

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

October 15, 1997

The City Council of the City of Grand Junction, Colorado, convened into regular session the 15th day of October, 1997, at 7:33 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 City Manager Mark Achen, 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 Rev. David Kniseley, Grace Reformed Presbyterian Church.

OATH OF OFFICE ADMINISTERED TO POLICE OFFICER STEVE MOORE

Police Chief Gary Konzak made a brief introduction and gave history on newly hired Police Officer Steve Moore. Officer Moore's family and friends were present.

Mayor Terry administered the Oath of Office to Police Officer Steve Moore.

Officer Moore's fiancé pinned his badge on his uniform. Chief Konzak introduced the City Council and Staff on the dais.

CONSENT ITEMS

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

1. **Minutes of Previous Meeting**

Action: Approve the Minutes of the Regular Meeting October 1, 1997

2. **Setting a Hearing on the 1997 Supplemental Appropriations Ordinance**

The requests are to appropriate amounts for contingencies, grants, changes in enterprise fund activity, additional

resources received, additional capital projects, and the increase in inventory. Contingencies are added to cover the possibility of higher than budgeted activities in the DDA operating, solid waste, Two Rivers Convention Center, golf course, parking, irrigation, equipment, stores, and perpetual care funds.

Proposed Ordinance Making Supplemental Appropriations to the 1997 Budget of the City of Grand Junction

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for November 5, 1997

3. **Adopting Revised City of Grand Junction Purchasing Manual**

The City of Grand Junction Purchasing Manual represents a centralized procurement policy by which all City agencies must operate. It has been revised to modernize procurement methods and processes, and to take advantage of new automations, technologies, techniques and strategies associated with economical and efficient municipal purchasing programs.

Resolution No. 61-97 - A Resolution Adopting a Policies and Procedures Manual for Purchasing of Equipment, Materials, Supplies and Non-Personnel Services by the City of Grand Junction, Colorado

Action: Adopt Resolution No. 61-97

4. **Setting a Hearing on Northfield Estates Sewer Improvement District**

A petition signed by 92% (12 of 13) of the owners of the property to be assessed has been submitted requesting a sanitary sewer improvement district for a portion of Northfield Estates, located north of F 1/2 Road and west of North 7th Street (26 1/2 Road) across from Roundhill Subdivision. The proposed resolution will state the City Council's intent to create an improvement district and give notice of a public hearing to be held on November 19, 1997.

Resolution No. 62-97 - A Resolution Declaring the Intention of the City Council of the City of Grand Junction, Colorado, to Create within said City Sanitary Sewer Improvement

District No. SS 42-97 in Northfield Estates Subdivision and Authorizing the City Engineer to Prepare Details and Specifications for the Same

Action: Adopt Resolution No. 62-97 and Set a Hearing for November 19, 1997

5. **Revocable Permit for a Grease Interceptor at 546 Main Street**
[File #RVP-1997-168]

Resolution authorizing the issuance of a revocable permit to allow for placement of a grease interceptor in the public alley behind 546 Main Street.

Resolution No. 63-97 - A Resolution Concerning the Issuance of a Revocable Permit to Robert J. Armantrout and Yvonne C. Armantrout

Action: Adopt Resolution No. 63-97

6. **Revocable Permit for Facade Reconstruction at 461 Main Street**
[File #RVP-1997-169]

Resolution authorizing the issuance of Revocable Permit to allow for reconstruction and rehabilitation of the building facades along the Main Street and 5th Street rights-of-way for the building at 461 Main Street.

Resolution No. 64-97 - A Resolution Concerning the Issuance of a Revocable Permit to Shari A. Raso, Roland A. Raso, Amora Leah Bley and Wilhemetta Jo Kesler

Action: Adopt Resolution No. 64-97

7. **Historic Designation of the Lincoln Park Residential Historic District** [File #HBD-1997-002.4]

Property owners within the area bound by Gunnison and Ouray Avenues and 12th and 14th Streets are requesting that the area be designated as a historic district in the City Register of Historic Sites, Structures and Districts.

Resolution No. 65-97 - A Resolution Designating the Lincoln Park Residential Historic District in the City Register of Historic Sites, Structures and Districts

Action: Adopt Resolution No. 65-97

8. **Setting a Hearing on Rezoning Property Located at 2702 Patterson Road from RSF-8 to P (Parking) for the Expansion of a Parking Lot** [File #RZ-1997-159]

Rezone from Residential Single Family 8 units per acre (RSF-8) to Parking, Off-Street (P) to allow construction of a parking lot on a vacant portion of the Bookcliff Baptist Church property on the northeast corner of 12th Street and Patterson Road.

Proposed Ordinance Zoning a Portion of a Parcel of Land on the Northwest Corner of 12th Street and Patterson Road from RSF-8 to P

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for November 5, 1997

9. **Setting a Hearing on Rezoning Payton II Subdivision Located at 717 24 3/4 Road from RSF-2 to RSF-4** [File #RZP-1997-123]

The applicant proposes to rezone a 3.5 acre parcel from RSF-2 to RSF-4 for the Payton II Subdivision, an 11 lot residential subdivision located approximately 300' north of the northwest corner of 24 3/4 Road and G Road. The RSF-4 zoning is in conformance with the Growth Plan Map which shows this area developing at a density of 4-7.9 dwellings per acre. At its October 7, 1997 hearing, the Planning Commission recommended approval.

Proposed Ordinance Rezoning Property to be Known as Payton II Subdivision, Located on the West Side of 24 3/4 Road, North of G Road, from RSF-2 to RSF-4

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for November 5, 1997

10. **Setting a Hearing on Vacating a Utility Easement Located at 2806 3/4 Bookcliff Avenue** [File #VE-1997-147]

The petitioner is requesting to vacate a 5' wide utility easement along the southerly border of Lot 7, Block 2 of

Northstar Subdivision to accommodate an existing garage which extends approximately 6" into the easement. Staff supports the vacation request because no utilities exist in the easement and none are anticipated.

Proposed Ordinance Vacating a Utility Easement on Southern Edge of Lot 7, Block 2 of Northstar Subdivision

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for November 5, 1997

* * * END OF CONSENT CALENDAR * * *

* * * ITEMS NEEDING INDIVIDUAL CONSIDERATION * * *

PUBLIC HEARING - SEWER IMPROVEMENT ASSESSMENTS FOR COUNTRY CLUB PARK WEST AND DRESSEL DRIVE SEWER DISTRICTS - ORDINANCE NO. 3026 APPROVING THE ASSESSABLE COST OF THE IMPROVEMENTS MADE IN AND FOR SANITARY SEWER IMPROVEMENT DISTRICTS NO. SS-38-95, AS AMENDED, AND SS-39-95, IN THE CITY OF GRAND JUNCTION, COLORADO, PURSUANT TO ORDINANCE NO. 178, ADOPTED AND APPROVED THE 11TH DAY OF JUNE, 1910, AS AMENDED; APPROVING THE APPORTIONMENT OF SAID COST TO EACH LOT OR TRACT OF LAND OR OTHER REAL ESTATE IN SAID DISTRICTS; ASSESSING THE SHARE OF SAID COST AGAINST EACH LOT OR TRACT OF LAND OR OTHER REAL ESTATE IN SAID DISTRICTS; APPROVING THE APPORTIONMENT OF SAID COST AND PRESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF SAID ASSESSMENT

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.

A hearing was held after proper notice. Trent Prall, Utilities Engineer, reviewed this item and gave a brief chronology of the project. City staff met with the residents on May 3, 1994. Within a month the City received a petition to do a feasibility study for extending sewer into their areas, with a meeting taking place by the end of September, 1994, for discussion of the study. By the end of April, 1995, a small portion of the area in Country Club Park went forward and two separate districts were formed; SS 38-95 (Country Club Park) and SS 39-95 (Dressel Drive). When design took place and was completed in early June, 1995, it became

apparent that four lots would have to pump to get into the sewer. The remaining portion of 1995 was spent considering options on how to eliminate those four residents from having to pump. An attempt was made to expand the district. On May 28, 1996, bids were received which came in higher than anticipated due to the busy bidding climate. Staff was asked to rebid in the fall. On October 15, 1996, the project was rebid and the bids were still too high. The Dressel Drive residents were notified of the higher bid and a hearing was set for November 20, 1996, at which time a petition was received from the Dressel Drive residents stating they were no longer interested in the district. Staff recommended the district be dissolved. The decision was postponed until December 18, 1996 in order to verify if there would be any public funds available, giving City and County staff time to determine whether such funds would be available. On December 18, 1996, both the City and County determined that no funds would be available. They could have been treated as two districts, although Country Club Park had a majority of the two districts and could have gone forward to create one larger district. Council recommended treating the districts as one district spreading all the costs evenly over the 29 lots. Two lots were added which brought the total number up from 27 to 29 lots. At that same meeting the bid was awarded to Grant Miller Excavating of Breckenridge, Colorado. The total project cost was revised to \$215,000 up from the original estimate of \$158,000. Construction began on February 15, 1997 and completion occurred on April 8, 1997. The final cost for two districts was \$212,630.34. Divided among the 29 lots, the cost came to \$7,332.08 per lot. Owners have thirty days (November 17, 1997) to pay assessments in full or it will be added to their tax bill at a rate of 8%/annum being charged to the declining balance. The Mesa County Treasurer also collects a fee of 6% of the amount to be financed. If the assessment is paid in full, the 6% fee does not apply. The City only passes through the cost charged by the Mesa County Treasurer.

Mr. Prall said in December, 1996, staff considered whether public funds would be available for the district. The City had approached Mesa County for assistance in the past. The City was rejected by the County on June 22, 1992, again on May 2, 1995.

Mr. Prall said Tom Rooklidge first submitted a letter to Mayor R.T. Mantlo and Mesa County Commissioner John Crouch on November 24, 1994 requesting financial assistance. He received no response. On March 9, 1995, Mr. Rooklidge also sent a letter to

Commissioners Kathy Hall and Doralyn Genova regarding County participation.

Mr. Prall said staff recommends adoption of the ordinance.

Mr. Tom Rooklidge, 317 Country Club Park, said originally there were four districts (36 houses) designed for this area. As a result of the feasibility study, the estimate for Dressel Drive was nearly 100% off. Many things happened to delay the construction of the project. Originally the construction would have taken place in the summer of 1995. Design flaws were discovered, and redesign of the district had to take place. During these delays, construction costs kept going up. Dressel Drive didn't want to go forward because of the higher cost. Staff recommended dissolving the district. The City Council saved the districts because Country Club Park was in dire need. He felt the decisions made by the original City engineers and consulting engineer at the beginning of the project caused the delays. He felt the districts should pay for their own improvements, but in this case the delays have caused the price to go up. He said City Council needs to step up and do the right thing. If the project had bid out in 1995, it would have cost \$6,500 per lot. Now the residents are having to pay a penalty by being assessed a higher cost of \$7,332.08 per lot. Mr. Rooklidge was speaking against the proposed assessment in representation of Country Club Park property owners.

Councilmember Scott asked who was the outside engineer. Mr. Rooklidge said Gerald Williams was the engineer. He said the district should have never been designed this way. Trent Prall inherited this mess and has worked hard to resolve it. He tried to redesign in order to avoid pumps, and changed the way the line went in order to pick up a few more houses. By creating four districts it gave everyone a right to opt out which created havoc. More houses will have to pump rather than using gravity flow.

Councilmember Payne asked when the sewer was hooked up. Mr. Prall said April 8, 1997.

Councilmember Sutherland asked if \$6,500 was the original expectation. Mr. Rooklidge said that amount was approved by the City Council. It was on the petition and the residents thought it was the assessment. The petition read \$4,500 for Dressel Drive residents. All the residents believed the petition figures were true assessments.

Councilmember Sutherland asked what \$6,500 in 1994 would be in today's dollars. Trent Prall said \$6,500 would be worth \$7,518 now if invested over the past two years.

Mr. Rooklidge said the City couldn't even get a local contractor to do this job. The contractor came from Breckenridge.

Mayor Terry asked Mr. Prall to elaborate on the procedure for the current Council.

Mr. Prall said the original petitions were based on the engineer's estimates resulting from a feasibility study. A study is done before a district is created. He gave a step by step explanation regarding forming a sewer district. Residents request City sewer. The City then schedules a meeting with the residents to discuss options. There would have been representatives from the Mesa County Health Department attending that meeting to discuss results of failing septic systems, etc. At that point, it is left up to the residents to submit a petition requesting a feasibility study for their area. The study is either contracted outside or done by the City Engineer. In this case it was consulted out. The study came back in September, 1994. Staff then met with the residents, of which only 27 (20 lots on upper Country Club Park and 7 lots on Dressel Drive) were willing to move forward to form districts. Petitions were received the first part of January, 1995. The first reading and setting of the hearing for April 19, 1995 took place at the second City Council meeting in February, 1995.

Mayor Terry asked if the process is always based on estimates from the feasibility study. Mr. Prall said this district is indeed based on estimates from the feasibility study. He said the petitions are signed based upon that estimate. The City is not allowed to go over the estimate (\$6,500 in this district) without notifying the residents and asking for the increased amount.

Mr. Prall continued by saying another public hearing was conducted on November 18, 1996 at which time the formation of the districts was discussed. The final figures (\$7,335/lot) were available at that time. The residents on Dressel Drive were not interested in paying the fee. They asked if public moneys were available. The decision was postponed until December 18, 1996.

Mayor Terry asked about the process for public funds being used to subsidize sewer districts. City Manager Mark Achen said there is

no current policy. Mr. Prall said there has never been any public funds used to fund a private sewer improvement district.

Councilmember Kinsey asked when this district was approved. Mr. Prall said \$7,335 was approved at the December 18 meeting at which time a public hearing was conducted. Council then approved that amount.

Councilmember Theobald asked if the construction inspection was handled by City staff. Mr. Prall said it was done in-house.

Ms. Dixie Folsom, 401 Dressel Drive, said only seven homes needed to be on the sewer. She and other residents hesitated because they didn't have sewer failure. The reason they went forward was because they could afford the original cost estimate. Now they can't really afford the higher cost. She said they were told if the district didn't go this time, they would have to pay the full amount next time; this scared them. Dressel Drive doesn't have the sewer problems, and none of the residents have hooked up. The original estimate was \$4,600; it is now \$7,335.

Councilmember Theobald stated the residents signed the second petition. Ms. Folsom said she signed the petition because the sewer would be up her street and she would have to hookup if her septic failed. Mayor Terry said the residents on Country Club Park were in dire need of the sewer, and Council felt compelled to form the district.

Ms. Folsom said they were told they could get guardrails placed on the steep hills, etc. Mayor Terry said that is a reasonable request, and suggested Ms. Folsom contact City Utilities Engineer Trent Prall for follow up.

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

Councilmember Scott said the current charge is \$832 more than the original estimate.

Councilmember Theobald said the difference is not that much for Country Club Park. Dressel Drive residents are being assessed the largest amount. It is frustrating that the estimates were so poor, particularly on Dressel Drive. There were many reasons for the delays and higher costs. Considering the in-house fees of \$11,000, he suggested \$400/home be written off for in-house work that was done, but not the engineering design. The amount would be half of the \$800 difference referred to by Councilmember Scott.

Mayor Terry asked if the amount would come from the general fund. She was concerned that Council would be setting a precedent by using general fund moneys for projects that typically come out of funds that are strictly operated by user fees. Is that a fair use of taxpayer funds? She said the City probably could have done something to prevent the costs from escalating.

Councilmember Theobold said part of the City's responsibility is the general health and welfare of its citizens. Solving sewer problems is part of the health and welfare of this area.

City Manager Achen said the homeowners decided to become part of the City based on the original estimates for sewer. There are issues of equity and fairness regarding this district. He said Council has the authority to take the funds out of the sewer fund, although Council is in the middle of "discussions" with Mesa County. Council can again approach the County, and if they don't wish to participate, City resources could be used. He suggested specifying "general funds" from two sources, the sales tax capital fund and the general fund.

Councilmember Theobold said local improvement districts are easier to form inside the City. He said the City also offered to deannex the area if the districts were dissolved.

Upon motion by Councilmember Scott, seconded by Councilmember Payne and carried by roll call vote, Ordinance No. 3026 was amended by reducing the lot assessment to \$6,900, adopted on second reading, and ordered published.

City Attorney Wilson noted that the figure shown per property includes the 6% County collection fee. If the assessment is paid within 30 days, that amount is deducted and the total amount is \$6,900.

ALLEY IMPROVEMENT DISTRICT ASSESSMENTS FOR ST-96, PHASES A, B, C

Mayor Terry announced Public Works & Utilities Director Jim Shanks will review all three alley improvement districts, although separate public hearings and votes will take place on each district.

Mr. Shanks said the districts were completed in late 1996 and early 1997. The proposed ordinances set the assessments for a total of 11 alleys. The rates are \$6/lineal foot for residential

property, \$12/lineal foot for residential multi-family properties, and \$22/lineal foot for non-residential properties. In general, the assessment will pay for approximately 30% of the total cost while 70% of the cost is funded by the City Sales Tax Fund.

PUBLIC HEARING - ALLEY IMPROVEMENTS ASSESSMENTS FOR ST-96, PHASE A
- ORDINANCE NO. 3029 APPROVING THE ASSESSABLE COST OF THE
IMPROVEMENTS MADE IN AND FOR ALLEY IMPROVEMENT DISTRICT NO. ST-96,
PHASE A, IN THE CITY OF GRAND JUNCTION, COLORADO, PURSUANT TO
ORDINANCE NO. 178, ADOPTED AND APPROVED THE 11TH DAY OF JUNE,
1910, AS AMENDED; APPROVING THE APPORTIONMENT OF SAID COST TO EACH
LOT OR TRACT OF LAND OR OTHER REAL ESTATE IN SAID DISTRICT;
ASSESSING THE SHARE OF SAID COST AGAINST EACH LOT OR TRACT OF LAND
OR OTHER REAL ESTATE IN SAID DISTRICT; APPROVING THE APPORTIONMENT
OF SAID COST AND PRESCRIBING THE MANNER FOR THE COLLECTION AND
PAYMENT OF SAID ASSESSMENT

Reconstruction of the following 8 alleys has been completed in accordance with the Resolution Creating Alley Improvement District 1996, Phase A:

- East-West alley, 3rd St. to 4th St. between Belford & North
- East-West alley, 5th St. to 6th St. between Teller & Hill
- East-West alley, 5th St. to 6th St. between Chipeta & Gunnison
- Cross alley, 7th St. to 8th St. & Rood Avenue to Main Street
- East-West alley, 10th St. to 11th St. between Belford & Teller
- East-West alley, 11th St. to 12th St. between Grand & White
- East-West alley, 12th St. to 13th St. between Colorado & Ute
- North-South alley, Mesa Ave. to Elm Ave. between 19th St. & 20th St.

A hearing was held after proper notice. There were no public comments. The hearing was closed.

Councilmember Theobold disclosed his relationship with one of the property owners, his landlord Hank Valley Land Company, in the alley assessment ordinance.

City Manager Achen said there are 109 properties in this ordinance.

Upon motion by Councilmember Kinsey, seconded by Councilmember Enos-Martinez and carried by roll call vote, Ordinance No. 3029 was adopted on second reading, and ordered published.

PUBLIC HEARING - ALLEY IMPROVEMENTS ASSESSMENTS FOR ST-96, PHASE B
- ORDINANCE NO. 3030 APPROVING THE ASSESSABLE COST OF THE
IMPROVEMENTS MADE IN AND FOR ALLEY IMPROVEMENT DISTRICT NO. ST-96,
PHASE B, IN THE CITY OF GRAND JUNCTION, COLORADO, PURSUANT TO
ORDINANCE NO. 178, ADOPTED AND APPROVED THE 11TH DAY OF JUNE,
1910, AS AMENDED; APPROVING THE APPORTIONMENT OF SAID COST TO EACH
LOT OR TRACT OF LAND OR OTHER REAL ESTATE IN SAID DISTRICT;
ASSESSING THE SHARE OF SAID COST AGAINST EACH LOT OR TRACT OF LAND
OR OTHER REAL ESTATE IN SAID DISTRICT; APPROVING THE APPORTIONMENT
OF SAID COST AND PRESCRIBING THE MANNER FOR THE COLLECTION AND
PAYMENT OF SAID ASSESSMENT

Reconstruction of the East-West alley from 12th Street to 13th Street between Grand Avenue & White Avenue has been completed in accordance with the Resolution Creating Alley Improvement District 1996, Phase B.

A hearing was held after proper notice. There were no public comments. The hearing was closed.

Upon motion by Councilmember Payne, seconded by Councilmember Theobald and carried by roll call vote, Ordinance No. 3030 was adopted on second reading, and ordered published.

PUBLIC HEARING - ALLEY IMPROVEMENTS ASSESSMENTS FOR ST-96, PHASE C
- ORDINANCE NO. 3031 APPROVING THE ASSESSABLE COST OF THE
IMPROVEMENTS MADE IN AND FOR ALLEY IMPROVEMENT DISTRICT NO. ST-96,
PHASE C, IN THE CITY OF GRAND JUNCTION, COLORADO, PURSUANT TO
ORDINANCE NO. 178, ADOPTED AND APPROVED THE 11TH DAY OF JUNE,
1910, AS AMENDED; APPROVING THE APPORTIONMENT OF SAID COST TO EACH
LOT OR TRACT OF LAND OR OTHER REAL ESTATE IN SAID DISTRICT;
ASSESSING THE SHARE OF SAID COST AGAINST EACH LOT OR TRACT OF LAND
OR OTHER REAL ESTATE IN SAID DISTRICT; APPROVING THE APPORTIONMENT
OF SAID COST AND PRESCRIBING THE MANNER FOR THE COLLECTION AND
PAYMENT OF SAID ASSESSMENT

Reconstruction of the following two alleys has been completed in accordance with the Resolution creating Alley Improvement District 1996, Phase C:

- East-West alley, 14th St. to 17th St. between Rood & White
- East-West alley, 6th St. to 7th St. between Pitkin & South

A hearing was held after proper notice. There were no public comments. The hearing was closed.

Upon motion by Councilmember Payne, seconded by Councilmember Scott and carried by roll call vote, Ordinance No. 3031 was adopted on second reading, and ordered published.

ADJOURNMENT

The meeting was adjourned at 8:38 p.m.

Stephanie Nye, CMC/AAE
City Clerk