENDMENTS TO THE ZONING AND DEVELOPMENT CODE, TO SECTION 4-3-4 AND TO CHAPTER 12, DEFINITIONS AN LIMITATIONS

A hearing was held after proper notice. There were no comments. Upon motion by Councilmember Afman, seconded by Councilmember Maupin and carried by roll call vote, Ordinance No. 2675 was passed and adopted, and ordered published.

ORDINANCE NO. 2676 - REZONE FROM RMF-64 TO B-1, PROPERTY LOCATED AT 1212 BOOKCLIFF AVENUE

A hearing was held after proper notice. There were no comments. Upon motion by Councilmember Baughman, seconded by Councilmember Mantlo and carried by roll call vote, Ordinance No. 2676 was passed and adopted, and ordered published.

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ORDINANCE NO. 2677 - REZONE FROM C-2 TO B-1, PROPERTY LOCATED ON THE SOUTH SIDE OF THE 1200 BLOCK OF COLORADO AVENUE

A hearing was held after proper notice. There were no comments. Upon motion by Councilmember Mantlo, seconded by Councilmember Bessinger and carried by roll call vote, Ordinance No. 2677 was passed and adopted, and ordered published.

ADJOURNMENT

Upon motion by Councilmember Baughman, seconded by Councilmember Bessinger and carried, the meeting was adjourned at 9:11 p.m.

Stephanie Nye, CMC
City Clerk