

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

**May 1, 2013**

The City Council of the City of Grand Junction convened into regular session on the 1<sup>st</sup> day of May, 2013 at 7:00 p.m. in the City Auditorium. Those present were Councilmembers Bennett Boeschstein, Jim Doody, Tom Kenyon, Laura Luke, Sam Susuras, and Council President Bill Pitts. Councilmember Teresa Coons was absent. Also present were City Manager Rich Englehart, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Pitts called the meeting to order. The Combined Law Enforcement Honor Guard posted the Colors and Councilmember Laura Luke led the Pledge of Allegiance, followed by an invocation by Pastor Hans Weston, Jubilee Family Church.

**Presentations**

**Appreciation Plaques were presented to outgoing City Councilmember Tom Kenyon, Mayor Pro Tem Laura Luke, and President of the Council Bill Pitts.**

Council President Pitts presented appreciation plaques to Councilmember Kenyon and Mayor Pro Tem Luke. Councilmembers Kenyon and Luke thanked the Council.

Councilmember Luke presented an appreciation plaque to Council President Pitts. She expressed her appreciation and said what a pleasure it has been to serve with him.

**Communications Manager Sam Rainquet presented information on the Joint Information Center (JIC) of Mesa County.**

Sam Rainquet, Communications Manager, presented information on the concept of joint information. She noted that a recent example of the use of this concept put into action was the gas explosion on 7<sup>th</sup> Street where the members of JIC worked together to get information out to the public. The members have been trained for years, even at the federal level, and were prepared. The organization meets monthly and they come together to help each other out. She then showed a video on the Joint Information System and the Joint Information Center. The video is to get the word out to let the community know this committee is ready to jump into action when needed.

**Proclamations**

**Proclaiming May 12 – 18, 2013 as “National Police Week” in the City of Grand Junction**

Councilmember Doody read the proclamation. Grand Junction Police Chief John Camper, along with Mesa County Undersheriff Rebecca Spiess, Colorado State Patrol Captain Mike Ozanick, and Fruita Police Department Lieutenant Judy Macey were present to receive the proclamation and thanked the City Council for the proclamation. Police Chief Camper expressed remembrance for those that have fallen, especially those in Colorado. He then listed some of the events that will happen that week. There will be an event at the Police Station on May 15<sup>th</sup> which will include tours and performances by the expanded Combined Honor Guard and the Rifle Salute Team. He asked that the public wear blue ribbons in support of National Police Week.

### **Proclaiming May 2013 as “Relay for Life Month” in the City of Grand Junction**

Councilmember Kenyon read the proclamation. Event Chair Laurie Freeborn thanked the City Council for the proclamation and she read information about the event with a goal of raising \$250,000. She asked everyone to join them at the opening ceremonies at Long Family Park on June 14<sup>th</sup> to kick off the event.

### **Proclaiming May 11, 2013 as “Grand Junction Letter Carriers Stamp Out Hunger Day” in the City of Grand Junction**

Councilmember Susuras read the proclamation. United States Postal Services Mail Carrier Pancho Carrillo explained how the event works and said there is always a need. Even though they collect 100,000 to 200,000 pounds of food, it is distributed in three to four weeks. He thanked the City Council for their support.

### **Proclaiming May 11, 2013 as “National Train Day” in the City of Grand Junction**

Councilmember Boeschstein read the proclamation. He noted there will be a little celebration at the Train Station on May 11, 2013.

### **Appointment**

Councilmember Susuras moved to appoint Paul Nelson to the Grand Junction Regional Airport Authority for a four year term expiring May 2017. Councilmember Kenyon seconded the motion. Motion carried.

### **Certificates of Appointment**

Clark Atkinson and Janice Rohr were not present to receive their Certificates of Re-appointment to the Horizon Drive Association Business Improvement District but Council President Pitts read their certificates.

**Council Comments**

Councilmember Doody said the City is a member of the Grand Junction Chamber of Commerce at the highest level. He asked City Manager Rich Englehart to confirm this and asked who, other than the City of Grand Junction, is a member at that level. City Manager Englehart could not say who else was a member at that level, but confirmed the City is a member at the highest level.

Councilmember Doody went on to say that the Grand Junction Chamber of Commerce has formed a 501(c)4 organization, the Western Colorado Business Alliance, which is a political organization, and the organization did not file recent election campaign reports with the City Clerk. He then moved to immediately withdraw the City as a member of the Grand Junction Chamber of Commerce. Councilmember Luke seconded the motion.

Councilmember Susuras said they can be assured that at the next City Council meeting the motion will be repealed and the membership will be reinstated.

Councilmember Boeschstein agreed with Councilmember Doody and said the Chamber of Commerce meetings are totally one sided and he feels they do not hear other points of view.

Councilmember Kenyon said they did nothing illegal and no complaint was filed. While he too feels the sting of their political motives, he agrees with Councilmember Susuras, although he might support a lower membership level. They do a good service at the legislative level and they serve an important function.

Councilmember Susuras said he agrees with Councilmember Kenyon except for lowering the contribution to a lower membership level.

Councilmember Luke asked about the annual cost of membership. City Manager Englehart said it is \$6,000 a year. She said she will support the withdrawal from the Chamber of Commerce.

Council President Pitts said he has been a member of the Chamber of Commerce for 44 years and he is withdrawing his membership.

The vote was called with the motion being carried four to two with Councilmembers Susuras and Kenyon voting NO.

Councilmember Boeschstein recapped all the accomplishments made by this Council in the last two years: reinstatement of City employee salaries; City taxes were not increased; a balanced budget; in the process of working with the North Avenue Association to improve North Avenue and with the Horizon Drive Association to improve

Horizon Drive, which are grass root movements which will provide for more employment helping the overall economy; Hawthorne Park clean up, with the assistance of the Police Department's HOT Team, issues are being treated proactively; refocus on the Riverfront with Los Colonias Park; the 29 Road Viaduct with Mesa County; the Comprehensive Plan; Lincoln Park; and the Police and Fire Departments new construction. He thanked those retiring and said they can look back proudly on their service.

Councilmember Kenyon said he is also proud of hiring a new City Manager, signing up JUCO for another 25 years, the Suplizio Stadium improvements, and the Grand Junction Rockies coming to town. He has enjoyed working with all on City Council.

Council President Pitts applauded City Staff, and said the public has one of the finest organizations in the United States, including the City Manager, the City Attorney, and all the employees who do a great job for the town.

### **Citizen Comments**

Cathy Mortenson, 475 West Niagara Circle, thanked the current City Councilmembers for their services. She was present as a concerned community member, woman, mother, daughter, and a survivor of domestic violence. She felt that Mr. Rick Brainard's act of violence inflicted the same upon the community. She did not feel he could be healed in three weeks. She called for support in protesting Mr. Brainard's seat at the City Council swearing in ceremony on May 6<sup>th</sup>.

Eric Niederkruger, 629 Ouray Avenue, is an activist and was present to support the Womens group called W.H.O.R.E.S. which is an acronym for Women Helping Others Resist Exploitation and Sexism. He referred to Mr. Brainard as being surrounded by funk. He said a culture of abuse is being established in this society. He brought up examples of well-known people in the community who he thinks have been hypocritical. He feels the Chamber of Commerce has an agenda for the newly elected Council and demanded that Mr. Brainard be jettisoned.

Jessica Coleman, 484 McMullin Street, thanked those watching on public broadcast and in the audience and also thanked the current City Council. She feels the citizens of the City endow elected officials with public trust and feel confident that they will be the public voice for those who have elected them. The citizens feel that Council should use the power vested in them to act in good faith and represent the values of those who have voted for them with honesty, integrity, and transparency; not for personal or political gain or other interests of power brokers. She feels that Councilmembers serve as protectors of the community's reputation and resources as they are also leaders in the State of Colorado. She feels dishonorable actions by certain Councilmembers mar the City's reputation, and also feels the people should take a stance to uphold values that the

citizens have a vested interest in. She said she had become aware that the newly elected City Council has quietly arranged to swear in Sam Susuras as Mayor right after Mr. Brainard is sworn in as a Councilmember. She then addressed Councilmember Susuras saying she thought he was involved in corrupt dealings while promoting the interest of a few over the well-being of the community. She spoke to Mr. Brainard and told him to step down and not swear in as his recall by the people of Grand Junction is imminent. She applauded those currently on Council who have been outspoken against Mr. Brainard taking his seat; she said those who have done so have acted with integrity and transparency, and the people will not forget what they have done. She asked those present to sign a petition to recall Rick Brainard from City Council.

Robert Noble, 1041 Ouray Avenue, said that the previous presenter's speech was very powerful. He complimented the current Council for passing the resolution to ask Rick Brainard to step away from Council and also the motion to withdraw membership from the Chamber of Commerce; they were brave statements. The issue that has brought this about is Mr. Brainard's behavior; even if convicted of a misdemeanor, he cannot be denied office. He will not be denied his day in court; the issue is Mr. Brainard's behavior. He noted that Councilmember Susuras's seat is also at risk because he supports a man who, by his own sworn statement, beat his girlfriend, which is not acceptable behavior. The other issue is the Chamber of Commerce which is separate. He urged citizens to boycott Chamber member businesses. He has heard there are businesses who are diametrically opposed to the Chamber of Commerce; this would be a good way to deal with that issue. He thanked the current City Council and especially those that are leaving and said they did a great service for the community.

Joel Dyar, 3033 B ½ Road, quoted Mark Twain and modified the quote to represent the issue at hand concerning what the previous presenters spoke to. He said "Suppose you were a den of thieves, crooks, and liars and suppose you were the Chamber of Commerce, but then I repeat myself."

### **CONSENT CALENDAR**

Councilmember Susuras moved to approve and then read Consent Calendar items #1-7. Councilmember Kenyon seconded the motion. Motion carried.

#### **1. Minutes of Previous Meeting**

*Action: Approve the Minutes of the April 17, 2013 Regular Meeting*

2. **Setting a Hearing on Zoning the Peony Heights Annexation, Located at 612 Peony Drive** [File #ANX-2013-96]

A request to zone the 1.12 acre Peony Heights Annexation, consisting of one parcel located at 612 Peony Drive, to an R-5 (Residential – 5 du/ac) zone district.

Proposed Ordinance Zoning the Peony Heights Annexation to R-5, (Residential – 5 DU/AC), Located at 612 Peony Drive

*Action: Introduce a Proposed Ordinance and Set a Public Hearing for June 5, 2013*

3. **Setting a Hearing on the Karis House Annexation, Located at 536 29 Road** [File #ANX-2013-141]

A request to annex 0.207 acres, located at 536 29 Road. The Karis House Annexation consists of one parcel, including portions of 29 Road and Formay Avenue rights-of-way. The total annexation area contains 0.494 acres of which 0.289 acres or 12,627 sq. ft. is right-of-way.

Resolution No. 25-13—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, Karis House Annexation, Located At 536 29 Road

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado Karis House Annexation, Approximately 0.494 Acres Located at 536 29 Road

*Action: Adopt Resolution No. 25-13 and Introduce a Proposed Ordinance and Set a Hearing for June 19, 2013*

4. **Outdoor Dining Lease for Downtown Vineyard Church dba Downtown Coffee, 644 Main Street**

Downtown Coffee, located at 644 Main Street, is requesting a first-time Outdoor Dining Lease for a total area measuring 230 square feet in two non-contiguous areas – one directly in front of the business on the main sidewalk comprising 160 square feet, and a second along the west side of the business in the breezeway comprising 70 square feet. Downtown Coffee does not serve alcohol. All new Outdoor Dining Leases require initial approval by City Council; once authorized leases renew without subsequent Council review pursuant to the lease agreement.

Resolution No. 26-13—A Resolution Authorizing the Lease of Sidewalk Right-of-Way to Downtown Vineyard Church dba Downtown Coffee, 644 Main Street

*Action: Adopt Resolution No. 26-13*

5. **Carpet Replacement for Two Rivers Convention Center**

This request is for the purchase and installation of new carpet in the three Colorado River rooms (aka the exhibit hall) at Two Rivers Convention Center and is included in the 2013 capital budget.

*Action: Authorize the City Purchasing Division to Award a Contract to Empire Today LLC., in the Amount of \$57,930.70 to Purchase and Install New Carpet at Two Rivers Convention Center*

6. **Contract to Fund the Transfer of Mill Tailings to the Grand Junction Disposal Site (Formerly Known as the Cheney Repository)**

The City of Grand Junction's interim mill tailings storage facility at City Shops is reaching capacity. The Department of Energy has scheduled to open the Cheney Repository in late June to receive the mill tailings stored at City Shops as well as tailings being remediated at the Xcel's Cameo plant demolition. This contract is with the State of Colorado's Department of Local Affairs (DOLA) and allows the City to be reimbursed for expenses incurred by the Energy and Mineral Impact Assistance Program. The value of the contract is set at \$150,000. After the work is bid, the haul contract will come back to City Council for award.

Resolution No. 27-13—A Resolution Accepting State of Colorado Energy and Mineral Impact Assistance Program Funds For the Removal of Mill Tailings from the City of Grand Junction's Interim Storage Facility and Haul the Mill Tailings to the Department of Energy's Grand Junction Disposal Site and Authorizing the Mayor to Sign a Contract with the Colorado Department of Local Affairs

*Action: Adopt Resolution No. 27-13*

7. **CDBG Subrecipient Contract with Karis Inc. for Previously Allocated Funds within the 2012 Community Development Block Grant (CDBG) Program Year**

The Subrecipient Contract formalizes the City's award of \$85,000 to Karis, Inc. allocated from the City's 2012 CDBG Program as previously approved by Council.

*Action: Authorize the City Manager to Sign the Subrecipient Contract with Karis, Inc. for the City's 2012 Program Year Funds*

### ITEMS NEEDING INDIVIDUAL CONSIDERATION

#### **North Avenue (US Highway 6) Complete Streets Project Intergovernmental Agreement**

In July of 2012, the City was awarded a Federal Transportation, Community, and System Preservation Program (TCSP) grant in the amount of \$1,190,099 for the North Avenue (US Highway 6) Complete Streets Project. This intergovernmental agreement establishes the relationship between Colorado Department of Transportation (CDOT), acting on behalf of Federal Highway Administration (FHWA), and the City of Grand Junction.

Greg Trainor, Public Works, Utilities, and Planning Director, introduced this item.

Trent Prall, Engineering Manager, introduced two prime representatives of the North Avenue Owners Association, Kevin Bray and Poppy Wood. Mr. Prall reviewed the history of the Intergovernmental Agreement and grant applications for this project. Last July, the City received notice of award of a grant in the amount of \$1,190,099 for the North Avenue Complete Streets Project. The project will run from 1<sup>st</sup> Street to 29 Road for design, and from 12<sup>th</sup> Street to 23<sup>rd</sup> Street for the actual construction. He provided information on how this project will go forward. The construction phase funds are not yet formally available and will not be until federally authorized. He asked City Attorney John Shaver to elaborate.

City Attorney Shaver said because of the nature of these funds and the situation in Washington, this is unique. CDOT is the intermediary and even though the grant has been awarded, the City has not yet received the money to spend yet. Mr. Prall said CDOT still needs the City Council's approval before they will then go to the federal government for funding.

Councilmember Kenyon noted the grant application was applied for some time ago and this is part of the renovation for North Avenue. He asked about the City's vulnerability because this is a long term contract.

City Attorney Shaver said that when City dollars are spent, getting credit for the match is the foremost consideration. The other obligation is the various federal requirements which adds to the requirements. Otherwise, it is basically an application for funds and saying the City is ready to proceed.

Councilmember Kenyon clarified by saying the process is different. The City is making a commitment, and at some point in the future, will get the green light.

Councilmember Susuras asked for confirmation that the City's matching funds are \$80,000 which are included in the 2013 budget. Mr. Prall said that is correct and the funds will go toward consultant expertise that Staff cannot provide.

Councilmember Boeschstein thanked the Staff and said he looks forward to the revitalization of North Avenue noting he is already seeing some improvements.

Resolution No. 28-13—A Resolution Accepting Federal Aid Funds for Construction Work on the North Avenue (US Highway 6) Complete Streets Project, Authorizing City Matching Funds and Inkind Services and Authorizing the City Manager to Sign an Intergovernmental Agreement with the Colorado Department of Transportation

Councilmember Susuras moved to adopt Resolution No. 28-13. Councilmember Kenyon seconded the motion.

Councilmember Kenyon expressed regrets in not being on the future City Council for this project or for the Horizon Drive Improvements and said he hopes the future Council will support these two projects. He thanked the North Avenue representatives Kevin Bray and Poppy Wood noting the City Council received a nice, kind, supportive letter from the North Avenue Association.

Councilmember Susuras thanked Dave Thornton, Principal Planner, for shepherding the project.

Motion carried by roll call vote.

**Public Hearing—1941 Palisade Street Rezone, Located at 1941 Palisade Street** [File #RZN-2013-77]

Request to rezone 0.24 acres from R-8 (Residential – 8 units per acre) to R-12 (Residential -12 units per acre) zone district. The applicant would like to rezone their property to R-12, which would allow a greater density on their property and thereby allow conversion of the larger house into a duplex.

The public hearing was opened at 8:19 p.m.

Greg Trainor, Public Works, Utilities, and Planning Director, introduced this item. He said Lori Bowers, Senior Planner will present and Dave Thornton, Principal Planner, will first explain a new tool called the Blended Residential Land Use Categories Map. Bret Guillory, Utility Engineer/Floodplain Manager, was also present to answer questions.

Dave Thornton, Principal Planner, provided information regarding the Blended Map tool. It creates three categories of residential land uses and better defines residential compatibility. He used several examples to explain it, the first being the Cornersquare Apartments at 1<sup>st</sup> Street and Patterson Road. He showed how the Blended Map works in concert with the Future Land Use Map and allows a range of densities for residential zoning.

City Attorney Shaver said part of the reason the Blended Map came into being is that if a proposed zoning was not equivalent, adjacent neighbors would insist that it be denied, and that always put the Council in a conundrum on determining appropriateness and compatibility. This tool gives the City Council a tool to use for those situations.

Councilmember Kenyon thanked Mr. Thornton and recalled the retreats and workshops to develop this and the other parts of the Comprehensive Plan.

Councilmember Luke expressed her appreciation of the Blended Map and how it gives the City Council the latitude to make those determinations.

Senior Planner Lori Bowers said the Blended Map was the element that resulted in the Comprehensive Plan receiving the American Planning Association Award. She then described the site, the location, the request and how one structure is in need of repair and renovation. The property is not in compliance with the current zoning and the renovation will increase the density further.

Ms. Bowers then addressed the floodplain. The property is located in a non-FEMA floodplain and there will be no elevation certificate required as there is no new external building construction. The proposed remodel will be less than 50% of the value of the structure. The neighborhood is changing and the housing in the area is eclectic. No one attended the neighborhood meeting that was held. The Planning Commission has recommended approval. She described the surrounding land uses and zoning.

Councilmember Kenyon said Ms. Bowers is right about the neighborhood and appreciated the thorough presentation.

Councilmember Doody asked about parking requirements. Ms. Bowers said they will have to provide two off-street parking spaces per dwelling unit.

Councilmember Boeschstein asked about the floodplain issues. Ms. Bowers said a certificate is not required because there is no exterior construction, but the owners have been advised that it may be wise to obtain flood insurance.

There were no public comments.

The public hearing was closed at 8:43 p.m.

Ordinance No. 4585—A Ordinance Rezoning 1941 Palisade Street from R-8 (Residential – 8 Units Per Acre) to R-12 (Residential – 12 Units Per Acre)

Councilmember Susuras moved to adopt Ordinance No. 4585 and ordered it published in pamphlet form. Councilmember Kenyon seconded the motion. Motion carried by roll call vote.

### **Non-Scheduled Citizens & Visitors**

Connie Dolezal, who lives in the City, asked about the Brady Trucking timeline as far as going forward with the construction they have planned. She also inquired as to the process for selecting a Mayor and when that will happen.

Councilmember Doody asked City Attorney Shaver to meet with Ms. Dolezal and explain the process.

### **Other Business**

There was none.

### **Adjournment**

The meeting adjourned at 8:47 p.m.

Stephanie Tuin, MMC  
City Clerk