

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

**August 20, 1997**

The City Council of the City of Grand Junction, Colorado, convened into regular session the 20th day of August, 1997, at 7:34 p.m. in the City/County Auditorium at City Hall. Those present were Cindy Enos-Martinez, Gene Kinsey, Earl Payne, Jack Scott, Reford Theobald, and President of the Council Janet Terry. Mike Sutherland was absent. Also present were City Manager Mark Achen, City Attorney Dan Wilson, and City Clerk Stephanie Nye.

Council President Terry called the meeting to order and Councilmember Payne led in the Pledge of Allegiance. The audience remained standing during the invocation by Kenneth Browning, New Horizons Foursquare Church.

**ANNOUNCEMENT**

Mayor Terry announced the item on the agenda regarding the Transportation Development Plan is not a public hearing. The public hearing was held on August 6, 1997. The item is on the agenda for Council discussion.

**CONSENT ITEMS**

Upon motion by Councilmember Payne, seconded by Councilmember Scott and carried by roll call vote, the following Consent Items #1-10 were approved:

1. **Minutes of Previous Meetings**

Action: Approve the Minutes of the Special Meeting July 29, 1997, Special Meeting August 6, 1997 (TDP) and the Regular Meeting August 6, 1997

2. **1998 Regional Planning Assistance Contract**

The Regional Transportation Planning Contract allows the Metropolitan Planning Organization to continue transportation planning responsibility for the Mesa County Transportation Planning Region. It will make \$4,500 available to the Metropolitan Planning Organization for funding the effort. This money is a grant from the Colorado Department of Transportation and requires no local matching funds. The MPO has accomplished the planning for the region in the past, and utilized this contract format to do the work. It is an on-

going program with the Colorado Department of Transportation to assist them in their responsibilities for statewide transportation planning. The Board of County Commissioners approved the contract and joint resolution July 14, 1997.

Resolution No. 47-97 - A Joint Resolution of the County of Mesa and the City of Grand Junction Whereby the Board of County Commissioners and the City of Grand Junction Enter into an Agreement with the State Department of Transportation, Division of Transportation Development, for the Provision of Transportation Services

Action: Adopt Resolution No. 47-97

3. **Setting a Hearing on Northfield Estates Enclave Annexation, Larkspur Lane and F 1/2 Road** [File #ANX-1997-150]

The 19.94 acre Northfield Estates Enclave Annexation consists of 16 parcels of land. The majority of property owners have requested to join the City and have signed a petition for annexation concurrent with their request to form a neighborhood special improvement district for construction of sewer service.

Resolution No. 48-97 - 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 - Northfield Estates Enclave Annexation Located at Larkspur Lane and F 1/2 Road

Action: Adopt Resolution No. 48-97 and Set a Hearing for October 1, 1997

4. **Setting a Hearing on Vacating a Right-of-Way at 23 1/4 Road and River Road** [File #VR-1997-128]

The petitioner is requesting to vacate a portion of 23 1/4 Road located just south of River Road. This right-of-way is not currently used because 23 1/4 Road takes an alternative route to River Road. It bends to the east and then intersects River Road. This bend avoids crossing the Wilsea drainage ditch and allows a desirable 90 degree intersection with River Road. An easement will be retained for the Grand Junction Drainage District along the southern portion of the right-of-way for the purposes of maintaining the Wilsea Drain.

Proposed Ordinance Vacating Right-of-Way on 23 1/4 Road Just South of River Road

*Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for September 3, 1997*

5. **Setting a Hearing on Vacating an Easement in a Portion of Monument Heights Townhomes Subdivision at 345 Kennedy Avenue**  
[File #VE-1997-110]

The applicant requests to vacate a portion of a utility easement dedicated within Tract B, Monument Heights Townhomes Subdivision. No utilities were found to be located within this easement. A new utility easement has been dedicated to the south of the easement to be vacated. At its August 5, 1997 hearing the Planning Commission recommended approval of this vacation request.

Proposed Ordinance Vacating a Portion of a Utility Easement Located within Tract B, Monument Heights Townhomes Subdivision

*Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for September 3, 1997*

6. **Setting a Hearing on Rezoning Property on the Northwest Corner of 3rd Street and Belford Avenue from PC to PB**  
[File #PDR-1997-125]

Request for approval of a rezone from Planned Commercial (PC) to Planned Business (PB) to allow construction of an 1,800-square foot office building on a site previously approved for parking lot use only.

Proposed Ordinance Zoning a Parcel of Land on the Northwest Corner of 3rd Street and Belford Avenue

*Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for September 3, 1997*

7. **Revocable Permit for Landscaping and Site Improvements in the South Avenue and Second Street Rights-of-Way**  
[File #SPR-1997-131]

Jim Leany, owner of the former D&RGW Railroad Depot, is requesting a Revocable Permit in order to construct site improvements around the Depot, including redevelopment of the parking areas, new sidewalk surfacing, construction of a water tower as an identification feature, and historic lighting, barriers and landscaping in the median in the South Avenue and 2nd Street rights-of-way and in the City's easement for South Avenue in front of the Depot.

Resolution No. 49-97 - A Resolution Concerning the Issuance of Revocable Permit to Depot Preservation & Restoration Company

Action: Adopt Resolution No. 49-97

8. **Setting a Hearing on Sewer Improvement Assessments for Country Club Park West and Dressel Drive Sewer District for October 1, 1997**

Construction of sanitary sewer lines in Country Club Park West and Dressel Drive has been completed in accordance with Resolution 4-97 re-creating and re-establishing Sanitary Sewer Improvement Districts No. 38-95 and 39-95. Council authorization is requested to give notice of a hearing to consider the proposed assessing ordinance.

Resolution No. 52-97 - A Resolution Giving the Assessable Cost of the Improvements of Sanitary Sewer Improvement Districts No. SS-38-95, as Amended, and SS-39-95

Action: Adopt Resolution No. 52-97 and Set a Hearing for October 1, 1997

9. **Setting a Hearing on Alley Improvements Assessments for ST-96, Phases A, B and C for October 1, 1997**

Reconstruction of alleys has been completed in accordance with the following Resolutions Creating Alley Improvement District 1996, Phases A, B and C:

a. Resolution No. 53-97 - A Resolution Giving the Assessable Cost of the Improvements of Alley Improvement District No. ST-96, Phase A; and Apportioning the Same upon Each Lot or Tract of Land to be Assessed

Action: Adopt Resolution No. 53-97 and Set a Hearing for October 1, 1997

b. Resolution No. 54-97 - A Resolution Giving the Assessable Cost of the Improvements of Alley Improvement District No. ST-96, Phase B; and Apportioning the Same upon Each Lot or Tract of Land to be Assessed

Action: Adopt Resolution No. 54-97 and Set a Hearing for October 1, 1997

c. Resolution No. 55-97 - A Resolution Giving the Assessable Cost of the Improvements of Alley Improvement District No. ST-96, Phase C; and Apportioning the Same upon Each Lot or Tract of Land to be Assessed

Action: Adopt Resolution No. 55-97 and Set a Hearing for October 1, 1997

10. City of Grand Junction Wood Stove Replacement Grant Program

This program implements the section of the City's wood burning ordinance that created a wood stove replacement incentive fund.

Action: Approve the City of Grand Junction Wood Stove Replacement Grant Program

RATIFICATION OF APPOINTMENTS TO THE URBAN TRAILS BOARD

Upon motion by Councilmember Scott, seconded by Councilmember Theobald and carried, the appointments of Paul Teal, Jamie Lummis and Bob Ferrante to the Urban Trails Committee for three year terms until June 30, 2000 were ratified.

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

---

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

STORM DRAINAGE ISSUES

Council will respond to problems experienced during the August 6, 1997 rain storm.

Mayor Terry said the storm drainage issue at hand is to be determined based upon staff presentation. Council needs to discuss solutions and give direction to Staff.

Councilmember Theobold asked if Thea Chase was present to answer questions regarding the Incubator Program. City Attorney Wilson said she had a prior commitment and could not attend this meeting.

Councilmember Theobold said the funds available through WBC has restrictions that may not work. Mayor Terry said some of the options have been ruled out. The City's legal counsel has advised that the City cannot do a loan guaranty, which limits Council's options in working with the Incubator Program. Some resources are not yet determined.

City Attorney Wilson said the Incubator staff has a list of individuals claiming damage as opposed to interest in loans.

City Attorney Wilson said most of the Revolving Loan dollars are already committed, perhaps \$75,000. The CDBG funds are not available to City residents. The EDA has available \$290,000 but with restrictions. Council could grant dollars to the Incubator, with conditions, and administer a revolving fund. As they are repaid, the funds would come back to City. Councilmember Theobold said although a grant could be conditioned, the funds would be returned to the City.

Councilmember Enos-Martinez asked how the City addresses those in other areas that were damaged. Mayor Janet Terry said the funds would be restricted to businesses only. Councilmember Enos-Martinez noted that those personally damaged would be left out of the loop completely.

Mayor Terry asked if it is a wise move, as Council is setting a precedent. She asked if it is possible to narrow the scope so as to not affect any future incidents. City Attorney Wilson said it is not a legal precedent. Council could narrowly tailor it to a 1997 type of incident through the Incubator. However, Council may find it difficult politically regarding another catastrophe.

Mayor Terry stated there is another pool of funds that Thea is checking into. City Attorney Wilson said once the City became an entitlement City, its CDBG funds were potentially usable. However, they are already allocated.

Mayor Terry asked for direction from Council. She asked if the WBDC will go forward without the City's participation. City Attorney Wilson said perhaps through their normal loan process including collateral. They usually look at expansion or keeping employment for their loan programs.

Councilmember Theobold asked how much is available? City Attorney Wilson said \$75,000 is available for qualified applicants.

Councilmember Scott said only businesses are involved in this issue. Council is not setting a precedent. Councilmember Enos-Martinez said it wasn't just businesses affected.

City Attorney Wilson advised there were other claims submitted to the City's Risk Manager which Council did not hear from at Monday's workshop.

Mayor Terry questioned if the issue of flood relief is an area Council is willing to delve into. The other part are the improvements outlined by Staff to the storm drainage in that area.

Councilmember Enos-Martinez asked how much is available for improvements in 1997. City Manager Achen said the City would have to set aside some projects to find six figure amounts available in '97.

Mayor Terry asked about shoring up the ditch wall. City Manager Achen said the City could probably find that money.

Mayor Terry said the City supports economic development and has supported WCBD in the past with the ability to retain and create existing jobs. She suggested the City stay in that focus of business assistance and grant them some money to bolster their lending pool and stay within their lending practices for businesses.

Councilmember Theobold noted if paperwork is in order, it could take as little as one week. City Attorney Wilson concurred explaining the WCBD staff analyzes the finances without requiring titles, appraisals, etc.

City Attorney Wilson said the amount to grant is solely up to Council. Mayor Terry suggested \$100,000. Councilmember Theobold

suggested setting a cap of \$25,000 per loan. Mayor Terry suggested taking the funds out of the City's Economic Development Fund. Councilmember Kinsey felt it was the best solution Council could offer.

City Attorney Wilson said WBDC would like guidance whether it would be business owners as opposed to land owners of property on which businesses are located, that is, a situation where the person owns property and has a number of tenant business owners. Would the landlord/owner also qualify for the loan through the Incubator? He said both businesses and landowners have asked. Mayor Terry suggested Council defer to WBDC's standard practices. Councilmembers Kinsey and Payne agreed. Councilmember Theobold was willing to extend to landlord because of the dependent relationship between a landlord and a tenant for the business to operate.

Councilmember Payne said he would like \$100,000 to start and see if more is needed. He said Council has only seen the preliminary requests. There might be more who will come forward when more information is provided. He did not want to say no to qualified applicants.

Councilmember Kinsey suggested a time limit. Council decided upon 60 days. Councilmember Theobold said the 60-day time period begins as of Council's creation of a fund.

Mayor Terry said the available amount from the City to the Small Business Center is \$100,000 initially. If additional needs arise within the 60 days, Council would consider the requests.

City Attorney Wilson suggested Council direct him to lay out an agreement for Council's review. Formal approval could be scheduled by the next Council meeting or sooner.

Upon motion by Councilmember Scott, seconded by Councilmember Payne and carried by roll call vote, Staff was directed to draft an agreement with WBDC to include a \$100,000 grant to the Incubator to be used for loans, with a time limit of 60 days, to be used for the businesses that were damaged by the August 6, 1997 rain event, with additional funds to be considered if needed.

Councilmember Theobold discussed moving up the improvement project. Staff will be asked what can be done and how soon. Another issue is flood insurance and the process, and how to deal



with it in a short term. He felt there should be a consensus of Council in looking at accelerating plans for expenditures and some of the insurance possibilities. Mayor Terry agreed.

City Manager Achen said it can be deliberated during the capital improvement budget. Alternatives will be given Council so it can establish priorities regarding additional monies for the larger storm drainage improvements.

Mayor Terry said short term solutions (Ranchmen's Ditch, five detention ponds, and increasing the size of the storm sewer on 25 Road) would amount to \$1.37 million. She asked for direction from Council for Staff. Councilmember Theobold felt this should be considered during budget.

City Manager Achen said if Council wants to consider such an expenditure, information can be compiled fairly soon and Council can make judgments during the capital improvement process. Shoring up the Ranchmen's Ditch can be looked at fairly quickly. It could be separate from the other improvements.

Councilmember Theobold said consideration of City-wide flood insurance could save the City \$50 million in the unlikely event this happens again. Another possibility is Council consideration of insuring those on 25 Road between now and the time 25 Road improvements are done. Regarding flood insurance, City Manager Achen said the City cannot insure properties it does not own.

City Manager Achen said additional difficulties are defining flood versus drainage. Definitions may be established based on whether it is declared a disaster. The definition varies from insurance company to insurance company. Flood insurance is specifically for floods, not for backed up storm drainage or sewer backup. If it is declared a disaster, it may prevent anyone from making a claim on anything other than flood insurance. With so many underwriters insuring different properties, it is uncertain.

Mayor Terry said Council will look at the agreement in a few days.

Councilmember Earl Payne spoke to the 25 Road people attending the meeting hoping they can leave the meeting with the understanding that the improvements have been moved forward at least one year. He said Council empathizes with the 25 Road residents. Mr. Steve Stewart, Foreign Aid, asked if the City is considering the event a flood or is it a drainage problem. Mayor Terry

suggested Mr. Stewart provide a copy of the City's staff report to his insurance company for interpretation. City Attorney Wilson said the definition of flood and drainage problem is uncertain. Insurance companies need to look at facts and use their own definition of flood to determine. He said each company has the right to write their definitions differently and to provide for exceptions and exclusions. It is not the City's business to consider each policy.

Mr. Stewart asked what zone is assigned 25 Road in the floodplain map. City Manager Achen said Zone X, although the map is inadequate, as it does not recognize what happened or what might have happened. Mr. Stewart said according to the floodplain map, Zone X is out of the 500-year floodplain, and there is no need to buy flood insurance.

Mayor Terry said Council has sorted through the problem and felt it has done the best it can do. Mr. Stewart had other concerns that affected him long term. Mayor Terry said Council has offered the loan funds and hoped Mr. Stewart could take advantage of it. She assured Mr. Stewart that Council will do its best to remedy the drainage issue. Council has directed Staff to look at the capital improvement plan and figure a way to include the drainage improvements in the plan (approximately \$1.37 million).

**TRANSPORTATION DEVELOPMENT PLAN - RESOLUTION NO. 50-97 OF THE CITY OF GRAND JUNCTION WHEREBY THE CITY OF GRAND JUNCTION DIRECTS THE TRANSIT DEVELOPMENT PLAN COMMITTEE TO PROCEED WITH WRITING THE 1998-2002 TRANSIT DEVELOPMENT PLAN BASED ON THE COMMITTEE'S RECOMMENDED PREFERRED ALTERNATIVE FOR PUBLIC TRANSIT SERVICES**

The Transportation Development Plan Committee is recommending a 5-year plan, the "Preferred Alternative", to address transit service for the elderly, persons with disabilities and low income population.

Cliff Davidson, MPO Administrator, said he is trying to wrap up the previous public hearing with formal action tonight. The Plan was approved by Mesa County and the City of Fruita. He said the TDP Committee needs to move on with the final plan in order to satisfy a lot of questions. This approval only allows the plan to be written, new alternatives and maintains current services. Everyone suggested taking the first two parts and forgetting about fixed route. The fixed route ensures that the first two work. Additional demand is picked up by the fixed route. The

recommendation is to move toward more transit service but also to maintain the current services. This gives the MPO a go ahead to write the plan, then the real numbers are determined. It is very important to have a partnership with this plan. The FTA application must be to the federal government by October 1, 1997.

Councilmember Scott asked if Council approves the plan tonight, will it be saying money will be contributed for the plan, merely approving the plan, or only looking at the plan. Mr. Davidson said Council is just looking at the plan now; not committing any money. That comes when the plan is brought back to Council, at which time Council will review it thoroughly to see if it accomplishes all that is expected from budget and service standpoints, etc.

Councilmember Scott asked if the Town of Palisade is included in this plan. Mr. Davidson said Palisade can join anytime, but hasn't chosen to do so yet. Mr. Davidson said the funding amounts will have to be determined by the respective bodies.

Councilmember Payne asked about the inclusion of School District #51, Mesa College and business owners, etc. in funding possibilities. Mr. Davidson said discussions are ongoing as part of the detailed plan through the Civic Forum with representatives from all entities.

Mayor Terry said the TDP consultant has contacted 50 service providers that were included in the survey. She asked how efforts can be combined rather than duplicating services.

Elizabeth Rowan, Assistant County Administrator, said the president of Mesa State College has a representative working with the Civic Forum's committee in coordinating transit services. In addition Gary Carr, School District #51 is working on the committee. It is the first step to get the school district and Mesa State to coordinate services. Mayor Terry asked if the two representatives could be incorporated into the TDP committee. Ms. Rowan said they have been giving input through the Civic Forum and need to be involved as well as businesses community-wide. There must be a lot of public input. Cliff Davidson said he must work with all those groups in the detailed plan. They must have the clientele in place the very day the buses are running.

Councilmember Kinsey asked when the plan must be submitted to the federal government. Mr. Davidson said October 1, 1997.

Councilmember Kinsey said the preferred alternative for funding sources is contributions from local governments, and felt it is a vague funding source. There is no special taxing district or regional transportation district. There is the expectation that there is going to be some match from local governments. Depending on where one lives, one may pay twice as much for transportation services. Mr. Davidson said the current recommendation does not handle the financing portion of the plan. Councilmember Kinsey said tonight's resolution states approval by City Council of the TDP's recommended preferred alternative which includes funding by local government. The resolution binds Council to participation. Mr. Davidson said it does not at this time. The preferred alternative gives the MPO approval to prepare the plan in detail for Council's approval.

Councilmember Kinsey was concerned that the October 1, 1997 deadline does not give much time for detailed review of the plan. Mr. Davidson said the MPO cannot hold Council to anything more than saying it needs direction to go ahead with development of a detailed plan giving specific numbers. This is not a commitment of funding.

Mayor Terry asked what happens to the plan if Council places some funds in its 2-year budget for the first two sections (demand response and user side subsidy), but the third year chooses not to support the fixed route system. Mr. Davidson said if there is no local match, there will be no federal funds. Other alternatives can be pursued in the detailed plan for funding. Some private funds would be needed. He said a private/public partnership is what the MPO has been seeking all along.

Councilmember Scott asked what would happen if the City of Grand Junction turns the plan down. Mr. Davidson said 40% of the population in Mesa County resides in the city limits. He did not have answers to all of Council's questions at this time. Ms. Rowan said the MPO would have to go back to the drawing board. There would be no limited fixed route. Fruita and Mesa County are willing to participate and request Grand Junction to be a partner. If Grand Junction chooses not to be a partner, the MPO would have to determine what services would be offered in this community without Grand Junction's participation.

Councilmember Theobald asked if Ms. Rowan is saying that if Grand Junction does not support or sponsor the application, the plan

collapses. He asked why Grand Junction's vote is important at all. Ms. Rowan said the City has contributed to elderly and disabled transportation since 1993, and it was assumed that the City would continue its participation as a partner. Mayor Terry said it would be on an assumption, though, because Grand Junction did agree to participate in this planning action.

Councilmember Theobold's interpretation of what Ms. Rowan said is tonight's vote by the City of Grand Junction means funding. Mesa County is not willing to pay for it so the plan will not happen. Council has been told tonight's vote has nothing to do with money.

Ms. Rowan said Council is not committing to a specific amount. By approving the alternative, Grand Junction would be expected to give some level of contribution. Funding distribution will be cooperatively decided by all the partners. Ms. Rowan said the plan does not require a specific funding commitment from the City.

Councilmember Scott said he would like to see the plan before contributing funds. He did not want to commit to participation without regard to the amount.

Councilmember Kinsey said there is the expectation that this will be a cooperative funding rather than a single-pay, user district transportation funding system. He felt if there are people who want a transportation system, they should vote for a district tax and pay for it, although he did not think that was feasible.

Mayor Terry said this is the process that Council agreed upon.

Councilmember Kinsey suggested changing the wording in the resolution by taking out the phrase that says Council approves the transit development plan, and inserting "the Grand Junction City Council directs the Transit Development Plan Committee to draft a plan recognizing that the City may not participate in any significant level of funding."

Ms. Rowan suggested approving the preferred alternative, but adding any conditions appropriate. Councilmember Theobold wanted it to be clear that Grand Junction's contribution may be zero, as an option. Ms. Rowan said it is an option, but at the same time it's saying if Grand Junction does choose to fund zero, the plan will look markedly different.

Councilmember Theobold reiterated that a plan is going to require significant funding from the City of Grand Junction.

Mayor Terry said the plan does not identify sources at this time. She asked how that would change the plan significantly, and why the committee would have to rethink the alternatives if Grand Junction may not participate. Ms. Rowan said because she believes there is an assumption, based on Grand Junction's funding history, that Grand Junction would be a partner in the plan.

Mayor Terry said, as a member of the committee, and considering the preferred alternatives, the plan was not selected based on the numbers. It was selected because the committee thought it was going to be the best alternative for this community based upon all the studies. She asked why the plan would have to change if there is no funding by Grand Junction.

Ms. Rowan said if there is recognition that the City does not want to fund limited fixed route, the decision needs to be made now because that is a part of the preferred alternative that is up for approval. If Council decides tonight it does not want to participate, then the committee goes back and rewrites the entire plan.

Councilmember Theobold said the City's contribution over the past five years has been approximately \$25,000 per year. If Grand Junction were to commit itself to \$25,000 for the next five years it should not require rewriting the plan. Ms. Rowan agreed.

Councilmember Payne asked if \$25,000 gets us back to the 1996 levels. Mayor Terry said no, the amount needs to be doubled.

Councilmember Theobold asked if Council is limited to one amendment per every five year period. Ms. Rowan said the goal of the plan is to set forth a plan. It gives the federal government some idea of how much of local government funds are being committed.

City Manager Achen said when Council approved the amendment to the last plan which actually initiated the City's participation, the last amendment was conditioned on it going to a vote for public tax support. He was not certain why that did not occur, although it was a specific requirement imposed by Council at that time.

Councilmember Theobold said that due to double taxation issues, the City was reluctant to get into funding in any way, and agreed to contribute \$25,000 on the condition that there would be a vote, and there would be no more requests by the TDP. There was clear direction that it would be taken to a vote. There was no vote.

Mayor Terry suggested notations in the plan regarding a local match being a variety of sources. She asked if it could be stated in the body of the plan that the local match will not be governmental match only. Ms. Rowan said absolutely, it is typically included in the plan. They rely on the consultant to come back with a list of things that can be potentially used for the local match.

Mayor Terry said that assuming a fixed route is in place, the extra buses of MesAbility would be used for feeder routes. She asked if that has been outlined anywhere since it would affect the numbers. Ms. Rowan said that is assumed in the plan. She felt the numbers will change in the plan. Mr. Davidson said that is how he presented it.

Mayor Terry said Council needs to consider where its financial responsibilities lie with this plan so it can make a wise decision.

Councilmember Scott was in favor of putting the plan to a vote of the people, giving them a choice regarding the issue.

Mayor Terry said the funding allocations will be determined through the budget process. If Council decides it cannot contribute, she had no problem with that.

Councilmember Theobold said Council needs to make it clear where they draw the line before proceeding. There is still the expectation that the City's participation will be a very large amount. Councilmember Enos-Martinez said the amount would be Council's decision.

Councilmember Kinsey said there is technically a division between making a decision now and what will be done in the budget three years from now. Once Council says it approves the plan, it is committing to some level of significant funding. He felt it is a moral question. If he approves significant funding from the City of Grand Junction, it means he needs to make a commitment when it

comes time to review the budget because he has made a commitment to the people.

Mayor Terry sees the possibility of finding alternative sources to supplement the plan. Councilmember Kinsey asked what kind of alternative sources. Councilmember Scott suggested Mesa State College charge its students as part of the tuition or fees. Councilmember Theobold said the school district, the college and St. Mary's have come to the City for funds to open their new buildings. He could not envision them being anxious to contribute to the plan.

Councilmember Scott said a tax base is needed to take care of the transportation system. He felt Council needs to consider the plan, though.

Councilmember Theobold said Mesa County is not going to be eager to fund the plan even though they are the umbrella agency. He listed three ways he would be willing to look at plan:

1. County only funding, which would result in everyone being treated fairly and equitably and no one has to pay twice;
2. City only, with the transit system being only within the city limits and only funded by the City;
3. A transit district with a dedicated revenue source from such district.

Councilmember Theobold suggested amending the resolution to reflect a \$50,000 City commitment per year, for five years. He felt that residents of the City of Fruita, Palisade or Grand Junction should not have to pay extra for something that residents in other parts of the County get for free. Councilmember Scott also suggested leaving it open to forming a tax district. Councilmember Theobold concurred, saying he felt long term, a tax base is the only safe and stable solution to making this happen. If they (Mesa County and MesAbility) want to put it to a vote, Councilmember Theobold would endorse it.

Councilmember Payne asked if the vehicles will be purchased from federal monies. City Manager Achen said the vehicles will be purchased primarily with federal funds, although a 20% local match is required.



Upon motion by Councilmember Theobold, seconded by Councilmember Scott and carried by roll call vote with Mayor **TERRY** voting **NO**, Resolution No. 50-97 was adopted as amended with the change after the last sentence that the City's contributions be limited to \$50,000 per year for five years. All the other language approving the preferred alternative remain unchanged.

**RECESS**

President of the Council Terry declared a fifteen-minute recess at 9:15 p.m. Upon reconvening, all members of Council were present.

**PUBLIC HEARING - STREET IMPROVEMENT DISTRICT NO. ST-96 FOR THE CONSTRUCTION OF HICKORY COURT - CONTINUED TO SEPTEMBER 3, 1997, CITY COUNCIL MEETING**

a. **Amend Street Improvement District**

Bids to construct Hickory Court are higher than estimates used when this district was created. A majority of the owners of property abutting Hickory Court would still like to pursue this project and have petitioned Council to amend the district provisions.

Resolution No. 51-97 - Resolution Amending Street Improvement District No. ST-96 for the Construction of Hickory Court

Bids were received and opened on June 10, 1997 for this project. The low bidder was Stanley Construction in the amount of \$61,181. Stanley's bid will be reduced to \$59,368 because the sidewalk which was originally designed will be deleted and only curb and gutter will be installed.

A hearing was held after proper notice. Public Works Manager Mark Relph reviewed this item giving history of forming the district. Since 1996 the street has been designed and has been bid. The water line was also included. The cost of the water line would be assessed to the four lots to the back of the cul-de-sac. The existing two lots on the corner already have water service and sewer service. The actual total cost is approximately \$69,000 for the improvement. A portion is for storm drainage improvements that benefit other areas and are beyond this district, and should be paid out of the City's storm drainage fund (\$20,000). He reviewed the breakdown of assessments, the four interior lots versus the two exterior lots. The four lots at the cul-de-sac

would be assessed \$8,854 for a combination of the street, water line and a storm drainage. The two corner lots would be assessed \$6,846.74 for the same street improvements, storm drainage minus the water line improvement. There are sufficient storm drainage funds available. The costs have increased since the original bid which is the reason for consideration by Council to amend the district. The same four properties on the cul-de-sac have signed the petition to amend the district. The two corner lots have not signed. Council needs to make a decision on building the district now. After the improvements are complete, a later public hearing will be held to determine the exact assessments to the adjacent properties.

City Manager Achen stated the levy cannot go up after it is set tonight. If there are cost overruns, there can be no additional levy. If the cost is less, the assessments would be reduced. It is unlikely there will be a dramatic change in the assessments.

Public Works Manager Relph said if the district is amended, Staff would request Council to award the contract to Stanley Construction.

Councilmember Theobold said under the original price, all six properties were assessed the same. They are now different. He asked for an explanation. Mr. Relph said it's because of the waterline extension to the four lots to the back of the cul-de-sac. The four lots would pay for the extension. The two lots on the corner already have water line service and would not be assessed that cost.

Mayor Terry asked why the cost went up. Mr. Relph said overall costs of construction have gone up. An example being the City is paying 50% more in asphalt paving this year over last year.

Councilmember Theobold said one person does not want to be assessed for Hickory Court because they don't front Hickory Court or use Hickory Court. He asked how is the assessment determined in such a case. Mr. Relph said their property abuts the improvement so there is some benefit. If Council decides to reduce the amount paid because of less value to the property owner, Mr. Relph would have to confer with the City's property agent, Tim Woodmansee, to estimate the cost. The question would then be who picks up that cost. Council could restructure the district and the five remaining property owners would not be assessed the difference.

Councilmember Scott asked why the one owner should be exempt. Councilmember Theobald explained the one property owner has made the argument that Hickory Court is down the side of his property rather than in front of his house. He doesn't access Hickory Court and receives no benefit.

Mr. Charles Reams was present stating he circulated the petition for the district. The water line was supposed to be included originally, but was left out. The costs are going up because of substantial delays. One property owner wants to build a house on his property and wants to go forward right away. The other property owners are in no hurry to develop the district, but are willing to go along with it to see it completed. The costs get higher the longer the project is delayed. He responded to the two objecting property owners. A hearing was held previously and it was decided that the assessment issues would be deferred until the project is completed. Mr. Reams gave a sheet of photos to the Mayor which depicted the area showing a graveled driveway used by one of the objectors, Mr. Boyle. When the pavement is completed, the gravel will be surfaced over. He felt Mr. Boyle is going to receive a dramatic benefit to his property. Mr. Reams said Mr. Stringer is to the other side and does not have a driveway. Mr. Stringer is at the bottom end of the slope and one of the substantial expenses now being incurred is \$21,000 for a drainage problem. He felt Mr. Stringer will receive drainage relief.

Mr. Steve Stringer said he is the owner of the lot in question. He could see no benefit to be received from this construction of the road. His house has been there since 1983. He faces Hickory Drive, he has a 6' privacy fence which borders the new project on Hickory Court. There is no drainage problem on his property. It goes down and around his property, but does not affect him. He fixed a drainage problem from Hickory Drive with his own money (approximately \$4,000). The petition is from four vacant lot owners, voting against two homeowners. He recently paid \$850 for a fire hydrant. He said the vacant lots paid nothing toward it. He felt he should be excluded from the development assessments totally.

Mayor Terry asked if homes are built there, will the drainage still go away from Mr. Stringer's house. Mr. Stringer could not see how it could change. Hickory Court is three or four feet above his property line already. His mailing address is Hickory Drive. When the petition was first presented, City Property Agent

Tim Woodmansee wrote a letter recommending that the Stringer property be excluded from the very beginning.

Mr. Lynn Boyle, owner of Lot 12, does not face Hickory Drive as does Mr. Stringer. He said there are many houses throughout the area that do not face the street. He has no drainage problem whatsoever. There is an elevation of at least 10', possibly 12' to 13' from where Mr. Stringer's drainage is, and green growth. Contrary to Mr. Reams, Mr. Boyle felt he receives no benefit from the drainage issue. He offered to move his driveway rather than pay \$6,000 to use Hickory Court. He agreed to pay half of the assessment in the previous hearing. The drainage problem cannot be attributed to his property or Mr. Stringer's.

Mr. Reams said the cost of the fire hydrant was assessed to all the property owners in an equal amount. He did not recall Mr. Boyle denying he would receive benefit of access at the last hearing. Mr. Boyle had said he couldn't afford it. Mr. Reams also was not looking forward to the \$8,000 assessment. But improvements will benefit Mr. Boyle. Mr. Ream's said he understands that Mr. Stringer is at the bottom of the drainage, and his property drainage problems can be solved both in the front and rear of his property, although Mr. Reams deferred his opinion to City staff. Mr. Boyle has no drainage problem; his benefit is different. Having a paved street will definitely increase property values.

Councilmember Theobald asked if there is curb and gutter proposed in the improvement. Mr. Reams said yes, although originally the improvement included sidewalk. The last City Council eliminated the need for sidewalk since it would be the only street in the subdivision with sidewalk.

Mr. Boyle said as far as Mr. Stringer's alleged drainage problem in front of his house is concerned, it was caused by an open irrigation ditch that has since been piped underneath the road. There has been no drainage problem since then.

Mayor Terry asked Staff for clarification on Council's previous decision on this item. Mr. Relph said Council decided to form the district with all six lots, and no sidewalk.

There were no other public comments. The hearing was closed.

Councilmember Kinsey was reluctant to assess the two corner property owners for the full amount. Councilmember Scott suggested assessing those two lots half the amount as they will be receiving some benefit (paving versus dirt).

Councilmember Theobald said there is some value to having a paved road on one side, even though it may not be used by Mr. Stringer. City Manager Achen stated the City is paying 81.37% of the storm drainage cost, leaving approximately 20% of direct benefit to the property owner.

City Manager Achen said the City cannot increase the amount to other lots without re-petitioning with new amounts. Some options would be:

1. Proceed with the current petition which locks in the maximum cost for any lot; or
2. Redistribute the cost, which means someone is going to be paying more, in which case a new petition is needed to authorize Council to proceed with the project; or
3. Delay the problem entirely until the assessment hearing. If the amount is reduced, the City will have to pay shortfall. Then there is time to decide how much to reduce the two corner lots.

Councilmember Enos-Martinez asked if all the property owners are benefiting from the storm drainage. Mr. Relph said if the City did not build the drainage facility, the corner lots would have a problem. Such improvements are required to insure the City does not create drainage problems. Mr. Relph noted that the engineering costs are figured into the partial improvement, as well as the construction.

Councilmember Kinsey said a new petition should be submitted by the property owners. Otherwise, the City absorbs the extra costs if the corner lot assessments are reduced. Councilmember Payne said he would agree if the City were not possibly creating a drainage problem for the corner lots.

Councilmember Theobald said it is assumed that the storm drainage work would be included in the project. The four vacant lots cannot build without building the street. The City does not want the street improved without the storm drain.

Mayor Terry asked how drainage is normally assessed on new development. Mr. Relph said new development pays for their own improvements.

City Manager Achen asked how long the bid is good for. Mr. Relph said it is good for 30 days. There are approximately two or three weeks left to accept the bid. Delays can increase the costs.

Councilmember Kinsey could not support assessing the corner lots the full amount.

Councilmember Scott asked for an estimated cost of paving alone for the project. Mr. Relph said the asphalt paving is approximately one fifth, or less, of the total project cost.

Councilmember Theobald thought the access lot receives more benefit than the no access lot.

Mayor Terry said asking the property owners to re-petition will leave it up to them to decide who benefits in what way.

City Attorney Wilson said the majority of the property owners can still present what they think Council will approve.

Councilmember Theobald suggested Council express its level of comfort to the property owners so they don't have to guess. He suggested dividing the cost five ways instead of six, and the fifth share would be split 1/3-2/3 between the two corner lots.

City Attorney Wilson said this hearing can be continued to September 3, 1997, and the contractor may extend the bid.

Councilmember Kinsey suggested giving the property owners two weeks to do some cost shifting and a chance to work it out. Councilmember Theobald agreed.

Upon motion by Councilmember Kinsey, seconded by Councilmember Theobald and carried by roll call vote with Councilmembers **ENOS-MARTINEZ** and **PAYNE** voting **NO**, the hearing was continued to September 3, 1997, at which time final determination will be made on the current or new petition.

b. Hickory Court Improvement District Construction Contract

Action on the award of contract was deferred to September 3, 1997.

**PUBLIC HEARING - ORDINANCE AUTHORIZING THE CITY MANAGER TO SIGN AN ASSIGNMENT AGREEMENT WITH COLORADO HOUSING AND FINANCE AUTHORITY TO TRANSFER THE CITY'S \$1 MILLION IN 1997 PRIVATE ACTIVITY BOND ALLOTMENT FROM THE CITY TO CHFA - ORDINANCE NO. 3021 AUTHORIZING ASSIGNMENT TO THE COLORADO HOUSING AND FINANCE AUTHORITY OF A PRIVATE ACTIVITY BOND ALLOCATION OF CITY OF GRAND JUNCTION PURSUANT TO THE COLORADO PRIVATE ACTIVITY BOND CEILING ALLOCATION ACT**

The City of Grand Junction received a Private Activity Bond allocation from the State of Colorado Department of Local Affairs for the first time in 1997 as a result of the City reaching a 40,000 population level. The bond authority can be used on a tax exempt basis for various private purposes. The City has had no request for the use of this authority but can reserve it for future housing benefits by ceding the authority to CHFA at this time.

A hearing was held after proper notice. Ron Lappi, Administrative Services Director, reviewed this item. He said it is a new allocation due to the City's increased population. No projects have been brought to the City. He has contacted a number of agencies that could use it. No one has a project for its use this year. He listed small manufacturing facilities, single family, mortgage revenue bonds, qualified development bonds, qualified residential rental projects, exempt facilities such as utilities, multi-family housing, as various qualified uses. This replaces the industrial revenue bond program.

Mayor Terry asked if these are federal funds. Mr. Lappi said it is a state allocation. Federal law gives it its tax exempt status.

Housing Authority Director Jody Kole was present and said there are no projects on the drawing board at this time. There may be some in the next year or two.

Upon motion by Councilmember Theobald, seconded by Councilmember Scott and carried by roll call vote, Ordinance No. 3021 was adopted on final reading and ordered published.

**PUBLIC HEARING - REQUEST TO ALLOW PRIVATE STREETS IN LIEU OF PUBLIC STREETS IN A PORTION OF THE KNOLLS SUBDIVISION, FILING #2**  
[File #FPP-1997-091]

The Knolls Subdivision Filing #2 consists of 25 lots; 12 for single family homes and 13 for patio homes. The patio homes will be accessed by private streets that conform with draft guidelines developed by staff for private streets, but require City Council approval because the guidelines have not been adopted. At its August 5, 1997 hearing the Planning Commission approved the final plat and plan and recommended approval of the private streets.

Mr. David Chase, Banner & Associates, 2777 Crossroads Boulevard, was present representing the developer, O.P. Development Co. He said private drives have evolved over the last several months. There are two private drives, both cul-de-sacs, in the patio home area, accessing public streets within the development. The construction of the private drives are clearly described on the site plan and are discussed in the Staff report. He said the applicant is pleased with the way the project has turned out, and has complied with all Staff issues.

Councilmember Theobald asked which portion is public and which is private. Mr. Chase referred to the site plan stating Piazza Way is the only public drive. Fernwood Court and Sparrow Court would be private drives.

Councilmember Theobald asked about the other phases referring to the rest of the streets coming off of Piazza being private drives. Mr. Chase said they are all public drives. Any additional private streets would be in the future filing where more patio homes are located. The purpose is to eliminate on-street parking and for aesthetics reasons. Smaller streets, detached sidewalks and pathways are the goals. The project will be maintained by the homeowners association.

Bill Nebeker, Community Development Department, said Staff has been working on administrative regulations to govern private streets. The regulations guarantee continued maintenance of the streets. The proposal exceeds the minimum standards allowed. Staff recommends approval.

Councilmember Theobald referred to a recommendation to change the name of one of the streets. Mr. Nebeker said South Piazza will be changed to Piazza Way for alignment purposes.

There were no other comments. The hearing was closed.



Upon motion by Councilmember Kinsey, seconded by Councilmember Enos-Martinez and carried by roll call vote, the request to allow private streets in lieu of public streets in the Knolls Subdivision, Filing #2, was approved.

**OTHER BUSINESS**

**Sunset Village Subdivision**

City Attorney Wilson updated Council on a pending appeal to the District Court regarding a Council decision in February, 1997, on the Sunset Village property on 25 1/2 Road, north of F 1/2 Road. The case is with Atlantic Fidelity. The issue being challenged was the requirement of a 6' cedar fence on the west side of the property (the rear yard of the homes on the west side). The developer said he was not fully informed of the requirement early on and challenged that he was unaware of the requirement. The record was certified on July 15, 1997 which means the briefing schedule starts next week. The developer doesn't want to build the fence; he wants the homeowners to build it. He suggested the requirement be enforced by the homeowners covenants. Attorney Wilson related that the Valley Meadows East fence is up. It is vinyl, approximately 4' high, and is not a privacy fence. There is also a similar fence at Fountainhead Subdivision. Use of identical fencing would make it look like a continuation. The proposal would be to modify the condition to require the white vinyl fence (provides very little screening) in lieu of the 6' cedar fence, and to be erected within one year of the issuance of a building permit, and to be enforced by the homeowners association. There will be a lot line overlap to finish each eight foot section of the fence. Mr. Wilson said there were inquiries as to whether homeowners can build an additional privacy fence. It was determined it could be done if it is located within the accessory building setbacks (approximately 10' or 15' from the house). The advantage to the developer is he is passing the cost of the fence onto the lot owner. The proposal is consistent with Valley Meadows East, and would be enforced through the issuance of building permits. Mr. Wilson would submit a stipulation with the attorney telling the Court there is a tentative proposal. He would recommend it be set for hearing on September 3, 1997, allowing input by the neighbors.

Councilmember Payne said white vinyl is much more expensive than cedar. City Attorney Wilson said the developer is aware of the higher cost and needs to let the purchasers know of the expense.

Councilmember Theobold said the solution doesn't meet all the criteria previously determined. It doesn't get the fence built all at once, it is not a privacy fence, and it is not as high a quality fence. He was reluctant to bring the neighbors back for another hearing. He reminded Council the developer did not feel the fence was an issue at the previous hearing. Other issues were more important to the developer at that time. There has been a lot of development in this area, and the neighbors have attended a lot of hearings recently.

City Attorney Wilson said the developer would be willing to impose the cedar fence requirement, although the white vinyl would be preferable. The developer's concern was that he had to pay for the fence as opposed to the homeowners. He was offended by that and chose to litigate.

Councilmember Enos-Martinez said there could be long time periods between construction of each section of the fence. Mayor Terry said this solution would never satisfy the requirement placed on the developer by Council in terms of what Council told the public. The Council concurred and the City Attorney was so directed as to his response to the proposal.

**ADJOURNMENT**

Upon motion by Councilmember Payne, seconded by Councilmember Scott and carried, the meeting was adjourned at 10:52 p.m.

Stephanie Nye, CMC/AAE  
City Clerk