

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

**July 17, 2013**

The City Council of the City of Grand Junction convened into regular session on the 17<sup>th</sup> day of July, 2013 at 7:00 p.m. in the City Auditorium. Those present were Councilmembers Bennett Boeschstein, Rick Brainard, Martin Chazen, Jim Doody, Phyllis Norris, and Council President Sam Susuras. Also present were City Manager Rich Englehart, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Susuras called the meeting to order. Councilmember Brainard led the Pledge of Allegiance, followed by an invocation by Pastor Bob Cook, Victory Life Church.

**Presentation**

June Yard of the Month

Shirley Nilsen, Forestry Advisory Board, and Tom Ziola, Forestry/Horticulture Supervisor, presented the June Yard of the Month to Susie Shelleman, 1539 Sherwood Drive. Ms. Nilsen noted why this yard was selected: Ms. Shelleman loves flowers and has flowers that bloom throughout the four seasons.

**Appointments**

Councilmember Boeschstein noted the great applicants that had applied for the Riverfront Commission. He then moved to re-appoint Claudette Konola for a partial term expiring July 2015, and appoint Larry Copeland, William Findlay, Bob Fuller, and Eric James for three year terms expiring July 2016, all to the Riverfront Commission. Councilmember Norris seconded the motion. Motion carried by roll call vote.

**Certificates of Appointment**

Kirk Granum and Shane Allerheilgen were present to receive their Certificates of Appointment to the Downtown Development Authority/Downtown Grand Junction Business Improvement District Board.

**Council Comments**

Councilmember Brainard said he attended his first 5-2-1 Drainage Authority meeting and it was eye opening. He noted there is a national event taking place at the go-cart track with international participants this upcoming weekend and the event is free to the public.

Councilmember Norris said she went to Houston, Texas for economic development research and was very impressed. The Chamber of Commerce coordinated this trip and thirteen citizens from Grand Junction attended. All participants came back with some great ideas for the economic development of the community.

Councilmember Doody said he went to the Parks and Recreation Advisory Board (PRAB) meeting at Lincoln Park. He noted the improvements under construction. He described the Arboretum Trail and how one can use a smart phone to get information about the trees located on the trail. The former Lincoln Park tennis courts are under reconstruction and when completed there will be pickle ball courts there as well. He is looking forward to learning pickle ball.

Councilmember Boeschstein said he agreed with Councilmember Doody, regarding the great improvements to Lincoln Park. On July 10, 2013 he attended the Museum of Western Colorado Governmental Affairs Committee meeting. The Museum should be celebrated and should be more of a tourist attraction than what it is currently; the Committee is working toward this goal. He then spoke about the Riverfront Concert which was moved from Robb State Park to Mesa Theatre due to an impending storm. He apologized for the change in venue and suggested other backup plans for the future. He attended the Horizon Drive Association Business Improvement District (HDABID) Board meeting and said Council will hear about a project for that area which will be important to economic development of the City.

### **Citizen Comments**

Clark Carroll, 1240 Cannell Avenue, said he was present regarding the Colorado Mesa University expansion. He met with the City Manager and the City Attorney. He asked about temporary lighting which surrounds residents in that area 24 hours, seven days a week, and asked who he could contact if access to his property is blocked. He was told that it is a State issue so nothing can be done by the City. Mr. Carroll questioned who has authority over this issue. He asked Council to have the City Attorney investigate who has authority over University development. He concluded by saying that many college graduates are characterized as “the coddled generation” as reported on 60 Minutes. He encouraged accountability on education.

John Williams, 433 N. 7<sup>th</sup> Street, said that this is the last time he is going to speak to Council. He called Councilmember Brainard names and told him that he should step down. He then talked about drones spying on people all over the town and said that it is wrong.

## CONSENT CALENDAR

Councilmember Doody read Consent Calendar items #1-5 and then moved to adopt the Consent Calendar. Councilmember Boeschenstein seconded the motion. Motion carried by roll call vote.

1. **Minutes of Previous Meetings**

*Action: Approve the Summaries of the June 6, 2013, June 11, 2013, June 17, 2013, and July 1, 2013 Workshops, the Minutes of the July 3, 2013 Regular Meeting, and the Minutes of the July 11, 2013 Executive Session*

2. **Contract for the 2013 Sewer Interceptor Repair and Replacement Project Including Rehabilitation of a Storm Drain Line in Sherwood Park**

This Project is aimed at the rehabilitation of aging interceptor sewer pipe and manholes in the City's waste water collection system and a portion of the storm drain system in Sherwood Park. The average age of the concrete pipe sewer lines being rehabilitated on this project is 49 years old. As a result of the infrastructure's age and damage caused by hydrogen sulfide gas, this maintenance is necessary to prolong the life of the existing sewer system.

*Action: Authorize the City Purchasing Division to Enter into a Contract with Layne Inliner, LLC of Kiowa, CO for the 2013 Sewer Interceptor Repair and Replacement Project for the Bid Amount of \$773,427.50*

3. **Construction Contract for the River Road North Trunk Line Extension Project**

The River Road North Trunk Line Extension Project will install 1,200 linear feet of 15-inch sanitary sewer trunk line from the Union Pacific railroad tracks under Highway 6 to just north of the highway right-of-way. The trunk line extension will provide sanitary sewer service to the Pilot and Love's truck stops, and serve future growth anticipated in the Comprehensive Plan occurring north of I-70 between 22 and 23 Roads.

*Action: Authorize the City Purchasing Division to Enter into a Construction Contract with M.A. Concrete Construction, Inc. of Grand Junction for the River Road North Trunk Line Extension Project in the Amount of \$269,608.30*

4. **Contract for the Riverside Parkway Asphalt Rejuvenation Project**

This request is to award a contract for the asphalt rejuvenation along the Riverside Parkway from 24 Road to 29 Road including all of the on and off ramps. In total approximately 229,000 square yards of road surface will be treated.

*Action: Authorize the City Purchasing Division to Enter into a Contract with American Road Maintenance, of Itasca, IL for the Riverside Parkway Asphalt Rejuvenation Project for the Bid Amount of \$179,670*

5. **Avalon Theatre Renovation Grant Request**

This request is for authorization to submit a request to the Colorado Department of Local Affairs for a \$1 million grant for the Avalon Theatre to include site improvements, the multi-purpose room, elevator, restrooms, HVAC, and auditorium seating.

Resolution No. 50-13—A Resolution Authorizing the City Manager to Submit a Grant Request to the Colorado Department of Local Affairs' (DOLA) Energy and Mineral Impact Assistance Program for Renovations to the Avalon Theatre

*Action: Adopt Resolution No. 50-13*

**ITEMS NEEDING INDIVIDUAL CONSIDERATION**

**Public Hearing—Reduction of Distance Restriction for Beer and Wine Liquor Licenses to College Campuses**

State law requires five hundred feet, using direct pedestrian access, from the property line of a school to the liquor-licensed premise; however, the law also allows local jurisdictions to reduce that distance for a certain class of license for one or more types of schools. The request is to reduce or eliminate the distance restriction from a beer and wine license to a college campus.

The public hearing was opened at 7:24 p.m.

John Shaver, City Attorney, presented this item. He described the request to amend the Grand Junction Municipal Code to reduce the distance of a certain type of liquor license to college campuses. State Law does allow for a local option to vary the distance restriction. The City Council has previously reduced the distance restriction for hotel restaurant liquor licenses and brew pub liquor licenses.

Councilmember Doody asked if it is 6% beer for the Beer and Wine license. City Attorney Shaver confirmed that it is 6%.

Georgann Joufflas, Advisor for the Entrepreneurship Club, provided some background for the request. She teaches entrepreneurship to students at Colorado Mesa University (CMU). The University funded the collegiate entrepreneur association and the association recently received an entrepreneurship grant. Classroom learning is not as effective as hands on experience. She noted how serious she takes this as she has had personal experience being an owner of a bar and restaurant, and would not be involved in this project if this were simply a drinking place for college students. She introduced the first student to speak, Johnny Nitti.

Johnny Nitti, a student from Las Vegas, NV, expressed his excitement for the class. They researched student-run businesses. They based their business model on Rice University's student-run business. The entrepreneur association wanted to make their business one-of-a-kind. Their business will include art students' artwork on the wall, music students performing, and drama students doing improvisational acts. Four hundred CMU students were surveyed and 94% said they would work at a student-run business. There is a need for a student-run businesses on campus.

Craton Edwards, a senior at CMU, has a degree in Culinary Arts and is pursuing a Business degree. The association would like to provide a place where all students from different areas can collaborate. Many CMU students are over 21 and there is a large population of over 21 year olds in the general area of the University. They will focus on being safe and responsible since students would be serving students. They will prevent underage drinking by focusing on fake identification, attending educational liquor classes, having Cops in Shops training, and targeting excessive drinking to prevent over service. They intend to prevent drinking and driving by providing a service called Mav Rides which is a shuttle service for students who drink alcoholic beverages.

Sean Foster, a junior in Finance and Entrepreneurship at CMU, said they have reached out to State and Local Liquor Enforcement. Beer and Wine will not be the focal point; the focus will be on creating a student hangout with late night food and learning. The Club will target reduction of over consumption of alcohol by CMU students.

Council President Susuras complimented the Advisor, Ms. Joufflas, and the students for their presentation.

Councilmember Norris asked if this Club is getting financing as they will be in direct competition with other businesses who pay rent and have other overhead costs. Mr. Foster said they will get initial financing but then will have to sustain costs on their own.

Councilmember Chazen asked what business entity they created. Mr. Foster said they created an LLC where CMU is the managing member.

Councilmember Doody asked about the partnership of the State and the City to investigate underage drinking; would the State investigate themselves? City Attorney Shaver confirmed the State would investigate, and said the investigations are conducted in a manner where no entrapment occurs; the establishment can always refuse service, and there is always an out.

Councilmember Doody asked what would happen if an underage person was served. City Attorney Shaver said they would be cited and the liquor license could ultimately be suspended or revoked. A first offense usually results in a fine in lieu of suspension.

There were no other public comments.

The public hearing was closed at 7:40 p.m.

Councilmember Chazen said he is supportive of this if it is overseen by the University and a Professor of the University. The students have done their homework and they have gone about it the right way.

Councilmember Norris said she agrees it is very educational to open a business and make it work. She is supportive.

Ordinance No. 4595—An Ordinance Amending Section 5.12.220 of the Grand Junction Municipal Code Reducing the Distance a Beer and Wine Liquor Licensed Premise Must be from the Principal Campus of a College or University in the City of Grand Junction

Councilmember Doody moved to adopt Ordinance No. 4595 and ordered it published in pamphlet form. Councilmember Chazen seconded the motion. Motion carried by roll call vote.

### **Letter of Commitment Adjustment to CDOT's RAMP Grant Program for Horizon Drive/I70 Interchange Project**

CDOT has developed a one-time program called the Responsible Acceleration of Maintenance and Partnerships (RAMP). The City was requested to submit detail application for the I-70 Horizon Drive Interchange project which was completed July 1<sup>st</sup>. Upon review by local CDOT staff, the project budget has been requested to increase to \$5.0 million reflecting more recent costs estimates, additional scope of work, and CDOT's staff direct involvement. The required 20% match is to be shared evenly between the Horizon Drive District and the City of Grand Junction. Horizon Drive Business

Improvement District has already committed to their \$500,000 match. The letter attached increases the City's commitment toward the project to \$500,000.

Trent Prall, Engineering Manager, presented this item. He introduced three members of the Horizon Drive Association Business Improvement District: Chuck Keller, Chair of the Board, Clark Atkinson, past Chair, and Vara Kasal, District Manager. Mr. Prall noted that the Colorado Department of Transportation (CDOT) has asked that the City increase the projected cost of construction from \$4 million to \$5 million, anticipating increased construction costs and a CDOT oversight that will add 19% to the cost. There is also an additional scope for the project regarding the on and off ramps, and there will be some additional signage to direct drivers to the right lanes for the roundabouts. The 20% match will be shared equally with the Horizon Drive Association Business Improvement District (HDABID).

Councilmember Brainard asked what the City's increase in commitment will be. Mr. Prall said the match will go from \$400,000 to \$500,000, which is half of the required 20% match.

Councilmember Norris noted that this is only a request if the grant is awarded, there is no guarantee. Mr. Prall said this is correct, however, the City has made it through the initial stages and there is widespread support. The match meets the minimum requirements of the grant. If the cost is greater, the City and HDABID would be responsible for any overrun.

Council President Susuras asked who contacted whom for additional money. Mr. Prall said CDOT contacted the City to increase their "ask". This is one of the larger projects in this region.

Councilmember Doody asked if the project will require a 1601 study. Mr. Prall explained the 1601 process; it is a lengthy, detailed environmental assessment that would be required if it were a new interchange. This is an interchange modification so the 1601 study will not be required; a lesser process is required.

Councilmember Boeschstein said he attended the HDABID meeting that morning. These improvements are being driven by a local business district; they want to improve where they are; it is a gateway to the City as well as a business area. These costs can be spread over two years which will soften the blow. It is a grassroots effort. He hopes a bicycle pedestrian path will be included in a future project.

Councilmember Brainard asked if \$4 million is still a good estimate. Mr. Prall said he thought so but, raising the ask will lessen the City's share of any overruns.

Councilmember Chazen said it seemed like the cost of having CDOT involved in this project is high. Mr. Prall agreed, noting that having CDOT involved adds about 19% surcharge no matter what their level of involvement is. Councilmember Chazen asked if the City knew about that previously. Mr. Prall said the thought was that City Staff could have overseen the project, but since the interstate system is involved, CDOT is involved.

Councilmember Chazen referred to the letter and asked if the wording committed the City to other improvements on Horizon Drive. City Attorney Shaver said that it is a letter of intent but will not happen without budget authorization. He can reword the letter if Council so directs. Councilmember Chazen questioned referencing Ballot Measure B. City Attorney Shaver said that is to demonstrate that other funding was pursued.

Councilmember Chazen asked about how this is going to be funded. City Manager Englehart responded stating the project will be a 2014-2015 project. City Manager Englehart asked Mr. Prall when the funding would be needed. Mr. Prall said he was anticipating \$200,000 in 2014 and \$300,000 in 2015. Councilmember Chazen asked the HDABID Board if they have the funds. The HDABID members present responded affirmatively.

Councilmember Boeschstein questioned the need for CDOT to have their own construction trailer when the City has the expertise. Mr. Prall agreed, but CDOT has demanded that they have on-site oversight of the project since it is on the interstate system.

Council President Susuras offered an opportunity to speak for those in attendance even though it was not a public hearing.

Chuck Keller, Chair of HDABID, said they have worked hard on this project and they are shovel ready. They want to improve the entrance to the area, the District, and the City. He hopes the Council concurs. The board members have worked hard getting information out to the area owners.

Clark Atkinson, prior Board Chair of the HDABID, 817 Lanai Drive, said he heard last week that CDOT wanted to increase the ask. The board has been busy getting the word out. The City will soon receive letters from leaders throughout the City supporting the project. This project will have a return on investment. The Horizon Drive businesses contribute over \$3 million dollars to the City in sales, use, and lodging taxes and they are looking at a 15% return for this grant application. He provided statistics on the return to the City through the year 2045 with total build-out of the area.

Councilmember Chazen asked if there is a guarantee that there will be a local contractor involved with the project. Mr. Prall said there are no guarantees as there are no provisions in the City policy that require use of a local contractor. Councilmember



Chazen asked what is being solved by this project. Mr. Prall said the left turning movements areas at peak hours back up into the turn lanes. There is not enough lane width to add a double turn lane. Safety is another concern; roundabouts provide angles of conflict that reduce the severity of accidents. There is also some confusion with drivers turning at the access road to the Visitor Center, and the aesthetics of the area are a concern.

Councilmember Boeschstein lauded the availability of a RAMP grant. It is a confusing interchange and this will clean that up. He has looked at national and regional data and roundabouts are the safest solution plus they create a beautiful entry. It will provide a trail for bicycles and pedestrians. He will support it.

Councilmember Doody said this is a great project and the reason the HDABID board was formed. He noted a previous project with the mosaic at the underpass. He will support it.

Councilmember Norris noted this was one of the projects under the TABOR question which almost passed so the citizens want this project. She appreciates the work done out on Horizon Drive as it helps business.

Councilmember Chazen said he is not sure if they are solving a problem. This is a burden to the 2014 and 2015 budgets. He is not sure how it can be funded. The 19% oversight charge is high, and he does not like it. This originally came as a \$4 million project and now it is \$5 million, that is a 25% increase. However, the vote tonight does not commit the Council, it only allows Staff to apply for the grant. City Attorney Shaver said this is indicative that the commitment is there.

Councilmember Brainard said he shares Councilmember Chazen's concerns, however, he is encouraged that the project could still be done for \$4 million.

Council President Susuras said he has a letter from Grand Junction Economic Partnership (GJEP) supporting the request. The Grand Junction Airport discussed this project last night and the Airport board said they would support it. He will support the project.

Councilmember Chazen said he will be supporting this but will later want to see how this will fit into the budget.

Councilmember Doody moved to authorize the President of the Council to sign the letter of commitment for CDOT's RAMP Grant Program for the Horizon I-70 Interchange Project. Councilmember Boeschstein seconded the motion. Motion carried by roll call vote.

**Non-Scheduled Citizens & Visitors**

There were none.

**Other Business**

There was none.

**Adjournment**

Councilmember Chazen moved to adjourn. Councilmember Doody seconded. Motion carried.

The meeting was adjourned at 8:23 p.m.

Stephanie Tuin, MMC  
City Clerk