

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

August 21, 2013

The City Council of the City of Grand Junction convened into regular session on the 21st day of August, 2013 at 7:02 p.m. in the City Auditorium. Those present were Councilmembers Bennett Boeschstein, Jim Doody, Duncan McArthur, Phyllis Norris, and Council President Pro Tem Martin Chazen. Council President Sam Susuras was absent. Also present were City Manager Rich Englehart, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Pro Tem Chazen called the meeting to order. Councilmember Norris led the Pledge of Allegiance, followed by an invocation by Pastor Kyle VanArsdol, Molina Baptist Church.

Presentations

July Yard of the Month

Forestry Board member Rich Edwards presented the July Yard of the Month to Butch and Peggy Shaw, 481 Escondido Drive. Peggy Shaw was present to receive the award. Mr. Edwards lauded the Shaw's water-wise landscaping. Mrs. Shaw thanked the Forestry Board for the award.

Update on Epic Rides, an Off Road Mountain Bike Endurance Event, and Appreciation of Council Support

Dave Grossman, president of Grand Junction Off Road Mountain Bike Endurance, presented an update on Epic Rides. He said the ride will take place over the Labor Day weekend. He highlighted the wonderful surroundings and trails. Many have signed up to compete and complete this challenging event. The participants along with their teams and families will be in Grand Junction for several days. Mr. Grossman invited City Council to visit the event. There will be participants from all over the world. All Epic Rides events will start and finish in downtown Grand Junction. He thanked the sponsors and the City, especially the support from Visitor and Convention Bureau (VCB), Grand Junction Economic Partnership (GJEP), the Downtown Development Authority (DDA) and the Grand Junction Airport Authority (GJAA).

Proclamations**Proclaiming the Month of September 2013 as “Western Heritage Month” in the City of Grand Junction**

Councilmember McArthur read the proclamation. Dick Biedelschies was present to receive the proclamation on behalf of the Mesa County Sheriff’s Posse. He was accompanied by other members of the Sheriff’s Posse. He invited the Council to attend the rodeo finals.

Proclaiming August 31st and September 1st, 2013 as “Western Colorado Classic Auto Event Days” in the City of Grand Junction

Councilmember Boeschstein read the proclamation. Sarah Caitlin, event organizer for Hilltop, was present to receive the proclamation. She described the event which is over Labor Day weekend. Attendees have already started making their reservations to stay in Grand Junction for 4 to 5 days. She recognized their sponsors and thanked the VCB for their support. They are expecting four to five hundred cars.

Certificates of Appointment

Dr. Larry Copeland was present to receive his Certificate of Appointment to the Riverfront Commission.

Scott Coleman, Gary Schroen, and Bob Wiig were all present to receive their Certificates of Appointment to the Parks and Recreation Advisory Board.

Eric Marchese, Dr. Kristin Heumann, Daniel Fitzgerald, Dr. Terri Wenzlaff, and Dr. Jeff Kuhr were all present to receive their Certificates of Appointment to the Urban Trails Committee.

Council Comments

Councilmember McArthur said he attended a ceremony for the dedication of the Veteran’s Crown Point Cemetery. He briefly reviewed the history of the cemetery. He described the ceremony and who was in attendance. He re-told a story, told to him by Walter Smith, a rancher and veteran of World War II, who lives across the street from the cemetery.

Councilmember Doody said he attended the Grand Junction Housing Authority retreat the previous Saturday. The Housing Authority staff also attended. It was a good session.

Councilmember Boeschstein said he attended a funeral of Bruce Manchee who was a faculty member of Colorado Mesa University (CMU). He also attended the Horizon Drive Association Business Improvement District (HDABID) meeting for the presentation of the new I-70 Interchange along Horizon Drive. He has and will continue to attend the Avalon Theatre construction meetings. He attended the Riverfront Commission meeting and the County Commissioners public hearing regarding the third phase of the Riverfront Trail and the County's decision was upheld to go forward with the project.

Council President Pro Tem Chazen said he attended the Associated Governments of Northern Colorado (AGNC) meeting on August 15 and the discussion was regarding mineral lease payments and Payment in Lieu of Taxes (PILT) payments. A specific discussion occurred about setting up Federal Mineral Lease Districts. He also attended the dedication of the Colorado Law Enforcement Training Center.

Citizen Comments

Tanya Orpi, 629 Ouray, deferred her comments to the next speaker.

Eric Niederkruger, 629 Ouray, shared his thoughts on panhandling, "asking for help is free speech". Free speech protects minority speech. He said there are now "drone" patrols and disbursement of camps. These actions make it appear there are more homeless.

CONSENT CALENDAR

Councilmember Doody read Consent Calendar items #1-3 and then moved to adopt the Consent Calendar. Councilmember Boeschstein seconded the motion. Motion carried by roll call vote.

1. **Minutes of Previous Meetings**

Action: Approve the Summary of the July 15, 2013 Readiness Session and Minutes of the August 7, 2013 Regular Meeting

2. **Setting a Hearing on Amendments to Title 21 of the Grand Junction Municipal Code to Revise the Definition of Lot Coverage** [File # ZCA-2013-313]

The amendments to Sections 21.03.030(e) and 21.10.020 will revise the definition of lot coverage.

Proposed Ordinance Amending Section 21.03.030(e) and 21.10.020 of the Grand Junction Municipal Code to Revise the Definition of Lot Coverage

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

3. **Colorado Law Enforcement Training Center Grant Request**

This request is for authorization to submit a request to the Garfield County Federal Mineral Lease District for a \$1,300,000 grant for the development of the Colorado Law Enforcement Training Center to include classrooms and a simulated City block.

Resolution No. 56-13—A Resolution Authorizing the City Manager to Submit a Grant Request to the Garfield County Federal Mineral Lease District for the Development of the Colorado Law Enforcement Training Center

Action: Adopt Resolution No. 56-13

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Public Hearing—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.

The public hearing was opened at 7:42 p.m.

Kelly Flenniken, Grand Junction Economic Partnership (GJEP) Executive Director, presented this item. She encouraged the Council to approve another three years on this tax exemption and she explained how it has helped a local company pump money into the economy. The benefit is expansion, retention of jobs, and the addition of new jobs. The State of Colorado recently passed an aviation sales tax credit to also encourage this industry. The adoption of this ordinance will align the City with the State's efforts.

Councilmember Norris said it is her understanding that the City of Grand Junction competes with other jurisdictions that do grant these exemptions so without the exemption those jobs could go somewhere else. Ms. Flenniken concurred.

Councilmember Boeschstein lauded the GJEP for focusing on the following industries: aviation/aerospace, energy, medical, information technology, professional services, and outdoor industry. It takes more than just the energy field; it takes all of these industries to make the economy run well.

Councilmember McArthur asked how many jobs are affected by this exemption at this company. Ms. Flenniken said that West Star Aviation has over 300 jobs and 35 positions were retained specifically because of this exemption.

Councilmember Norris asked if this affects other companies. Ms. Flenniken said there are other businesses at the Airport currently, and any new companies coming into the City would also qualify for the exemption.

Richard Schultz, 362 ½ Martello Drive, questioned the ordinance. Is the purpose to benefit the City or to benefit a small industry at the airport? He asked how much revenue the City will forego by giving up the sales tax, and who really benefits? Is the beneficiary the owners of the aircraft as they do not have to pay the tax?

Milton “Tony” Long, 237 White Avenue, Apt. B, said he has seen growth in other places he has lived and it is not good. He disagreed with paying people to move here.

City Manager Englehart said the Financial Staff is available if the Council would like to ask them questions.

Councilmember Boeschstein said the Council did receive an estimate of the lost revenue but given the importance of this industry, he thinks it is important to incentivize this industry.

Councilmember McArthur said the revenue gained from the level of salaries make-up for the lost revenue. It is an industry that is a good supporter of the local economy.

Councilmember Doody agreed with Councilmember Norris’ statement of the State of Colorado supporting this industry. The more services offered to a client, the better. The ordinance will be reviewed again in three years.

There were no public comments.

The public hearing was closed at 7:55 p.m.

Ordinance No. 4596—An 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

Councilmember Norris moved to adopt Ordinance No. 4596 and ordered it published in pamphlet form. Councilmember Doody seconded the motion. Motion carried by roll call vote.

Transfer of Grand Valley Drainage District Drain (Wilsea Drain) to the City of Grand Junction

A Resolution to approve an agreement transferring ownership and maintenance responsibilities for the Wilsea Drain, located near 23 ¾ Road and G Road, for use by development to discharge urban storm water and transport such waters to the Colorado River.

Trent Prall, Engineering Manager, presented this item. He noted the presence of Kevin Williams of the Grand Valley Drainage District. He referenced the two prior presentations on this item and offered to answer any questions.

Councilmember Boeschstein said he went on a site visit. This approval will support the health care industry as it supports the new facilities for Community Hospital.

Councilmember McArthur also toured the ditch and he asked Mr. Williams to respond to questions. He noted that the District has been accepting urban flows for the last sixty years. Mr. Williams said the District's concern is due to the additional regulations of the Environmental Protection Agency (EPA). The District does have problems with financing, the guidelines, and the TABOR amendment, but he feels that it is a good move for the City to take over this drainage. Councilmember McArthur asked if there will be future requests for the City to accept drainages that are accepting urban flows. Mr. Williams said yes, the situation will continue, but he is a member of the 521 Drainage Authority which can hopefully address this in the future. Councilmember McArthur asked if there are any other ditches today that will be presented to the City for ownership. Mr. Williams said there have been discussions but there are no specific drainages at this time. Councilmember McArthur asked Mr. Williams what he sees as the future. Mr. Williams said he hopes that the 521 Drainage Authority will find funding and be a viable utility that can handle these situations. Councilmember McArthur asked about Colorado Department of Public Health and Environment (CDPHE) regulations and how that affects this. Mr. Williams said a recent amendment addresses water quality standards that will focus on nutrients being discharged into the river from urban discharges whereas agricultural discharges are exempt. This co-mingling does leave the Drainage District responsible if they are the owner of those facilities. One possible scenario is to get some indemnification from that requirement. Councilmember McArthur asked if he anticipates the City having ownership of the Wilsea Drain in perpetuity. Mr. Williams said yes.

Councilmember McArthur lauded Mr. Prall's presentation to CDPHE and said it convinced them of the unique situation in Mesa County and they will not go forward with a one size fits all ordinance. Councilmember McArthur thinks it will end up being a greater issue before it is all said and done.

Councilmember Boeschstein asked if the entire drainage will need to be piped. Mr. Prall said it may be left open within the median of F ½ Road Parkway. Councilmember Boeschstein asked how that will be paid for. Mr. Prall said currently it would fall under the Transportation Capacity Payment (TCP) fund, or in the future under City policy by having some sort of drainage fee.

Mr. Williams said the reason the Grand Junction Drainage District is involved is because they are primarily the owner of the infrastructure. If unfunded mandates continue, it will be a 521 Drainage Authority issue to deal with those, and the organization will need funds to address these issues in the future.

Councilmember Doody said the Staff report notes that the 521 Drainage Authority is looking at a fee going to a vote, and asked Mr. Prall for confirmation on this. Mr. Prall said those are topics for discussion, some of the partners involved may choose to adopt a utility fee.

Resolution No. 55-13—A Resolution Authorizing an Agreement Between the Grand Valley Drainage District and the City of Grand Junction Concerning the Wilsea Drain

Councilmember McArthur moved to adopt Resolution No. 55-13. Councilmember Doody seconded the motion. Motion carried by roll call vote.

Public Hearing—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.

The public hearing was opened at 8:15 p.m.

John Shaver, City Attorney, introduced this item. He described the proposal and the purpose. The amendment is a housekeeping item due to the recent change at the State level. The amendment will make the City consistent with the State law.

Council President Pro Tem Chazen clarified this only affects those under the age of 21 years. City Attorney Shaver confirmed that.

There were no public comments.

The public hearing was closed at 8:17 p.m.

Ordinance No. 4597—An Ordinance Amending Section 9.04.230 of the Grand Junction Municipal Code Regarding Marijuana and Persons Under the Age of 21 Years

Councilmember Norris moved to adopt Ordinance No. 4597 and ordered it published in pamphlet form. Councilmember Doody seconded the motion. Motion carried by roll call vote.

Public Hearing—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.

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

John Shaver, City Attorney, introduced this item. He described the proposal and the purpose. The amendment is a housekeeping item due to the recent change at the State level. The amendment will make the City consistent with the State law.

There were no public comments.

The public hearing was closed at 8:21 p.m.

Ordinance No. 4598—An Ordinance Amending Section 9.04.070 of the Grand Junction Municipal Code Regarding Thefts

Councilmember Boeschstein moved to adopt Ordinance No. 4598 and ordered it published in pamphlet form. Councilmember Doody seconded the motion. Motion carried by roll call vote.

Contract for the Colorado Riverfront Trail Repair Project

Parks and Recreation is seeking approval to conduct repairs / reconstruction on the Riverfront Trail and on Watson Island.

Mike Vendegna, Park Superintendent, introduced this item. He described the reason for the request and the process used to determine the areas that are in need of repair. Mr. Vendegna displayed the areas in need of repair. The repairs will include methods that will prevent future damage from flooding, including areas of alternative access at times of flooding. There are fourteen sections of trail in need of repair amounting to about 1,700 linear feet. Once repairs are made fencing will be installed to prevent vehicles from driving over the trails.

Councilmember Norris asked if the trails along Watson Island are included in this project. Mr. Vendegna said the trails will be concreted and the bridge will be repaired along Watson Island.

Councilmember Boeschstein noted many of the signs in this area have been vandalized. He asked if the signs will be repaired. Mr. Vendegna said that is not in the budget but they are working with other entities along with the Riverfront Commission and hope to have all the signs repaired on the trail.

Councilmember Norris asked if the cost was budgeted. Mr. Vendegna said it is, and the formal bid process was used.

Council President Pro Tem Chazen asked how old the damaged sections are and if it is usual at that age to have that kind of damage. Mr. Vendegna said most of the trail is twenty years old, concrete is supposed to last fifty years but due to the location of the trail, it does not last as long. Reinforced concrete will be used to get more life out of the trail.

Councilmember Boeschstein moved to authorize the City Purchasing Division to enter into a contract with All Concrete Solutions, LLC of Grand Junction, CO for the Colorado Riverfront Trail Repair Project for the amount of \$86,783.51. Councilmember Norris seconded the motion. Motion carried.

Non-Scheduled Citizens & Visitors

Milton "Tony" Long, 237 White Avenue, Apt. B, said, in regards to panhandling, he questioned why someone who makes money panhandling can't make money selling things. He suggested that the doors be kept open regarding regulation to allow people to make a living.

Other Business

There was none.

Adjournment

The meeting adjourned at 8:36 p.m.

Stephanie Tuin, MMC
City Clerk