

**GRAND JUNCTION CITY COUNCIL  
WORKSHOP SUMMARY  
December 18, 2006**

The City Council of the City of Grand Junction, Colorado met on Monday, December 18, 2006 at 7:01 p.m. in the City Hall Auditorium to discuss workshop items. Those present were Councilmembers Teresa Coons, Bruce Hill, Gregg Palmer, Doug Thomason, and Council President Jim Doody. Absent were Councilmembers Bonnie Beckstein and Jim Spehar.

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

- 1. PROPOSED CHARTER AMENDMENTS:** The City Clerk and the City Attorney presented recommended changes to the City Charter to eliminate obsolete provisions, make corrections, and bring the Charter into compliance with State and Federal Law. Any changes must be referred to a ballot for approval by the voters.

City Clerk Stephanie Tuin noted that there are three categories of suggested changes: a number of housekeeping items, items to change in order for the Charter to be compliant with current law and three substantive changes. City Attorney Shaver added one additional change to Section 70, a deletion of the words "for a violation thereof". He noted that it has been a long time since the Charter has had any amendments. It is common to see the State ballot have a question deleting obsolete provisions, which would be similar to this request, for the majority of the changes proposed. City Clerk Tuin noted that the City is in the middle of updating the entire Code so the timing would be such that the Charter would be reprinted anyway.

The Council asked for clarification on a number of the provisions and Staff responded to those inquiries. There was a discussion on Section 101 No Extra Compensation and how that might coordinate with the new Statewide, voter-approved ethics amendment, Amendment 41. City Attorney Shaver said the standard to avoid any appearance of conflict is for no additional compensation to be accepted, recognizing there might be some diminimus kinds of things, and that the Charter will be the ruling document in the case of a Home Rule City. City Attorney Shaver said that it is possible that additional ethics rules could be adopted, however it is his opinion that this Charter provision suffices under the provisions of Amendment 41.

Councilmember Hill asked for confirmation that a number of the administrative provisions proposed to be deleted are being done anyway and those actions will not be affected by the removal of those items from the Charter. Staff confirmed that to be so.

City Clerk Tuin noted the differences in the number of signatures required for the two substantive changes regarding recall petitions and Section 125 for clarification purposes.

Councilmember Thomason asked how such a ballot question would be worded so that it is clear to the voters. City Attorney Shaver said the question would be developed so that the Sections affected are identified but it would not contain word for word changes. Different options were discussed including doing a portion of the amendments at a time, grouping them by subject, and limiting the number of pages for the ballot. It was noted that the April election is a mail ballot so that gives the voters the time and opportunity to review the questions posed.

Councilmember Hill suggested that an ordinance be brought forward that requires regular review of the Charter so that this number of amendments do not accumulate. The City Attorney stated that can be done.

**Action Summary:** Staff was directed to construct four ballot questions, one for each substantive items and one for the housekeeping items for referral to the ballot. The City Council also wanted to see an ordinance that requires regular review of the Charter.

2. **RIVERSIDE PARKWAY PROPERTY REMNANTS:** Public Works & Utilities Director Mark Relph reviewed the recommendations for the disposal, redevelopment or future City use of the remnant properties not needed for the Riverside Parkway. Mr. Relph reviewed area by area and each of the parcels that are remaining after the Parkway construction. He reviewed the value and interest for each of the potential purchasers. He suggested the City not sell these properties adjacent to the construction until the Parkway construction in those areas are complete, towards the end of next year. The Riverside Parkway office will not be needed by the City after the Parkway is complete and is valued at \$450,000.

City Manager David Varley advised that the State identified Parcel 3, the Parkway office, as a good location for the E-85 fueling area and said Parcels 4 and 5 have already been traded or sold.

Mr. Relph then reviewed that Parcel 4 was traded to WDD Properties and Parcel 5 was sold to EC Electric. He said Parcel 6 is bisected by the Parkway and it is recommended that the City retain this parcel and perhaps incorporate it into the redevelopment of the Jarvis Property. Parcel 7 was sold to Van Gundy and a portion Parcel 8 has been traded to Elam Construction and the remainder of the property Staff is recommending the City retain until the South Downtown Plan is complete. Regarding Parcel 9 (a & b), Staff is recommending those be retained, (a) for the South Downtown Plan and (b) for use by the Botanical Gardens. Parcel 10 should be retained until the South Downtown Plan is completed and then the property can be sold. There is interest in Parcel 11 by Parkerson Construction who previously owned the property. He said Staff recommends the parcel be annexed before being sold back to Parkerson Construction. Mr. Relph said Parcel 11 is the Armory and that building is planned to be used by the Police Department. He said some of the proceeds from the sale of those properties should return back to the Riverside Parkway Fund in an amount of \$1.3 million. Other properties will be "purchased" by the General Fund to also reimburse the Riverside Parkway Fund.

Councilmember Hill noted that Staff is on track but the current fair market value needs to be used at the time of sale.

Councilmember Palmer voiced his concern that the City continues to acquire properties and has no plans for each of them. He wants to be cautious in not letting parcels stay in the City's possession with no plan to develop them.

Councilmember Coons supported the plan presented.

Councilmember Hill supported the sale of Parcel 3, the Parkway office.

**Action Summary:** The City Council supported Staff's recommendation for retention and disposal of the remnant properties.

Council President Doody called a recess at 8:30 p.m.

The meeting reconvened at 8:42 p.m.

3. **BOTANICAL GARDENS:** Joe Stevens, Parks and Recreation Director, presented alternatives for City assistance to the Western Colorado Botanical Gardens. Mr. Stevens said alternative #1 is to enter into a five year agreement for an annual cost to the City of \$35,000, \$25,000 would cover the Gardens utility costs and \$10,000 is to replace the solar panels and other repairs and improvements. He said the restrooms are cleaned by a contractor and the Gardens are supposed to pay half but have not been able to participate for a number of years. There is an accountability piece in that the Gardens would be required to file an annual report and would have to meet certain expectations. Alternative #2 is different in that the City would pay off the existing debt plus make some other improvements. He said the City would own all the improvements and have an operating agreement with the Gardens to operate the facility. In Alternative #3, the City would pay off their debt and would acquire all the fixed assets. The City would also acquire all the facilities and the Gardens would then lease back the facility from the City. Mr. Stevens said the Gardens valued their assets at \$1.5 million and said the City does have an interest in what is on this site due to the City's ownership of the adjacent Los Colonias Park and also the visibility of the property from the Parkway. Mr. Stevens concluded by saying that he believes the Gardens can be an asset but questioned at what cost.

Council President Doody asked if there would be some negotiations possible on the mortgage. Ron Lappi, Finance Director, advised he would have to see the actual agreement, he does not know how favorable the agreement is.

Councilmember Palmer asked if the City could legally acquire donated facilities. City Attorney John Shaver said yes, once donated they are in title of the Gardens.

Beth Campbell, Botanical Gardens board president, and board member Bob Suydam addressed Council. Ms. Campbell advised that the board favors

Alternative #1 as it retains their autonomy. She said the Gardens did go to Wells Fargo about their mortgage and were not granted any relief.

Mr. Suydam said that he wrote to Williams Oil and they are willing to pay for the repair of the panels.

Councilmember Coons questioned if Alternative #1 allows for hiring of a full-time Executive Director. Ms. Campbell said no, but perhaps a part-time director would be affordable.

Mr. Suydam said once the Parkway is complete, the Gardens are hoping to have more exposure.

Ms. Campbell said Ashley Furniture has also been helping with a cash infusion and some advertising.

Councilmember Coons questioned if the Gardens could operate without an Executive Director. Ms. Campbell said the board has struggled for 3 years but has done a great job. She said if the Gardens could hire a part-time Executive Director, his or her main job would be fundraising to bring more money into the Gardens. She expressed her appreciation for the help that the City has already provided to the Gardens.

Councilmember Palmer acknowledged the local merchant's assistance. He questioned if some of the capital funds raised could be applied to repairs. Ms. Campbell said not specifically, grants are usually written for capital funds.

Councilmember Hill questioned if there is a way of using grant funding to purchase other property upon which the Gardens resides at, which could free money up for operational expense. He supported some assistance to the Gardens.

Council President Doody asked about the provisions to terminate the agreement. City Attorney Shaver said certainly, if the Gardens default in a number of ways, that could be incorporated into the agreement.

Councilmember Coons stated that Alternative #3 would basically be the default position. City Attorney Shaver said that is correct.

Councilmember Coons said she is not opposed, but has concerns that there is not a permanent staff.

Council President Doody said he believes that the Parkway could be a lifeline for the Gardens, as well as Los Colonias and the South Downtown Plan. He feels that the Gardens must meet their obligations.

Councilmember Palmer said this is a difficult decision. He feels options #2 and #3 do not make sense and is uncomfortable helping with operations and paying

for their utility bills. He agreed that the Riverside Parkway will help and encouraged other activities at the Gardens.

Councilmember Coons said she is leaning toward the City being a partner of the Gardens.

Councilmember Palmer questioned if the City should do some recruiting and interviewing to appoint board members. Ms. Campbell said they would take any help.

Councilmember Coons questioned if the City could limit the term of the agreement with no renewal. City Attorney Shaver said, by law, the agreement would be subject to an annual review and in the agreement it could state that the agreement will not go past five years.

Mr. Stevens said the City could pay off a portion of the debt instead of paying for operations and in the agreement it could state that the Gardens would be in default if they fail to pay for their utilities and additional costs. City Attorney Shaver said the City can define the specifics for default.

Councilmember Palmer said he would want to move forward and not just postpone the demise.

Councilmember Thomason agreed to help with some level of support, but would like to hear more about the different options.

Council President Doody said that it sounds like all of Council would like to help the Gardens in some way.

Councilmember Palmer said there is enough interest in the Gardens to get the price of the land in that area that the City does not own. He said Council would like to have more financial information and what it would take to get them current. He said he would like to talk more about helping to augment a board of directors and recruit additional talents.

City Manager David Varley said if the City does not help them financially and quickly they will have to close their doors. He said Alternative #1 is the bare minimum to keep their doors open.

Councilmember Coons feels that there should be performance measures and terms, even if it is a short term fix.

City Manager Varley said the City could look at other alternatives when the budget review is conducted in 2007.

Councilmember Coons said she would like to see something put together to help make a difference right now.

Councilmember Hill stated that Council is willing to help but not necessarily with any of these three alternatives. He feels there will be a positive change in their cash flow with the help from the City with financial investments of real property and the \$25,000 for two years until the Riverside Parkway is completed.

City Manager Varley said the land and improvements are valued at \$175,000 by the assessor.

Councilmember Palmer agreed with Councilmember Hill. He feels that there needs to be an end strategy.

Councilmember Coons said Councilmember Hill's suggestion makes sense and would be a reasonable alternative.

**Action Summary:** Staff was directed to bring together another alternative that would include the purchase of the land owned by the Gardens and a short term cash infusion and present it at the next workshop.

## **ADJOURN**

The meeting adjourned at 10:05 p.m.