

**GRAND JUNCTION  
CITY COUNCIL WORKSHOP SUMMARY**

**APRIL 5, 2004**

The City Council of the City of Grand Junction, Colorado met on Monday, April 5, 2004 at 7:02 p.m. in the City Hall Auditorium to discuss workshop items. Those present were Harry Butler, Cindy Enos-Martinez, Bruce Hill, Dennis Kirtland, Gregg Palmer and President of the Council Jim Spehar. Councilmember Bill McCurry was absent.

**Summaries and action on the following topics:**

1. **UPDATE ON REQUESTS MADE TO THE GRAND JUNCTION RURAL FIRE PROTECTION DISTRICT:** Acting City Attorney John Shaver reported on his and Administrative Services Director Ron Lappi's effort to review the records of the Rural Fire Protection District. Both he and Mr. Lappi went to Board Secretary Rob Dixon's house to review records. The records provided were insufficient, there was no supporting documentation to the computer generated reports they received. The following day, Mr. Shaver wrote to the District's attorney Bob Cole requesting specific records. A response from Mr. Cole on April 2<sup>nd</sup> stated the records were in New York and could be reviewed there.

Councilmember Hill inquired if the funds in question are in escrow at Alpine Bank. Attorney Shaver said they are not and there is no indication that the funds have been segregated. There has been no deposit with the court either and no response to a request to their attorney for information regarding the underlying court action. Councilmember Palmer asked if the monies are not in a local bank, then where are they? Attorney Shaver replied presumably with Golconda Trading Company but the existence of that company cannot be confirmed.

Administrative Services Director Ron Lappi described the situation at Mr. Dixon's house. Tery Dixon hand carried requests to Mr. Dixon, who was in another room generating computer reports. Further inquiries were made after that visit into the records that were provided. The 2001 audit was signed by Ms. Rita Harvey. The 2002 audit had the same date, different year and had Ms. Harvey's name on the report but was not signed. In checking with Ms. Harvey, she is retired and retired prior to the date of the 2002 audit. She only remembers doing one audit for the District, the 2001 audit. The two other names provided as auditors for the current audit are Mike Baron in Rochester, New York and Ken Sharkey in Syracuse, New York. In checking, neither one are licensed CPA's in the State of New York nor listed in the directory. In checking on Golconda Trading Company, there is no phone number in New York for such a company, they are not registered with the Security Exchange

Commission; they are not a licensed brokerage or investment firm and are not registered with the Secretary of State in New York or Colorado.

Councilmember Palmer asked if there are requirements for public investments. Attorney Shaver replied there are very stringent requirements.

M. Lappi advised that the District has a couple of bank accounts at Alpine Bank and as of 12/31/03 the statement shows a balance of \$136,000. By his calculations and knowing what the County Treasurer has deposited in their account, the District should have close to \$1 million.

Council President Spehar asked Fire Chief Beaty to report on the Fire District's last board meeting.

Chief Beaty stated the meeting was the previous Monday and there was discussion of forming an 1159 District which would mean the Rural Board would be dissolved. There was no decision and the Board did discuss making a payment to the City. Board Member Jerry Clark distributed a spread sheet on the amount owed the City and his numbers reconciled with the City's numbers. Board Member/Secretary Rob Dixon claimed the numbers were wrong. Chief Beaty said the Neighborhood Action Group (NAG) was represented at the meeting. The Board then went into executive session. When they came out of executive session they made a motion to pay the City \$75,000 and put the difference in escrow.

Bob Cron, NAG member, added that the motion to pay the City the undisputed amount was passed.

Jack Campbell, another NAG member, said the Rural Board is in disarray. John Heckman resigned and Jerry Clark did not pick up nomination papers to submit by the deadline of Thursday. He is concerned with the ability of the other Board Members to cope.

Acting City Attorney Shaver distributed letters for the Council to review addressed to the District's Records Custodian, as authorized by the District's attorney. He reviewed the request and the deadlines within the request.

Councilmember Hill expressed that in his experience with boards, his concern is for the taxpayers' money. He inquired as to what other remedies are there at this point. Mr. Shaver said the only other option is to request a judge to issue an order for the District to comply with the request.

City Manager Kelly Arnold asked if there is any strength in having other parties in the request. Mr. Shaver replied that it doesn't matter who makes the request, it does not change the legal application of the request. On the meeting on 29<sup>th</sup>, the City did get a copy of the Resolution certifying the mill levy to the County Commissioners.

Council President Spehar advised the Council has no choice but to go forward, in order to seek assurance that the funds are available.

**Action summary:** Council directed Acting City Attorney John Shaver to go forward with sending the open records request letter and go to court next if necessary.

2. **GRAND JUNCTION HOUSING AUTHORITY'S ASSISTANCE REQUEST FOR THEIR LINDEN POINTE DEVELOPMENT PROJECT:** The Housing Authority is asking for certain considerations in order to build an affordable housing project on Linden Avenue. Councilmember Dennis Kirtland stepped down since his firm is building the project. City Manager Kelly Arnold assured Council that all land review issues have been resolved so the City Council has no conflicts in hearing the Housing Authority's request this evening.

Housing Authority Executive Director Jody Kole apprised the Council on the status of the project. The Housing Authority has met with the County Commissioners and will hear the County decision on April 8<sup>th</sup>. The Housing Authority is asking the County for \$90,000.

Greg Hancock representing the Housing Authority explained the community need for housing units. He then displayed the site plan and explained the project. He detailed the proximity to amenities in the community as well as the amenities that will be located on the site. There will be twelve residential buildings made of durable low-maintenance materials and designed to be architecturally pleasing. Shaw Construction was selected as the general contractor and all subcontractors are local. The concept is a design/build. The development has been approved and is permit ready by the building department. 86% of the funding is private. Due to the partnerships and community support and need, and the quality of the project, the investor was able to bring more funds than originally considered. The Housing Authority is requesting three things from the City: freeze the development fees at the current rate, that the development fees and impact fees be deferred until the certificate of occupancies are issued (a building should come on line every three weeks) and the third request is for the City to additionally contribute \$196,230. The timeline is critical because the environment is such that material costs are increasing rapidly, the water table will rise and increase pumping costs as the season goes on and the Authority must spend 10%

of the development cost by July 31, 2004. To make that time frame, the construction needs to start this month.

Councilmember Enos-Martinez asked how many units are handicapped accessible. Mr. Hancock said there are five. Councilmember Enos-Martinez asked if the project will be maintained and leased by the Housing Authority. Mr. Hancock said yes, they take pride in their units and currently manage Crystal Brook Condominiums. They want to represent the Housing Authority well to continue to attract investors.

Councilmember Enos-Martinez inquired how many families will live at the complex. Mr. Hancock responded that there are 92 units. That is at build-out. Mr. Hancock added there will be a second phase for a child care facility, however, the funding for that is not available yet.

Council President Spehar asked if the project can begin without the City's \$196,230. Mr. Hancock said no, but they could go forward with a commitment from the City with a partial payment now and partial later. Mr. Hancock advised that the investor has to have all elements in place before the \$7 million plus will come in. Phasing the project would cost more with start up costs with contractors.

Housing Authority Director Kole added that the Housing Authority had to wait until now to make this request due to all the development issues.

Councilmember Butler asked Administrative Services Director Ron Lappi if funds are available to meet the request. Mr. Lappi replied that there is some in CDBG that could be utilized and there is general fund contingency or Council could tap the Economic Development Fund. City Manager Kelly Arnold clarified that there is \$64,000 in CDBG dedicated to neighborhood programs that could be utilized but would require a Plan amendment.

Council President Spehar asked about the Housing Authority's request to freeze the fees. Community Development Director Blanchard said deferring fees has certainly been discussed in the context of infill/redevelopment incentives and freezing the fees is automatic once the project is approved.

Councilmembers were agreeable to the funding.

**Action summary:** Councilmembers decided that they should provide the funding from the 2003 CDBG funds; go through a plan amendment, and the difference coming from General Fund contingency for a total of \$196,230. If there are qualified neighborhood projects that come before Council in 2004, funds will be allocated. The fees stay the same since

the project has been approved and Council has no problem deferring payment of the fees until the certificate of occupancies are issued as each unit is completed.

Councilmember Dennis Kirtland returned to the dais.

3. **ECONOMIC DEVELOPMENT INCENTIVES REQUEST FROM GRAND JUNCTION ECONOMIC PARTNERSHIP:** Ann Driggers, President of GJEP, along with Norm Franke and Denny Granum from the Prospect Committee, described the company, whose name is confidential at this point, its ownership, its production and the jobs including wage and benefits. The capital investment proposed is \$1.6 million at a new or existing facility at Walker Field Airport. Mesa County has also been approached for an economic incentive. Both the State of Colorado and the Airport is being approached. The request to the City is \$3,000 per job, a total of \$75,000. The usual terms are included in the incentive agreement. The funds will be paid to the company up front. The vesting will start when all the jobs are created, no later than 48 months from the time the incentive is paid and then the five-year vesting starts.

Councilmember Palmer asked about infrastructure at the Airport and if the company will have responsibility for that. Ms. Driggers said that will depend on what type of facility they decide to build, whether it will be an existing building or a new building. Mr. Franke said it appears there is an existing facility that will work. Mr. Franke said the company is a well-established company, founded in 1967, so the proposed incentive will not be funding a start up company.

Councilmember Kirtland asked about training for airplane mechanics and technicians. Mr. Denny Granum said they have been talking to UTEC and Mesa State about bringing training to this area from Rangely.

**Action summary:** The City Council was favorable on the incentive request and will schedule it later for formal approval once negotiations are complete.

Council President Spehar called a recess at 9:01 p.m. The meeting reconvened at 9:10 p.m. The Council changed the order of the agenda for the benefit of those waiting in the audience.

4. **HORIZON DRIVE ASSOCIATION BUSINESS IMPROVEMENT DISTRICT UPDATE:** City Clerk Stephanie Tuin presented the results of the petitions submitted and requested the Council schedule the matter for hearing. The petitions submitted represented more than 50% of the acreage and more than 50% of the property valuation.

**Action summary:** The City Council directed staff to put the ordinance on the Wednesday agenda for first reading.

5. **LANDSCAPE CODE REVIEW:** Planning Manager Kathy Portner reviewed with City Council proposed changes to the Landscape Code to address concerns that have been brought up since its adoption in 2000. She identified the consultants used in the study as Winston and Associates and Ciavonne and Associates.

Ms. Portner read goals and policies in the Growth Plan for the landscape code. There were also goals in the Council's Strategic Plan. She went over the review process and public participation. The conclusion of the consultants was that Grand Junction's Code was about average as far as what was required. The final recommendations were distributed to interested parties. The final step is the public hearing process. Planning Commission will review the proposed changes in two weeks and then their recommendation will be brought forward to City Council. One of the main recommendations for change is landscaping on industrial sites. The percentage required in Grand Junction is a huge burden. The recommendation is a new calculation based on street frontage, fifty feet back on both sides and the parking areas. It is a huge reduction but will have the same visual impact.

Council President Spehar asked about the requirements for corner locations. Ms. Portner said both frontages will have landscaping requirements.

Ms. Portner continued to outline the proposed changes: A change is to increase the strip outside perimeter fencing to 14 feet with a tree required every forty feet plus ground cover. In an area with detached sidewalks, a landscaped strip with trees will be required, a change to encourage xeriscape, including a clear definition of xeriscape. True xeriscape is a whole design concept for the grouping of plants. The new Code will also allow the Community Development Director's discretion for more desert landscape. Ms. Portner noted a consideration for an incentive for using xeriscape such as reducing the number of plantings, as it will cost more to design. However, there will be long-term savings and reducing the number of planting not recommended as it is counter to goals and policies. Therefore incentives are not recommended.

Other options: landscaping orchard style islands which retain space for parking, yet still provide tree canopy; provisions for public art to count up to 10% toward landscaping; increase tree size at planting; two types of trees identified, shade and ornamental (conifers); other trades and credits; all plans be reviewed by a landscape professional (this is not being recommended - although there is no professional landscaper on staff in

Community Development, it is felt that the department has the expertise and can rely additionally on parks personnel). Regarding the exception process, there are already enough variance options in the Code, so they are not recommending any change. Lastly, water taps for landscaping when the property is on Ute Water and the owner cannot get a tap. These are rare instances but frustrating for the developer because they cannot meet the City requirements. In conclusion, Ms. Portner advised that significant changes are not proposed, since after the consultants' review, Grand Junction's total numbers were pretty reasonable.

Councilmember Enos-Martinez encouraged incentives for xeriscaping. Ms. Portner stated that the Department of Local Affairs has a model ordinance based on a water budget, requiring a certain type of development design within their water budget.

Councilmember Kirtland asked if screening is addressed. Ms. Portner said that is to be addressed separately later. He asked if there are warranties required for landscaping. Ms. Portner replied that the City requires a development improvements agreement but once the improvements are complete, that agreement is released. Any unmaintained landscaping would be addressed on a complaint basis through Code Enforcement.

Councilmember Kirtland noted the positive comments included in the packet.

**Action summary:** Council had no other suggestions for changes and was comfortable with going forward with the process described by Ms. Portner.

6. **STRATEGIC PLAN UPDATE:** City Manager Kelly Arnold reviewed the summary provided. They are moving forward and making progress on the Neighborhood Policing effort and moving forward on the new position in the City Manager's office. On Efficient Transportation, there has been discussion on the bus funding but they probably will not make a whole lot of decisions this year. The plan is to work on a three-year budget at the end of the year. Councilmember Kirtland agreed that nothing will happen this year, adding that they will continue the conversation at the RTC meetings as they need to build some advocacy in the community. City Manager Arnold said the key issue is distinguishing between what is needed long term versus what would be nice to have. On the Gateway Committee, there are some Riverside Parkway elements. Councilmember Hill noted the Committee had a meeting during spring break which was not well attended. He felt the Committee needed to pull entire membership together and work on creating a template for all entrances. City Manager Arnold continued with the update. The City Council met

with the Youth Council which has been meeting regularly. He suggested they get on the Youth Council's calendar again. Regarding Shelter and Housing, the Forum is not set yet but they are planning for sometime in the summer. On Vital Neighborhoods, the Council discussed the Jarvis property that day.

Councilmember Enos-Martinez commented that on the subject of Community Policing, she received an email from police officers for her neighborhood asking about a schedule of events in the neighborhood so they could attend. City Manager Arnold advised that every Thursday command staff will be reviewing neighborhood issues, so there will be accountability at each meeting.

**Action summary:** The City Council accepted the update.

### **ADJOURN**

The meeting adjourned at 9:47 p.m.