

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

JULY 18 , 2001

The City Council of the City of Grand Junction convened into regular session the 18th day of July, 2001 at 7:34 p.m., at the City Auditorium. Those present were Harry Butler, Dennis Kirtland, Bill McCurry, Janet Terry, Reford Theobold, and President of the Council Cindy Enos-Martinez. Councilmember Jim Spehar entered at 7:39 p.m. Also present were City Manager Kelly Arnold, Assistant City Attorney John Shaver, and City Clerk Stephanie Nye.

Council President Enos-Martinez called the meeting to order and Councilmember McCurry led in the pledge. The audience remained standing for the invocation by Pastor Joe Jones, Redlands, Pentecostal Church of God.

APPOINTMENTS TO RIDGES ARCHITECTURAL CONTROL COMMITTEE

Councilmember Terry moved to appoint Robert Anderson, Sharon Cannella, and Frank Renaldi to fill the three four year terms on the Ridges Architectural Control Committee and Tom Tetting as the alternate to that same committee. The motion was seconded by Councilmember Kirtland and carried.

RATIFY APPOINTMENT TO BUILDING AND FIRE CODE BOARD OF APPEALS

Councilmember Reford Theobold moved to ratify the appointment of David Detwiler to the Building and Fire Code Board of Appeals. The motion was seconded by Councilmember McCurry and carried.

CERTIFICATES OF APPOINTMENT

PRESENTATION OF CERTIFICATES OF APPOINTMENT TO NEWLY APPOINTED MEMBERS OF THE BOARD OF APPEALS AND WALKER FIELD AIRPORT AUTHORITY

John Evans, Richard Blosser and Ken Sublett were present to receive their certificates.

CONSENT ITEMS

President of the Council Cindy Enos-Martinez changed the agenda by moving items 6, 7, and 8 from the "Consent Calendar" to "Items Needing Individual Consideration". Item 9 was to be considered first, to be followed by items 6, 7, and 8, and then Item 10.

Upon motion by Councilmember Theobold, seconded by Councilmember McCurry and carried, the following Consent items #1 through 5 were approved:

1. **Setting a Hearing on an Optional Premises License for Redlands Mesa Golf Course**

Redlands Mesa Golf Course has requested that it be permitted to serve alcohol on the newly opened golf course. Section 12-47-310 Colorado Revised Statutes permits a municipality to pass an ordinance to provide optional premises licenses for restaurants that serve liquor on their premises to include an adjacent recreational facility in their license. Service of liquor on the Redlands Mesa Golf Course would benefit the City by an increase in revenue.

Proposed Ordinance For an Optional Premises License for Redlands Mesa Golf Course

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for August 1, 2001

2. **Award of Contract for Playground Equipment in Pine Ridge Park**

Award a contract to Miracle Recreation Equipment Company to provide the play equipment and safety surface materials for the renovation of the playground at Pine Ridge Park. Miracle Recreation Equipment Company was the best-qualified proposal of the six received and publicly read at 2:00 p.m. on June 26, 2001 at the City's purchasing department. The renovation of the playground is needed because of the age and deteriorating condition of the existing equipment.

Action: Award Contract to Purchase Playground Equipment and Safety Surfacing For Pine Ridge Park to Miracle Recreation Equipment Company in the Amount of \$55,000

3. **Setting a Hearing on Rezoning Arrowhead Acres II, Filing 2 , Located at B 1/2 Road and Arlington Drive, to PD** [File # RZ-2001-108]

Request to rezone the Arrowhead Acres II, Filing 2 Subdivision from RMF-5 (Residential Multi-family, 5 units per acre) to PD (Planned Development).

Proposed Ordinance Rezoning Arrowhead Acres II, Filing 2, from RMF-5 to PD

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for August 1, 2001

4. **Skyway Area Sewer Design Services Contract**

This project calls for the design and preparation of bid documents as outlined in the "Request for Proposals" for the extension of 24,000 linear feet of 8" sewer main to benefit 230 properties in the Skyway Area. The subdivision is located northeast of Broadway and east of 23 Road on the Redlands as shown on the map below. This work is preparatory to the creation of a sewer improvement district to eliminate septic systems.

Action: Award Contract for Design Services for the Skyway Area Sewer Design to Williams Engineering in the amount of \$145,500 Contingent upon County Commissioner approval

5. **Setting a Hearing on an Ordinance Creating the City of Grand Junction Rimrock Marketplace General Improvement District**

First reading of the ordinance to create a general improvement district for Rimrock Marketplace that will lead to an election in November of 2001 of effected property owners (only the owners and developers of Rimrock) to issue Special Assessment Bonds to cover costs of public improvements at the development site. These improvements are estimated to cost \$2.8 million.

Proposed Ordinance Creating the City of Grand Junction Rimrock Marketplace General Improvement District; and Providing Other Details Relating Thereto

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for August 1, 2001

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

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

9. **Storm Event and Storm Water and Sewage Flows**

Staff presented additional information on the storm water and sewage flows damage that occurred during the last Tuesday and Saturday storm events.

City Manager Kelly Arnold distributed and reviewed a fact sheet prepared by staff that detailed the clean-up costs, the backflow prevention valve costs and the damage costs. He reviewed the present plans to remediate some of these problems and detailed the map that showed the area potentially affected by this kind of storm problem. He stated the total number of homeowners affected by the two storms is 14. The damage ranges from water in their front yards from clogged storm drains to flooded basements. He also stated that there is not a total damage cost at this time because not all of the 14 homeowners have assessed the total damage.

Councilmember Spehar questioned the City Manager, just to clarify the handouts, if there are three different divisions of the area, one currently budgeted for separation of the storm water and sewer effluent in the 2003 to 2005 time frame for over \$2.8 million dollars and two other areas that are not yet assigned a timeline or been budgeted for that are estimated at \$2.4 million and \$1.25 million.

He also stated that in Workshop on Monday they had asked the Mayor to contact County Commissioners regarding using the sewer fund to partially pay for these charges to the sewer system. Mayor Enos-Martinez stated that she had not been able to contact any of the County Commissioners.

The Mayor then asked for public comments from those property owners affected.

Steve States, 1620 Grand Avenue, had the Clerk play a video of the Saturday storm event and the impact on his property and on the emotions of his family. He specifically pointed out that he was speaking not just for himself and his family, but for a number of other families who had similar damage to their homes in Tuesday's or Saturday's or both rain storms. He then went through a presentation of the events with emphasis on the fact that he and the other families have been displaced, had irreparable damage that they need to be paid for or have their damage adequately cleaned up. Moreover they are frustrated, their lives have been disrupted and they have lost use of the space affected. They are all now living in a potentially unhealthy environment. Many of these people have been unable to adequately clean up their living space because they couldn't afford it. They would like to call in professionals but cannot afford to do this. They feel the City has had 25 years to adequately separate the sewer system from the storm drains since the Clean Water Act was adopted and have not done so.

Mr. States also questioned whether the City has adequately informed the citizens living in the areas that have the potential for this kind of damage, that they are on a combined sewer system. Also, what is the City doing, or planning to do, to insure that there are long term plans for dealing with combined sewers in its neighborhoods.

Mr. States then presented his suggestions for solutions to this combined sewer problem. His suggestions included; damages and clean up paid for by the City, that the City assist homeowners with the installation of such devices as backflow preventers, and that the City make sewer replacement a priority for the next ten years.

He then presented photographs of the damage to his home and some of the others.

Dwight Espe, 1042 Grand Ave, also had water in his basement. He stated that his purpose was not to point fingers, but to makes some suggestions on the possible

cause of this damage. He suggested that the concreted alleys have exacerbated the problem by having more surface run-off. He suggested the sewers be upgraded at the same time as the alleys, and that there be a moratorium on concrete alleys until a study is done to determine what effect they might be having on the run off problem and until a solution is found. He also requested that the City take care of the expenses of this handful of citizens whose property was damaged because of this oversight, and that the City cover the cost of installing backflow preventers in those properties where possible problems have been identified.

Robert Lucas, 529 N. 18th Street, flooded both storms. He requested that steps be taken as soon as possible to eliminate this problem. He stated that he and other members of his family have cleaned up the mess and therefore do not have an estimate of how much time or money was involved.

Mayor Enos-Martinez asked if any of the other citizens in the audience cared to speak. There were none.

Councilmember Theobald said that he appreciates the detail and suggestions made by Mr. States and Mr. Espe, also the fallibility of the local officials. He also feels that it is not unreasonable to think it will be solved in the next ten years. Regarding compensation for the damages, possibly it should be dealt with on a case by case basis. For a start, he suggested the City abandon the maximum \$150 payment amount.

Councilmember Terry stated that since the \$150 amount is in the policy with the County on the sewer budget, policy would be hard to decide at this time, but that it should be discussed with the County Commissioners.

Councilmember Theobald felt that Council shouldn't delay this issue long enough to discuss it with the Commissioners.

Councilmember Terry stated that she feels there are two issues, the policy for the future needs to be discussed with Commissioners, but as to the immediate claims for damages, based on staff's recommendation and analysis, she would be willing to pay those clean-up costs and the damage costs, which should be around \$44,000, and such monies should be advanced as an emergency situation.

Councilmember Spehar agreed and felt the City should allow some flexibility in this situation, but that it should not exceed \$50,000 with documentation. He felt that in the discussion with the County on CIP, this issue should be a priority. He was unsure about the installation of backflow valves. He felt that the cost of these devices, approximately \$2 million for 1000 devices, might be better spent on another section of separating the sewer and waste water lines in order to solve a larger percent of the problem rather than a solution for a limited number of citizens in that area. He further felt that when the sewers are in the alleys, the replacement of the sewer is being done when alleys are done.

Councilmember Butler suggested the City should give homeowners who are affected the option of #1 or #2, either payment of clean-up costs or payment for installation of the backflow preventors.

Councilmember Spehar stated that he has no objection to that choice.

Councilmember Theobald stated he felt that if there is some way to accelerate the installation process of the backflow devices, such as the permit process, that on a staff level the City should make the process as easy as possible for those affected.

Councilmember Butler suggested that should the City get another storm soon and have same problem, the property owners need to have the option to solve this problem as soon as possible.

Councilmember Spehar agreed that they property owner could use the money either way. Councilmember McCurry agreed.

Councilmember Kirtland stated that the City needs to send out word to the citizens in all 3,187 homes in all three areas that they could possibly get backflow insurance. He felt that the City should encourage them to purchase the insurance.

David Pipe, 1645 Sherwood, stated that he felt that the City should make payment contingent on the installation of the backflow preventor in addition to cleanup and repair. This would be to prevent having to make this kind of payment again in the years to come if the homeowner uses the money on cleanup rather than on the installation of the backflow device.

Lou Manupella, North 14th St, stated that he is putting in a backflow preventor himself because he can't afford to pay someone else to do it. He also has cleaned his basement himself because couldn't pay someone to clean it. He basically gutted his basement because of the damage. He missed out on work and those wages, has lost value in his home, has been forced to change insurance companies at a higher rate, and bartered work with others to get his basement repaired. He can't give the City a bill for this because it was not done by someone other than himself.

Councilmember Spehar felt the City could still work something out, maybe estimate the value of the installation of the device so one can recoup some of the expenses.

Councilmember Terry felt that if he were to itemize the consequences and let the staff look at those for reimbursement, possibly he could get some of his money back. She stated that the City would do the best it can. She stated that the City would work with everyone on a case by case basis to solve this issue.

Mr. Manupella said that probably a lot of people were doing the same thing.

Councilmember Theobald indicated that they respect those that do the work themselves and indicated that it is more expensive for everyone if they have an outside person do all the work.

Councilmember Butler suggested that possibly Mr. Manupella could share his expertise with the others affected.

Councilmember Spehar suggested everyone could chose how they spend the money, but that the City would value the sweat equity.

Councilmember Kirtland stated that it was a disaster. There was over ½ inch of rain, which is an extraordinary event. He indicated that council should look at a long term solution, but that it should address the emergent needs now so that everyone can get back in their homes and come out feeling good about where they live and maybe what the City has tried to do in this situation.

Robert Shea, 1307 Colorado, stated this happened about 5 years ago, two years later again, and now again. When they paid for new alley, they thought it was taken care of, but it still happened. They have paid for the clean up because they had someone living in the basement. He would like to have the backflow preventor, but he's already paid for the clean up.

Jim Quacken, does not live in the affected area, but he had a sewer backup without a flood, in January 2000 and was told that it was an Act of God. He accepted that as a risk of being a homeowner, but it happened again in April of this year. He contacted Mr. Trainor who could tell him exactly where the problem was and what the problem was. His question is how will the City handle that situation when it is not a flood, but is a City issue concerning areas where it is a combined sewer area.

Councilmember Theobald indicated that this issue is not the concern before the Council at this time and should be discussed later. Council can't react not knowing the circumstances.

Jim Quacken questioned the procedure to follow in the future. Should he come before council instead of dealing with staff? What is the best way to do this to get reimbursed for more than the \$150 amount?

Councilmember Theobald suggested Mr. Quacken leave his documentation and information with the City Manager to follow up on the issue and give Council a report on the issue.

Dwight Espe, 1042 Grand Avenue, made the suggestion that if compensation for costs and for the installation of a backflow preventor could be done for \$3,000 then

it would also prevent it from happening again in the future. It would prevent citizens coming back again next year with the same problem. Council should set a limit per home.

City Manager Kelly Arnold concurred with that suggestion and also suggested that any claim that exceeds the limitation could be dealt with on an individual basis.

Councilmember Theobald stated that he is reluctant to go for a one size fits all solution.

Councilmember Spehar suggested Council set a ceiling and then if it is not enough then individuals can present their case.

Andrew Garcia, 1260 Ouray, stated that there has been a lot of talk about clean up, but hasn't heard any talk about replacement of damaged carpets, furniture and other damage caused by the flooding.

Councilmember Terry indicated that replacement was part of the original intention. Those were the estimates they based the original discussion on. The information they got from the staff included the clean up costs and the damage costs. The damage costs include replacement of furniture, water heaters and carpets.

City Manager Arnold stated that he would probably use a professional adjuster to help guide him through this since it isn't something he normally deals with.

Mayor Enos-Martinez inquired whether the City wants to put a date specific time for submitting estimates.

Councilmember Spehar indicated that, yes there should definitely be a time limit for citizens to get their cost estimates to the staff.

City Manager Arnold suggested two weeks.

Councilmember Butler felt that there should definitely be backflow preventors installed for all of the 14 homeowner affected.

Mayor Enos-Martinez stated she through the City is only asking them to submit their damages and replacement costs. Then it would be up to each individual which way they want to use the money.

Councilmember Spehar felt that the City Manager and staff should have some flexibility to work with the individuals on how they work out the details within the total amount of their claim.

Steve States indicated it was a prudent suggestion to have backflow preventors installed, but felt that \$3000 will be insufficient to cover everything in some cases.

Councilmember Spehar indicated there should be enough room for the staff to work with the homeowners, but that if backflow preventors are not installed, if this happens again, the next time is on the homeowner.

Mayor Enos-Martinez stated she felt that the City should not require the installation of the backflow preventors. The decision should be with the homeowner.

Councilmember Spehar suggested that if they elect not to put the backflow preventor in, then the next event is their responsibility.

City Manager Arnold suggested that the City should have them sign a statement, pay for all prudent clean up and damage costs and encourage check valve installation, and if they elect not to, they sign something taking responsibility for any further damage.

Assistant City Attorney Shaver stated that the homeowner should sign the same waiver either way, with or without the valve. Any payment needs a release of claim and no admission of responsibility.

Councilmember Kirtland indicated the check valves need to be maintained and checked before the rainy season to make sure they work properly.

Councilmember Theobald stated that there should be language indicating that the City does not guarantee the valves with work every time.

Upon motion by Councilmember Spehar, seconded by Councilmember Kirtland and carried by roll call vote, that the City create, out of the sewer fund and pending consultation with Mesa County Commissioners, a fund not to exceed \$60,000 to reimburse all prudent reimbursement claims, including check valves. That there be an August 15, 2001, deadline, and that the City work within its capital improvement plan to set specific timelines for all three areas for the separation of sewer and drainage lines.

City Manager Arnold indicated that this motion should clarify that it includes reimbursement for this rain event only. Councilmember Spehar stated that was his intent.

EXECUTIVE SESSION PROCEDURES

HB 01-1359 amended the Colorado Open Meetings Law and Open Records Act relative to executive sessions. Staff has drafted a set of procedures, including sample motions and forms, to assist City Council.

Assistant City Attorney Shaver reviewed the minor changes made to the procedures. He recommended that Council adopt these procedures.

Councilmember Spehar felt it should be stated that the reason for this change is a requirement in the State Statutes.

City Assistant Attorney Shaver answered, yes, there is a new bill amending open records and open meetings statutes.

Councilmember Spehar noted that all City boards and commissions are bound by this change and that they will receive these changes and comply with them. Assistant City Attorney Shaver concurred. Councilmember Kirtland stated that he advised Walker Field Airport Authority at their meeting last night.

Councilmember Terry questioned Item E, clarifying that the intent of the language indicated that the required signature to verify that the tape is of the indicated meeting, if both the Mayor and the Mayor Pro Tem are absent, then another Councilmember can sign. Assistant City Attorney Shaver confirmed that yes, the Acting Mayor can sign.

Upon motion by Councilmember McCurry and seconded by Councilmember Kirtland and carried, the Procedures and Forms for Use for Executive Sessions were approved.

DOWNTOWN PARKING FEES AND FINES

The Resolution authorizes and directs staff to purchase and install 139 additional meters and change the time limits of other meters as requested by the DDA. Change the one and two hour meters from 25 cents an hour to 50 cents, the four and ten-hour meters to 10 cents per hour from 5 cents per hour. Additionally they recommend the formal adoption of an annual parking pass program at \$300 a year, to be restricted to use at four and ten hour meters. Fines for overtime parking to be increased from \$3 to \$10 and other restricted parking from \$5 to \$15. The only other change is a recommendation to increase all fines by \$10 per week the violation remains unpaid instead of the past practice of all fines doubling each week. With the higher proposed fines to start with staff believes this change is appropriate. All changes in fines and fees are to become effective no earlier than 1/01/02, to allow time for education and implementation.

Resolution No. 71-01 - A Resolution Adopting the Municipal Court Fine Schedule for Overtime Parking, Restricted Parking and Handicapped Parking Violations and Setting Meter Rates

Administrative Services and Finance Director Ron Lappi reviewed this item and indicated that the one minor change to the original Resolution was to the amount for an annual pass, which was changed from \$360 to \$300 annually.

Bruce Hill, Chairman of the DDA, was present to answer questions.

Councilmember Butler asked Mr. Hill if all business owners were contacted regarding the proposed change. Mr. Hill indicated that he is following up on the work of P.J. McGovern who made the contacts. He stated that he cannot answer how many businesses he contacted, but he has been in touch with many. A good representation attended the DTA meeting this morning and they showed full support. The DDA has a letter of support. He stated that the goal of this change is not to increase revenue, but to make more free spaces available to the public. He said they feel this will help eliminate some of the abuses by employees of the free spaces.

Councilmember Butler asked if the free spaces are being taken up by employees.

Mr. Hill stated that it is a mix, the abuse comes from when there is an available space and there is no penalty, an employee will then use the space.

Councilmember Butler mentioned that employees at St. Mary's Hospital have to register their plates and if they park illegally, they get a ticket. Perhaps the City could implement something similar.

Councilmember Spehar asked the purpose of the pass, if it is intended for the employee or can businesses purchase two or three of them for their employees? Administrative Services and Finance Director Lappi indicated that there is no restriction, the passes can be purchased by anyone, although they are intended for purchase by the employee.

Mr. Hill indicated that it is an amenity for those that have to leave and come back periodically during the day. He discussed the rates in other cities in Colorado and that Grand Junction has not had an increase in many years. He feels these fees are very reasonable.

Councilmember Theobald inquired at what meters the pass could be used. Mr. Hill replied that they are for use at the 4 & 10-hour meters only.

Councilmember Kirtland wondered if this would encourage employees to move out of free meters, especially if the employers buy the passes for their employees.

Councilmember Butler inquired whether this program would hurt tourism and possibly send shoppers to the Mall. Mr. Hill stated that they hope not. He feels these rates are reasonable, and that if this change helps to show that there is parking available downtown then these fees will help manage parking.

Councilmember Spehar stated that he would like to include in the motion that Council get together with the DDA Board at end of the 1st quarter 2003, to review

the program over the year to see if it has worked and what, if any changes need to be made. Councilmember Kirtland agreed, but would like to look at it in 4th quarter of 2002 so that changes can be made sooner. Councilmember Terry felt that it could be discussed at the annual joint meeting in the fall.

Councilmember Theobold said he was under the impression this was intended to be used as an experiment, but sees nothing in resolution that has it expiring on a given date.

Administrative Services and Finance Director Lappi stated that his recollection was that it was to be monitored in one year, but that they certainly shouldn't spend \$50,000 on an experiment that might end in one year.

City Manager Arnold recommended it be reviewed in one year.

Administrative Services and Finance Director Lappi pointed out that this does not change any of the 350 free spaces downtown, they are still available. This just changes the long term parking in the outlying areas.

Councilmember Terry noted that this has been portrayed as doubling and tripling the parking costs downtown, going from 5 cents to ten cents, the actual dollar amount is still less than a dollar for a whole day of parking downtown.

Upon motion by Councilmember Kirtland and seconded by Councilmember McCurry and carried by roll call vote, Resolution No. 71-01 was adopted.

CONDEMNATION OF PROPERTY AT SOUTHWEST CORNER OF 29 ROAD AND NORTH AVENUE

As part of the 29 Road reconstruction a small area of land is needed from the property located at the SE corner of the intersection of 29 Road and North Avenue. City staff has negotiated in good faith with the owner and has made a final offer for the acquisition of the land. The owner and the City have been unable to agree on terms.

Resolution No. 72-01 - A Resolution Determining the Necessity of, And Authorizing the Acquisition of, Certain Property by Either Negotiation or Condemnation, for Municipal Public Facilities

Assistant City Attorney Shaver reviewed this item.

Councilmember Theobold asked for what purpose this corner piece of land is needed.

Assistant City Attorney Shaver responded that it is needed for placement of the curb returns for the 29 Road reconstruction project. Public Works Manager Tim Moore added that there will also be placement of the signal pole in that location.

Councilmember Theobald established that it is a little bit less than 6 feet of property.

Councilmember Terry requested that legal staff explain condemnation to the public. Assistant City Attorney Shaver detailed the process the City goes through for condemnation and stated that the City always pays fair market value. The only difference in this particular case has to do with this being a Federally funded project so time is a factor in order to get the release of the Federal funds.

Councilmember Terry mentioned that for those in the audience or on the telecast, discussion and decision by the City to condemn property is not something that this Council takes lightly, and they do exercise due diligence to consider this matter.

Upon motion by Councilmember Spehar and seconded by Councilmember Terry, and carried by roll call vote, Resolution No. 72-01 - A Resolution Determining the Necessity of, and Authorizing the Acquisition of, Certain Property by Either Negotiation or Condemnation, for Municipal Public Facilities was passed.

PUBLIC HEARING - LASER JUNCTION ANNEXATION, LOCATED AT 2547 RIVER ROAD [File #ANX-2001-099]

Referral of petition to annex and second reading of the annexation ordinance for the Laser Junction Annexation located at 2547 River Road and includes a portion of the River Trail. The 3.606-acre Laser Junction Annexation consists of one parcel of land.

Public hearing opened at 9:20 p.m.

Pat Cecil, Development Services Supervisor, Community Development Department, stated that this annexation is a request for a parcel of approximately 3.6 acres along River Road. It does include a portion of the River Trail along the west side of the property. Staff has found that this annexation does meet the Municipal Annexation Act CRS 31-4-104 and recommends that Council adopt the referral petition.

There were no public comments.

Assistant City Attorney Shaver asked if there is an affidavit of findings in the file. Mr. Cecil responded that there is.

Councilmember Theobold asked what is across the river from this parcel. Mayor Enos-Martinez indicated that it is part of the Connected Lakes Park and is in the jurisdiction of the County.

The public hearing closed at 9:22 p.m.

Upon motion by Councilmember Terry, seconded by Councilmember Spehar and carried by roll call vote, Resolution No. 70-01 – A Resolution Accepting a Petition for Annexation, Making Certain Findings and Determining Property Known as the Laser Junction Annexation Located at 2547 River Road Including a Portion of the River Trail, is Eligible for Annexation and Ordinance No. 3357 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Laser Junction Annexation, Approximately 3.606 Acres Located at 2547 River Road and including a portion of the River Trail were adopted.

PUBLIC HEARING – ZONING LASER JUNCTION ANNEXATION TO I-1 AND CSR, LOCATED AT 2547 RIVER ROAD [File #ANX-2001-099] **CONTINUED FROM THE JULY 11, 2001 MEETING**

Request to zone the Laser Junction Annexation to I-1 and CSR, located at 2547 River Road and including a portion of the River Trail. This approximately 3.606-acre annexation consists of one parcel of land.

The public hearing opened at 9:27 p.m.

Pat Cecil, Development Services Supervisor, Community Development Department, stated that the applicant originally request I-2 zoning, but that the City has been adopting I-1 zoning for other areas adjacent this site and just north of this site. Staff recommends a I-1 zoning for this area along with a CSR zoning along the River Trail. The Planning Commission recommends that to the Council and finds that the area meets all of the City conditions for section 2-2-6 of the Zoning Code.

Councilmember Terry questioned the recommendation of CSR zoning for the River Trail regarding the property past the River Trail. Is it also zoned CSR?

Mr.Cecil indicated that yes, the City-owned property is also zoned CSR.

There were no public comments. The public hearing closed at 9:28 p.m.

Upon motion by Councilmember Terry, seconded by Councilmember Spehar, and carried by roll call vote, Ordinance No. 3358 – An Ordinance Zoning Laser Junction Annexation to I-1 and CSR, Located at 2547 River Road Including a Portion of the River Trail was adopted.

UPDATE FROM “STEAM” FOR THE PUBLIC SERVICE STEAM PLANT PROPERTY

City Manager Arnold updated the Council on this project. He first updated new Council members on the history of this property and the group who is finding a use for the building. Council had requested a proposal for uses of this property and given a timeline for a reasonable plan. That timeline was to be the end of this year. The applicants were not ready to present. Mr. Arnold asked for a letter and they did not want to do that.

Councilmember Terry gave the Council more historic perspective. The building has been owned by the City for several years. The City has been trying to get the toxic material cleaned out and this is not the first attempt to get some sort of use out of the building. In past years no one has had any financial means to get anything done. This has been frustrating to the Council and their last direction to the “STEAM” group was that anyone interested would have to be financially viable because of the high cost of doing anything with this particular building, and this has not apparent with STEAM. Councilmember Terry felt this group should have until the end of the year to come forward with a proposal.

Councilmember Theobold disagreed with some things Councilmember Terry said, but agreed about the time issue. He characterized the history of the building as institutional neglect; that is it has been on back burner by administration and staff as they indicated that they were not prepared to accept offers. His frustration is that he thought this looked like a very promising proposal and thought the credentials were worth pursuing. However, he is not seeing much follow-through effort. He would be willing to give them more time and give them the benefit of the doubt but not getting any plan, communication or presence shortens his willingness to keep working with this group. The City has had building for 11 years.

Councilmember Spehar suggested that the new members of the Council could use some information on such items as demolition costs, the effort to find alternative uses, etc. Councilmember Spehar’s patience is also fairly thin and he would like to see it cleaned up. A portion of the building does need to be demolished regardless of the use. He would like to have this information presented to the council in a workshop in the near future.

City Manager Arnold suggested if something changes between now and September when Council has their CIP meeting he’ll get information to Council from the group. If nothing changes then staff will get the cost information to Council as requested.

Councilmember Theobold stated that it has been suggested that the project could be helped along with CDBG funds. He would like to have an idea of what it worth on the open market, both cleaned up and as flat, i.e. vacant ground.

Councilmember Spehar agreed, how it is most marketable, whether it can be sold as-is.

Councilmember Terry asked if the Council would need voter approval to sell.

Councilmember Theobald felt that the building was not purchased for municipal purposes, but to help in the relocation of the County Jail a number of years ago and therefore would not need voter approval to sell.

Assistant City Attorney Shaver suggested he check title to clarify.

City Manager Arnold stated he would keep Council informed of any changes or developments that come along.

NON-SCHEDULED CITIZENS AND VISITORS

Ronald Ashley, 545 Grand Mesa Avenue, was present to address the Council. He owns a construction company and did a job for Grand Junction in 1999. The City owed him \$52,000 but offered him \$27,000. He refused, then they dropped it down to \$7,000. He has talked to everyone he could find. He has been told by City Attorney Dan Wilson that if he doesn't like what the City offered he should sue them. He feels that this is a stupid remedy. He met with the City Manager and would like somebody to listen. The project that he did for the City was an addition to the Persigo Waste Water Plant.

Assistant City Attorney Shaver stated that since this is a potential litigation situation, Council should not engage in any dialogue. The City has requested invoices and documentary evidence from Mr. Ashley, which has not been provided. Mr. Shaver has met with Mr. Ashley's attorney, City Attorney Dan Wilson has met with his attorney, the City Manager has met with Mr. Ashley. The last status Mr. Shaver knew was that Mr. Ashley had not provided the requested invoices and documentary evidence that was requested.

Mr. Ashley asked how many times does he needs to provide them this information. He stated that he has provided it three different times. He has paid all of his bills for this project and this has just about put him out of business. Mayor Enos-Martinez requested that he submit the documents directly to her. Mr. Ashley agreed to do so.

OTHER BUSINESS

There was none.

ADJOURNMENT

The meeting was adjourned at 9:51 p.m.

Stephanie Nye, CMC
City Clerk