

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

JULY 7, 1993

The City Council of the City of Grand Junction, Colorado, convened in regular session the 7th day of July, 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 Council-member Afman led in the Pledge of Allegiance. The audience remained standing during the invocation by Rev. Herb Ortman, First Church of God.

APPOINTMENTS TO PARKS AND RECREATION BOARD - DEFERRED PENDING INTERVIEWS

APPOINTMENT TO RIDGES ARCHITECTURAL CONTROL COMMITTEE

Upon motion by Councilmember Mantlo, seconded by Councilmember Maupin and carried, Pamela J. Pearce was appointed to the Ridges Architectural Control Committee.

PROCLAMATION DECLARING JULY, 1993, AS "RECREATION AND PARKS MONTH" IN THE CITY OF GRAND JUNCTION

CONSENT ITEMS

Upon motion by Councilmember Bessinger, seconded by Councilmember Mantlo and carried by roll call vote with Councilmember **BESSINGER** voting **NO** on Items 4 and 5, the following Consent Items 1 through 8 were approved:

1. **Approval** of the minutes of the Regular Meeting June 16, 1993
2. **Award of Contract** for Alley Improvements 1993 - M.A. Concrete Construction - \$275,227.96

Bids received June 29, 1993, are summarized as follows from lowest to highest:

Bidder	Schedule "A" Sewer Replacement	Schedule "B" Alley Construction	Total Bid
M.A. Concrete	\$60,870.75	\$214,357.21	\$275,227.96
Mays Concrete	\$72,923.00	\$221,024.00	\$293,947.00
Lyle States Const.	\$69,940.30	\$235,766.40	\$305,706.70
Reed Constructors	\$66,005.70	\$267,609.80	\$333,615.50
Engineer's Est	\$81,985.00	\$261,211.00	\$343,196.00

3. ***Resolution No. 39-93** - A Resolution Regarding Federal-Aid Off-System Funding for Hazard Elimination Project HOS0003(38), 12th Street at Elm Avenue and at North Avenue in Grand Junction

This resolution would approve matching City funds with federal-aid funds for the construction of two right-hand turn lanes at the intersection of North Avenue and 12th Street, plus the replacement of a single span traffic signal at 12th Street and Elm Avenue. This grant program is approximately 10% City contribution and 90% Federal share. Approval of the contract with the State would allow the project to proceed with the construction phase.

4. ***Resolution No. 40-93** - A Joint Resolution of the County of Mesa and the City of Grand Junction Concerning Adoption of the Fiscal Year 1994 Unified Planning Work Program

The UPWP is the document that outlines the tasks and budget for the Metropolitan Planning Organization (MPO) for the period October 1, 1993, through September 30, 1994. The total UPWP budget proposed for FY 1994 is \$134,087. Of this amount \$109,284 is provided to the MPO from various grant funds. The City of Grand Junction will be responsible for \$12,401.50, and Mesa County will be responsible for \$12,401.50, to meet the local match requirements.

5. ***Resolution No. 41-93** - Concerning the Adoption of the Grand Mesa Slopes Management Plan

The adoption of the management plan does not incur any financial obligations or costs to the City over and above our current costs of managing the Somerville property.

Adoption of the resolution in its current form does outline the City's intention to keep the Somerville property in the public domain and to offer portions of the property to the BLM for purchase with Land and Water Conservation Funds.

with the BLM not accomplish the City's objectives, consideration can be made for sale to a private concern.

6. ***Resolution No. 42-93** - Authorizing the Conveyance of a 20-Foot Wide Water Line Easement to the Clifton Water District

The Clifton Water District is in the process of installing a water line to serve its customers in the area south of Whitewater. The requested easement is located along the northern boundary of a tract of land owned by the City and will allow the new water distribution system to be looped together. The proposed location of the easement and water line will not adversely impact the value or usability of the City's property.

7. ***Resolution No. 43-93** - Authorizing a 50-Year Ground Lease for the Installation of a National Weather Service Radar Site on the Upper Portion of Somerville Ranch

The proposed lease consists of a 25-foot wide access easement and 1/2 acre tract of land located approximately 1-1/2 miles east of the rim of the Grand Mesa and at the northern boundary of Somerville Ranch. The proposed lease would be in effect through August 31, 2044. Rent would begin at \$100/year and escalate every 5 years with the change in Consumer Price Index. The radar site and access road will be improved and maintained by the Weather Service.

8. ***Resolution No. 44-93** - Stating Council's Intent to Create Alley Improvement District 1994, Phase A

Petitions have been submitted requesting an improvement district to construct the following six alleys:

1. Grand Avenue to Ouray Avenue between 17th Street and 18th Street;
2. 8th Street to 9th Street between Hill Avenue and Teller Avenue;
3. Mesa Avenue to Orchard Avenue between 19th Street and 20th Street;
4. Bunting Avenue to Elm Avenue between Cannell Avenue and Houston Avenue;
5. 3rd Street to 4th Street between Chipeta Avenue and Gunnison Avenue;
6. 11th Street to 12th Street between Ouray Avenue and Chipeta Avenue.

The proposed resolution would state Council's intent to create an improvement district and give notice of a hearing to be held on August 18, 1993.

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* * * END OF CONSENT CALENDAR * * *

* * * ITEMS NEEDING INDIVIDUAL CONSIDERATION * * *

CHANGE ORDER TO CONTRACT FOR UNDERGROUND STORAGE TANK REMOVAL IN THE AMOUNT OF \$57,698.65

Underground fuel storage tanks have been removed at four Fire Station locations. Three of the locations were found to have fuel contaminated soils which required removal and disposal at the Orchard Mesa Landfill. Encountering contamination also necessitated additional testing, construction of monitoring wells and corrective actions plans. All requirements for remediation of the sites and closure of the tanks have been complied with and the corrective action plans have been submitted to the Colorado Department of Health for their review. The Colorado Department of Health will make the final determination as to the City's satisfactory compliance with regulations, however no major problems are anticipated.

An application will be submitted to the State Insurance Fund for assistance in covering the cost of the tank removals. These funds are available to assist with cleanup costs when those costs exceed \$10,000 at a given location. Three locations which met this criteria, and the City may be able to recover \$45,767.10.

Upon motion by Councilmember Maupin, seconded by Councilmember Baughman and carried, the Change Order to the contract for Underground Storage Tank Removal in the amount of \$57,698.65 was approved.

RESOLUTION NO. 45-93 AUTHORIZING THE ISSUANCE OF A REVOCABLE PERMIT TO OUTDOOR BUDDIES, INC, FOR USE OF THE ANDERSON RANCH PROPERTY FOR A DISABLED HUNTING PROGRAM DURING THE 1993 BIG GAME HUNTING SEASON

Mr. Cliff Davis was present stating that he feels he can work with Outdoor Buddies, Inc., in hunting on the Anderson Ranch property. The feed that the elk trample and the fences that they knock down are on his property, and he has to repair and maintain the fences, buy feed to replace the feed that the elk trample. He feels he and his wife Judy should be included. They are doing the work. Others coming in and reaping the profits is unfair. The Davises began taking people in to hunt two years ago because the Department of Fish & Game told them to. The Fish & Game stated

that hunting fees will act as reimbursement for damages and loss of feed. The Davises let Outdoor Buddies hunt their property last year, four of them got licenses and three got their elk. Mr. Davis is willing to help the Outdoor Buddies group again this year.

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City Property Agent Tim Woodmansee explained that the revocable permit is non-exclusive, so the City can allow anyone else at its choosing to hunt the property. City Council wants the permit to spell out that the Davises will provide assistance to Outdoor Buddies.

Upon motion by Councilmember Maupin, seconded by Councilmember Baughman and carried by roll call vote, Resolution No. 45-93 was adopted.

AUTHORIZATION TO AMEND THE SOMERVILLE RANCH LEASE BY AUTHORIZING CLIFFORD AND JUDY DAVIS TO PROVIDE HUNTING SERVICES ON THE LOWER PORTION OF THE SOMERVILLE RANCH PROPERTY DURING THE BIG GAME HUNTING SEASON

The Davises lease the grazing rights on the Somerville Ranch and Anderson Ranch properties and have incurred extraordinary expenses as a result of fence damage and loss of feed caused by deer and elk. The Davises hope to decrease the potential for game damage and recoup their expenses by conducting private hunts. On June 14, 1993, the City Council reviewed this request and directed staff to prepare a lease amendment allowing the Davises to conduct private hunting on the lower portion of Somerville Ranch only. The Davises will be required to pay 20% of their gross revenues to the City and submit an accounting of their game damage expenses. The City may, at its option, return the 20% fee to the Davises for the purpose of making improvements and/or repairing game damage.

Mr. Cliff Davis was present and requested that he be allowed to conduct private hunts on the Anderson Ranch also. Councilmember Bessinger voiced concern that Mr. Davis' hunters would be competing with the Outdoor Buddies hunters if that were allowed. Mr. Davis assured the Council that would not be the case and in fact he and Mrs. Davis are willing to help the Outdoor Buddies with their hunting.

Upon motion by Councilmember Afman, seconded by Councilmember Mantlo and carried, the amendment to the Somerville Ranch Lease by authorizing Clifford and Judy Davis to provide hunting services on the lower portion of the Somerville Ranch and the Anderson Ranch

property during the big game hunting season was approved.

AWARD OF CONTRACT FOR STREET ACCESSIBILITY IMPROVEMENTS (HANDICAP RAMPS) - 1993 - REYES CONSTRUCTION - \$133,486.70 - APPROVED

Bids received on June 28, 1993, are summarized as follows from lowest to highest:

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Bidder	Total
Reyes Construction	\$133,486.70
Fred Cunningham Construction	\$135,160.00
Mays Concrete, Inc.	\$135,188.00
M.A. Concrete Construction	\$152,040.00
R.W. Jones Construction	\$165,350.00
Engineer's Estimate	\$148,985.00

Aaron Arbogast of Fred Cunningham Construction, 400 Bookcliff Drive, Grand Junction, was present. Mr. Arbogast referred to a letter from attorneys Williams, Turner & Holmes, dated July 1, 1993 which stated his objections to Staff's recommendation that Reyes Construction be awarded the bid. Mr. Arbogast felt that since Reyes Construction did not comply with the City's procedure on the posting of a bond that their bid should have been disqualified regardless of intent or the reason for the error.

Discussion ensued which included whether Mr. Reyes gained any advantage by his error, if the error was intentional, the ability of the City Council to waive minor discrepancies, whether in this case the discrepancy was minor, the fact that certain irregularities have been waived by the Council in the past and the additional cost to taxpayers if the Reyes bid is not accepted.

Council was advised that Staff saw the matter as a misunderstanding of a first time bidder, which was quickly rectified by Mr. Reyes, and did not reject the bid. However, the final decision is made by Council on the award of bid.

Mr. Reyes addressed the Council and indicated the error was due to a misunderstanding.

City Manager Achen pointed out that regardless of the decision made for this particular case, the importance of the bid bond requirement should not be diminished.

Councilmember Rosenthal moved, seconded by Councilmember Baughman, that the bid be awarded to Fred Cunningham Construction as the

lowest qualified bid. Motion failed.

Upon motion by Councilmember Bessinger, seconded by Councilmember Afman and carried with Councilmembers **BAUGHMAN** and **ROSENTHAL**, voting **NO**, the award was accepted as recommended by Staff for the reasons as written.

GUIDELINES FOR LOCAL BUSINESS EXPANSION INCENTIVE CRITERIA

The Mesa County Economic Development Council and the Chamber of Commerce are requesting that the City Council adopt the guidelines for incentives for local business expansions. These guidelines

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would assist the Council when discussing incentives for local business expansions.

Mr. Ron Kraft, Mesa County Economic Development Director, David Varley, Assistant City Manager, and Diane Schwenke, Chamber of Commerce Director, were present.

The Council discussed the need for Guideline #4 relating to the percent allocation for local expansion projects and if such a guideline is needed then should Staff track local expansion incentives and new business incentives separately. As each project for incentives is reviewed on an individual basis, Council did not feel the need for the inclusion of Guideline #4 or the separate tracking of local versus new businesses.

Upon motion by Councilmember Afman, seconded by Councilmember Bessinger and carried with Councilmember **BAUGHMAN** voting **NO**, the Guidelines for Local Business Expansion Incentive Criteria was approved with the omission of No. 4 as presented in Draft 5.

APPROVAL OF INCENTIVES FOR WALKER PRODUCTS

The Mesa County Economic Development Council is requesting that the City Council approve the incentives proposal for Walker Products. This action is requested in order to help this company relocate a gasket plant from California. The cost of the proposal is \$31,500

Mr. David Varley, Assistant City Manager, Mr. Ron Kraft, Mesa County Economic Development Director, and Diane Schwenke, Chamber of Commerce Director, were present.

Upon motion by Councilmember Mantlo, seconded by Councilmember Bessinger with Councilmember **BAUGHMAN** voting **NO**, the incentives for Walker Products were approved.

ORDINANCE NO. 2690 ZONING PROPERTY LOCATED AT 2765 CROSSROADS

BOULEVARD

A hearing was held after proper notice. There was no public comment. Upon motion by Councilmember Bessinger, seconded by Councilmember Maupin and carried by roll call vote, Ordinance No. 2690 was adopted and ordered published.

ORDINANCE NO. 2691 ZONING PROPERTY LOCATED AT THE SOUTHEAST CORNER OF 13TH AND COLORADO

A hearing was held after proper notice. There was no public comment. Upon motion by Councilmember Afman, seconded by Councilmember Mantlo and carried by roll call vote, Ordinance No. 2691 was adopted and ordered published.

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ORDINANCE NO. 2692 VACATING A PORTION OF RIGHT-OF-WAY AT 372 RIDGES BOULEVARD

A hearing was held after proper notice. There was no public comment. Upon motion by Councilmember Rosenthal, seconded by Councilmember Bessinger and carried by roll call vote, Ordinance No. 2692 was adopted and ordered published.

ORDINANCE NO. 2693 ZONING GARRISON RANCH ANNEXATION PLANNED RESIDENTIAL (PR)

A hearing was held after proper notice. There was no public comment. Upon motion by Councilmember Bessinger, seconded by Councilmember Rosenthal and carried by roll call vote, Ordinance No. 2693 was adopted and ordered published.

ORDINANCE NO. 2694 ZONING INTERSTATE ENCLAVE ANNEXATION LIGHT INDUSTRIAL (I-1)

A hearing was held after proper notice. There was no public comment. Upon motion by Councilmember Mantlo, seconded by Councilmember Bessinger and carried by roll call vote, Ordinance No. 2694 was adopted and ordered published.

ORDINANCE NO. 2695 ZONING BLUE HERON II ANNEXATION LIGHT INDUSTRIAL (I-1)

A hearing was held after proper notice. There was no public comment. Upon motion by Councilmember Bessinger, seconded by Councilmember Baughman and carried by roll call vote, Ordinance No. 2695 was adopted and ordered published.

ORDINANCE NO. 2696 ZONING COUNTRY CLUB HEIGHTS ANNEXATION

RESIDENTIAL SINGLE FAMILY - 2 UNITS PER ACRE (RSF-2)

A hearing was held after proper notice. There was no public comment. Upon motion by Councilmember Baughman, seconded by Councilmember Maupin and carried by roll call vote, Ordinance No. 2696 was adopted and ordered published.

ORDINANCE NO. 2697 ZONING CAMBRIDGE ANNEXATION PLANNED RESIDENTIAL - 2.24 UNITS PER ACRE (PR)

A hearing was held after proper notice. There was no public comment. Upon motion by Councilmember Mantlo, seconded by Councilmember Rosenthal and carried by roll call vote, Ordinance No. 2697 was adopted and ordered published.

DISCUSSION OF PROPOSAL TO REDISTRIBUTE COUNTY SALES TAX TO FUND TRANSIT SYSTEM - ITEM WITHDRAWN

Councilmember Maupin requested that this item be discussed in the future by getting together with the various municipalities involved and Mesa County to come up with some idea of what can be done.

OTHER BUSINESS

- Councilmember Baughman letter from Putnam on road maintenance.

City Manager Achen/Public Works Director Jim Shanks are preparing report. No legal basis for request for city maintenance. Public Works Director Shanks added the planned road is north of the 20' private lane. The Mayor asked that the matter be scheduled for the next workshop.

- Councilmember Rosenthal discusses facts and figures for the Regional Park. City Manager Achen can schedule for July 19th workshop.
- Councilmember Rosenthal discusses tract of land near Tiara

Rado

Larry Jones has a large tract of land next to Tiara Rado. He would like the City to have it but has an offer for purchase.

The Mayor suggested the matter be referred to the Growth Committee to be discussed along with Tiara Rado annexation.

ADJOURNMENT

Upon motion by Councilmember Baughman, seconded by Councilmember Afman and carried unanimously, the meeting was adjourned to executive session at 9:35 p.m. to discuss pending litigation on Wolford Reservoir and pending outfitters contract.

Stephanie Nye, CMC
City Clerk

