

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

September 17, 2007

The City Council of the City of Grand Junction convened into regular session on the 17th day of September 2007 at 7:03 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Bruce Hill, Gregg Palmer, Doug Thomason, Linda Romer Todd, and Council President Jim Doody. Also present were City Manager Laurie Kadrich, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Doody called the meeting to order. Councilmember Beckstein led in the Pledge of Allegiance. The audience remained standing for the invocation by Eldon Coffey, Retired Pastor.

Proclamations, Recognitions, and Presentations

Proclaiming October 2007 as “Breast Cancer Awareness Month” in the City of Grand Junction

Proclaiming October 2007 as “Kids Voting Month” in the City of Grand Junction

United Way Pacesetter Campaign Wrap Up

Police Chief Bill Gardner and Fire Chief Ken Watkins addressed the City Council as this year’s co-chairs of the City’s United Way Campaign. They introduced Nancy Stalf as Executive Director of the United Way. Chief Gardner reviewed the process and the result. The goal for the City was \$48,000. This year the City had great participation and over \$50,000 was raised. Chief Watkins then reviewed the many innovative things the various City Departments did to raise funds. Ms. Stalf praised the City employees and the City’s importance to the Pacesetter Campaign.

Mayor Doody announced that the City Council has decided to donate the \$22,433 of remaining funds from the Katrina Relief Fund to the United Way. Ms. Stalf gratefully accepted the additional donation.

Council Comments

Councilmember Todd praised the Staff for all their work on the City-owned property maps provided for the noon workshop. Mayor Doody said a subcommittee consisting of Councilmembers Todd, Palmer, and Hill was formed to further study those maps.

Citizen Comments

There were none.

CONSENT CALENDAR

Councilmember Beckstein read the items on the Consent Calendar, and then she moved to approve the Consent Calendar. It was seconded by Councilmember Hill, and carried by roll call vote to approve Consent Items #1 through #8.

1. Minutes of Previous Meetings

Action: Approve the Minutes of the September 5, 2007 Regular Meeting

2. Option Agreement for the Sale of Property Located at 3rd and Main to Western Hospitality, LLC

Western Hospitality, LLC, in response to an RFP offered to purchase the City owned property located at 238 Main Street, is offering \$30 per square foot, for a total of \$656,250.00 for the property. City Staff and Western Hospitality have developed a purchase plan which includes an Option Agreement for the sale and purchase of the property. The Option Agreement includes a due diligence period in which the Buyer will investigate the feasibility of redevelopment of the property.

Action: Authorize the City Manager to Execute the Option Agreement for the Sale and Purchase of Real Property

3. Purchase Parcel of Land Adjacent to Visitor Center

Contract to purchase an atypical, triangular-shaped parcel of land adjacent to the Visitor Center.

Action: Authorize the Visitor & Convention Bureau to Execute a Contract to Purchase Parcel #2701-364-00-029 from the Biggs Heirs, LLC in the Amount of \$8,800

4. Setting a Hearing on Rezoning Sunpointe North Subdivision (Proposed Ruby Ranch Subdivision) Located on the Southwest Corner of 26 Road and G ½ Road [File #PP-2007-058]

A request to rezone the subject property from R-2 (Residential—2 units per acre) to R-4 (Residential—4 units per acre), to be in compliance with the Growth Plan.

Proposed Ordinance Rezoning 8.42 Acres of Land Located on the Southwest Corner of 26 Road and G ½ Road from R-2 to R-4

Action: Introduction of Proposed Ordinance and Set a Hearing for October 1, 2007

5. **Setting a Hearing on Vacating Lujan Circle Right-of-Way and Utility Easements Shown on the Sunpointe North Subdivision Plat** [File #PP-2007-058]

Located near the southwest corner of 26 Road and G ½ Road, Lujan Circle is a dedicated yet not constructed right-of-way, with a couple of utility easements shown on the Sunpointe North Subdivision plat. The request to vacate this right-of-way and utility easements is subject to approval and recordation of a final plat that is compliant with the Zoning and Development Code for the future Ruby Ranch Subdivision.

Proposed Ordinance Vacating Undeveloped Right-of-Way Known as Lujan Circle and Several Drainage, Irrigation and Utility Easements as Shown on the Sunpointe North Subdivision Plat Located at the Southwest Corner of 26 Road and G ½ Road

Action: Introduction of Proposed Ordinance and Set a Hearing for October 1, 2007

6. **Setting a Hearing on Rim View Estates Annexation Located at 595 21 ⅛ Road** [File #ANX-2007-251]

Request to annex 4.70 acres, located at 595 21 ⅛ Road. The Rim View Estates Annexation consists of one parcel and includes a portion of the 21 ⅛ Road and South Broadway rights-of-way. The property is located on the southwest corner of South Broadway and 21 ⅛ Road in the Redlands.

a. Referral of Petition, Setting a Hearing and Exercising Land Use Jurisdiction

Resolution No. 130-07—A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation, and Exercising Land Use Control, Rim View Estates Annexation, Located at 595 21 ⅛ Road and also Includes a Portion of the South Broadway and 21 ⅛ Road Rights-of-Way

Action: Adopt Resolution No. 130-07

b. Setting a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Rim View Estates Annexation, Approximately 4.70 Acres, Located at 595 21 ⅛ Road and also Includes a Portion of the South Broadway and 21 ⅛ Road Rights-of-Way

Action: Introduction of Proposed Ordinance and Set a Hearing for November 5, 2007

7. **Setting a Hearing on the Bookcliff Land and Building Annexation Located at 564 29 Road** [File #ANX-2007-232]

Request to annex 2.93 acres, located at 564 29 Road. The Bookcliff Land and Building Annexation consists of one parcel and includes a portion of the 29 Road right-of-way. This property is located on the east side of 29 Road just south of Dawn Drive. This parcel is better known as the old Bookcliff Veterinary site.

a. **Referral of Petition, Setting a Hearing and Exercising Land Use Jurisdiction**

Resolution No. 131-07—A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation, and Exercising Land Use Control, Bookcliff Land and Building Annexation, Located at 564 29 Road and Including a Portion of the 29 Road Right-of-Way

Action: Adopt Resolution No. 131-07

b. **Setting a Hearing on Proposed Ordinance**

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Bookcliff Land and Building Annexation, Approximately 2.93 Acres, Located at 564 29 Road and Including a Portion of the 29 Road Right-of-Way

Action: Introduction of Proposed Ordinance and Set a Hearing for November 5, 2007

8. **I-70 and Horizon Drive Landscape Improvements Change Order No. 2**

Change Order No. 2 is for the installation of colored flat work adjacent to Horizon Drive. This work was directed and funded by the Horizon Drive Business Improvement District. This change order also reflects additional traffic control required for the installation of the tile mosaics and actual quantities installed for the project.

Action: Authorize the City Manager to Sign Change Order No. 2 for the I-70 and Horizon Drive Landscape Improvements to GH Daniels III and Associates in the Amount of \$47,645.24

ITEMS NEEDING INDIVIDUAL CONSIDERATION**Infill and Redevelopment Request—Waterline and Street Improvements along Crawford Avenue in the Riverside Neighborhood** [File #INR-2007-257]

This is a request for infill incentives for a water line and street improvements along Crawford Avenue in the Riverside neighborhood. The project is in the infill boundary area.

Ivy Williams, Development Services Supervisor, reviewed this item. She described the location, and advised the subdivision was platted in 1891. The request is for incentives to help construct a waterline to the areas. The applicant will pay for the fill material. The property is within the Infill and Redevelopment Program incentive boundary.

Councilmember Hill asked how many lots were involved. Ms. Williams said there will be eight lots, and some of the existing lots will be combined to create a buildable lot. To clarify, Ms. Williams said the lots are currently unbuildable because there is no water line, and there is no legal access established to get to these lots.

Council President Doody asked if there are sewer taps available. Ms. Williams said there are.

Councilmember Coons asked if the proposed structures will fit into the character of the neighborhood. Ms. Williams deferred to the applicant.

Tracy Collier, 2664 Brush Court, the applicant, said they would keep the vintage of the homes the same, but somewhat upgraded. It will blend into the neighborhood.

Councilmember Palmer said the Infill and Redevelopment Program is something the Council wanted to start and get implemented a while ago, and just within the hour the Council discussed the program criteria. His perspective is that this request is clearly within the framework of the program. This is a difficult parcel to develop and it will fill a community benefit. He said he would support the request.

Councilmember Coons agreed. Her concern is that the style of housing stays within the historic nature of the neighborhood. She supported the request.

Councilmember Hill voiced concern about the number of actual lots, and the number of owners of those lots.

City Attorney Shaver said all the properties but one is under contract by the applicant. The number of homes would be dictated by the zoning. A replat will be required. He said that the incentive approval could be granted contingent on complete ownership.

Councilmember Hill asked if all 12 lots could get water. He wanted assurance that all the lots will have access to the water line extension. City Attorney Shaver said the area will have to be re-platted, and all other standard steps will have to occur.

Councilmember Beckstein moved to allocate funds up to \$58,000 to install a main water line for Crawford Avenue in the Riverside neighborhood. Councilmember Palmer seconded the motion. Motion carried.

Infill and Redevelopment Request—Corner Square at the Southwest Corner of N. 1st Street and Patterson Road [File #INR-2007-246]

This is a request for infill and redevelopment incentives for undergrounding utilities along Ranchman's Ditch on Patterson as part of a project known as Corner Square at the southwest corner of N. 1st Street and Patterson Road. The project is in the infill boundary area.

Councilmember Beckstein stated that the applicant, Ciavonne, Roberts, and Associates is a client of the firm for which she works. City Attorney Shaver questioned Councilmember Beckstein and concluded that there is no conflict. The Council accepted the recommendation.

Ivy Williams, Development Services Supervisor, reviewed this item. She identified the location to be at the corner of 1st and Patterson, and is a mixed use development to be called the Corner Square. The Infill and Redevelopment Program incentive request is to help pay for the undergrounding of the utilities.

Joe Carter, with Ciavonne, Roberts, and Associates, presented the request to underground 1,470 linear feet of overhead power lines. The applicant will pay for the rest of the utilities to go underground. The power company estimated the cost at \$201 per linear foot. Phase One of the project was approved by the Planning Commission on June 26, 2007. It is a mixed use development that will have a residential component in the later phases. Mr. Carter listed the elements of the project that meet the Infill and Redevelopment Program incentive request criteria. Mr. Carter had photographs that depicted how the power lines impact the site visually. Undergrounding of these lines is required. The applicant is allowed to pay a fee in lieu of \$25.69 per foot, but these lines are of a higher voltage, and are much more expensive to bury.

Councilmember Todd asked if the cooling and heating issues for undergrounding lines have been taken into consideration. Mr. Carter thought that was included, i.e., the right conduit was being used, and was figured into the cost estimated by Xcel Energy.

Councilmember Coons pointed out that this request exceeds the remaining funds for 2007. Ms. Williams noted that approximately \$39,000 is remaining in the 2007 budget.

She noted there is one other request in process. The applicants are willing to wait until 2008 if they get the full request of funding.

Councilmember Hill asked if there would be any savings to do this in conjunction with the Big Pipe Project. Ms. Williams said that is the plan. The applicant will pay the cost up front and then get funds reimbursed in 2008.

City Manager Kadrich asked if they could get that funding reimbursed over a three or four year period of time instead of a one or two year period. Ms. Williams said that it is certainly at the discretion of the Council, and the applicant is agreeable to such an arrangement.

Councilmember Palmer asked for clarity on the fee-in-lieu and would it pay for undergrounding. Ms. Williams said it would not. Councilmember Palmer asked if it was a City requirement. Ms. Williams replied yes. The applicant could develop it piecemeal to avoid some of that requirement. Councilmember Palmer asked if the undergrounding is being done in conjunction with the Big Pipe Project. Ms. Williams stated that it will be done with each property.

Bruce Millyard, 866 Quail Run, one of the developers, said nothing has been easy with this development. They met months ago with the Big Pipe Project coordinators and Xcel Energy, and found the cost prohibitive to do that along with the Big Pipe Project. The lines to the west will remain overhead. The cost estimate does include the difference without having to relocate and underground the lines.

Councilmember Todd pointed out that the City is requiring this, yet only has \$35,000 in the fund.

Councilmember Hill asked what would have happened if the City had undergrounded the lines along Patterson Road in conjunction with the Big Pipe Project. He asked if the City shouldn't be able to participate in such private/public partnerships.

Councilmember Coons agreed if reimbursement can be delayed they should go forward and improve aesthetics.

Councilmember Beckstein was in agreement.

Councilmember Todd asked if there was a procedure to direct the City Manager to work out a schedule, after the amount is determined to be budgeted, for a reimbursement plan for the applicant over the course of a few years without coming to a conclusion tonight.

Councilmember Beckstein confirmed with Councilmember Todd what the Council was being asked to do regarding this request.

Council President Doody asked City Attorney Shaver how such a contract would be negotiated.

City Attorney Shaver replied in response to approve the expenditure, and direct the City Manager, and the City Attorney to negotiate such a contract to be brought back for ratification.

Councilmember Todd asked Mr. Millyard if that could be worked out over a four or five year time frame. Mr. Millyard replied yes, he thought it could.

Councilmember Thomason stated that he was excited about the project. He commented that the only eyesore is the power lines, and he is grateful Mr. Millyard is willing to negotiate the reimbursement over a period of time.

Councilmember Palmer agreed that the project has been challenging. He is concerned that this is a City requirement, and although it would benefit the City to have all the lines undergrounded, he doesn't feel the City can afford it with only allocating \$250,000 per year for the Infill and Redevelopment Program. He is concerned that the City budget will be extended too far out into the future.

Councilmember Coons stated that although it is a requirement, the City can't afford to do it by itself, and believes in sharing the cost by asking the private sector to be partners. In this situation the City would pay the biggest chunk due to the type of lines, but would still require Mr. Millyard to pay the usual fees as well as undergrounding the other lines.

Councilmember Todd acknowledged the concerns on the amount, and clarified that she was looking beyond that at the mechanism used to make the decision.

Council President Doody said that the Infill and Redevelopment Program continues to generate extended discussions, and that all the projects are good. Perhaps a subcommittee should be established to better define the program criteria. He stated that the City Council needs to decide the level of funding for the Infill and Redevelopment Program.

Councilmember Coons moved to allocate funds up to \$258,896, and direct the City Manager, and the City Attorney to negotiate a contract with the developer for reimbursement over time subject to City Council ratification. Councilmember Thomason seconded the motion. Motion carried with Councilmember Palmer voting NO.

201 Boundary Change Request for Property, Located at 2591 B ¾ Road for Riverview Technology Corporation

The Riverview Technology Corporation (RTC) has requested their property be removed from the 201 Sewer Service Area Boundary. It is the Department of Energy (DOE) compound property, located at 2591 B ¾ Road.

Greg Trainor, Utility and Street Systems Director, reviewed this item. He noted that Bonnie Petersen, President of the Riverview Technology Corporation, was present. Mr. Trainor identified the location of the property in question and its proximity to the City limits. The request is to remove the property from the 201 Sewer Service Area Boundary. Water is provided to the site as an out-of-City water user. It is also being served by sewer as an out-of-City user. The service can still be provided to the site as an out-of-district customer. The County Commissioners reviewed this item at their hearing this morning, and they approved a motion to remove the property from the 201 boundary.

Ms. Petersen then addressed the City Council and concurred with Staffs' presentation. She clarified that the RTC is the manager of the former DOE property and their charge is to maintain the property and keep the jobs at this site. Any expansion over 9,999 square feet on this property would trigger annexation under the 201 Persigo agreement. Annexation would impact them in two ways. If annexed into the City limits, the Business Incubator Center, a major tenant on this site, would be precluded from providing Revolving Loan Funds to their tenants on this site. Secondly, in order to accomplish redevelopment on this site it would require grant sources for development that would not be available to a property within the City limits. The request is supported by the Incubator and the Chamber of Commerce.

Councilmember Todd asked what type of new development is being considered for the 9,999 square feet. Ms. Petersen answered that there are 7 vacant acres that could be developed and used for business development sites. One possibility is places for Incubator businesses to graduate to. There are also energy-related businesses. There is also consideration for possible use as a training site.

Councilmember Hill voiced concerns about the standards at which the property is developed, and cautioned that those standards not compromise safety.

Ms. Petersen was in agreement.

Councilmember Coons said the Business Incubator funds that can only be used in a rural area are vital to start-up businesses so she was supportive.

Councilmember Palmer served on the RTC and said that he recognizes the uniqueness of the property, and would not want the City to hamper the efforts when nothing would be

gained by the City annexation. He supports the exclusion, and commended the County Commissioners for recognizing the importance of the property.

Councilmember Thomason was also in agreement from a funding standpoint, and believes it is a worthwhile exclusion from the 201.

Councilmember Todd mentioned concerns that the impression might be that when the City is a partner in a project, the same City standards don't have to be met. She was concerned with the perception of unfairness to others.

Councilmember Beckstein disagreed saying that the City is in transition, and while the same past codes don't fit today, this property is unique, and the Council needs to take that into consideration. She does not believe this is going to set a standard.

Ms. Petersen agreed that the property is unique, and the process has taken a long time because of all these things being taken into consideration.

Councilmember Palmer said that this is a property given to both the City and County by the federal government which makes it unique in and of itself.

Councilmember Beckstein asked how many companies have been helped by the RTC.

Ms. Petersen stated that they have over 450 employees, and many of those are Incubator employees. Many DOE employees start businesses that support that industry.

Councilmember Palmer moved to approve 201 Boundary Change Request from Riverview Technology Corporation to remove the property located at 2591 B ¾ Road from the 201 Sewer Service Boundary with the concurrence of the Board of County Commissioners of Mesa County. Councilmember Beckstein seconded the motion. Motion carried.

Non-Scheduled Citizens and Visitors

There were none.

Other Business

Councilmember Hill said after following up with the budget meeting, and the two infill requests, he emphasizes the need for Council to take a closer look at the program. Without more funding, no more Infill and Redevelopment requests can be heard for several years. Council needs to determine a more specific criteria, and details that will establish consistency for the program.

Council President Doody asked if a subcommittee was worth forming to put it into perspective.

Councilmember Beckstein suggested directing the City Manager to work on an amended definition, and then discussing the information in a workshop format.

Council President Doody said that Staff can go forward easier with Council assistance.

City Manager Laurie Kadrich suggested coming back to Council on October 1st as a follow-up to the budget meeting after she has had a chance to meet with Staff about some parameters on the criteria that has already been set. Then Council can decide if a committee is needed.

Councilmember Todd said she would like to see criteria included that goes beyond the greater community good, and not just what is good for the project.

Councilmember Palmer stated that because it is a policy issue, and Council is going to need to move this forward expediently, a subcommittee with Staff involvement will be the most meaningful way to make progress more quickly.

Councilmember Hill stated that one option would be to disband the program. He used the Traffic Calming Program as an example. He also asked what would \$250,000 do in this City to help anyone interested in developing inside the boundaries that have been set, or, for the City in general.

Councilmember Coons stated she liked the subcommittee idea, and working with Staff to help come up with an agreed upon criteria.

City Manager Kadrich said she wants to bring back questions and options to the Budget Committee on Council's existing program, and then work with Staff on some ideas to bring back to Council.

Councilmember Palmer stated that he would like to see established criteria in place, and would not like the worry of inconsistency about setting precedents.

City Attorney Shaver said he believes Councilmember Coons has correctly identified the problem regarding the past incentive programs, and the need for criteria to help determine the expectations of the many different types of requests the City receives.

Council President Doody suggested establishing a subcommittee with Councilmembers Palmer, Coons, and Mayor Pro Tem Beckstein.

Adjournment

The meeting adjourned at 8:57 p.m.

Stephanie Tuin, MMC
City Clerk