

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

September 17, 1997

The City Council of the City of Grand Junction, Colorado, convened into regular session the 17th day of September, 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, Mike Sutherland, Reford Theobold, and President of the Council Janet Terry. Also present were Assistant City Manager David Varley, City Attorney Dan Wilson, and City Clerk Stephanie Nye.

Council President Terry called the meeting to order and Councilmember Scott led in the Pledge of Allegiance. The audience remained standing during the invocation by Councilmember Theobold.

ANNOUNCEMENT

Mayor Terry announced no public testimony will be taken at this meeting regarding the rezone of property located at 531 Maldonado Street. The full hearing and appeal will be heard on October 1, 1997.

RATIFY RIVERFRONT COMMISSION'S REAPPOINTMENT OF GERRY TUCKER TO THE URBAN TRAILS COMMITTEE

Upon motion by Councilmember Payne, seconded by Councilmember Enos-Martinez and carried, the Riverfront Commission's reappointment of Gerry Tucker to the Urban Trails Committee was ratified.

CONSENT ITEMS

Upon motion by Councilmember Theobold, seconded by Councilmember Scott and carried by roll call vote with Councilmember **KINSEY** voting **NO** on Item #7, the following Consent Items 1-14, with Item #7 amended and showing Table 3 being reidentified as Table 1, were approved:

1. **Minutes of Previous Meeting**

Action: Approve the Minutes of the Regular Meeting September 3, 1997

2. Authorize the Third Supplement to the Code of Ordinances

The Code of Ordinances, Sec. 1-10, requires that City Council approve by motion the preparation and printing of the Code supplements in order to incorporate ordinances and certain resolutions approved by the City Council in the last year into the Code Book. The third supplement is ready to send to the printer. The last supplement was issued June, 1996.

Action: Authorize the Preparation, Printing and Distribution of the Third Supplement to the Code of Ordinances

3. Setting a Hearing on Amending Chapt. 4, Alcoholic Beverages, of the Code of Ordinances

The changes to the Colorado Liquor and Beer Code require that the City update the City Code of Ordinances in order to comply with State Law regarding application fees and temporary licenses. The proposed amendments will not substantively alter City practices but will align the Code of Ordinances with State Law.

Proposed Ordinance Amending Chapter 4, Article III, of the Code of Ordinances of the City of Grand Junction, Colorado

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for October 1, 1997

4. Establishing New Application Fees Relating to Liquor and Beer Licensing and Exempt Non-Profit Agencies from Certain Fees

On July 1, 1997, the new State Liquor and Beer Code went into effect. The new State Code provides for an increase in application fees, an elimination of extended hours permits as separate permits, elimination of temporary licenses for those whose licenses that have been allowed to expire inadvertently and allows for imposition of a background investigation fee for changes in directors and members of corporations and limited liability companies respectively. It is proposed that the City adopt the new fees exempting non-profits from the background investigation fee.

Resolution No. 51-97 - A Resolution Establishing Various Fees and Charges Relating to Chapter 4, Code of Ordinances for the City of Grand Junction, Colorado

Action: Adopt Resolution No. 51-97

5. **Reappointment of Jim Majors as Alternate Hearing Officer for Liquor and Beer Matters**

Last September, the City Council appointed Jim Majors, a local attorney, as the City's Alternate Hearing Officer for a one year term. Mr. Majors has filled in for those hearings when the City's regular Hearing Officer Phil Coebergh was unavailable.

Resolution No. 57-97 - A Resolution Regarding the Appointment of an Alternate Hearing Officer for Liquor and Beer Licensing

Action: Adopt Resolution No. 57-97

6. **Amendment to Legacy Project Grant Agreement for the Colorado Riverfront Legacy Project**

On December 18, 1996, Council adopted a resolution authorizing an agreement but the resolution was never executed because of Article VI, Section 5, Paragraph C, which stated "to the extent that Grantee is comprised of more than one entity, the obligations under this section shall be joint and several." This section has been removed. The new language is now acceptable to all parties in that it removes the joint and several liability clause from the master agreement and now reads "to the extent that the Grantee is comprised of more than one entity under this section and shall be separate, and not joint and several."

Resolution No. 58-97 - A Resolution Supporting the Amendment to the Master Agreement between the City of Grand Junction and the State Board of the Great Outdoors Colorado Trust Fund

Action: Adopt Resolution No. 58-97

7. **Adoption of 1998-2002 Transit Development Plan (TDP)**

The Grand Junction/Mesa County Metropolitan Planning Organization seeks approval of a Resolution adopting the

1998-2002 Transit Development Plan for submission to the Federal Transit Administration for continued operation of the elderly and disabled program as well as an expansion of service for low income persons.

Resolution No. 59-97 - A Resolution Concerning Adoption of the Grand Junction/Mesa County Metropolitan Planning Organization's Transit Development Plan for 1998-2002

Action: Adopt Resolution No. 59-97

8. **Change Order #1 to Contract for Third and Main Amphitheater**

This change order is the additional work above the original base bid to install a fountain, replace concrete sidewalk, and miscellaneous construction to complete the Third & Main Amphitheater project. On August 21, 1996 City Council authorized the award of the construction contract to Mays Concrete, Inc. for the base bid, add alternatives 1 and 2, plus negotiate a change order for the addition of a fountain for a total project cost not to exceed \$88,000. The proposed change order adds \$75,051.89 to the base bid of \$44,394.00 for a total project cost of \$119,445.89.

Action: Approve Change Order #1 to the Contract with Mays Concrete, Inc. for the Third & Main Amphitheater in the Amount of \$75,051.89 for the Addition of the Fountain and Other Construction for the Project

9. **River Road Curve Modification Contract**

The following bids were received on September 9, 1997:

Sorter Construction, Inc., Grand Junction	\$120,970.50
Stanley Construction, Grand Junction	\$170,050.50
Engineer's Estimate	\$134,504.00

Action: Award Contract for River Road Curve Modification Contract to Sorter Construction, Inc., in the Amount of \$120,970.50

10. **Change Order #1 to Contract for 1997 Sewerline Replacements**

This Change Order would authorize the construction of the storm sewer line in Hickory Drive from Ash Drive to Hickory

Court prior to a pavement overlay currently scheduled for Hickory Drive.

Action: Approve Change Order #1 to Contract with Stanley Construction for 1997 Sewerline Replacements in the Amount of \$20,099_

11. **Resolution Indemnifying the Officers for January 1, 1995 (Busking v. City)**

Busking v. City is a civil suit alleging wrong-doing by the City and several of its police officers. It arises out of a police response to a New Year's party on January 1, 1995. The City has been paying the costs of the defense, through CIRSA. The adoption of this resolution simply confirms the City's defense of the City's officers.

Resolution No. 60-97 - A Resolution Acknowledging Defense of Police Employees in Civil Action No. 95 CV 420

Action: Adopt Resolution No. 60-97

12. **Setting a Hearing on Rezoning to C-1 for Property Located at 531 Maldonado Street** [File #RZ-1997-144]

Appeal of Planning Commission decision to deny an amendment to the Growth Plan and rezone from Residential Multifamily 64 units per acre (RMF-64) to Light Commercial (C-1) on approximately 2.4 acres. The appeal will be heard at the October 1 meeting.

Proposed Ordinance Zoning a Parcel of Land Located at 531 Maldonado Street

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for October 1, 1997

13. **Setting a Hearing on Rezoning of Property Located at the Northwest Corner of 15th Street and F 1/4 Road (Hilltop Assisted Living) from PR-11 to PR-9.4** [File #RZP-1997-145]

Proposal to rezone approximately 10 acres from Planned Residential 11 units per acre (PR-11) to Planned Residential 9.4 units per acre (PR-9.4) in order to develop an assisted

living complex with a 74-unit building and 10 duplex cottages (20 units).

Proposed Ordinance Zoning a Parcel of Land on the Northwest Corner of 15th Street and F 1/4 Road

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for October 1, 1997

14. **Setting a Hearing on Right-of-Way Vacation for a Portion of Ridgewood Lane and an Easement Located East of Ella Court**
[File #VR-1997-146]

The petitioners are requesting to vacate the northern 10' of Ridgewood Lane east of Ella Court. Also, the petitioner requests to vacate the northernmost 5' of a utility easement located directly north of the proposed right-of-way vacation. Staff supports both vacation requests.

Proposed Ordinance Vacating Right-of-Way and a Portion of a Utility Easement on Ridgewood Lane East of Ella Court

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for October 1, 1997

* * * END OF CONSENT CALENDAR * * *

* * * ITEMS NEEDING INDIVIDUAL CONSIDERATION * * *

PUBLIC HEARING - APPEAL OF PLANNING COMMISSION DENIAL OF FAIRCLOUD SUBDIVISION, LOCATED AT THE NORTHEAST CORNER OF F 1/2 ROAD AND 30 ROAD [FILE #PP-1997-103] - TABLED TO OCTOBER 1, 1997, CITY COUNCIL MEETING

Proposal to subdivide approximately 16.45 acres of land into 57 single family residential lots with a zoning of Residential Single Family - 4 units per acre (RSF-4). The Planning Commission denied a request for a special use permit for residential use in the Air Critical Zone and Preliminary Plan. The petitioner has appealed.

- a. Special Use Permit for Residential Use in the Airport Critical Zone

b. Preliminary Plan

Mayor Terry announced the petitioner has requested this item be tabled for a period of two weeks.

Upon motion by Councilmember Scott, seconded by Councilmember Sutherland and carried, this item was tabled to October 1, 1997.

City Attorney Wilson noted that this item may not come back to Council on October 1, 1997, depending on some consulting between the owner and designer. There may be a revision to the plan.

NON-SCHEDULED CITIZENS & VISITORS

Authorization of Public Funds for Baseball and Soccer Fields at Canyon View Park

Mr. Dale Stouder stated he hoped Council would exercise prudence and good judgment and restraint in authorizing public funds for matters of marginal or little value to the community. He read a letter of which copies had been provided Council (attached).

Mr. Stouder said he understands the contracts have termination provisions allowing the City Council to terminate for any cause with seven days notice. The contracts were awarded in the latter part of August, 1997, and Mr. Stouder doubted much work had been done on the contract. He said even if it costs a few thousand dollars to stop the contract, it would save the taxpayers hundreds of thousands of dollars.

Mayor Terry responded by saying Council has read the material Mr. Stouder has presented. Policy decisions have been made in the past. When policy decisions are made, budget issues and costs are analyzed, and benefits are considered. Although, firstly, Council considers the needs of its citizens and what they are requesting to be provided. The decision to build Canyon View Park and all accessories was in response to the demands of Grand Junction's citizens. Council can do nothing about the contract which the Parks Improvement Advisory Board (PIAB) has with Randall & Blake, Inc. (RBI) for the baseball field. She said the majority of the funds for the contract with RBI for the soccer fields came from the Soccer Association through grants and some of their own

monies. Mayor Terry opened discussion for consideration of cancellation of that contract.

It was moved by Councilmember Theobald and seconded by Councilmember Sutherland that the City terminate the contracts with RBI and withdraw any City money from the projects, the new baseball field and the three new soccer fields.

Councilmember Kinsey said when parks are built, Council does not always look for the most productive use of the land. Parks are expensive. Council has made a policy decision on building the park after a lot of citizen input.

Councilmembers Scott and Payne both said there is a dire need for baseball and soccer fields in Grand Junction. The funds have not come from taxpayer dollars. Parks do not necessarily bring in large revenue but are built for the use and enjoyment of citizens.

Councilmember Theobald appreciated and respected Mr. Stouder's right to have an opinion, although he disagreed with Mr. Stouder's.

A vote was taken on the motion with all Council members voting **NO**.

Mr. Stouder said the report is a matter of fact, not an opinion. He said the money spent on soccer fields is premature because there are several fields that have been built and not used yet. He asked Council if it had received a cost analysis or option study before letting the contract. Councilmember Sutherland said Staff provided information on operations and maintenance of the baseball field.

Mr. Stouder said those Councilmembers that voted to award the contract for a superfluous project did not exercise good judgment. He thanked Council for the opportunity to voice his opinion.

ADJOURNMENT

Upon motion by Councilmember Payne, seconded by Councilmember Sutherland and carried, the meeting was adjourned at 7:59 p.m.

Stephanie Nye, CMC/AEE
City Clerk

September 16, 1997

Members of the City Council:

You each have a copy of the cost/benefit analysis of the impact of building a second city baseball facility. The cost, revenue, and use figures were provided by the City Parks and Recreation Department. Other information was provided by representatives of School District 51, Mesa State College, and other City employees and officials.

After objective analysis of the relevant information concerning the need for a second taxpayer subsidized baseball facility, I believe any reasonable person would conclude that such a facility would be wasteful of public funds. The City Council should demonstrate its integrity, good sense, and responsiveness to public trust by immediately terminating the contract with Randall and Blake, Inc. for the construction of the baseball facility at Canyon View Park.

I also believe that it is premature to construct three more soccer fields at Canyon View as the new fields recently finished have yet to be put into use. It is not likely the three additional fields are in as desperate need as other projects which are being deferred for lack of capital funds.

I ask the City Council to terminate immediately the contract also with Randall and Blake, Inc. for the construction of three additional new soccer fields at Canyon View Park. This contract and the contract for the baseball facility, were, in my judgement, improperly sole sourced through negotiation with a preselected contractor, Randall and Blake, Inc. This is a second compelling reason for terminating these contracts.

/s/Dale H. Stouder

