

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

**June 21, 1995**

The City Council of the City of Grand Junction, Colorado, convened into regular session the 21st day of June, 1995, at 7:35 p.m. in the City/County Auditorium at City Hall. Those present were Linda Afman, Jim Baughman, David Graham, R.T. Mantlo, Janet Terry, Reford Theobold and President of the Council Ron Maupin. Also present were City Manager Mark Achen, City Attorney Dan Wilson, and City Clerk Stephanie Nye.

Council President Maupin called the meeting to order and Councilmember Jim Baughman led in the Pledge of Allegiance. The audience remained standing during the invocation by Rev. Bruce Crowell, First Baptist Church.

**SPECIAL ACHIEVEMENT AWARDS PRESENTED TO PATROL SERGEANT LES JOHNSON, OFFICERS GREG ASSENMACHER, LARRY BULLARD, SAL DIMERCURIO, GARY MARAK, CURTIS MORENO AND TIM RISON - PRESENTATIONS BY POLICE CHIEF DAROLD SLOAN AND CAPTAIN MARTY CURRIE**

**APPOINTMENT TO GROWTH PLAN STEERING COMMITTEE**

Upon motion by Councilmember Theobold, seconded by Councilmember Mantlo and carried, Ann Barrett was appointed to the Growth Plan Steering Committee.

**APPOINTMENT TO THE WALKER FIELD AIRPORT AUTHORITY**

Upon motion by Councilmember Afman, seconded by Councilmember Theobold and carried with Councilmembers **BAUGHMAN AND MANTLO** voting **NO**, and Councilmember **GRAHAM ABSTAINING**, Martin O'Boyle was appointed to the Walker Field Airport Authority until May, 1999.

**\* \* \* CONSENT CALENDAR \* \* \***

Councilmember Graham requested Item 8 be removed from the Consent Calendar. Upon motion by Councilmember Mantlo, seconded by Councilmember Afman and carried by roll call vote with Councilmember **BAUGHMAN** voting **NO** on Item 5, Councilmember **GRAHAM** voting **NO** on Items 1, 5, 7, 10, and **ABSTAINING** on Items 11 and 12, Item 8 was removed from the Consent Calendar and the following Consent Items 1-7 and 9-12 were approved:

1. **Approving** the minutes of the Regular Meeting June 7, 1995
2. **Award of Contract** for Replacement Purchase of a Hydrostatic Trencher for the Parks Operations Division  
Recommended Award: Denner Equipment Co. - \$19,500

The new trencher will replace Unit #115, a 1974 Vermeer Trencher. The following bids were received on May 23, 1995:

	<u>Bid In</u>	<u>Trade- Net Bid</u>
Denner Equip. Co., Commerce City \$19,500*	\$22,767	\$3,267
Vermeer Sales, Grand Junction * recommended award	\$22,400	\$1,500 \$20,900

3. **Award of Contract** - 1995 Alley Improvement District  
Recommended Award: Reyes Construction - \$348,146

The following bids were received on June 14, 1995:

<u>Contractor</u>	<u>Schedule "A" Alley Construction</u>	<u>Schedule "B" Sewer Construction</u>	<u>Total Bid</u>
Reyes Constr. (GJ)	\$233,681.00	\$114,465.00	\$348,146.00
Mays Concrete (GJ)	\$235,201.00	\$119,942.00	\$355,143.00
M.A. Concrete (GJ)	\$242,967.00	\$114,925.00	\$357,892.00
Francis Constr. (GJ)	\$271,558.39	\$164,881.07	\$436,439.46
Atkins & Assoc. (Meeker)	\$259,723.65	\$228,464.60	\$488,188.25
Engineer's Est.	\$246,031.00	\$110,955.00	\$356,986.00

4. **Award of Contract** - 1995 Street Pavement Overlays  
Recommended Award: United Companies - \$796,301.25

The following bids were received on June 14, 1995:

United Companies of Mesa County, Inc. (GJ)	\$796,301.25
Elam Construction Company (GJ)	\$872,276.00
Engineer's Estimate	\$934,105.00

5. **\* Resolution No. 62-95** - A Resolution Authorizing the Purchase of 2.49 Acres of Land from the First Church of Nazarene for Regional Storm Water Management Detention Facility, Authorizing the City Manager to Execute a Contract with Williams Engineering for the Design of the Facility and Transferring \$26,167 from CIP Contingency Fund and \$15,965 from General Fund Contingency to the Storm Drainage Fund

The City has entered into a contract, subject to the consent and approval of the City Council, to purchase 2.49 acres

located at the northeast corner of 28 Road and Patterson Road for \$36,162.00 This linear tract of land will serve as a detention basin to create additional capacity for the Buthorn drainage system. The engineering contract is necessary for the design and construction documents of the detention facility. Since the project is not budgeted, a transfer from contingency funds is necessary for both the land purchase and the engineering design.

6. **Authorizing** the City Manager to Enter into an Agreement to Perform Preliminary Design Services for the Unawep Avenue Improvement Project  
Recommended Award: Rolland Engineering - \$217,503

Nine proposals were received on May 12 for engineering studies and design of the Unawep Avenue improvements. After screening the proposals, three firms were invited to submit fee proposals for the preliminary and final design phases of the project.

	<u>Rolland Eng.</u> <u>Grand Jct. Braden</u>	<u>Turner, Collie &amp;</u> <u>Denver</u>	<u>Williams</u> <u>Eng. Fruita</u>
Prelim Design	\$ 90,036	\$104,698	\$ 64,600
Fee	1530 hrs	1712 hrs	1116 hrs
Phase 1 Final	\$ 72,624	\$ 24,309	\$102,000
Design Est.	1280 hrs	412 hrs	2059 hrs
Phase 2 Final	\$ 54,843	\$ 24,309	\$102,000
Design Est.	993 hrs	412 hrs	2059 hrs
Total	\$217,503 3803 hrs	\$154,217 2536 hrs	\$268,000 5234 hrs

7. **\* Resolution No. 63-95** - A Resolution Authorizing a Lease to Avalon, Inc., for the Property at 645 Main Street
8. **\* Resolution No. 67-95** - A Resolution Issuing a Revocable Permit to Avalon, Inc. - **REMOVED FOR FULL DISCUSSION**
9. **Authorizing** a \$300,000 Contribution to Phase II of the Expansion Program for UTEC from the Economic Development Fund

Mr. J. J. Johnston, Director, MCEDC, thanked Council for the contribution to Phase II of the expansion program for UTEC.

10. **\* Resolution No. 64-95** - A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, and Setting a Hearing on Such Annexation - Nazarene Annexation, approximately 20.68 Acres, Located at the Northeast Corner of 28 and Patterson Roads [File #ANX-95-109]

The First Church of the Nazarene have signed a Power of Attorney for annexation to allow for the development of their property. They have requested that they be allowed to develop to City standards and through the City review process. The Petition for Annexation is now being referred to City Council. Staff requests that City Council approve by resolution the Referral of Petition for the Nazarene Annexation.

11. **Proposed Ordinance** - An Ordinance Zoning Brookwood Annexation PR4.4 [File #ANX-95-55]

This subdivision, consisting of approximately 22.57 acres, was annexed on June 7, 1995 and staff recommends zoning the area PR4.4 utilizing existing bulk requirements.

a. First Reading of Proposed Ordinance

12. **Proposed Ordinance** - An Ordinance Zoning Mays Subdivision RSF-4 [File #ANX-95-69]

Request to approve zoning lands currently being annexed to the City consisting of approximately 13.82 acres to RSF-4 (Residential Single Family with a density not to exceed 4 units per acre). This annexation is scheduled for second reading June 21, 1995. Staff recommends RSF-4 zoning because it is the most equivalent City zone to the current County zone.

a. First Reading of Proposed Ordinance

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

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

**RESOLUTION NO. 67-95 - A RESOLUTION ISSUING A REVOCABLE PERMIT TO AVALON, INC.**

A resolution authorizing the issuance of a Revocable Permit to

allow the encroachment of projecting pilasters and a stairway into a portion of the Main Street right-of-way and the pedestrian alley west of the Avalon Theater.

This item was reviewed by Dave Thornton who stated construction is scheduled to begin within the week.

Upon motion by Councilmember Theobold, seconded by Councilmember Mantlo and carried by roll call vote, Resolution No. 67-95 was adopted.

**CONSIDERATION AND CITY COUNCIL ACTION ON GRANT OF EASEMENT TO THE BUREAU OF RECLAMATION FOR THE PROPOSED FISH LADDER AT THE REDLANDS DIVERSION**

The proposed fish ladder at the Redlands Diversion is one work element in the Recovery Program for the endangered fish of the Upper Colorado River Basin. The Bureau of Reclamation is responsible for construction of the ladder and has received a grant of easement from the Redlands Water and Power Company to do so.

Without a similar grant from the City of Grand Junction, which has a lease on lands from Redlands Water and Power, the Bureau does not feel that the construction of the ladder can go forth.

Issues of boater safety and development of a permanent boat "take out" upstream of the fish ladder and Redland's diversion dam have been discussed.

Councilmember Baughman asked for a recap of the potential liability the City would assume if this item were approved. City Attorney Dan Wilson stated a City public facility (public water system) would be shielded from any dangerous conditions by the Governmental Immunity Act. If an injured person is a trespasser, the City is only liable for obvious injurious and dangerous conditions, which is the status with the current City lease with the pump house. If the City acts as though it is inviting people (rafters) to use the area, the City would have a higher standard of liability than merely dangerous conditions. Mr. Wilson does not feel there is any City activity that endorses public use of the area. Redlands Power owns the property and the City owns .96 acres on a long-term lease. He clarified the agreement is between Redlands Water & Power and the United States government, through the Bureau of Reclamation, and the City is consenting to the program. The active participant is the Bureau of Reclamation.

The draft of Memorandum of Understanding Agreement between the Bureau of Reclamation and the Redlands Water & Power Co. includes the Bureau building the fish ladder, also to the south, east and north, a 6 to 8-foot chain link fence with 3 strands of barbed wire. The City's pump station is inside that fence.

Councilmember Graham asked why the City should grant the concession of an easement until it has a firm and enforceable agreement to protect the City's interests. City Attorney Wilson stated when a final agreement is written as to the operation and maintenance, Staff would then request ratification of the easement and Memorandum of Understanding as well. It is an accommodation to the construction schedule of the Bureau of Reclamation. The City's relationship with Redlands Water & Power has been good and Mr. Wilson believes the arrangement can be worked out amicably. The City's role is minimal. It holds veto power only. It will not be involved in construction or the day-to-day or long-term operation.

Councilmember Graham questioned if the fish ladder goes through and there are migrations of protected species on the river, is there a potential impact that the upstream users will be in any way responsible to maintain water levels or have any other responsibilities that would limit their use or enjoyment of the river. He wanted to know what laws govern the use of the river with increased populations of the fish that are being protected. Carol DeAngeles, area manager for the Bureau of Reclamation, responded it is all part of the overall recovery implementation plan for endangered fish. She stated the water downstream of the Redlands Water & Power Co. is the most critical. There is plenty of water upstream of the dam. The Bureau has provisions for making sure there is water downstream of the diversion dam. The interim five-year agreement between the Fish & Wildlife Service, the Colorado Water Conservation Board and the Bureau of Reclamation says the Bureau will protect all existing water users. The presence of protected species of fish on any section of the river has no affect on anyone's rights to use a certain amount of water in relation to downstream users.

Councilmember Afman commended all those that have worked so diligently on this project.

There were no public comments. Upon motion by Councilmember Theobald, seconded by Councilmember Mantlo and carried with Councilmembers **BAUGHMAN** and **GRAHAM** voting **NO**, the Grant of Easement to the Bureau of Reclamation for the Proposed Fish Ladder at the Redlands Diversion was approved.

PUBLIC HEARING - ORDINANCE NO. 2849 ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO - MAYS SUBDIVISION, APPROXIMATELY 13.82 ACRES, LOCATED AT NORTH SIDE OF BROADWAY AT MAYFIELD DRIVE [FILE #ANX-95-69]

The majority of the homeowners in the Mays Subdivision are requesting annexation.

A hearing was held after proper notice. Mike Pelletier, Community Development Department, reviewed this item. A revised Fiscal Impact Statement (see attached) was presented by Ron Lappi, Administrative Services and Finance Director. Mr. Lappi stated there may be \$2400 more annually in this subdivision that may not be covered by additional revenues. Considering the sales tax already being generated by this subdivision on an annual basis, it is quite positive.

Councilmember Graham asked if efforts have been made to mitigate some of the costs by having those being annexed bear the costs. Mr. Lappi knew of no mitigating factors.

Councilmember Theobald reiterated the present value of 20 years of expenditures based on additional taxes to be paid because if annexation is going to be a \$47,000 cost to the City, the present value of 20 years of taxes in total paid by this subdivision is \$130,000.

Councilmember Graham felt there is no offset since the City is already receiving the \$130,301 in revenues from this area.

Councilmember Baughman felt it is cheaper to not annex a residential subdivision such as this. If a subdivision is not annexed, the City still receives most of the sales tax dollars as revenue.

Councilmember Theobald stated residential annexations typically do not pay for themselves.

Councilmember Graham discussed other costs. He is disturbed over the fact that the City must hire outside contractors for engineering services. He feels the City has capable Staff that could do the job. He is concerned that as the City continues to grow, City Staff will be burdened with small projects. Mr. Lappi stated this has been discussed in the past in budget processes, and Council had deliberately decided Staff will provide certain services, and a certain amount of annual construction and major projects will be contracted out. Mr. Lappi said the City

contracts out to keep the engineering firms and professionals doing good work for the City and to keep them busy in the community.

Councilmember Graham asked if there have been studies regarding the administrative costs of annexation (attending and participating in committee work, public meetings, accumulating POA's, etc.). Mr. Lappi responded by stating in the past 6 years, the overall priority of Council has been annexation. Staff has certainly put a lot of time and effort into it. He stated the City has not prepared a cost estimate for these administrative costs.

Councilmember Afman commented that contracting some work actually amounts to cost savings for the taxpayers.

Councilmember Terry felt the annexation issue could be discussed further at the City Council retreat.

Councilmember Baughman noted the Community Development Department has requested additional staff members to accommodate the extra workload from annexations. Annexation has already impacted City manpower and tax dollars.

Councilmember Terry clarified the residents of this subdivision are petitioning the City for annexation. Councilmember Graham noted the petitioner at the June 6, 1995 Planning Commission was the City of Grand Junction. City Attorney Dan Wilson stated many residents approach the City for annexation, but are unfamiliar with the process, and the City acts as representative to the petitioner.

There were no other comments. Upon motion by Councilmember Afman, seconded by Councilmember Baughman and carried by roll call vote with Councilmember **GRAHAM** voting **NO**, Ordinance No. 2849 was adopted.

**PUBLIC HEARING - SANITARY SEWER IMPROVEMENT DISTRICT NO. 40-95 - MAYS SUBDIVISION - RESOLUTION NO. 65-95 CREATING AND ESTABLISHING SANITARY SEWER IMPROVEMENT DISTRICT NO. SS-40-95 WITHIN THE CORPORATE LIMITS OF THE CITY OF GRAND JUNCTION, COLORADO, AUTHORIZING THE INSTALLATION OF SANITARY SEWER FACILITIES, ADOPTING DETAILS, PLANS AND SPECIFICATIONS FOR THE SAME AND PROVIDING FOR PAYMENT THEREOF (MAYS SUBDIVISION)**

A petition signed by 77% of the owners of the property to be assessed has been submitted requesting a sanitary sewer



improvement district for Mays Subdivision.

**Award of Contract** - Design of Sanitary Sewer Extension for Mayfield Drive East and Mayfield Drive West  
Recommended Award: Williams Engineering - \$11,500

The following proposals were received June 9, 1995:

Williams Engineering (Fruita)	\$11,500
Thompson-Langford Corporation (GJ)	\$14,622
Banner Associates, Inc. (GJ)	\$16,000
Atkins & Associates, Inc. (Meeker)	\$30,500

A hearing was held after proper notice. Trent Prall, Project Engineer, was present to answer questions of Council. He stated as part of the annexation, the citizens have petitioned for sewer to be installed in their area. There are 29 owners of which 26 have requested to form the sewer district which results in a total of 77% approval rate. The total project cost is approximately \$181,404.04 to be shared equally among the 26 owners, with a maximum cost per lot at approximately \$6,977.08. The land to the east of this subdivision which was recently annexed to the City will be served by the same sewer line. The agreement between Mays Subdivision and Willow Ridge Subdivision states Willow Ridge will supply the easement which will enable Mays Subdivision to gravity flow, rather than pump, into the sewer on Broadway. In consideration of the easement, Willow Ridge will not be charged to hook into the sewer.

Councilmember Baughman asked why the other 3 property owners did not request sewer service. Mr. Prall explained the other property owners front Broadway and will be connecting to sewer that is available in Broadway.

There were no other comments. Upon motion by Councilmember Mantlo, seconded by Councilmember Baughman and carried by roll call vote, Resolution No. 65-95 was adopted, and the Contract for design of Sanitary Sewer Extension for Mayfield Drive East and Mayfield Drive West was awarded to Williams Engineering in the amount of \$11,500.

**PUBLIC HEARING - ORDINANCE NO. 2850 - AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO - MONUMENT VALLEY ANNEXATION, APPROXIMATELY 249.82 ACRES, LOCATED AT MONUMENT VALLEY FILINGS 4 & 5, AND PROPERTIES BETWEEN 385 AND 448 ALONG S. CAMP ROAD [FILE #ANX-95-71] - CONTINUED TO JULY 5, 1995**

**MEETING**

The majority of the property owners in the Monument Valley Annexation signed POAs. Staff requests that City Council table the second reading of the ordinance for the Monument Valley Annexation until the July 5, 1995 City Council meeting.

Upon motion by Councilmember Theobold, seconded by Councilmember Graham and carried, Ordinance No. 2850 annexing territory to the City of Grand Junction, Colorado, Monument Valley Annexation, approximately 249.82 acres, located at Monument Valley Filings 4 & 5, and properties between 385 and 448 along S. Camp Road was continued to the July 5, 1995 City Council meeting.

**OTHER BUSINESS**

Councilmember Baughman reported he has received complaints regarding the speed of traffic on Patterson Road. He feels the Police Department needs to do a better job of patrolling the area. Councilmember Terry felt this item should be discussed with Police Chief Darold Sloan possibly at a workshop.

**ADJOURNMENT**

Upon motion by Councilmember Theobold, seconded by Councilmember Mantlo and carried, the meeting was adjourned at 8:35 p.m.

Stephanie Nye, CMC  
City Clerk