

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

September 3, 1997

The City Council of the City of Grand Junction, Colorado, convened into regular session the 3rd day of September, 1997, at 7:32 p.m. in the City/County Auditorium at City Hall. Those present were Cindy Enos-Martinez, Gene Kinsey, Earl Payne, Mike Sutherland, Reford Theobald, and President of the Council Janet Terry. Jack Scott 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 Sutherland led in the Pledge of Allegiance. The audience remained standing during the invocation by Rev. Eldon Coffey, Living Hope Church.

PROCLAMATION DECLARING SEPTEMBER 17-23, 1997, AS "CONSTITUTION WEEK" IN THE CITY OF GRAND JUNCTION

PROCLAMATION RECOGNIZING THE GRAND JUNCTION HIGH SCHOOL ACADEMIC TEAM AND ESPECIALLY DAVID TICE

CONSENT ITEMS

Upon motion by Councilmember Enos-Martinez, seconded by Councilmember Payne and carried by roll call vote, the following Consent Items #1-8 were approved:

1. **Minutes of Previous Meeting**

Action: Approve the Minutes of the Regular Meeting August 20, 1997

2. **Federal Aviation Administration Grant for Improvements at Walker Field Airport**

The Walker Field Airport has been awarded a grant in the amount of \$733,600 from the Federal Aviation Administration for capital improvements to the airport including rehabilitation to runway 4-22 and installation of lights on runways 4 and 11.

a. Grant Agreement

Action: Approve the Grant Agreement

b. Supplemental Co-Sponsorship Agreement

Action: Approve the Supplemental Co-Sponsorship Agreement

3. **Agreement with the Western Colorado Business Development Corporation for \$100,000 of City Money to be Used as a Revolving Loan Fund**

This agreement provides \$100,000 from the City to be used by the Western Colorado Business Development Corporation for loans to businesses along the 25 Road corridor that received water damage during the first week of August.

Action: Approve Agreement between the City of Grand Junction and the Western Colorado Business Development Corporation for Provision of \$100,000 of City Money to be Used as a Loan Fund

4. **Victim/Witness Assistance and Law Enforcement Grant**

This grant provides continued funding for a part-time victim/witness coordinator at the police department. This position coordinates volunteer efforts which are directed at providing support and information to victims traumatized as a result of accident or criminal activity. The funding period is from August 1, 1997 through July 31, 1998 and is in the amount of \$14,341. These funds provide staffing of this position for 20 hours per week.

Action: Approve Victim/Witness Assistance and Law Enforcement Contract

5. **1998 Animal Control Contract with Mesa County**

The City has an ongoing, annually renewable agreement with the Mesa County Health Department wherein they agree to enforce City Ordinance No. 2576 for the control of dogs within the City. The City pays the Mesa County Health Department a percentage of the Mesa County Animal Control budget based upon the City's percent of total calls for service. The City's share of the budget for 1998 is 44.7% (\$121,414) which is an increase of \$17,433 over 1997.

Action: Approve 1998 Animal Control Contract with Mesa County

6. **FY98 Unified Planning Work Program for the Grand Junction/
Mesa County Metropolitan Planning Organization**

The Metropolitan Planning Organization's activities are directed by an annual work plan, specifically the FY 1998 Unified Planning Work Program, utilizing federal grant funds.

The proposed joint resolution would approve this next fiscal year's work program and continuation of the multi-year contract with the Colorado Department of Transportation. A change order letter will be forthcoming indicating formally the specific amounts CDOT will be directing to the Grand Junction/Mesa County MPO (as indicated in the UPWP document).

Resolution No. 56-97 - A Joint Resolution of the County of Mesa and the City of Grand Junction Concerning Adoption of the Fiscal Year 1998 Unified Planning Work Program

Action: Adopt Resolution No. 56-97

7. **Amend Agreement with Ciavonne & Associates for Final Design
of Fifth Street Improvement Project from South Avenue to
Grand Avenue**

The original Professional Services Agreement dated October 24, 1996 provides for compensating the consultant for work performed based on established hourly rates for personnel time. The maximum fee for all work was set at \$64,500. On April 30, 1997, Ciavonne submitted a written request for an amendment to the agreement for additional engineering services beyond the Scope of Work outlined in the Employment Agreement.

Action: Approve Amendment to the Employment Agreement with Ciavonne & Associates, Inc. for Additional Services Performed in the Amount of \$23,333

8. **Change Order to 1997 Curb, Gutter and Sidewalk Repairs
Contract**

Approximately \$36,000 is available in the budget for accessibility improvements. This Change Order includes construction of 26 curb ramps at street intersections on Ute Avenue, Pitkin Avenue and 12th Street at a cost of \$25,729.90, increasing the contract to \$261,584.90.

Action: Approve Change Order to the Contract with Precision Paving and Construction for the 1997 Curb, Gutter and Sidewalk Repairs in the Amount of \$25,729.90

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

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

UTEC REQUEST FOR FUNDING ASSISTANCE

The Board of the Tilman M. Bishop Unified Technical Education Campus is asking the City for \$193,686 to help pay for equipment for their new expansion.

Mr. Carey Youngblood, Executive Director of the Grand Valley BOCES, spoke in lieu of Tim Foster who was detained due to plane connections between Denver and Grand Junction. Mr. Youngblood introduced Bill Byers, representing the Joint Advisory Council and the Chamber of Commerce, along with Diane Schwenke. He also introduced UTEC board member Jim Fleming.

Mr. Youngblood gave history of the BOCES partnership. He said the efforts of the Unified Technical Education Campus grew around the concern for a better qualified labor force. The initiative behind it began in 1989 from the Mesa County Economic Council which was receiving feedback from commercial customers that there were concerns over the community's ability to respond to technical training needs. Out of that grew a land donation and swap which created a 12-acre campus. The Grand Valley BOCES Board was formed as a governing agency with representation from Mesa State College, School District 51 and the business community. UTEC is the only BOCES in Colorado which has business representation, by Charter, on its Board. They had to receive permission from the State legislature, and change six components of the State Statute to allow the formation of the partnership. UTEC received \$1.67 million from the State to build the first building in Foresight Park. They requested funds from the legislature to expand the size of the building and to move the original site of the campus from 29 and D Roads to the Foresight Park location where land had been made available through IDI. The amount needed at that time was \$2.1 million to expand the building to allow for the infusion of 300 high school students, combined with the anticipated post secondary students. The original monies from the State had only

considered existing college programs. A direct donation was received at that time from the Mesa State College Foundation (through a private donor). The City of Grand Junction, in the interest of economic development, donated \$100,000 to the facility. The MCEDC contributed \$20,000 and School District 51 pledged \$200,000 in equipment support over a five-year period. In spring, 1995, the legislature offered an appropriation of \$2.35 million to add a second facility on the campus, provided the community could raise 50% (\$1.2 million) in matching dollars. That money was raised within a two-week period. School District 51 contributed \$500,000, \$250,000 was received from Mesa State College, \$300,000 from the City of Grand Junction, and \$150,000 from Mesa County totaling \$3.55 million. An advisory board was created at that time made up of members of the BOCES board, the president of Mesa State College, the superintendent of schools, Commissioner Kathy Hall, Linda Afman, City Council, and members from the Chamber of Commerce. Three plans for the building were submitted to that board: (1) Build a building and equip the proposed programs which would have built an approximately 28,000 square foot building, leaving approximately \$900,000 to equip the programs. (2) Plan 2 was a combination of the two; (3) Build a \$3.55 million building approximately 40,000 square feet, and seek revenues elsewhere for equipment monies. Mr. Youngblood had recommended the first plan as he was concerned over raising additional funds for equipment. They have raised \$302,000 in grant monies which have been expended in the building in the form of equipment. There is an immediate start-up need of \$387,000. They have asked the County Commissioners and City Council to consider making monies available on a 50/50 basis (\$193,696 each). Mesa County approved their appropriation two weeks ago.

Councilmember Sutherland said J.J. Johnson, MCEDC, has provided a summary giving information on monies expected to be expended for additional MCEDC prospects this year. The Economic Development Fund status which was prepared by Ron Lappi, Administrative Services Director, indicates the City's current commitments would leave an expected balance of \$346,000 at the end of 1997. There is a fairly high prospect for approximately \$60,000 yet in 1997. Beyond that, there is also a good prospect for approximately \$340,000 for an additional company that could potentially provide 100 new positions in Mesa County. Those monies would not be expended until 1998. The year would end with approximately \$286,000 in the fund with a projected 1998 revenue of approximately \$515,000. None of these figures take into account the UTEC request at this time. Councilmember Sutherland said UTEC

is very important to the future of MCEDC, but they don't want to come up short in funds.

Councilmember Payne asked if Council can expect UTEC to return in the future with additional requests? Mr. Youngblood said he cannot speak for the Board. He said this is the first time associate degree programs have been added to UTEC. Five new areas of associates degree study are currently proposed. They do not have the equipment to operate the programs. He could not say whether Council would again be approached by the Board for additional funding.

Mr. Jim Fleming, BOCES Board Member, and EDC member, said the monies requested are to be used to update existing programs as well as starting new programs. The programs will cost approximately \$100,000/year to keep the technical programs up to date. They will continually attempt to obtain grants as other fund sources. He said School District 51 and Mesa State do not receive large enough monies to solely support UTEC. He anticipated future, although smaller, requests.

Councilmember Kinsey said UTEC attracts businesses, yet he did not feel Council should consider continued funding for the school. This is a unique program to create programs and equipment that will be a long term benefit to this community. He favored the request. Councilmember Payne agreed.

Councilmember Sutherland revised his previous figures and said the potential 1998 balance, if Council funded the \$500,000 project, the \$340,000 and \$60,000, along with UTEC, there could be a surplus of \$21,000 in 1998, rather than a shortfall. Ron Lappi clarified the 1998 balance. He said the cumulative figure of \$575,000 over a two year period is with UTEC taken out already. Deducting \$900,000 from \$575,000 results in approximately \$325,000 shortfall for 1998.

Councilmember Theobald agreed this is a unique situation as UTEC is a partnership between a State college and the school district. Cities don't often contribute funds to build other entities. He said the City has approximately \$.5 million invested in UTEC because it believes in what the school is doing and the quality of the program. He said some of the equipment is operational equipment and some will have a short life and need to be replaced within three years. He felt it is very likely there will be an annual request from UTEC in the future. He said there should be a

balance between continuing to fund their operational needs with the original intent of the Economic Development Fund. He felt UTEC has overextended itself in building a 41,000 square foot building instead of the original 28,000. At some point Council must say they will not contribute to UTEC annually. Councilmember Theobold said this Council has supported UTEC in the past, but felt this request should be denied.

Mayor Terry said she understood Councilmember Theobold's concern as to long term needs. Council cannot continue its support, although she could not allow the building to not open for existing and incoming businesses. She felt it was critical to get the building open and in operation.

Councilmember Sutherland asked about the City's commitment to Mesa State College. City Manager Achen said the City has a 10-year commitment for \$250,000/year. Councilmember Theobold explained that the \$300,000 generated from the City Sales Tax was part of the City's original commitment, and was endorsed by the electorate. The \$150,000 from the General Fund was a compromise two years ago. Committing \$150,000/year out of \$300,000 would obviously drain the fund. It was decided to split it with \$100,000 from the Economic Development Fund and \$150,000 from the General Fund earmarked for Mesa State College.

Upon motion by Councilmember Payne, second by Councilmember Sutherland and carried by roll call vote with Councilmembers **SUTHERLAND** and **THEOBOLD** voting **NO**, the funding request by UTEC for \$193,686 was approved.

PUBLIC HEARING - STREET IMPROVEMENT DISTRICT NO. ST-96 FOR THE CONSTRUCTION OF HICKORY COURT - CONTINUED FROM AUGUST 20, 1997, CITY COUNCIL MEETING

Mayor Terry opened the hearing. She said on September 2, 1997 one of the petitioners withdrew their name from the petition. Therefore, the district cannot be created. The hearing was closed.

ST. REGIS REQUEST FOR FUNDING SIDEWALK IMPROVEMENTS

The new owners of the St. Regis Hotel have begun a major restoration project estimated by the owners at \$1.1 million. They have requested the City to pay approximately 82% (\$26,764) of a \$32,464 project for the replacement of the sidewalk adjacent to

the hotel with colored and exposed aggregate sidewalk, four (4) trees and grates, plus the construction of a raised brick planter.

Public Works Manager Mark Relph reviewed the request. This request contains features that go beyond a typical replacement project (trees, brick planter, irrigation, concrete texturing, etc.). The standard replacement cost would be approximately \$16,600. The Downtown Development Authority has agreed to contribute \$5,700 toward the project leaving a balance of \$26,764. The owners of the St. Regis are requesting the City pay that balance. Mr. Relph said \$16,600 could be contributed out of '97 funds with the balance of \$10,164 to come out of the 1998 curb, gutter and sidewalk replacement program.

Councilmember Theobold noted the design is unlike any others on the rest of Colorado Avenue. Mr. Relph agreed. Councilmember Theobold asked how the design came about. Mr. Relph said the St. Regis owners came up with the concept. The owners noticed Grand Avenue and the textured concrete and trees/grates. The DDA is interested in this project and wants to make sure the pattern chosen can be used in the future. Councilmember Theobold said this may set a pattern in the downtown area. Mr. Relph agreed.

Mayor Terry asked if, in order for this to be duplicated along Colorado Avenue, would it have to be the entire sidewalk. Mr. Relph said yes, a complete replacement. Mr. Relph said he has discussed other options with the owners and the DDA which could be less expensive (possibly exposed, colored concrete on the corners of intersection only).

Councilmember Theobold asked if a local improvement district would be possible? Mr. Relph said yes. Councilmember Theobold said this work needs to be completed in 1997 rather than 1998 because of the handicap access ramp which the owners need to install. Mr. Ebe Eslami, partner in the St. Regis project, said the sidewalk on 4th Street under the awning needs to be replaced before the handicap access is installed. There is a leak into the basement and the sidewalk is crumpled. He has contacted the Public Works Department to see what can be done now rather than duplicating the replacement later.

Councilmember Theobold asked for clarification on the leaky sidewalk. Mr. Relph said there are cases in the downtown area where some basements actually go underneath the sidewalk. Depending on the age of the joints, the joint can separate and the

water comes off the roofs of the building and will actually leak into the basement from the sidewalks.

Councilmember Theobold asked if the City is obligated to provide sidewalks which are impervious to water, or is it the obligation of the people adjoining the sidewalks to keep the water out of their structures? City Attorney Wilson said the landowner is obligated to deal with water from the roof and water from the sidewalk.

Mr. Relph said if Council wants to fund \$16,600 this year and the \$10,000 balance next year, Brian Mahoney has said the DDA will proceed with the work and front the full cost, and wait for the reimbursement from the City in 1998.

Councilmember Sutherland asked if the alley behind St. Regis has been improved? Mr. Relph said it has not been improved. The DDA is interested in considering improvement districts for the downtown area.

Councilmember Theobold suggested spending the \$5,500 to do the project that was already planned for this year (replacing only the portion of the sidewalk that needs replaced), and no more. He suggested letting those that want to design Colorado Avenue do it without having their hand forced by a design that Council may choose tonight. Councilmember Kinsey asked who would do the street design? Councilmember Theobold responded that it could be the DDA.

Councilmember Kinsey felt the City needs to continue expanding the aggregate concrete and other amenities in the downtown area, and favored providing the \$16,000 in 1997.

Councilmember Theobold said whatever improvement is done cannot be considered permanent as the design may change in the future because of elevations or grades or storm drainage.

Councilmember Sutherland stated the City could put in \$16,600 in 1997, plus \$5,700 from the DDA totaling \$22,300 (70% of the projected cost). He felt 30% being paid by the owners is a fair balance. He felt it was important to do the work this year and recommended the foregoing expenditures be authorized. Councilmember Enos-Martinez agreed.

Upon motion by Councilmember Sutherland, seconded by Councilmember Enos-Martinez and carried, the appropriation of \$16,600 out of the 1997 Budget to be used in conjunction with the DDA commitment of \$5,700, along with approximately \$10,164 being paid by the owners for the project, was approved with the condition that if the entire project of \$32,000 is not constructed, the City's \$16,600 portion will be reduced to \$5,500.

Mr. Eslami said his 30% participation of the cost would be nothing compared to the sales tax that would be generated by his business over a 10 year period. Councilmember Theobald said businesses create more need for City services and more tax expenditures.

PUBLIC HEARING - REZONING PROPERTY ON THE NORTHWEST CORNER OF 3RD STREET AND BELFORD AVENUE FROM PC TO PB - ORDINANCE NO. 3022 ZONING A PARCEL OF LAND ON THE NORTHWEST CORNER OF 3RD STREET AND BELFORD AVENUE [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.

A hearing was held after proper notice. This item was reviewed by Kristen Ashbeck, Community Development Department. She said due to existing zoning, the Growth Plan shows this parcel as being commercial even though it is surrounded by a residential neighborhood. The owner is pursuing an entirely new use for the property and Staff proposed going through a rezone process to downzone it from Planned Commercial to Planned Business. Potential future uses would be more compatible with the surrounding residential neighborhood. The Planning Commission found the rezone request meets the criteria in the Zoning & Development Code, and recommended approval of the rezone.

Mr. Brian Simms, PAGS Design Partnership, architect for the property owner, said the parcel sits at the corner of a residential neighborhood and has a lot of old cars parked on it. Plans are to build a small professional office. He said landscaping is planned along Belford. Surrounding neighbors have endorsed the project.

There were no other comments. The hearing was closed.

Upon motion by Councilmember Theobold, seconded by Councilmember Payne and carried by roll call vote, Ordinance No. 3022 was adopted on final reading and ordered published.

PUBLIC HEARING - VACATING A RIGHT-OF-WAY AT 23 1/4 ROAD AND RIVER ROAD - ORDINANCE NO. 3023 VACATING RIGHT-OF-WAY ON 23 1/4 ROAD JUST SOUTH OF 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.

A hearing was held after proper notice. Mike Pelletier, Community Development Department, reviewed this item. The surrounding property owners have no objection to the proposed vacation. The vacation meets the criteria set forth in Section 8-3 of the Zoning & Development Code. This area was annexed to the City in spring of 1996.

Mr. Rick Delk, representing petitioners Paul and Mavis McNew, said the McNews are requesting the vacation because they are planning to sell the property and did not realize this portion was not vacated until the title search revealed it. The sale of the parcel is contingent upon the vacation as the setbacks would limit the owner to the size of building which can be placed on it. He pointed out there are no utilities on the road right-of-way, although M.A. Concrete has erected a chain link fence there.

There were no other comments. The hearing was closed.

Upon motion by Councilmember Sutherland, seconded by Councilmember Payne and carried by roll call vote, Ordinance No. 3023 was adopted on final reading and ordered published.

PUBLIC HEARING - VACATING AN EASEMENT IN A PORTION OF MONUMENT HEIGHTS TOWNHOMES SUBDIVISION AT 345 KENNEDY AVENUE - ORDINANCE NO. 3024 VACATING A PORTION OF A UTILITY EASEMENT LOCATED WITHIN TRACT B, MONUMENT HEIGHTS TOWNHOMES SUBDIVISION

[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.

A hearing was held after proper notice. This item was reviewed by Bill Nebeker, Community Development Department.

There were no comments. The hearing was closed.

Upon motion by Councilmember Payne, seconded by Councilmember Enos-Martinez and carried, Ordinance No. 3024 was adopted on final reading and ordered published.

OTHER BUSINESS

Revolving Loan Contract

City Attorney Wilson updated Council on the Incubator Revolving Loan Contract which was approved earlier on the consent section of the agenda. The additions to the Contract were to condition applications for granting of loans on having insurance to cover water damage, and also to secure releases of liability for the City from that same type of water damage. There was no geographic limitation on who could apply for the funds. City Council agreed to the changes. Mr. Wilson will finalize the changes in the Contract.

ADJOURNMENT

Upon motion by Councilmember Sutherland, seconded by Councilmember Payne and carried, the meeting adjourned into executive session at 9:10 p.m. to discuss pending litigation (Busking vs. City).

Stephanie Nye, CMC/AAE
City Clerk