

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

August 7, 2013

The City Council of the City of Grand Junction convened into regular session on the 7th day of August, 2013 at 7:00 p.m. in the City Auditorium. Those present were Councilmembers Bennett Boeschstein, Martin Chazen, Jim Doody, Duncan McArthur, 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 Norris led the Pledge of Allegiance, followed by a moment of silence.

Appointments

Councilmember Boeschstein moved to appoint Dr. Terri Wenzlaff for a partial term expiring June 30, 2014, appoint Michelle Bailey and Daniel Fitzgerald for partial terms expiring June 30, 2015, and appoint Dr. Kristin Heumann, Eric Marchese, and Dr. Jeff Kuhr for three year terms expiring June 30, 2016, all to the Urban Trails Committee. Councilmember Doody seconded the motion. Motion carried by roll call vote.

Councilmember Chazen moved to re-appoint Scott Coleman and appoint Gary Schroen and Bob Wiig to the Parks and Recreation Advisory Board for three year terms expiring June 30, 2016. Councilmember Norris seconded the motion. Motion carried by roll call vote.

Certificates of Appointment

Kevin Reimer was present to receive his Certificate of Appointment to the Downtown Development Authority/Downtown Grand Junction Business Improvement District Board.

Claudette Konola, Bob Fuller, and Eric James were present to receive their Certificates of Appointment to the Riverfront Commission.

Council Comments

Councilmember McArthur stated that he attended the dedication of the Latter Day Saints (LDS) Church Bishop's Storehouse which recently relocated. The facility serves members of the Church and members of the public. The public can buy food at wholesale prices and people who are in need can get bulk food.

Councilmember Chazen said he toured Hilltop facilities including the Latimer House. He was impressed by the quality staff at Hilltop and he encouraged community support of the

organization. He also toured the HomewardBound Shelter and was impressed with the new leadership and plans for their future expansion.

Councilmember Norris said she was part of the interview process in the past month for the volunteer boards and commissions. She thanked those who applied and interviewed and lauded the quantity and quality of volunteers.

Councilmember Boeschstein said he and Councilmember Norris attended the Incubator meeting. All of the Councilmembers attended the recent Grand Junction Economic Partnership (GJEP) meeting in Foresight Park. He noted that Foresight Park is no longer in the Enterprise Zone and the boundaries of the Enterprise Zones need some changes. There may be changes possible through the State legislature to get Foresight Park back into the Enterprise Zone.

Citizen Comments

John Williams, 433 N. 7th Street, exclaimed it was a victory for the City when Rick Brainard stepped down from Council. He then talked about drones that look like birds and said they are a huge invasion of privacy. He said Grand Junction is the capital for drones as there are many in this area. He talked about a book that he is writing. He left the podium momentarily, then returned to comment that better laws are needed on the island.

Kathryn Christian, 960 White Avenue, extended an invitation to the City Council and the citizens to a community meeting regarding the FRAM oil and gas development in the Whitewater area. She has concerns with the Bureau of Land Management (BLM) assessment of this proposal and its failure to employ best management practices. The meeting is tomorrow at 7:00 p.m. at the Mesa County Road and Bridge building, second floor in Building B. The speakers will address air and water quality and the affect they have on property values.

Mare Charlesworth, 2712 Rincon Drive, addressed Councilmembers Doody and Boeschstein for standing up for the No Brainard group. She thanked Councilmember Doody for walking out of a Council meeting and for that she bestowed upon him a "lose the drama" sign. She then thanked Councilmember Boeschstein, and said that the citizens back him. She then thanked the three "chamber-mades" and presented them with a "thanks for nothing award". She gave Council President Susuras a "light bulb award" because he did not see that Rick Brainard was an abuser. She said the light came on after the Mayor and others were attacked in Mr. Brainard's resignation letter. She said the Mayor had been used. She challenged Council President Susuras to not seek a "chamber-made" to replace Councilmember Brainard. She had issues with Duncan McArthur being placed on the Council.

Christina Hoagland, 578 N. 26th Street, represented those who witnessed the Rick Brainard episode; the citizens are now paying closer attention. She expressed her appreciation for Harry Butler and his life. Her comments were about choosing Councilmembers by election, noting Councilmember Doody and Boeschstein supported having an election. Awards of Excellence were presented to Councilmembers Doody and Boeschstein.

CONSENT CALENDAR

Councilmember Doody read the Consent Calendar Items #1-9 noting that the hearings for items 4 and 6 will be scheduled for September 4, 2013 and then moved for approval. Councilmember Boeschstein seconded the motion. Motion carried by roll call vote.

1. **Minutes of Previous Meetings**

Action: Approve the Summary of the June 17, 2013 Readiness Session; the Minutes of the July 10, 2013 Special Meeting; the Summary of the July 15, 2013 Workshop; the July 17, 2013 Regular Meeting; the July 23, 2013 Special Meeting; and the July 29, Special Meeting

2. **Setting a Hearing on an Amendment to Section 9.04.070 of the Grand Junction Municipal Code Adopting Rules and Regulations Regarding Theft**

The State has modified various state statutes regarding thefts. The proposed ordinance amends Section 9.04.070 Theft to be consistent with the state laws regarding level of crime for thefts less than \$2,000.

Proposed Ordinance Amending Section 9.04.070 of the Grand Junction Municipal Code Regarding Thefts

Action: Introduce a Proposed Ordinance and Set a Public Hearing for August 21, 2013

3. **Setting a Hearing on an Amendment to Section 9.04.230 of the Grand Junction Municipal Code Adopting Rules and Regulations Regarding the Possession/Use of Marijuana by a Minor**

Due to changes to the Constitution of the State of Colorado, the state legislators modified the possible penalties concerning the possession, consumption, and use of marijuana by anyone, including those under the age of 21 years. The proposed ordinance amends Section 9.04.230 Purchase, possession, consumption of

marijuana by persons under the age of 21 years to be consistent with the state laws and penalties.

Proposed Ordinance Amending Section 9.04.230 of the Grand Junction Municipal Code Regarding Marijuana and Persons Under the Age of 21 Years

Action: Introduce a Proposed Ordinance and Set a Public Hearing for August 21, 2013

4. **Setting a Hearing on Amending the Grand Junction Municipal Code to Prohibit Retail Sale of Marijuana**

Amendment 64 to the Colorado State Constitution allows local governments to regulate or prohibit marijuana retail stores as well as cultivation, manufacturing, and testing facilities by ordinance or by placing a ballot measure on the General Election ballot. Based on direction previously provided by the City Council, Staff has prepared an ordinance prohibiting marijuana businesses in Grand Junction for the Council's consideration.

Proposed Ordinance Prohibiting the Operation of Marijuana Cultivation Facilities, Marijuana Product Manufacturing Facilities, Marijuana Testing Facilities, and Retail Marijuana Stores and Amending the Grand Junction Municipal Code by the Addition of a New Section Prohibiting Certain Uses Relating to Marijuana

Action: Introduce a Proposed Ordinance and Set a Public Hearing for September 4, 2013

5. **Setting a Hearing on Extending an Amendment to the Sales and Use Tax Code Exempting Aircraft Parts from Sales Tax**

This is an amendment to the Grand Junction Municipal Code concerning the exemption from sales tax of seller installed aircraft parts. The proposed ordinance amending the Code has a three-year sunset clause at which time City Council will evaluate the effectiveness of the ordinance and may or may not extend the exemption.

Proposed Ordinance Amending and Reinstating Section 3.12.070 of Title 3 of the Grand Junction Municipal Code Concerning the Exemption from Sales Tax of Seller Installed Aircraft Parts

Action: Introduce a Proposed Ordinance and Set a Public Hearing for August 21, 2013

6. **Setting a Hearing on the 2013 Supplemental Appropriation Ordinance**

This request is to appropriate certain sums of money to defray the necessary expenses and liabilities of the accounting funds of the City of Grand Junction based on the 2013 amended budgets.

Proposed Ordinance Making Supplemental Appropriations to the 2013 Budget of the City of Grand Junction

Action: Introduce a Proposed Ordinance and Set a Public Hearing for September 4, 2013

7. **Construction Contract for Persigo Wastewater Treatment Plant Slide Gate Replacement Project**

This request is for construction of the Slide Gate Replacement Project at the Persigo Wastewater Treatment Plant (WWTP). Currently, the existing slide gates at the head of the Persigo Plant are about 30 years old. These slide gates are corroded and result in poor sealing abilities, and in addition, have gear boxes that are beginning to seize up making it difficult to open and close the gates effectively. The new slide gates will be fabricated from stainless steel and will have new gear boxes installed.

Action: Authorize the Purchasing Division to Execute a Construction Contract with RN Civil Construction for the Construction of the Slide Gate Replacement Project at the Persigo WWTP in the Amount of \$186,700

8. **Amending Council Committee Assignments for 2013 – 2014**

On May 6, 2013 the City Council reviewed and determined who on the City Council would represent the City Council on various boards, committees, commissions, authorities, and organizations. Subsequently, on June 5, 2013, the City Council amended those assignments. The proposed resolution amends those assignments.

Resolution No. 51-13—A Resolution Amending Resolution No. 38-13 Appointing and Assigning City Councilmembers to Represent the City on Various Boards, Committees, Commissions, Authorities, and Organizations

Action: Adopt Resolution No. 51-13

9. **Letter of Support for Mesa Land Trust Open Space Grant Application to Great Outdoors Colorado (GOCO)**

Mesa Land Trust is asking the City to collaborate on the Monument Road Vision Project which will create more public open space, preserve views, and support a multi-use path connecting the Monument Road area with Downtown Grand Junction. Mesa Land Trust would like to submit a grant application to GOCO for the acquisition of additional properties along Monument Road and is asking the City to sign a letter of support.

Action: Authorize the Mayor to Sign a Letter of Support to Great Outdoors Colorado on Behalf of Mesa Land Trust's Grant Application

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Revocable Permit for Asphalt Paving and Landscaping for Carville's Auto Mart, Inc. Located adjacent to 25 Road and W. Independent Avenue [File #RVP-2013-203]

Carville's Auto Mart Inc. is requesting a Revocable Permit for asphalt paving and landscaping within the 25 Road and W. Independent Avenue rights-of-way. The proposed asphalt paving within the 25 Road right-of-way is for an additional parking area for employee parking and storage of vehicles in preparation for sale. Proposed landscaping installed within the W. Independent Avenue right-of-way will be to help beautify the property and area.

Scott D. Peterson, Senior Planner, presented this item. He described the site, the location, and the request. The purpose is for asphalt paving and landscaping for employee parking for Carville's AutoMart. Revocable permits may be granted if they are not detrimental to the public but the permit can be revoked anytime the City Council deems appropriate. The paving and landscaping do not interfere with any future planned City improvements. Staff believes the criteria of the Zoning and Development Code have been met and asks that conditions be placed on the permit: access for the storm drain and the applicant will have to replace any asphalt and landscaping if removed for repair of the storm drain. The applicant must also recognize that street maintenance including snow and ice removal may affect that property which lies below the 25 Road overpass and the City will not be responsible for any damage.

Councilmember Doody asked if the permit is reviewed over time. Mr. Peterson said the permit is recorded and passes with title. The City has the right at anytime to revoke the permit and ask that the improvements be removed.

Councilmember Boeschstein asked if there is only a bike lane on the east side of the overpass with no sidewalk. Mr. Peterson confirmed there is a sidewalk only on the west side.

Council President Susuras asked if Mr. Carville was interested in purchasing the property. Mr. Peterson said Mr. Carville bought adjacent property which was a remnant from the Riverside Parkway project, which is a separate parcel. There is no immediate use for the property.

City Attorney Shaver said Mr. Carville owns part of the property but the City retained the rest of the property to maintain access control of the overpass.

Councilmember McArthur asked if the lower section is part of the right-of-way of Independent Avenue. Mr. Peterson said it is but the area runs into the wall that supports the elevated roadway. Mr. Carville does intend to landscape and pave the area and he has been asked to eliminate the access because it is a safety hazard.

Councilmember Chazen asked if the City will have any liability for vehicles stored on the lot. City Attorney Shaver said the permit includes an indemnity clause for that purpose, so the City will not be responsible.

Resolution No. 52-13—A Resolution Concerning the Issuance of a Revocable Permit to Carville's Auto Mart, Inc.

Councilmember Boeschstein moved to adopt Resolution No. 52-13. Councilmember Norris seconded the motion. Motion carried by roll call vote.

CDBG Subrecipient Contract with HomewardBound of the Grand Valley for Previously Allocated Funds within the 2012 Community Development Block Grant (CDBG) Program Year [File #CDBG 2012-07]

The Subrecipient Contract formalizes the City's award of \$109,971 to HomewardBound of the Grand Valley allocated from the City's 2012 CDBG Program as previously approved by Council. The grant funds will go toward purchase of property.

Tim Moore, Deputy City Manager, introduced this item.

Doug Karl, Director of HomewardBound, made a presentation that included statistics for the Shelter and the program. He noted the number of families in need continues to grow as well as single women in need of services. The Shelter will also provide day medical assistance, in other words a bed for those who are ill and need a place to stay.

Mr. Karl then spoke to the organization's Guided Growth Plan prompted by their capacity/overflow situation and their renewed perspective that the Shelter is the first step in a person or family's life to help them return to the community. He described how their plans will meet those needs. They were recently awarded a grant to perform an audit to plan for energy efficiency at the existing Shelter. He detailed the medical day care, also called medical respite care.

Mr. Karl presented the conceptual plans for the Family Centre and said they are looking for a 2.5 acre site. He explained each element of the Family Centre, including an area where medical providers can come to the Centre to care for the clients, daycare for children, and separate residential pods.

They are trying to secure a contract by spring of 2014 and will begin their capital campaign. They are asking for approval of their grant award to help with that project.

Councilmember Norris commended HomewardBound Director, Doug Karl for the work to secure funds for the remodel of the old building and the plan to use this grant for what it was originally awarded.

Councilmember Chazen thanked Mr. Karl, the board chair, and other board members for the tour of the facility and for their work in making a plan for the new facility. He cautioned that there is a time frame for the funds and the City has a fiduciary responsibility for the funds as they are federal funds. The amount is a large one for CDBG. He asked that they come back to Council if the site search is not going as planned so the money can be reallocated. He is ready to support the plan.

Council President Susuras thanked HomewardBound for the service they provide the community.

Resolution No. 53-13—A Resolution Confirming an Activity Within the 2012 Program Year Action Plan as a Part of the City of Grand Junction Five-Year Consolidated Plan for the Grand Junction Community Development Block Grant (CDBG) Program

Councilmember Doody moved to adopt Resolution No. 53-13. Councilmember McArthur seconded the motion. Motion carried by roll call vote.

Great Outdoors Colorado Grant Council Resolution for Las Colonias Park Phase I

Parks and Recreation is seeking approval to apply for a Great Outdoors Colorado (GOCO) local government grant to assist with funding critical elements of the early phases of Las Colonias Park. A resolution from the governing body with primary jurisdiction must be attached to all grant applications. The Fall cycle of grants is due on August 28 with an award decision on December 10.

Rob Schoeber, Parks and Recreation Director, presented this item. He reviewed the project, the request, and how the development will be pursued in phases. Phase I includes the west end including parking, a native arboretum, a grassy parking area, and a restroom/shelter. Funding from the City will come from the parkland expansion fund which are funds collected over years from development. The request is for \$232,151 in City funds for 2014. The overall budget is just under \$850,000.

Council President Susuras said he has heard there are twelve phases in the development and asked if the plan is to take it one phase per year. Mr. Schoeber said the phases will be done as funding becomes available; timing will depend on the support, resources, and grant funding acquired.

Councilmember Chazen noted that some areas within the park have contaminated soils. He asked if any of the soil in Phase I is contaminated. Mr. Schoeber said there is no contamination in the area of Phase I, and the City will continue to work with the Department of Energy (DOE) for the future phases.

Councilmember Boeschstein thanked Mr. Schoeber and all the Staff who worked on this development. He lauded all the partners in the project and noted how this will stimulate other development in the area.

Councilmember Norris thanked Mr. Schoeber and said he did a good job going after available funds. She noted that a number of citizens have already been involved, particularly the disc golf group who have done a lot of cleanup. She lauded the Riverfront Commission and other partners.

Councilmember Chazen said he still has concern that the Council is committing funds for 2014 and this will only leave \$300,000 in the fund for all other parks expansion. He is not so much against the project but rather the process as he does not know what the other competing uses for the funds are. He appreciates the hard work of Staff and honors the partners but he would prefer to delay the application until Council has gone through the budget process.

Councilmember McArthur said Mr. Schoeber gave a presentation to the Associated Members of Growth and Development regarding the Master Plan for Las Colonias and Phase I was well received. He thanked Mr. Schoeber for answering all their questions and concerns.

Councilmember Doody said he was pleased to see the project get started, it has been a long time getting to this point. He believes it will be a huge economic boost for Grand Junction.

Resolution No. 54-13—A Resolution Supporting the Grant Application for a Local Parks and Outdoor Recreation Grant from the State Board of the Great Outdoors Colorado Trust Fund for Las Colonias Park Project

Councilmember Boeschstein moved to adopt Resolution No. 54-13. Councilmember Doody seconded the motion. Motion carried by roll call vote 5 to 1 with Councilmember Chazen voting NO.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

There was none.

Adjournment

The meeting was adjourned and then reopened to allow an additional comment from Diane Cox.

Diane Cox, 3641 B ½ Road, Palisade, thanked Councilmembers for taking a stand against drug dealers in this community. She spoke of the serious issues stemming from medical marijuana and how it is infiltrating into the school system and creating many problems. She said the proposed Ordinance to adopt rules and regulations regarding the possession/use of marijuana by a minor represents the wishes of this community and has been reflected by how the people in this community voted on this issue in past elections. She again thanked Council for moving forward to oppose marijuana and protect the youth in this community.

The meeting was adjourned at 8:17 p.m.

Stephanie Tuin, MMC
City Clerk