

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

MAY 20, 1998

The City Council of the City of Grand Junction, Colorado, convened into regular session the 20th of May, 1998, at 7:30 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, Assistant City Attorney John Shaver and Acting City Clerk Christine English.

Council President Terry called the meeting to order and Councilmember Theobald led in the Pledge of Allegiance. The audience remained standing during the invocation by Pastor Steve Johnson of the Living Hope Evangelical Free Church.

PROCLAMATION DECLARING MAY 17-23, 1998, AS "EMERGENCY MEDICAL SERVICES WEEK" IN THE CITY OF GRAND JUNCTION

PROCLAMATION DECLARING JUNE, 1998, AS "RECYCLING MONTH" IN THE CITY OF GRAND JUNCTION

Upon motion by Councilmember Payne, seconded by Councilmember Sutherland and carried by roll call vote, the following Consent Items #1 through 6 were approved:

1. **Minutes of Previous Meeting**

Action: Approve the Minutes of the Regular Meeting May 6, 1998

2. **12th Street Median Construction, Phase I (North Avenue to Kennedy**

The following bids were received on May 7, 1998:

Mays Concrete, Grand Junction,	\$115,107.00
G & G Paving, Grand Junction	\$152,147.75

Action: Award Contract for 12th Street Median Construction, Phase I, to Mays Concrete, Inc. in the Amount of \$115,107.00

3. **Purchase of Land for a Detention Basin for the 25 Road Storm Drainage Improvement Project**

City staff has negotiated a contract to purchase approximately 2.64 acres from the Rumsey Trust for a detention basin required for the 25 Road storm drainage improvement project.

Resolution No. 34-98 - A Resolution Authorizing the Purchase of Real Property

Action: Adopt Resolution No. 34-98

4. **Designating the Enterprise Building, 101 S. 3rd Street, in the City Register of Historic Sites, Structures and Districts**
[File #HBD-1998-002.3]

P&L Properties, LLC, owner of the building at 101 South 3rd Street (Electric Building, now known as the Enterprise Building), is requesting that the building be designated as historic in the City Register of Historic Sites, Structures and Districts.

Resolution No. 35-98 - A Resolution Designating the Electric Building in the City Register of Historic Sites, Structures and Districts

Action: Adopt Resolution No. 35-98

5. **Designating 619 Chipeta Avenue in the City Register of Historic Sites, Structures and Districts**
[File #HBD-1998-002.2]

Robert L. Joyner, owner of the residence at 619 Chipeta Avenue, is requesting that the building be designated as historic in the City Register of Historic Sites, Structures and Districts.

Resolution No. 36-98 - A Resolution Designating the Residence at 619 Chipeta Avenue in the City Register of Historic Sites, Structures and Districts

Action: Adopt Resolution No. 36-98

6. **Setting Hearings on Rezoning a Portion of Proposed Lot 3, Graff Minor Subdivision, from RSF-2 to RSF-4 and Vacating the Easements within Woodsmoke Subdivision, Located at 575-581 29 Road** [File #VE-1998-073]

The applicant is in the process of replatting the Woodsmoke Subdivision, which contains Graff Dairy and adjacent residential homes, into a four-lot minor subdivision. Approval of the subdivision creates split zoning on proposed Lot 3,

triggering the need to rezone the remainder of the lot to RSF-4. Unneeded easements dedicated in the Woodsmoke Subdivision are proposed to be vacated. At the May 12, 1998 hearing, the Planning Commission recommended approval of the rezone and vacation requests.

- a. Proposed Ordinance Rezoning Property Proposed to be Subdivided as Lot 3, Graff Minor Subdivision, Located on the West Side of 29 Road, South of F Road from RSF-2 to RSF-4
- b. Proposed Ordinance Vacating All Easements Dedicated within the Woodsmoke Subdivision as Recorded in Plat Book 13, Pages 150, 151 and 152, Located on the West Side of 29 Road, South of F Road

Action: Adopt Proposed Ordinances on First Reading and Set Hearings for June 3, 1998

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

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

PUBLIC HEARING - REZONING WESTWOOD RANCH SUBDIVISION AT 25 1/2 AND F 1/2 ROADS FROM RSF-R TO PR-4.3

[File #RZP-1998-055]

The petitioner, Sonshine Construction, LLC, is requesting a rezone approval for 89 units (29 single family detached units; 60 attached single family units) located on approximately 21 acres north of F 1/2 Road and west of 25 1/2 Road with a proposed density of PR-4.3 (Planned Residential with a density of 4.3 units/acre). Planning Commission approved a preliminary plan for the development with conditions on April 14, 1998. Staff recommends approval.

A hearing was held after proper notice. Jana Bingham representing Sundance Properties and Sonshine Construction, the developers of Westwood Ranch, was present.

Councilmember Theobold asked Ms. Bingham what the relationship was between Sonshine Construction and Sundance Properties. Ms. Bingham stated they are entities owned in part by John Davis. Sonshine Construction is the development side and the property management side is Sundance Properties. Councilmember Theobold

stated the property management company is one of his customers. He did not see this as a conflict of interest, but he did want to disclose this to Council and ask if they would want him to excuse himself.

Mayor Terry asked Assistant City Attorney John Shaver for legal direction. Mr. Shaver stated as long as there was no direct financial interest or the commercial dealings in no way influence his decision, then the disclosure Councilmember Theobold has made is sufficient. Council did not object to Councilmember Theobold remaining present.

Ms. Bingham stated this property has been before Council previously for rezone and plat approval. The proposal is to rezone Westwood Ranch from RSF-R to PR-4.3. The current plan has 89 units which includes 29 single family detached units and 60 attached single family units. The only change from the previous proposal, in response to comments, is changing the lots on the western boundary from single family attached homes to 6 units of single family homes. Other than this change, the site plan remains the same. The developer will be doing improvements on 25 1/2 Road and F 1/2 Road, sidewalks, street widening and utilities, as required. Filing #1 will be accessed from 25 1/2 Road, bringing traffic in from that direction.

Kathy Portner, Community Development Department, reviewed this item. Staff finds that it meets the rezoning criteria, the adopted Growth Plan and recommends approval. The Planning Commission also recommended approval of the rezone and approved the preliminary plan.

Mayor Terry asked Ms. Portner what is the density of the property to the west of Westwood. Ms. Portner stated R1B is 1/2 acre lots, R1A is less than that. The Westwood Ranch property is currently zoned RSF-R, the City's equivalent to the County's AFT which is 1 unit per 5 acres.

Councilmember Sutherland asked when the approximate date that 25 1/2 Road improvements will be completed. Mark Relph, Public Works Manager, stated the anticipated date is early July, 1998.

Councilmember Theobold asked when the first home could be occupied. Ms. Portner responded July would be the earliest.

Ms. Bingham clarified that July would be the earliest development could be started. The first house to be completed would be two to three months later.

There were no other comments. The hearing was closed at 7:53 p.m.

Councilmembers Sutherland and Payne and Mayor Terry commended the petitioner for compliance with their previous concerns.

Upon motion by Councilmember Payne, seconded by Councilmember Enos-Martinez and carried by roll call vote, Ordinance No. 3057 was adopted on second reading and ordered published.

PUBLIC HEARING - USE OF CITY'S 1998 PROGRAM YEAR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS

The City has received applications for its 1998 CDBG funds. City Council will discuss which projects to fund with these federal entitlement dollars. On May 11, a City Council committee met and reviewed the applications. The committee recommends funding the following projects:

Catholic Outreach Homeless Day Center	\$ 17,131
CO West Mental Health Transitional Living Center	25,000
Salvation Army Hope House	25,000
Mesa Developmental Services Rehab Project	200,000
City of GJ Elm Ave Sidewalks/Reconstruction	157,869
Program Administration Costs	<u>44,000</u>
TOTAL	\$469,000

A hearing was held after proper notice. David Varley, Assistant City Manager, reviewed this item. The City began the 1998 program year on September 1, 1998. The City will receive \$469,000 this year. In order to begin funding projects, the process starts months ahead. On May 11, 1998 a public meeting was held to discuss the 1998 program year. The City received six applications for funds in addition to the program administration costs. The total amount of funds requested by the community was greater than the money available and the types of projects requesting funding presented a problem. The Council Committee met to review the applications and to bring a recommendation to Council on which projects to fund. A total of \$464,000 was being requested by various agencies. Mr. Varley gave a brief overview of the projects. The Homeless Day Center by the Catholic Outreach has been funded for two years. They have requested \$30,000. Colorado West Mental Health requested \$50,000 for a transitional living

center for young adults. Salvation Army requested \$70,000 for a variety of programs which they provide. These three projects total \$150,000. These projects, under CDBG guidelines, are categorized as public service type projects as opposed to bricks and mortar or purchasing equipment, etc. According to Federal guidelines, only up to 15% of the total allotment can be spent on these types of projects. The maximum the City would be able to fund is around \$70,000. Mesa Developmental Services is requesting \$250,000 to rehabilitate eight of their group homes. The Western Colorado Business Development Corporation requested \$150,000 to rehabilitate the building they would like to buy on South 7th Street to relocate their operation and the Incubator Center. The Professional Babies Incorporated, which is a day care center, requested funds to construct a new building to move the day care center downtown. The Professional Babies Incorporation has withdrawn their application so they were removed from the list. The Council Committee recommends that \$17,131 be granted to The Catholic Outreach Homeless Day Center. This will carry the day center through the end of the year and for three months into the new year. The second project recommended to be funded is \$25,000 to the Colorado West Mental Health Transitional Living Center. This is a new program they would like to start for a transitional living center for young adults. The third project, under the public service category being recommended, is \$25,000 to the Salvation Army for their various projects, including the Hope House Adult Rehabilitation program and the food pantry. If Council elects to fund this at the \$25,000 level, it is recommended that it be earmarked for the Hope House project instead of being divided up. This totals \$67,131 which is within the \$70,000 limit for this category of projects. Mesa Developmental Services is requesting funding for rehabilitating their eight groups homes in the City. The recommendation for funding is \$200,000. The Western Colorado Business Development Center, the Incubator, is not recommended for funding from CDBG funds. The reason for this is if CDBG funds are used for this project it would trigger a Federal law which is called the Federal Uniform Relocation Act, meaning the tenants currently in the building would have redress to look to the City to help them relocate their business. The Department of Housing and Urban Development is recommending that the City not fund a project that triggers those additional rules and regulations due to the numerous lawsuits which could follow. Another project came up in Committee discussion to extend the Elm Avenue sidewalk addition between 15th and 19th Streets and is being recommended for funding. Since the south side of Elm Avenue is a low to moderate income area, this qualifies it for CDBG funds. The Committee

recommends allocating \$157,869 to this project. The program administration costs of \$44,000, is less than half of what can be spent. The total funding of all projects recommended by the Committee is \$469,000.

Councilmember Theobald stated the Federal Relocation Act would not only trigger compensation to the existing tenants, but also requires such compensation to come out of the City's general fund rather than future CDBG funds.

Mr. Varley stated the Incubator Center is also asking the EDA for funds to help with their project. Use of those funds would also trigger the Relocation Act. Thea Chase, director of Western Colorado Business Development Corporation, researched the existing lease the owner of the property has with the current tenants. This information was submitted to the EDA. According to the EDA, there is some language in the lease that would not trigger the Relocation Act. Ms. Chase gave the City a copy of that lease which was faxed to Denver to the HUD representative. HUD reviewed the lease and contacted their main attorney in Washington DC to get clarification. According to the HUD attorney, the lease does not exempt them from the Relocation Act. There has to be a specific clause in the lease, which they do not have. One agency of the government says this does not apply to them and another says it does apply to the City.

Councilmember Payne requested that the Salvation Army funds be earmarked for the Hope House rather than the Adult Rehab or the food pantry.

Councilmember Enos-Martinez asked for the total amount the Mesa Developmental Services expected to spend on their project. Mr. Varley stated the amount is greater than \$250,000. The estimate is \$277,930 for the rehabilitation of the houses located within the City.

Marilee Wood from Mesa Developmental Services was present. She stated the total rehab estimate for the eight properties within the City limits is actually \$420,928. The \$277,000 that Mr. Varley was referring to was for specific items such as roofs, electrical and plumbing needs, one fire suppression sprinkler system and handicapped accessibility retro fitting. \$200,000 will enable them to tackle the most outstanding problems such as heating systems, roofs etc.

Mayor Terry asked how many homes in total are facilitated in the community. Ms. Wood stated there are 12 in Mesa County. Eight are located within the city limits and four are outside city limits.

Councilmember Enos-Martinez asked where the rest of the funding will be coming from. Ms. Wood replied that about \$50,000 has been obtained from private funding, a little over \$100,000 is hoped for from current grant applications and more grants will be applied for. The return they have received so far and the response from private funders has been very positive.

Dr. Thomas Updike from Colorado West Mental Health came forward to address Council. He stated within the City limits and Mesa County there are no residential facilities for young adults aged 18 to 21, for persons with mental illness. They are in dire need of this type of facility.

Mayor Terry asked Dr. Updike to elaborate on the program. Dr. Updike stated there are residential programs for older persons with mental illness. There are two residential facilities and an apartment building which is a HUD Section 202 program. This program is designed to transition young adults from either the Department of Human Services or from the school system who have been receiving services through either of those two agencies, as well as Colorado West, into the community. The other part of the transition includes vocational training. The objective is to get the young people to work, fully employed.

Councilmember Kinsey asked if the youth program was through the Department of Human Services and what services it would entail. Dr. Updike stated it would range from guardianship, they may have been under, the county or city, mental health services, educational services and medical services. Councilmember Kinsey asked if these would be youth under the jurisdiction of Social Services. Dr. Updike stated yes and once they leave the jurisdiction of Social Services there is nothing for them in terms of residential facilities.

Councilmember Kinsey clarified that Youth Corrections and Social Services are both under Human Services now. He wanted a distinction between Social Services and Youth Corrections, which deals with a different type of youth.

Dr. Updike stated they are currently entering into a relationship with the Department of Youth Corrections to work with these young

offenders. At some future point, these people could also be candidates for transitional help.

Captain George Baker from the Salvation Army came forward to speak. He assured Council the funds would go to the Hope House program. Hope House is a shelter service program that was started in 1977 providing shelter primarily to women and children. The program was expanded in the past year to include contracting with local motels allowing additional rooms where intact families and male individuals can be housed.

Thea Chase from the Western Colorado Business Development Corporation said the reason they applied for these funds was because what they are doing corresponds to CDBG objectives. The Incubator was started with CDBG funds in 1986. They understand Council's concerns with funding something for which they may encounter liability down the road. The Incubator is moving regardless of the Relocation Act. The funds are very important to the overall project.

Councilmember Theobald commended Ms. Chase for her positive outlook.

There were no other comments. The hearing was closed at 8:22 p.m. Upon motion by Councilmember Sutherland, seconded by Councilmember Enos-Martinez and carried by roll call vote, the proposed funding allocations were approved.

PUBLIC HEARING - VACATING A PORTION OF A 10' EASEMENT AT 401 DRESSEL DRIVE [File #VE-1998-051]

The petitioner is requesting to vacate a portion of the easement located on the south side of 401 Dressel Drive which is a residential property in the Redlands. There are no current or anticipated utility needs for this portion of the easement. Staff recommends approval.

A hearing was held after proper notice. The petitioner, Jim Folsom, 401 Dressel Drive, was present.

Councilmember Sutherland asked Mr. Folsom who owns parcel #2. Mr. Folsom replied this is a small parcel and he purchased it.

Kathy Portner, Community Development Department, reviewed this item. It is staff's finding that this meets the criteria for vacation of easement.

There were no comments. The hearing was closed at 8:29 p.m.

Upon motion by Councilmember Sutherland, seconded by Councilmember Theobald and carried by roll call vote, Ordinance No. 3056 was adopted on second reading and ordered published.

PUBLIC HEARING - REQUEST TO ALLOW PRIVATE STREETS IN LIEU OF PUBLIC STREETS IN THE PATIO HOME PORTION OF THE KNOLLS SUBDIVISION, FILING #3 [File #FPP-1998-069]

The Knolls Subdivision Filing #3 consists of 29 lots; 19 for single family homes and 10 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 the May 12, 1998 hearing the Planning Commission approved the final plat and plan and recommended approval of the private streets. Staff recommends approval for the waiver of the public street standards.

A hearing was held after proper notice. David Chase, Banner Associates, 2777 Crossroads Blvd., representing the petitioner, O.P Development, was present. This request was heard by the Planning Commission on May 12, 1998. It was approved with conditions. The request before Council is to receive approval to extend the private drive into the patio home area for the ten units. This private drive was first constructed with Filing #2 and is currently providing access to those platted patio homes that are currently there. This extension will be in accordance with the preliminary plan and will match up with the existing improvements that were built in Filing #2.

The two conditions stated for the approval at the Planning Commission are:

1. Petitioner to provide one additional parking stall; this will be done in the northern area of the cul-de-sac. This will provide off-street parking and will be within 200 feet of the northern units;
2. There be no on-street parking. This condition has also been met by providing the off-street parking spot. The request tonight is to receive approval for the private drive extension into the Filing #3 patio home area.

Mr. Chase asked for Council's approval for the private drive extension into the Filing #3 patio home area.

Mayor Terry asked Mr. Chase to elaborate on the on-street vs. off-street parking. Mr. Chase stated the current City standard for residential streets is the 28' asphalt mat with 6 1/2 foot concrete curb and gutter. That street section allows for on-street parking in residential areas. However, the City does not have a guideline for private drives which modifies the street standards, modifying the width and also the curb, gutter and sidewalk. This application proposes to narrow the street from 28' to 22' of asphalt mat with sidewalk on just one side only. That width is not wide enough to allow for on-street parking, that is parallel parking along the street. Therefore, to meet the demand for overflow parking, off-street parking is needed. There are two areas which provide ten off-street parking spaces. In Filing #2, two off-street parking spaces were provided. This gave a total of 12 off-street parking spaces. For the number of units proposed for this patio home development, 13 spaces were needed, so one more parking space is needed.

Councilmember Theobald asked if the streets would be privately maintained by the homeowners association. Mr. Chase stated yes.

City Manager Achen inquired if there will be an annual assessment with funds accumulating for sufficient maintenance or assessment made as needed. Mr. Chase responded it is an annual assessment which is put into a fund. This is a separate part of the homeowners association, since the people who live in the single family homes of the Knolls will not be assessed the same fee as the patio homeowners since they won't derive any benefit from the private drive.

City Manager Achen then asked what the status is of the two lots, which on the drawing are situated inside the dotted lines, but are not a part of the patio home project; are they on a private street or are they on the public street. Mr. Chase replied these were added to Filing #2 after it went through the process. The petitioner elected to include those two units as part of Filing #2 and they were platted with Filing #2. However, they were not included in the site plan, nor the landscaping plan of Filing #2. When the plans were prepared for Filing #3, these two units were included to show how those two units would be landscaped and part of the site plan. The assessment for the private drive maintenance will be the 25 patio home units in Filings #2 and #3. All the conditions stated in the staff report have been agreed to.

Mayor Terry stated the Council has struggled with the issue of private streets in the past. She asked what possibility there is of future recourse in terms of maintenance if the homeowners association fails to maintain, and there is a default in some way. Mr. Chase stated this had been discussed before. As far as the recourse, this is more of a legal issue. Mr. Chase stated with the incorporation of the homeowners association, the covenants, conditions and restrictions, and the documents of the record, they felt comfortable this would never happen.

Bill Nebeker, Community Development Department, then reviewed this item. The guidelines were drafted in September, 1997. The applicant has followed them. He has agreed to all the conditions, some of which apply to the private streets and some of which apply to the development. Staff recommends approval.

Councilmember Sutherland asked when the private road guidelines would be formally presented to Planning Commission or City Council. Mark Relph, Public Works Manager, replied they hoped to incorporate the private street standards into the Transportation Engineering Design Standards. Staff has been working on this for a few years. They should be able to bring this to Council for adoption in late summer or early fall of this year.

Assistant City Attorney John Shaver stated in past projects, a condition has been included in the covenants that says the City has authority if they were to have to assume the role of the homeowners association for maintaining the streets. If the maintenance is not performed to the satisfaction of the City, the City has full legal authority to lien those properties for purposes of assessment to repair the streets. The covenants need to reflect this in the final version. If it is consistent with other projects which the City has done, the City would have authority.

Bob Knapple of O.P. Development Company stated when Filing #2 was submitted, they were required to submit CC&R provisions respective to this very item. These were submitted to the City legal and planning staff and were approved. They provide for a sinking fund for maintenance for long term provisions as well as operating funds for striping and street cleaning on a periodic basis. There are lien rights. The City and the homeowners association are covered. This protection is mandatory.

There were no other comments. The hearing was closed at 8:50 p.m.

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 was approved.

EXECUTIVE SESSION TO DISCUSS TRANSCOLORADO PIPELINE NEGOTIATIONS

Upon motion by Councilmember Payne, seconded by Councilmember Sutherland and carried unanimously, Council moved into executive session for discussion of TransColorado Pipeline. On completion of executive session, the Council will return to chambers to continue the meeting.

The Council adjourned into Executive Session at 8:53 p.m.

Council reconvened at 9:38 p.m. Those present were Mayor Terry, Councilmembers Enos-Martinez, Payne, Kinsey, Sutherland and Theobald. Councilmember Scott was absent. Also present were City Manager Mark Achen, City Attorney Dan Wilson and Acting City Clerk Christine English.

PROPOSED LANGUAGE FOR EASEMENT AGREEMENT WITH TRANSCOLORADO

City Attorney Wilson stated the document Council has is labeled "Easement Agreement Draft", and is the one that Bob Lovell and City staff has been working on for several weeks. There are three minor items and one more significant item to discuss.

1. On page 3 of the document, in paragraph "General Indemnification", City Attorney Wilson proposed moving the parenthesis in the third line which now reads, "any and all claims, costs, judgments, awards or liability", deleting that parenthesis and deleting the parenthesis after the word "costs" and adding a parenthesis in front of "except those caused by the City's negligence or its willful or wanton acts" and closing parenthesis there. The reason for the change is to clarify the indemnification statement.

2. On the third page from the back, dealing with additional work spaces of 100' by 150' Mr. Wilson proposes adding "ii" parenthesis, before the words "the right to use", "as specifically described in the 1998 plan of development". Next after "iii" Mr. Wilson suggests the addition of "additional temporary work space

along the permanent easement as may be reasonably necessary to safely construct the facilities and extended areas and distances of uneven terrain", and adding the clause "so long as the written consent of the City is obtained in advance." It could even be stated, "which shall not be unreasonably withheld", so that the City has some flexibility and so it would not be inconsistent with the way it actually works.

3. The last paragraph, #10 is also being addressed in some detail in the lease agreement between the City's lessees, Cliff and Judy Davis, but that document is to be finalized within a few days. It is proposed that paragraph #10 read as follows, "Dust will be suppressed especially near the structures on Whitewater Creek Road. In addition, dust control will be maintained ...", and it reads the balance of that way until the last sentence where it would read, "TransColorado will extend its dust suppression measures to the main gate, to hold down dust."

The one significant change is the price. The first page discusses a 25 year term. It is proposed to continue that and to continue the ability for TransColorado to exercise, in effect, unilaterally, their option to renew for successive 25 year periods. The one change would be on the bottom of page 2, paragraph #5. The \$35,000 to pay for inspection fees would be accepted. Staff recommends that. The last sentence says, "In addition TransColorado agrees to pay the lawful sum of". The sum of \$50,000 is proposed and the following words, "for the initial 25 year term." At the time of any option renewal, a purchase price for that successive option shall be renegotiated based on then fair market value.

Councilmember Theobald asked if, with those changes, the Council could approve this tonight. Mr. Wilson stated yes but noted that Bob Lovell has not seen these changes.

It was moved Councilmember Payne and seconded by Councilmember Theobald that agreement with TransColorado, as described with the draft that has been made with the additions of the City Attorney added, be accepted.

Mr. Wilson stated Council would not be approving the appraisal process but rather confirming that the numbers made sense, just not the final process with the dollars attendant to it. Mr. Wilson advised he and Greg Trainor have spoken with the appraiser

today and he was comfortable with the number, although it maybe on the low end, he feels it can be justified as fair market value.

The motion was passed unanimously.

Mr. Bob Lovell, attorney for TransColorado, came forward to speak. Mr. Lovell stated he had given Council an additional provision today to consider that given any disagreement on fair market value 25 years from now, then a couple of appraisers could determine the value. Mr. Wilson stated the Council would prefer to keep this open. Mr. Wilson stated if they could not come to agreement, a judge is going to require the City and TransColorado agree or else the court will make the determination.

Mr. Terry Farina, 2673 Homestead Road, came forward to speak. If the City and TransColorado can't agree, and if the two appraisers can't agree, then a third appraiser can be used and majority will rule. If the parties still can't agree, then a court will determine it.

It was moved by Councilmember Theobald, seconded by Councilmember Payne to amend the agreement to reflect the discussion that has taken place that if the two parties cannot agree, then they will ask the court to set that value.

The motion was passed unanimously.

ADJOURNMENT

The meeting was adjourned at 9:50 p.m.

Christine English
Acting City Clerk