

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

August 21, 1996

The City Council of the City of Grand Junction, Colorado, convened into regular session the 21st day of August, 1996, at 7:32 p.m. in the City/County Auditorium at City Hall. Those present were Jim Baughman, David Graham, R.T. Mantlo, Ron Maupin, Janet Terry, and President of the Council Linda Afman. Reford Theobald was absent. Also present were Assistant City Manager David Varley, City Attorney Dan Wilson, and City Clerk Stephanie Nye.

Council President Afman called the meeting to order and Councilmember Baughman led in the Pledge of Allegiance. The audience remained standing during the invocation by Rev. Louie Salazar, First Assembly of God.

APPOINTMENTS TO HISTORIC PRESERVATION BOARD

Upon motion by Councilmember Maupin, seconded by Councilmember Mantlo and carried, Barbara Creasman was appointed as the Downtown Development Authority representative to the Historic Preservation Board, and Pat Gormley was appointed to fill an unexpired term until December, 1998 on the Board.

CONSENT ITEMS

Councilmember Baughman requested Consent Item #6 be removed for full discussion by Council.

Upon motion by Councilmember Maupin, seconded by Councilmember Terry and carried by roll call vote with Councilmember **GRAHAM** voting **NO** on Items 4, 10, 11 and 17, the following Consent Items 1-5 and 7-18 were approved:

1. **Minutes of Previous Meeting**

Action: Approve the minutes of the Regular Meeting August 7, 1996

2. **Slurry Seal Surface for Pavement on Sections of Five City Streets**

The following bids were received to apply a new slurry seal surface to approximately 37,839 square yards of existing pavement on sections of five city streets:

Halco Patch & Seal, Inc., Englewood, CO	*\$38,201.34
Intermountain Resurfacing, Inc., Broomfield, CO	\$43,514.85
Quality Resurfacing Co., Commerce City, CO	\$53,731.38

* Recommended Award

Action: Award Contract for Slurry Seal Surface for Pavement on Sections of Five City Streets to Halco Patch & Seal, Inc., in the Amount of \$38,201.34

3. **Architectural and Engineering Design Services for the Reconstruction of the South Wing of City Hall**

Negotiations resulted in the recommended contract award of \$145,000 for Phase 1 services to include pre-design services, site analysis services and schematic design services, including design alternatives and probable construction costs.

Action: Award Contract for Architectural and Engineering Design Services for the Reconstruction of the South Wing of City Hall to Fawhaus, Inc. in the Amount of \$145,000

4. **Reroofing The C.D. Smith Building**

The following bids were received on July 30, 1996:

Western States Roofing, Grand Junction	*\$48,238.45
Odyssey Construction, Delta	\$59,100.00
Miracle Roofing, Grand Junction	\$86,950.00

Architect's Estimate \$54,180.00

* Recommended Award

Action: Award Contract for Reroofing the C.D. Smith Building to Western States Roofing in the Amount of \$48,238.45

5. **1996 Water Line Replacements**

The following bids were received on August 13, 1996:

R.W. Jones Constr., Inc., Fruita	Alt. A	469,772.70
	Alt. B	359,826.36
M.A. Concrete Constr., Grand Jct	Alt. A	426,112.00
Banner Associate's Estimate	Alt. A	361,628.50
	Alt. B	288,600.00

Action: Award Contract for 1996 Water Line Replacements, Alternate B, to R.W. Jones Construction, Inc. in the Amount of \$359,826.36_

6. **Third and Main Amphitheater - REMOVED FOR FULL DISCUSSION**

7. **Construction of Underpass on Broadway, Just West of Ridges Boulevard**

The City is participating with Mesa County to construct a roadway widening on Broadway from Mayfield Drive to Red Mesa Heights. Staff was directed to look at alternatives to a pedestrian crossing on Broadway. CDOT will not allow a traffic signal to be installed. Staff is proposing an underpass to connect with the existing trail system in the Ridges. Mesa County and the City will each pay for one half of the cost.

Action: Approve a Joint Project with Mesa County to Construct a Pedestrian Underpass and Connecting Trail on Broadway and Ridges Boulevard at a Cost of \$220,998. The project will be funded 50% by the City and 50% by Mesa County

8. **Setting a Hearing on Amendment Regarding Fireline Upgrades**

The proposed amendment of Section 38-194 of the General Ordinances of the City of Grand Junction removes the mandatory requirement for fire protection upgrades, modifies the circumstances when a water service provider shall upgrade its water distribution system to meet the standards in amended Section 38-194, provides a financial incentive to upgrade for fire protection, and establishes a flow standard for fire hydrants.

Proposed Ordinance Amending Section 38-194 of the General Ordinances of the City of Grand Junction Relating to Upgrading Water Lines to Provide Fire Protection, Establishing the Requirement for Domestic Water Providers to Meet Certain Minimum Standards and Providing for Petition Should Neighborhoods Desire Fire Protection Upgrades

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for September 4, 1996

9. **Exchange of Real Property with School District No. 51 - Brice Property for Lot 1, Block 22, Ridges Filing #5**

As directed by the City Council, Staff has negotiated an agreement with School District 51 to exchange approximately 10 acres of the City owned Brice property, located north of Appleton School, for the School District's ownership interest in Lot 1, Block 22 of The Ridges Filing #5. The Board of Education approved the agreement at their August 6 meeting.

Resolution No. 81-96 Authorizing An Exchange of City-Owned Property with Mesa County Valley School District No. 51

Action: Adopt Resolution No. 81-96

10. **Change Orders #1 and #2 to Contract with M.A. Concrete for Canyon View Park**

The original construction contract to M.A. Concrete Construction is in the amount of \$5,567,000. Within the City's funding allocation for the construction of Canyon View Park is a 5% contingency allowance. It is recommended that a portion of these contingency funds be allocated for these change orders totaling \$22,059.69 resulting in a .4% increase in the revised contract amount to \$5,589,059.69.

Action: Authorize Change Orders #1 and #2 in the Amounts of \$16,258.24 and \$5,801.45 Respectively for the M.A. Concrete Construction Contract at Canyon View Park

11. **Contribution Toward Baseball Field in Canyon View Park**

A request for a \$200,000 contribution toward the incorporation of a baseball field into Canyon View Park.

Action: Authorizing a \$200,000 Contribution for the Construction of a Baseball Field at Canyon View Park

12. **Setting a Hearing on Vacation of Right-of-Way at 27 1/4 Road**
[File #VR-96-153]

The Walker Field Airport Authority desires to vacate a section of the 27 1/4 Road right-of-way north of H Road that crosses over into a safety area at the end of the airport runway. The vacation is necessary to meet funding conditions of the Federal Aviation Administration. The road has been re-routed around the safety area.

Proposed Ordinance Vacating a Portion of 27 1/4 Road North of H Road and West of the Main Runway at Walker Field Airport

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for September 4, 1996

13. **Setting a Hearing on Zoning of Bookcliff Technological Park to PI** [File #ANX-96-128]

Staff recommends Planned Industrial (PI) zoning for the Bookcliff Technological Park Annexation. The zoning is currently PI in Mesa County and has received official Development Plan approval.

Proposed Ordinance Zoning Bookcliff Technological Park Annexation PI

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for September 4, 1996

14. **Setting a Hearing on Zoning 3D Systems Annexation to I-1**
[File #ANX-96-104]

Staff recommends zoning the 3D Systems Annexation Light Industrial (I-1). The character of this area is most appropriately suited for light industrial (manufacturing) due to the nature of the existing businesses in the area and the proximity of the Walker Field Airport.

Proposed Ordinance Zoning 3D Systems Annexation to I-1 (Light Industrial)

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for September 4, 1996

15. **Setting a Hearing on Amendment to Zoning & Development Code Regarding Impound Lots** [File #TAC-96-1.11]

Amending Chapter 12 and Section 4-3-4 of the Zoning and Development Code to add a definition for impound lot and allow them in certain zone districts.

Proposed Ordinance Amending the Zoning & Development Code, Use/Zone Matrix to Permit Impound Yards in C2, I1, I2 and PZ Zone Districts

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for September 4, 1996

16. **Setting a Hearing on an Ordinance Rezoning 1301 and 1305 N. 7th Street Professional Offices to PB** [File #PDR-96-159]

A request to rezone the property at 1301 and 1305 N. 7th Street from RMF-32 to PB and final plan for an office building. The request was denied by Planning Commission and the applicant has appealed. The appeal will be heard at second reading on September 4, 1996.

Proposed Ordinance Zoning Property Located at 1301 and 1305 N. 7th Street from RMF-32 to PB (Planned Business)

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for September 4, 1996

17. **Demolition of 628 Colorado Avenue**

The Downtown Development Authority contracted with Delbert McClure Construction to demolish the building at 628 Colorado Avenue to develop a parking lot.

Action Authorize \$5,220 Out of Parking Fund to Delbert McClure Construction for the Demolition of 628 Colorado Avenue

18. **Contract to Develop an Intergovernmental Agreement with Mesa County Regarding Areas of Mutual Planning Concerns**

Proposed is an amendment to the current contract with Freilich, Leitner and Carlisle to assist in the development of an intergovernmental agreement with Mesa County to address areas of mutual planning concerns and implementation strategies for the City Growth Plan.

Action: Authorize the City Manager to Sign a Letter Agreement with Freilich, Leitner and Carlisle to Amend their Contract in an Amount not to Exceed \$25,000

* * * END OF CONSENT CALENDAR * * *

* * * ITEMS NEEDING INDIVIDUAL CONSIDERATION * * *

THIRD AND MAIN AMPHITHEATER

The following bids were received on April 10, 1996:

Mays Concrete, Inc., Grand Junction	\$44,394
Delbert McClure Construction, Grand Junction	\$52,065

Councilmember Baughman asked about the addition and expense of a \$43,000 fountain and what benefit it would bring to the amphitheater? Public Works & Utilities Director Jim Shanks said the fountain is for aesthetics. It is expensive because the fountain has pumps, controls and electric motors, etc. The fountain will make the facility much more attractive and will add to other small water features along Main Street. The fountain will run full time and be controlled with timers. It will be shut down during freezing weather.

Councilmember Terry felt the expenditure was justified.

Upon motion by Councilmember Maupin, seconded by Councilmember Mantlo and carried with Councilmembers **BAUGHMAN** and **GRAHAM** voting **NO**, the contract for Third and Main Amphitheater was awarded to Mays Concrete for \$44,394 (which includes Alternatives 1 and 2), and a change order authorized in the amount of \$43,000 for the fountain.

PUBLIC HEARING - FRUITVALE TO PEACHTREE ANNEXATION ELECTION
RESOLUTION NO. 82-96 ACCEPTING PETITIONS FOR AN ANNEXATION
ELECTION, MAKING CERTAIN FINDINGS AND DETERMINATIONS THAT PROPERTY

KNOWN AS THE FRUITVALE TO PEACHTREE ANNEXATION IS ELIGIBLE FOR ANNEXATION AND THAT AN ELECTION SHOULD BE HELD

[FILE #ANX-96-167]

Petitions for an annexation election have been submitted to the City Clerk's office requesting that a question be placed on the November ballot to allow for the annexation of the Fruitvale to Peachtree area. The petitions are in compliance with State Statutes. Staff requests that City Council accept the petition for the Fruitvale to Peachtree Annexation Election and make findings on the sufficiency of the petitions and request the court to hold an election.

A hearing was held after proper notice. Dave Thornton, Community Development Department, reviewed this item. It was his professional belief, based on his review of the petition, pursuant to Colorado Statutes 31-12-104 and 31-12-105, that the Fruitvale to Peachtree Annexation is eligible for annexation. The petition is in substantial compliance with statutory requirements; therefore, not less than one sixth of the perimeter of the area is contiguous with the existing city limits. A community of interest exists between the territory and the valley. This is so, in part, because the Central Grand Valley is essentially a single demographic and economic unit, and occupants of the area can be expected to, and regularly do, use city streets, parks and other urban facilities. The area is urbanized, and will continue to urbanize in the near future. The area is capable of being integrated with the City. No land held in identical ownership has been divided by the proposed annexation without the consent of a landowner. No land held in identical ownership, comprised of twenty acres or more, which, together with the building and improvements thereon, has an assessed valuation of \$200,000 or more for tax purposes, is included without the owners' consent. There are three properties in the area that fall within this category. They are all owned by School District 51 (Bookcliff Middle School, Thunder Mountain Elementary and Central High School). School District 51 has consented. Written confirmation is being provided. The City Clerk's office has determined the petitions contain a total of 154 valid signatures by qualified electors, and pursuant to State Statutes a minimum of 75 qualified signatures are required.

Councilmember Mantlo asked if property owners who do not reside in the area will be allowed to vote? City Attorney Dan Wilson said property owners are allowed to vote. Business owners who do not

own the business property, or reside in the area, will not be allowed to vote.

Mr. Thornton estimated there are approximately 15,000 residents in the area.

Councilmember Graham asked if the petition is accepted, what restrictions would impose on Council's discretion on first and second reading. City Attorney Dan Wilson said it does not. This is a necessary step to get to the ballot, but does not impact Council's decision-making authority at first and second reading. Councilmember Graham asked what effect a "yes" vote would have on the annexation election as far as any limitations to Council's discretion on first or second reading? City Attorney Dan Wilson said Council still has the legislative decision to make following the election of a first and second reading of the annexing ordinance. CML takes the position that City Council should not have their discretion centered, and would have discretion to make up their individual minds upon first and second reading.

Councilmember Graham asked if Council accepts the petition and an election takes place, would Council be free to impose additional requirements or conditions as a precondition for annexation? City Attorney Dan Wilson said no.

Mayor Afman asked if there is a proposed population of the area at buildout? City Attorney Dan Wilson said there are substantial parcels of ground that are currently zoned for substantial density. He estimated a 30% to 40% increase in population at buildout. Mr. Thornton felt that would be a fair number to use.

Councilmember Baughman asked if the airport property was included to meet the one-sixth contiguity for annexation? Mr. Thornton said the airport lands were included because they were part of the Eastern Commercial Annexation which was deannexed. City Council decided to include all the area that was deannexed plus all the lands in between. There is still a lot of contiguity even without the airport lands.

Councilmember Baughman asked if this annexation will impact the various special districts in the area? He also suggested a legal document be provided that states the City's intent regarding each special district. City Attorney Dan Wilson said the current City Council cannot bind future councils on such decisions. Contracts could be entered into with various districts, but the decision to

exclude from annexed areas special districts such as Fruitvale Sanitation could be made by the current Council. Then next year's Council has the authority to revisit that decision again, and so on. Mr. Wilson said he has heard no discussion of any intention of changing relations with Fruitvale Sanitation District. The working relationship has been solid over the years.

Councilmember Baughman felt Council needs to make an effort to clearly leave the special districts in place. Councilmember Maupin said it is up to the citizens served to decide whether they want to retain the special districts.

Councilmember Mantlo said the purpose of forming the districts in the area was to provide a service the City could not. They are created for a specific purpose. When that purpose is served, and the City takes over the area, the districts are no longer needed.

Councilmember Graham said if there is a yes vote for the annexation in the election, before second reading, he would like a Staff analysis of the impact of the annexation on the special districts.

Ms. Mary Huber, 580 1/2 Melrose, Court, said her goal is to have a fully informed electorate. She said she has reviewed the petitions and discounted many signatures which brought the count down to 110 valid signatures, which is still legal. Ms. Huber asked what action is taking place tonight regarding the annexation? Mayor Afman explained tonight's action is to accept the findings of the petition. City Attorney Dan Wilson said this will be the last Council action before the election.

City Clerk Stephanie Nye responded to Ms. Huber's comments regarding the petitions. She said the city, state and zip code was included on the signature pages, but the State Statutes do not require that be included for this type of petition, so those signatures were not excluded. The signature that was marked "illegible", Ms. Nye was able to read because it was identified on the property record.

Ms. Huber referred to C.R.S. Regulation 31-12-104(3) regarding "urban services". She asked what services are considered "urban", and are they not already existing in the area? City Attorney Dan Wilson said the Statute does not define "urban services." Council and Staff has determined a "classic" urban service the City would bring to the area would be police protection. There is an

existing well-staffed, professional sheriff. The City Police Department operates differently, so the argument can be made that there is a benefit to the citizens. Other urban services that are not being currently provided are parks and recreation. The Public Works Department deals with street maintenance/sweeping and is seen as an additional benefit. Sanitation and water services are being provided by the private sector in the area and there is no contemplated change in those services.

Ms. Huber said Police Chief Darold Sloan has told her his department is projecting 10 new officers, one clerk and three supervisors. She asked if this seemed like adequate numbers for the additional service to 15,000? City Attorney Dan Wilson said the police chief believes that number to be adequate.

Ms. Huber also questioned C.R.S. 31-12-105 regarding "limitations." The statute says "no more than three miles in any direction from any point of municipal boundary in any one year." She asked Council if it is looking at 1997? City Attorney Dan Wilson said no. This annexation is within that limitation today. Ms. Huber asked how much annexation has taken place in the western area? The City Attorney advised that the three mile limitation extends from any City boundary. Mr. Wilson said the current city limits extend out to 30 Road in some areas. The three-mile sweep would go well beyond Coronado Plaza, and beyond the old town site of Clifton.

Ms. Huber questioned C.R.S. 31-12-108.5 which reads "a municipality shall prepare an impact report at least 25 days before the date of the hearing." City Clerk Stephanie Nye said that report was hand delivered to the County Commissioners exactly 25 days ago.

Ms. Huber said C.R.S. 31-12-108.2 states "present streets, major water mains, sewer interceptors, other utilities....." Mr. Wilson said that was in the report.

Ms. Huber questioned C.R.S. 31-12-108.3 "the existing and proposed land use patterns - a copy of draft or final pre-annexation agreements, if available." She asked if that would be with the Clifton Fire Department? Mr. Wilson said there were no annexation agreements. Instead, the Growth Plan which was proposed as the land use pattern for the entire area was included. Ms. Huber asked if there is an existing statement setting forth plans for municipal services performed at the time of annexation? Mr. Wilson

said the report says sanitation does not change, sanitary sewer and water does not change, but the report discusses the services that would change. The method to finance was in the plan, and addresses mostly sales and use taxation over an 18-year term, along with the City's property taxes. No additional bonds or financing tools were required.

Ms. Huber asked if residents will be informed in writing before the vote regarding services to be provided? Councilmember Graham said there are a number of questions which remain in City Council's discretion and decision making authority. He felt it would be unwise to purport to answer those questions now. The issue of financing, capital improvements, and timing of annexations in response to a "yes" vote on the annexation election, would be premature. He agreed that Ms. Huber's questions are important. Council President Linda Afman said a brochure is being mailed to the residents in the area which will give general information, and will answer a lot of Ms. Huber's questions.

Ms. Huber said, "Please know that I appreciate the opportunity to pursue this venture of the petition questioning as well as the adventure of finding the crazy quilt streets and meeting a lot of new neighbors." Mayor Afman appreciated Ms. Huber's dedication and involvement in this annexation.

Mr. Denny Nielsen, Clifton Inn at 3228 I-70 Business Loop, embraced the idea of annexing the area. He could not imagine any property owner not wanting to be annexed by the City of Grand Junction. He thanked Council for its effort.

There were no other comments. The hearing was closed.

Upon motion by Councilmember Mantlo, seconded by Councilmember Maupin and carried by roll call vote, Resolution No. 82-96 was adopted.

FLORAL ANNEXATION, 264 26 1/4 ROAD - RESOLUTION NO. 83-96
ACCEPTING PETITIONS FOR ANNEXATION, MAKING CERTAIN FINDINGS,
DETERMINING THAT PROPERTY KNOWN AS THE FLORAL ANNEXATION IS
ELIGIBLE FOR ANNEXATION AND EXERCISING LAND USE CONTROL AND
JURISDICTION - PROPOSED ORDINANCE ANNEXING TERRITORY TO THE CITY
OF GRAND JUNCTION, COLORADO - FLORAL ANNEXATION, APPROXIMATELY 2.9
ACRES, LOCATED AT 264 26 1/4 ROAD [FILE #ANX-96-163]

Walter and Catherine Larsen have requested to join the City. Staff requests that City Council accept the annexation petition and approve on first reading the annexation ordinance for the 2.9 acres Floral Annexation.

This item was reviewed by Dave Thornton, Community Development Department. Floral Annexation is on Orchard Mesa at 264 26 1/4 Road, across from the Orchard Mesa Cemetery. Mr. Thornton submitted a signed statement to the City Clerk for the record declaring the annexation complies with statutory requirements.

There were no public comments. The hearing was closed.

Councilmember Baughman asked if the reason for proceeding with this annexation is to clean up old Powers of Attorney? City Attorney Dan Wilson said yes.

Upon motion by Councilmember Maupin, seconded by Councilmember Baughman and carried by roll call vote, Resolution No. 83-96 was adopted, the proposed ordinance annexing was adopted on first reading, and a hearing was set for September 4, 1996.

OTHER BUSINESS

Walker Field Airport

Councilmember Graham reported on the runway situation at Walker Field. He said \$160,000 of the Federal money that was slated for Corn Construction is being withheld, and \$40,000 of the Federal money which is slated for Armstrong Engineers is being withheld. It is a very small portion of the contract which has been paid. These capital improvements are funded on 90% federal matching funds.

There has been no formal vote by the Airport Board on the issue of Council's proposed changes in the By-Laws.

Regarding the repair and potential litigation surrounding the runway situation, the FAA has agreed to fund an additional 15% cost override on the project, whatever is decided to be done, with the proviso that the Airport Authority fully litigate the issues of liability. The Board has not authorized anybody to file a lawsuit at this time. Bringing in outside counsel will increase the incentive for the insurance companies to make a settlement. The Airport Authority agreed to designate up to \$200,000 from unused reserves to go into the work fund for necessary

improvements or repair, with the understanding they are not admitting any liability or waiving any rights. Airport Staff has been authorized to obtain an independent technical expert to do an analysis on the runway samples to determine what went wrong, and who is to blame. The Board authorized Armstrong to put out a new proposal on the repair of the runway. The most likely option would be to, after the testing is completed, mill up the top of the surface, and replace it with a conventional asphalt in a grooved configuration as opposed to the different grade of asphalt with the Somat which was put on in the first place. The asphalt with the Somat is apparently what caused the problem.

Mayor Afman asked what is the timeline for the repairs, and what is the FAA's role in this problem? Councilmember Graham said the FAA had to agree to the original asphalt composition. The Somat was thrown in and was not specifically requested. The danger with the FAA is that if work is done that does not meet their specifications, they will withdraw the funding or ask for reimbursement for what has been previously paid. The FAA wants to make sure the liability is fully litigated. Armstrong Consultants, Inc., has been authorized to draw up a proposal and put out RFP's by the end of August, 1996. He estimated work on the runway will not begin until October, 1996. He could not estimate a date for completion. Councilmember Graham felt Armstrong is cooperating.

Zoning of 25 Road to 26 Road North of I-70

Councilmember Terry referred to letters and phone calls she has received regarding the zoning of 25 Road to 26 Road north of I-70. Residents are concerned about the change in land use from 1 unit per 5 acres to 1 unit per 2 acres density. They want to stay at 1 unit/5 acres. Mayor Afman said she directed them to attend the September 3, 1996, County Commissioners meeting. Dave Thornton, Community Development Department, said the Steering Committee recommended at the joint City and County Planning Commission meeting that the area be the rural category which is 5 to 35 acre lot density. During the hearing someone requested it be dropped to the estate category which is 2 to 5 acre lot density. The Planning Commissions jointly changed that between the 25 Road and 26 Road Corridor north of I-70 to I Road, and adopted it as the 2 to 5 acre lot size. The area south of I Road was adopted as 2 to 5 acre lot size at that meeting. Mayor Afman said Mesa County has

called for a special workshop meeting on August 26 for only the Commissioners to address this situation. The September 3, 1996 Commissioners Meeting will be open to the public.

ADJOURNMENT

Upon motion by Councilmember Maupin, seconded by Councilmember Baughman and carried, the meeting was adjourned at 8:37 p.m.

Stephanie Nye, CMC/AAE
City Clerk