

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

**September 18, 2013**

The City Council of the City of Grand Junction convened into regular session on the 18<sup>th</sup> day of September, 2013 at 7:00 p.m. in the City Auditorium. Those present were Councilmembers Bennett Boeschstein, Martin Chazen, Jim Doody, Duncan McArthur, Barbara Traylor Smith, and Council President Sam Susuras. Councilmember Phyllis Norris was absent. Also present were City Manager Rich Englehart, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Susuras called the meeting to order. Boy Scout Troop #328 led the Pledge of Allegiance, followed by a moment of silence.

**Presentation**

Forestry Board Chair Kami Long presented the August Yard of the Month to Earl and Floy Young of 2303 N. First Street. She described the trees the Young's have in their yard and thanked them for making the street beautiful. They have lived in the house for forty-five years. Dr. Young thanked the Forestry Board for the award. Mrs. Young said they love living in the valley and they appreciate the honor.

**Proclamations**

**Proclaiming the Week of September 17 through September 23, 2013 as  
"Constitution Week" in the City of Grand Junction**

Councilmember Chazen read the proclamation. Lori Ann Parrott, Regent of the Mt. Garfield Chapter, National Society of Daughters of the American Revolution and Katey Kelly, Chairman of Constitution Week were present to receive the proclamation. They spoke to the importance of recognizing the week and said they were present at a citizenship ceremony on the Monument the day before.

**Proclaiming the Weekend of September 26 through 29, 2013 as "Peace Corps  
Reunion Weekend - Kilimanjaro Comes to the Rockies!" in the City of Grand  
Junction**

Councilmember Boeschstein read the proclamation. He then described the gathering where 23 former Peace Corps volunteers will gather from all over the Country. He invited others to join them and listed the activities planned. He also distributed some honorary stickers to the City Council.

**Appointments**

Councilmember McArthur moved to appoint Kathy Deppe, re-appoint Christian Reece and Ebe Eslami for four year terms expiring October 31, 2017, appoint Cody Wagner as first alternate/Zoning Board of Appeals, and appoint Keith Ehlers as second alternate/Zoning Board of Appeals, both terms expiring October 31, 2014. Steve Tolle and William Wade will move up to be regular members of the Planning Commission from the alternate positions. Councilmember Boeschstein seconded the motion. Motion carried by roll call vote.

**Certificate of Appointment**

Michelle Bailey was present to receive her Certificate of Appointment to the Urban Trails Committee. She thanked the City Council for the appointment.

**Council Comments**

Councilmember Boeschstein said he and his wife had visitors from the United Kingdom stay in their home. Their visitors were impressed by the main attractions the valley has to offer. He noted that the Amtrak line from Grand Junction to Denver is under repair and many passengers are being bused from Grand Junction to Denver.

Councilmember Doody said he attended the grand opening of Help Hospitalized Veterans (HHV) Arts and Crafts Center who furnish kits to Veterans. This is a new community based arts and crafts center who provide craft kits to Veterans to aid with the healing process.

Councilmember Chazen said he attended Dinosaur Journey sponsored by the Fruita Dinosaur Museum and lauded the facility. He also attended a volunteer appreciation luncheon at the Salvation Army. He noted the Salvation Army makes a difference in the community.

Councilmember Traylor Smith said she attended the lighting of the 9-1-1 sculpture at the Fire Administration Building after Farmer's Market last week. She also encouraged everyone to attend Farmer's Market next Thursday for the Men in Heels event to benefit Latimer House.

Councilmember McArthur said he attended a reception of the Colorado Health Foundation Board at Colorado Mesa University (CMU). He sat with three of the directors. He described a program on STRIVE being led by Lorena Thompson, a Grand Junction High School teacher. He also attended the Colorado River District's water seminar which discussed that more water is taken out of the River than is coming in. The keynote

speaker was from Las Vegas. The City of Las Vegas is building a new facility to draw water from Lake Mead. They are also putting conservation efforts in place in order to minimize their impact on the Colorado River.

### **Citizen Comments**

John Williams, 433 North 7<sup>th</sup> Street, voiced disapproval on Council's approval for an oversized monstrous garage in the Dahlia Drive neighborhood. He said the residents do not think it fits in. He doesn't think the neighbors were aware. He also addressed cannabis and said he will provide each member of Council a "free bud". He feels cannabis is misunderstood. He also complained about the cops being rude.

Tylor McGowan, 393 East Valley Circle #1, distributed a fact sheet to the Council on the effects of fluoride in drinking water. He then described the history and the purpose of putting fluoride in the water. He said the fluoride affects the endocrine system and believes it is poisoning users' bodies. He blamed it for several ailments. He felt the current water supply has a high concentration of fluoride when one drinks the normal amount of water per day.

Dennis Simpson, 2306 E. Piazza Way, spoke to the policy of what citizens can speak about, how long they can speak, and that the Council will not respond. He specifically objected to not being able to speak to anything that is on the agenda. He referred to the Solar Garden item; he is precluded from speaking about it until the end of the agenda. He objected to the time limitation. He thought the policy could be better. The refusal to engage in a dialog he also objected to. He referred to the way it is handled by the County Commissioners.

Karl Antunes, 3169 D ½ Road, addressed the newspaper article about Dennis Simpson. He took exception to the quote from Councilmember Boeschenstein. He said he has a video of City Attorney Shaver not telling the truth. He also has excerpts from minutes where Staff has made incorrect statements and he listed a number of Staff members who he alleged lied. He quoted statements made by former Councilmembers. He said he hopes the current Council will check into these allegations.

### **CONSENT CALENDAR**

Councilmember Doody read Consent Calendar items #1-6 correcting the actions on Items #5 and #6, 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 Summary of the July 23, 2013 Workshop, Minutes of the September 4, 2013 Regular Meeting, and the Minutes for the September 5, 2013 Candidate Forum and Special Meeting*

2. **CDBG Subrecipient Contract with the Counseling and Education Center for Previously Allocated Funds within the 2013 Community Development Block Grant (CDBG) Program Year** [File #CDBG-2013-05]

The Subrecipient Contract formalizes the City's award of \$7,000 to the Counseling and Education Center allocated from the City's 2013 CDBG Program as previously approved by Council. The grant funds will be used for counseling services to low income persons and families within the City limits.

*Action: Authorize the City Manager to Sign the Subrecipient Contract with the Counseling and Education Center for the City's 2013 Program Year Funds*

3. **Amending the Planning Commission Bylaws to Eliminate an Outdated Provision and Modify Some of the Rules**

The Planning Commission Bylaws are reviewed periodically and changes are suggested for improved operations and services by the Commissioners. After discussion and much consideration the Planning Commissioners have approved and request the City Council approve the proposed amended Bylaws.

Resolution No. 60-13—A Resolution Amending the Bylaws of the Grand Junction Planning Commission

*Action: Adopt Resolution No. 60-13*

4. **Sole Source Approval for Smeal Fire Apparatus and Approval for the Purchase of a Smeal Aerial Ladder Truck for the Fire Department**

This request is to authorize the City Purchasing Division to sole source purchase future Smeal Fire Apparatus and approve a request to purchase a Smeal Aerial Ladder Truck. The new unit is a scheduled replacement of a 15 year old aerial ladder truck that has a history of mechanical and service issues. A future fire apparatus purchase is expected in 2014 with the replacement of a 14 year old pumper truck.

*Action: Authorize the City Purchasing Division to Sole Source Smeal Fire Apparatus and Authorize the Purchase of a Smeal Aerial Ladder Truck from Mile-Hi Fire Apparatus, Inc, for the Amount of \$667,733*

5. **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 and August 7, 2013, the City Council amended those assignments. The proposed resolution amends those assignments.

Resolution No. 61-13—A Resolution ~~Amending the Bylaws of the Grand Junction Planning Commission~~ the Council Committee Assignments

*Action: Adopt Resolution No. 61-13*

6. **Community Solar Garden Subscription and Lease Agreement**

This is a request to approve a resolution authorizing the City Manager to enter into an agreement with Ecoplexus, Inc. as a subscriber to the Pear Park Community Solar Garden and a lease agreement for the use of a portion of City-owned property.

Resolution No. 62-13—A Resolution Authorizing the City Manager to ~~enter into an~~ Negotiate an Agreement with Ecoplexus, Inc. as a Subscriber to the Pear Park Community Solar Garden and a Lease Agreement for the Use of a Portion of City-Owned Property

*Action: Adopt Resolution No. 62-13*

**ITEMS NEEDING INDIVIDUAL CONSIDERATION**

**Public Hearing—Zoning the Cunningham Investment Company Annexation (Crispell Property), Located at 2098 E 1/2 Road** [File #GPA-2007-263]

A request to zone the 27.7 +/- acre Cunningham Investment Company Annexation consisting of one unplatted parcel located at 2098 E 1/2 Road to R-E (Residential – Estate, 1 dwelling unit/acre) zone district.

The public hearing was opened at 7:45 p.m.

Scott D. Peterson, Senior Planner, presented this item. He described the site, the location, and the request. The City is representing the property owner LL Crispell. Mr. Peterson provided a history of the property which was annexed into the City in 2008 but was not zoned pending a Growth Plan Amendment. The request to amend the Growth Plan was denied. Subsequently, the Comprehensive Plan was adopted. The property has since gone through two changes of ownership. The City has been working with the current property owner in order to get the property zoned as required by State law. The proposed zoning will allow the construction of one house and a septic system. Additional development of the property would require connection to the Persigo Wastewater Treatment Plant.

Mr. Peterson described the surrounding zoning and uses. A neighborhood meeting was held on June 17, 2013. Six residents of the neighborhood attended the meeting and Staff has not heard any comments from those neighbors. The request meets the requirements of the Code for zoning.

There was no public comment.

The public hearing was closed at 7:50 p.m.

Councilmember Boeschstein noted the annexation was starting to create an enclave. He felt there should be another access but at the low density it is probably not an issue.

Councilmember Doody asked why the original zoning and Growth Plan Amendment was denied. Mr. Peterson said the neighborhood thought the street system and other infrastructure was inadequate to handle the additional density.

Council President Susuras asked if there were any objections to this zoning. Mr. Peterson said the neighborhood had no objection to the residential estate zoning.

Ordinance No. 4602—An Ordinance Zoning the Crispell Property, also known as the Cunningham Investment Company Annexation, to the R-E (Residential – Estate) Zone District, Located at 2098 E ½ Road

Councilmember Boeschstein moved to adopt Ordinance No. 4602 and ordered it published in pamphlet form. Councilmember Doody seconded the motion. Motion carried by roll call vote.

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

Dennis Simpson, 2306 E. Piazza Way, commented on the Solar Garden proposal. He described the questions asked at the workshop by Council which were in regards to the

vendor, Ecoplexus, and how this proposal would benefit the vendor. The answer given was the company would receive tax credits and accelerated depreciation which indicated there would be no downside for the City. He said he studied the spreadsheet and the source of all money is Xcel Energy who will give credits to Ecoplexus and then Xcel can then claim that on their tax returns. Xcel is also going to provide money to fund this whole project by providing credits to the subscribers, however 65% of the credits will go to the vendor, Ecoplexus. He asked the City Council to rescind the approval. He said the City has not done their due diligence and research on this new vendor as the company is only five years old. He thinks solar is a great idea and the concept is wonderful but this is the wrong deal. The Council allowed Staff to direct what they are doing. A news report from December said the Council would seek public input and he thinks they have not. He also pointed out that Colorado Mesa University (CMU) is not part of the deal and he thinks Council should find out why. The maintenance aspect was not questioned in detail. Typically this kind of company spends more money on sales than taking care of their product. He questioned who will tear down the solar panels and who will own the solar panels at the end of twenty years. Lastly, the City Attorney was asked if TABOR applied to this situation and City Attorney Shaver said no because there are no payments involved. Mr. Simpson disagreed, it is a twenty year financial commitment and that is a violation of TABOR. He said they were given bad legal advice again.

There were no other citizen comments.

### **Other Business**

Council President Susuras thanked Boy Scout Troop #328 for being in attendance.

### **Adjournment**

The meeting adjourned at 8:03 p.m.

Stephanie Tuin, MMC  
City Clerk