

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

OCTOBER 20, 1993

The City Council of the City of Grand Junction, Colorado, convened in regular session the 20th day of October, 1993, at 7:34 p.m. in the City/County Auditorium at City Hall. Those present were Linda Afman, Jim Baughman, Bill Bessinger, R.T. Mantlo, Ron Maupin, and President of the Council Reford Theobold. Dan Rosenthal was absent. 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 Baughman led in the Pledge of Allegiance. The audience remained standing during the invocation by Rev. Dave Hillman, Bookcliff Baptist Church.

PROCLAMATION DECLARING OCTOBER 23-31, 1993, AS "NATIONAL RED RIBBON WEEK" IN THE CITY OF GRAND JUNCTION

RECOGNITION OF ATTENDANCE OF WEBELOS, DEN 2, PACK 330, WINGATE ELEMENTARY SCHOOL

CONSENT ITEMS

Upon motion by Councilmember Mantlo, seconded by Councilmember Afman and carried by roll call vote, with Councilmember Maupin requesting that Item 6 be removed from the Consent Agenda for full discussion, the following Consent Items 1-9 were approved with Item 6 removed for full discussion:

1. **Approval** of the minutes of the Regular Meeting October 6, 1993
2. **Award of Contract** - 1993 Street Patching Project
Recommended Award: Lyle States Construction \$23,591.50

The following bids were received on October 18, 1993:

Lyle States Construction	\$23,591.50
Morgan Asphalt	\$27,375.50
United Companies	\$28,986.00
G&G Paving	\$31,000.00
Engineer's Estimate:	\$19,555.00

3. **Award of Contract** - Rood Avenue Drainage Pan
Recommended Award: M.A. Concrete \$20,520.90

The following bids were received on October 18, 1993:

M.A. Concrete	\$20,520.90
Mays Concrete	\$35,180.50
G&G Paving	\$59,690.00

Engineer's Estimate: \$21,120.00

4. **Award of Contract** - Bass Street Sewer Line Repair
Recommended Award: V.S.R. Corporation - \$15,050.00

Two options were considered for repairing the sewer line in Bass Street: replacement and slip-lining. For the replacement option the work would have been done under a change order to Lyle States Construction under the 1993 Sewer Line Replacements Project. Based on the unit prices in that contract the replacement would cost \$16,859.80.

Bids were solicited from three slip-lining contractors. The following bids were received on October 1, 1993:

V.S.R. Corporation	\$15,050.00
Utility Management Services, Inc.	no bid
Hydro-San Corporation	no bid

5. **Approval** to purchase all materials, plans, drawings and technical assistance to install and test a fine bubble membrane disk aeration system in each of four (4) aerobic digesters at the Persigo Wastewater Treatment Plant
Recommended Award: Pollution Control Corporation - \$50,700

Bids were opened October 5, 1993. Bid invitations were sent to six companies; one bid was received by Water Pollution Control Corporation (WPCC) of Brown Deer, Wisconsin, in the amount of \$50,700.

6. **Approval** of bid award for the purchase of the full-color 1994 Visitor Guide - **REMOVED FOR FULL DISCUSSION**
7. *** Resolution No. 68-93** - Authorizing Lease of City Property at 1140 South 5th Street to Ida Renee Gideon, dba American Roof Company

The proposed lease will commence on November 1, 1993, and terminate on April 30, 1994. The proposed rental fee is \$350 per month.

8. **Proposed Ordinance** - An Ordinance Making Supplemental Appropriations to the 1993 Budget of the City of Grand

Junction

- a. First reading of proposed Ordinance

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9. **Proposed Ordinance** - Rezoning Property Located at 128 Teller Avenue from PB to RMF-32

The petitioner is requesting a rezoning from Planned Business to RMF-32 for an existing single family residential structure. Planning Commission has recommended approval of the rezoning.

- a. First reading of proposed Ordinance

*** * * END OF CONSENT CALENDAR * * ***

*** * * ITEMS NEEDING INDIVIDUAL CONSIDERATION * * ***

APPROVAL OF BID AWARD FOR THE PURCHASE OF THE FULL-COLOR 1994 VISITOR GUIDE

Bids were opened October 10, 1993, for the production and delivery of the Visitor and Convention Bureau's 1994 Visitors Guide. Invitation for bids were distributed to seven printing companies; five bids were received:

<u>Vendor</u>	<u>Quantities</u>	
	<u>275M</u>	<u>300M</u>
A.B. Hirschfeld	\$29,931*	\$32,295*
Mountain West	\$31,027	\$33,494
Pyramid Printing	\$43,667	\$47,007
Frederic Printing	\$53,824	\$57,973
Publication Printer	\$56,101	\$60,765

* recommended award

On the November 3rd election ballot is a proposal to re-institute a sales tax on tourism-related items to fund the Colorado Tourism Board. The monies collected from this tax are used in part to fund the operation of eleven state welcome centers. Should the ballot issue fail, the welcome centers are expected to close. The VCB distributes a portion of the GJ visitor guide through these welcome centers; therefore, it has been decided to order the '94 guide after the election. If the proposal receives voter approval, the order will be for 300M guides; should the proposal fail to get voter support, the VCB will order 275M guides.

Debbie Kovalik, Visitor and Convention Bureau Executive Director, stated that Mountain West is in Denver. The only local printer is Pyramid Printing who is bidding through an out-of-State printer.

Upon motion by Councilmember Maupin, seconded by Councilmember Baughman and carried, the bid by A.B. Hirschfeld for the full-color 1994 Visitor Guide was approved, quantities to be determined by the outcome of the November election.

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RESOLUTION NO. 69-93 - DIRECTING THE CITY MANAGER TO SIGN A CONTRACT TO PURCHASE APPROXIMATELY 36 ACRES FROM BENERITA URRUTY (NORTHEAST CORNER OF G AND 24 ROADS) FOR \$400,000; RATIFYING PRIOR ACTIONS TAKEN CONSISTENT WITH THE CONTRACT; AND AUTHORIZING THE CITY MANAGER TO TAKE SUCH OTHER ACTIONS AND SIGN SUCH OTHER DOCUMENTS NECESSARY TO CONSUMMATE THE PURCHASE

City Manager Mark Achen explained that the City is adding 36 acres to the 73 acres that have been previously purchased at I-70 and 24 Road, extending the proposed park along the entire 24 Road frontage to G Road allowing additional frontage on G Road. This acreage will allow a park that has substantially more flexibility in design, and future growth opportunity. Mr. Achen felt it is a valuable addition to that site. These combined properties should allow for a park approximately the size of Lincoln Park. The entire 109 acres has a value of \$9,009/acre. President Theobold commented that this cost includes a residential home valued at \$60,000 which means the value of the land would be \$9,444/acre for the park land itself. Councilmember Baughman commented that the home includes a Life Estate for Mrs. Urruty's brother.

Upon motion by Councilmember Bessinger, seconded by Councilmember Mantlo and carried by roll call vote, Resolution No. 69-93 was adopted.

REQUEST FOR ADDITIONAL FUNDING FOR CONSTRUCTION OF 1.2 MILES OF THE BLUE HERON TRAIL

Brian Mahoney of the Riverfront Commission was present to discuss the bid results and Commission recommendation for construction of 1.2 miles of the Blue Heron Trail section. The Contract for construction is to be signed by the City and funding passed through the City, with the City providing construction supervision. The discussion involves availability of funds to construct a concrete trail. The Riverfront Commission has funds available for an asphalt trail.

Bids were opened October 7, 1993, for construction of 1.2 miles of the Blue Heron Trail. Bids were requested for both asphalt and concrete construction. Technical specifications and project drawings were prepared by Ciavonne & Associates, Inc. Bid documents were distributed to five local paving contractors. The following two responsive bids were received:

Asphalt Trail Concrete Trail

United Companies	\$224,800	\$254,100
M.A. Concrete Construction	\$230,640	\$243,340

Brian Mahoney stated that the trail is for the Blue Heron Phase 2 as it is titled by the Riverfront Committee. It will be the first

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half of the final phase of the connection of the Redlands Loop of the trail system. This will combine 12 miles of paved trails beginning at the Riverside Trail. The Blue Heron Trail Committee is recommending concrete trails over asphalt due to the cost of maintenance. In 20 years the total cost for maintenance of a concrete trail is \$4,440 versus \$39,340 for asphalt. He estimated that a well maintained asphalt trail should last 20 years. A well maintained concrete trail should last 30 years or more.

Councilman Bessinger objected to additional funding from the City to the Riverfront Commission, recalling a policy decision made by the previous Council to cap Riverfront Commission funding until such time as a plan for riverfront development is presented to Council. Mr. Mahoney stated a plan was presented to the Council just recently. Councilman Bessinger expressed that the plan presented was limited to trail development.

It was moved by Councilmember Maupin and seconded by Councilmember Afman that the request for additional funding for the construction of 1.2 miles of the Blue Heron Trail in the amount of \$18,540 be approved. Councilmember Maupin amended the motion to approve the revised bid amount by M.A. Concrete of \$227,240. Councilmember Afman seconded the amendment.

Councilmember Baughman made a motion to amend Councilmember Maupin's motion by stating that the funds will be appropriated at the consummation of the acquisition of the lands that connect the two trails. He suggested that the City not pay the \$18,540 difference until the contracts are negotiated for the property that connects Phase 1 and Phase 2 of Blue Heron Trail. After discussion, Councilmember Baughman withdrew his amendment.

A vote was taken on Councilmember Maupin's amended motion. The motion carried with Councilmember **BESSINGER** voting **NO**.

Mr. Mahoney asked the City Council to take action on a property exchange, the Frostline property which is approximately 1.3 acres in exchange for one city lot (35 x 125) which is approximately 5000 square feet.

Upon motion by Councilmember Afman, seconded by Councilmember

Mantlo and carried with Councilmember **BESSINGER** voting **NO**, Brian Mahoney's signature on the land exchange was ratified, and the City Manager was authorized to execute the appropriate documents to consummate the transaction.

APPEAL OF THREE OF THE PLANNING COMMISSION'S CONDITIONS OF APPROVAL FOR THE PRELIMINARY PLAN FOR MOSES SUBDIVISION, 2666 PARADISE DRIVE

The petitioner, Wilford Moses, is appealing three conditions made a part of the preliminary plan approval by Planning Commission for

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the Moses Subdivision, an 11 lot subdivision on 7.197 acres located at 2666 Paradise Drive. The three conditions are:

1. Requiring sidewalk around the proposed cul-de-sac;
2. Installing a fire hydrant on Paradise Drive;
3. Requiring road improvements along 26-1/2 Road;

The property is currently outside the City limits, but is part of the proposed Paradise Hills Annexation.

Dave Thornton, Community Development Department, reviewed this item. He addressed the above three out of eight conditions that were placed on the preliminary approval for Moses Subdivision by the Planning Commission:

1. The subdivision is bounded by 26-1/2 Road, Catalina Drive on the north, and Paradise Drive on the south. Eight lots will access Catalina Drive with a proposed cul-de-sac. Three lots will access Paradise Drive to the south. One of the three lots has an existing house. Catalina Drive and Paradise Drive do not have sidewalks. The petitioner is requesting that he not be required to provide sidewalk on a cul-de-sac where the sidewalk would not tie into an existing sidewalk.
2. The second request is regarding fire protection on Paradise Drive. The closest fire hydrant is just east on Paradise Drive, approximately 500 feet away. The hydrant needs to be located 250 feet closer from all three lots. The difficulty is upgrading the water lines to a standard that would allow them to tie a fire hydrant into the system. The current Ute water line in Paradise Drive is 4", a 6" line is required under the current Fire Code policy.
3. The third request is regarding the street improvements along 26-1/2 Road. Current policy requires half-street improvements to all adjacent roadways. The petitioner is appealing this requirement for their portion of the subdivision which is adjacent to 26-1/2 Road.

City Manager Mark Achen stated that Paradise Hills Annexation is just underway and not complete. The City has not discussed with Ute Water Conservancy District the improvement of fire lines in this subdivision. Mr. Thornton said that Ute Water says the fire hydrant at the end of Paradise Drive is on a 6" line that is being stubbed up from the south along an easement or a dedicated alley.

Councilmember Mantlo was concerned about the shortage of other fire hydrants in the subdivision. Fire Chief Mike Thompson stated that a fire hydrant will be installed at the corner of Jamaica and Paradise. There are plans for fire hydrant upgrades in the subdivision to be completed by Ute Water within five years from completion of the annexation.

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President of the Council Theobald opened the hearing. Petitioner Mr. Lance Moses, 722 Hemlock Drive, stated that his main concern was the fire hydrant and half-street improvements on 26-1/2 Road.

He has been denied access to 26-1/2 Road by the Planning Commission. However, he would be required to come up with \$18,000 to \$20,000 for improvements to that road. He felt it was an unfair requirement as the City would eventually install all road improvements around the subdivision. There are no other sidewalks in the subdivision. Mr. Moses felt it is unnecessary to provide sidewalks in such a small area. The cost of installing the required fire hydrant on Paradise Drive (including the line upgrade) would be approximately \$65,000 to \$120,000, and would prevent him from developing.

Public Works Director Jim Shanks explained that the Code does not differentiate between having direct access or not. It addresses abutting streets only. Eight residential lots would produce 80 vehicle trips per day. He judged that 90% to 95% of those trips will use 26-1/2 Road. The development will create additional trips that will use 26-1/2 Road. If a lot backs up to 26-1/2 Road, the developer would still be required to pay the half-street improvements on the lot that they abut. They are still generating traffic on the adjacent streets.

Petitioner Mr. Wilford Moses stated that there are approximately 56 lots on the Ute Filing that is just north of his planned development. Those lots will be using more of 26-1/2 Road than his eight lots would use. From that standpoint he felt that the other lots would be just as liable as his eight lots. However, the other lots would have no obligation at all to share in the improvement costs since they do not abut the roadway.

Public Works Director Jim Shanks stated that he felt that sidewalks on Catalina Drive would serve more of a purpose than sidewalks on the cul-de-sac.

Lance Moses stated that the cost of these requirements is becoming prohibitive.

Councilman Baughman suggested that instead of escrowing the money now for future street improvements, it should be tied to a Power of Attorney on the property making the property liable at the time the street is improved. City Manager Mark Achen stated that the City Council, as of 1983 or 1984, made it a policy to no longer accept POA's for street improvements.

Public Works Director Jim Shanks stated that the City is currently building sidewalks at a cost of approximately \$12/running foot on a street with existing curb, which Catalina has. President of the Council Theobald stated that based on footage from the Moses family and estimates on costs from Mr. Shanks, the cul-de-sac would be

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approximately \$6500, and Catalina would be approximately \$4500. The 26-1/2 Road improvements would run 365 running feet at \$45/foot totaling \$16,425.

Mr. Wilford Moses still feels it is unfair when the access is divided among several other lots plus the new filing of approximately 56 new homes to the north coming off of Catalina in the same manner, having no obligation to that particular area.

President of the Council Theobald agreed with Mr. Moses, and also stated that it is not fair to other people who are developing to waive the requirement for Mr. Moses, and not for them. Mr. Moses felt the other lots that will impact 26-1/2 Road should be required to pay a portion of the cost for half-street improvements.

Upon motion by Councilmember Afman, seconded by Councilmember Mantlo and carried with Councilmember **BESSINGER** voting **NO**, the following solutions were accepted and approved:

1. Waive the sidewalks on the cul-de-sac consistent with the rest of the subdivision, but require sidewalks on Catalina with anticipation of the sidewalks being built on Catalina at some point in the future.
2. Divide the development into Phase A (Lots 1-8) and Phase B (Lots 9-11). The fire hydrant requirement on Paradise Drive would be tied to the development of Phase B only (Lots 9, 10 and 11) allowing them to develop Phase A without requiring the hydrant, and wait on Phase B until the Ute Water fire line solution takes place.
3. Petitioner to escrow \$8,000 of the required \$16,425 for road

improvements, and add \$1,000 per lot to be paid at such time as the building permit is issued.

PUBLIC HEARING - ORDINANCE NO. 2709 - AMENDING CHAPTER 25, ARTICLE VI, USE OF PUBLIC SEWERS, GRAND JUNCTION CODE OF ORDINANCES

A hearing was held after proper notice. There were no comments. Upon motion by Councilmember Bessinger, seconded by Councilmember Maupin and carried by roll call vote, Ordinance No. 2709 was adopted and ordered published.

PUBLIC HEARING - ORDINANCE NO. 2710 - AMENDING CHAPTER 25, ARTICLE X, PRETREATMENT OF INDUSTRIAL WASTE, GRAND JUNCTION CODE OF ORDINANCES

A hearing was held after proper notice. There were no comments. Upon motion by Councilmember Afman, seconded by Councilmember Bessinger and carried by roll call vote, Ordinance No. 2710 was adopted and ordered published.

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PUBLIC HEARING - PROPOSED ISSUANCE OF INDUSTRIAL DEVELOPMENT REFUNDING REVENUE BONDS IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF \$5,500,000

The bonds are proposed to be issued to refund City industrial development revenue bonds issued to finance a portion of the cost of a retail facility (i.e. a Target store) and related land, equipment and furnishings owned and operated by Dayton-Hudson Corporation (the "Corporation") and located at 2424 U.S. Highway 6 & 50 (in the Mesa Mall) in the City. The proposed bonds will not be a pecuniary obligation of the City; they will be payable solely from payments made by the Corporation.

- a. *** RESOLUTION NO. 70-93** - A Resolution of the City of Grand Junction Relating to the Issuance of the City of Grand Junction, Colorado, Industrial Development Refunding Revenue Bonds (Dayton-Hudson Corporation Project) Series 1993; Approving and Authorizing the Execution by the City of an Indenture of Trust, Loan Agreement, Such Bonds and Closing Documents in Connection Therewith; Approving the Form of the Preliminary Official Statement and Authorizing the Use of an Official Statement Relating to Such Bonds; Authorizing and Directing the City Staff to Take Certain Actions and Making Determinations and Findings as to Other Matters Related to Such Financing; and Recording the Results of the Public Hearing Held Thereon.

Upon motion by Councilmember Bessinger, seconded by Councilman Maupin and carried by roll call vote, Resolution No. 70-93 was adopted.

EXECUTIVE SESSION to discuss Pending Litigation - **Canceled**

ADJOURNMENT

Upon motion by Councilmember Bessinger, seconded by Councilman Baughman and carried, the meeting was adjourned at 9:45 p.m.

Stephanie Nye, CMC
City Clerk