

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

**October 16, 2013**

The City Council of the City of Grand Junction convened into regular session on the 16<sup>th</sup> day of October, 2013 at 7:00 p.m. in the City Auditorium. Those present were Councilmembers Bennett Boeschstein, Duncan McArthur, Phyllis Norris, Barbara Traylor Smith, and Council President Pro Tem Martin Chazen. Councilmember Jim Doody and Council President Sam Susuras were 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 Jeff Harmeling, Monument Presbyterian Church.

Council President Pro Tem Chazen explained that City Council is wearing pink shirts in recognition of Pink October to bring awareness and support to those battling cancer. The Fire Department is selling shirts to benefit Delaney Donates Foundation.

**Presentation**

**September Yard of the Month**

Tom Ziola, Forestry/Horticulture/Cemetery Supervisor, presented the September Yard of the Month to Russ and Julie Gillis of 723 Pacific Drive. This is the final presentation of the year. He thanked sponsors of the program. Russ Thompson, Forestry Board member, was with Mr. Ziola to present the award. Mr. Ziola described the Gillis's yard. Mr. Gillis thanked Mr. Ziola and the Forestry Board for the award.

**Proclamation**

**Proclaiming Friday, October 18, 2013 as “Legends of the Grand Valley Day – Prinster Brothers Day” in the City of Grand Junction**

Councilmember Norris read the proclamation. Miffie Blozvich and Ken Johnson were present to receive the proclamation and thanked the City Council for the proclamation. She announced the date, time, and location of the legends sculpture unveiling and invited the City Council to attend. She lauded the legacy of the Prinster family. Mr. Johnson thanked the City Council for their steady support. He advertised a book authored by Tony Prinster and said the author will autograph the book at the unveiling.

**Certificates of Appointment****To the Planning Commission/Zoning Board of Appeals**

Christian Reece was present to receive her Certificate of Reappointment to the Planning Commission. She thanked Council for being chosen to continue to serve on the Planning Commission.

**To the Housing Authority**

Tami Beard was present to receive her Certificate of Appointment to the Housing Authority. She thanked the City Council for the opportunity to serve.

**Council Comments**

Councilmember McArthur said last Wednesday he attended a presentation by Western Colorado Metals and it was an excellent presentation. He appreciated their recycling program and they have instituted new security measures to protect against recycling stolen metals.

Councilmember Traylor Smith congratulated the local firefighters for stepping up and supporting cancer awareness month. She also mentioned that she had a client who received an international lottery winning check which turned out to be a scam and she reminded everyone to be aware and to protect themselves from scam artists.

Councilmember Boeschstein said he went to the Riverfront Commission meeting in conjunction with the Riverfront Foundation, and it was a good meeting. Las Colonias is their big project. They also discussed the trail from 29 Road to Las Colonias; most of the land has been acquired for this project.

**Citizen Comments**

John Williams, 433 N. 7<sup>th</sup> Street, said he has a junk store and he hauls away stuff. He held up an older police officer's jacket that he plans on donating to the Museum. He also had a lamp from his grandfather's house on Dahlia Drive. He said the six car garage that was built in the neighborhood has ruined the neighborhood.

**CONSENT CALENDAR**

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

1. **Minutes of Previous Meetings**

*Action: Approve the Summary of the August 19, 2013 Workshop and the Minutes of the October 2, 2013 Regular Meeting*

2. **CDBG Subrecipient Contracts with St. Mary's Foundation, Marillac Clinic, Inc., Giving Adolescents New Goals, and Mesa County Partners for Previously Allocated Funds within the 2013 Community Development Block Grant (CDBG) Program Year** [File #CDBG 2013-02; 2013-03; 2013-04; 2013-06; 2013-08; and 2013-12]

The Subrecipient Contract formalizes the City's award of a total of \$74,890 to St. Mary's Foundation, Marillac Clinic, Inc., Giving Adolescents New Goals, and Mesa County Partners allocated from the City's 2013 CDBG Program as previously approved by Council. The grant funds will be used for mileage reimbursement for volunteers with the Foster Grandparent and Senior Companion Programs, services for the homeless and new equipment at the Marillac Clinic, after school tutoring and enrichment activities at Grand Junction Housing Authority properties and the purchase of a van for use in the Partners One-to-One Mentoring program.

*Action: Authorize the City Manager to Sign the Subrecipient Contracts with St. Mary's Foundation for the Foster Grandparent Program for \$10,000, St. Mary's Foundation for the Senior Companion Program for \$12,000, Marillac Clinic, Inc. for the Integrated Care for the Homeless for \$10,000, Giving Adolescents New Goals (GANG) After School Tutoring for \$4,700, Marillac Clinic for Dental Equipment for \$23,190, and Mesa County Partners Van Purchase for \$15,000 for the City's 2013 Program Year Funds*

3. **Free Holiday Parking Downtown**

The Downtown Partnership has requested free parking in the downtown area again this year during the holiday shopping season. City Staff recommends free holiday parking in downtown, including the first floor of the Rood Avenue parking structure, with the exception of government offices areas and shared-revenue lots.

*Action: Vacate Parking Enforcement at Designated, Downtown, Metered Spaces and Signed Parking from Thanksgiving to New Year's Day, Except Loading, No Parking, Handicapped, and Unbagged Meter Spaces Surrounding Government Offices and in Shared Revenue Lots. Free Metered Spaces will be Clearly Designated by Covering the Meters with the Well-known "Seasons Greetings-Free Parking" Red Plastic Bag*

**ITEMS NEEDING INDIVIDUAL CONSIDERATION****Prohibition of Parking Along Main Street During Parade of Lights**

The Downtown Partnership is requesting the prohibition of parking along Main Street during the Annual Parade of Lights, and the authorization of towing vehicles violating the prohibition. City Staff concurs with the recommendation to prohibit parking on Main Street during the Parade of Lights.

Harry Weiss, Downtown Development Authority/Downtown Grand Junction Business Improvement District (DDA/DGJBID) Executive Director, presented this item. He explained the Business Improvement District does a number of events downtown including the Parade of Lights. The Parade of Lights is a well-attended event and there have been no prohibitions on parking on Main Street during the parade. However, in recent years, there has been more congestion and some people crowd into the travel lanes. Participants of the parade feel that it is too dangerous to continue to participate. A part of the problem is that people stake out a spot to park prior to the parade which means the pedestrians are then pushed out into the traffic lanes to see the parade. Those in vehicles then run their cars to stay warm which causes exhaust fumes in the crowd. Therefore, the Downtown Development Authority is asking that City Council prohibit parking on Main Street during the parade from 3<sup>rd</sup> Street to 7<sup>th</sup> Street. The street will be posted starting Friday afternoon at 3:00 p.m., 24 hours in advance of the prohibition.

Councilmember Boeschstein said this is a safety issue and it makes sense. There is plenty of free parking downtown. The Police Chief confirmed that it is a safety issue and he supports the request.

Councilmember Traylor Smith agreed with Councilmember Boeschstein.

Councilmember McArthur said he has participated in the Parade of Lights in the past and was unnerved by the closeness of the pedestrians to the parade vehicles because of the parked cars. He felt that making more room for the parade vehicles to travel on Main Street made sense.

Councilmember Boeschstein moved to prohibit parking along Main Street from 3<sup>rd</sup> to 7<sup>th</sup> Streets during the Annual Parade of Lights December 7, 2013 and authorize the towing of vehicles in violation of the prohibition. Councilmember Traylor Smith moved to second the motion. Motion carried by roll call vote.

**Horizon Drive Association Business Improvement District (HDABID) Amended 2013 Budget and 2014 Operating Plan and Budget**

Every business improvement district is required to file an operating plan and budget with the City Clerk by September 30<sup>th</sup> each year. The City Council then approves or disapproves the plan and budget by December 5<sup>th</sup>. The plan was reviewed by the Horizon Drive Association Business Improvement District Board and submitted within the required timeline. The HDABID is also requesting an amendment to the 2013 budget for design services. After further review by City Staff, the plan and amendment were found to be reasonable.

Chuck Keller, HDABID President, presented this item. He thanked the City Council for their participation in their meetings. The HDABID had a meeting with Colorado Department of Transportation (CDOT) in July and they have been awarded a \$5 million grant for improvements. The City is matching the grant with \$500,000 and the HDABID is contributing \$500,000. The corridor is the City's gateway. He thanked the board members and lauded City Staff.

Councilmember McArthur clarified that the Responsible Acceleration of Maintenance and Partnerships (RAMP) grant is for the interchange at I-70. Mr. Keller confirmed that. He said most everyone up and down Horizon Drive is on board with the improvements proposed. They are timing the improvements to impact the businesses the least.

Councilmember Boeschstein applauded the efforts of the HDABID. It fits the Village Center concept in the Comprehensive Plan. He appreciated the grassroots efforts.

Councilmember Norris thanked Mr. Keller for going door to door and getting buy in from the other businesses.

Councilmember Traylor Smith moved to approve the Horizon Drive Association Business Improvement District's Amended 2013 Budget and 2014 Operating Plan and Budget. Councilmember McArthur seconded the motion. Motion carried by roll call vote.

**Downtown Grand Junction Business Improvement District (DGJBID) 2014 Operating Plan and Budget**

Every business improvement district is required to file an operating plan and budget with the City Clerk by September 30<sup>th</sup> each year. The City Council then approves or disapproves the plan and budget by December 5<sup>th</sup>. The plan was reviewed by the DGJBID Board and submitted within the required timeline. After further review by City Staff, the plan was found to be reasonable.

Harry Weiss, DDA/DGJBID Executive Director, presented this item. He highlighted the items that are different in the upcoming year. He noted that the DGJBID does not have capital projects; instead they market and produce special events. They have been doing some organizational restructuring. They were in partnership with the Downtown Association (DTA) and there was some confusion, so it was decided to dissolve the DTA, which is in process. The DTA will formally file Articles of Dissolution by the end of the year.

Mr. Weiss described the DGJBID, the membership, and how it benefits the members. They will continue with marketing and special event promotions. Through surveys conducted, expansion of the DGJBID services has been suggested. Those activities are not currently in the budget and may come back to Council in an amended budget. The first item is the cleaning and maintenance of sidewalks. He mentioned a few options for doing that. The other item is business recruitment, i.e. strengthen downtown as a place to do business. He advised that he will be working on a plan for that. Last year they began drawing down the fund balance of the DGJBID. The renewal for the DGJBID is in 2016 so they want the balance reduced by then. Other new one-time expense items are a conversion of the gift certificate program, debit card swipe system, and a redesign of the web site.

Councilmember McArthur asked where the draw down for the DGJBID fund balance is going to. Mr. Weiss said it is going to the one-time expenses mentioned and deficit spending.

Councilmember Norris thought it was wise to change the gift card program to debit cards. Mr. Weiss said they are using the same program used by Ft. Collins and Boulder.

Councilmember Traylor Smith said she appreciates the effort to recruit business. Mr. Weiss said one thing they are looking at is the infrastructure, such as expansion for high speed and wireless internet access.

Council President Pro Tem Chazen said the DGJBID is very important to downtown. He complimented the new web site and said the board is very excited about the business recruitment.

Councilmember McArthur asked if the fund balance will be rebuilt if the DGJBID is renewed in 2016. Mr. Weiss said they will look long term and when the renewal comes up they will ask the members. They will want to have a minimum reserve balance. Councilmember McArthur asked if the assessment will be increased. Mr. Weiss said they may look at restructuring the assessment.

Councilmember Boeschstein said he also served on the DDA. He mentioned a number of new businesses and expansion that are happening downtown. He thanked the DDA and the DGJBID.

Councilmember Boeschstein moved to approve the Downtown Grand Junction Business Improvement District 2014 Operating Plan and Budget. Councilmember Norris seconded the motion. Motion carried by roll call vote.

**Public Hearing—Bibeau Enclave Annexation and Zoning, Located Along D ½ Road between Approximately 29 ¼ and 29 ½ Roads** [File #ANX-2013-338]

A request to annex 16.10 acres of enclaved property, located along D ½ Road between approximately 29 ¼ and 29 ½ Road, and to zone the annexation, which consists of seven parcels, to an R-8 (Residential 8 du/ac) zone district.

The public hearing was opened at 7:58 p.m.

Brian Rusche, Senior Planner, presented this item. He described the site, the location, and the request. The enclave was created by the annexation of the Ajarian property on May 5, 2009. The annexation of the enclave is consistent with the provisions of the Persigo Agreement and State Law. Mr. Rusche showed the development of the area and property over the last half century via aerial photographs. The zoning requested is R-8 which is consistent with the Comprehensive Plan which is designated as residential medium and meets the Zoning and Development Code requirements. He described the surrounding uses and zoning. The requested R-8 zoning is consistent with the surrounding zoning but does not compel anyone to develop. In conclusion, Staff finds the annexation is consistent with the annexation requirements and State Law and all zoning criteria and requirements have been met and are consistent with the goals of the Comprehensive Plan.

Councilmember Boeschstein asked why the other properties that appear to be enclaved to the east are not included in this annexation. Mr. Rusche said they are not complete enclaves.

Councilmember McArthur asked what the CSR designation means. Mr. Rusche said the property designated CSR is city-owned property and it means Community Service and Recreation and the property will be used to access the community solar garden.

There were no public comments.

The public hearing was closed at 8:10 p.m.

Ordinance No. 4603—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Bibeau Enclave Annexation, Located Along D ½ Road Between Approximately 29 ¼ and 29 ½ Roads Consisting of Approximately 16.10 Acres

Ordinance No. 4604—An Ordinance Zoning the Bibeau Enclave Annexation to R-8 (Residential 8 DU/Ac) Located Along D ½ Road between Approximately 29 ¼ and 29 ½ Roads

Councilmember Boeschstein moved to adopt Ordinance Nos. 4603 and 4604 and ordered them published in pamphlet form. Councilmember McArthur seconded the motion. Motion carried by roll call vote.

**Public Hearing—Wild Enclave Annexation and Zoning, Located at 3122 and 3124 E Road** [File #ANX-2013-334]

A request to annex 3.65 acres of enclaved property, located at 3122 and 3124 E Road, and to zone the annexation, which consists of two parcels, to an R-8 (Residential 8 du/ac) zone district.

The public hearing was opened at 8:11 p.m.

Brian Rusche, Senior Planner, presented this item. He described the site, the location, and the request. The enclave was created by the annexation of the Freedom Meadows property on January 19, 2009. In compliance with the Persigo Agreement and State law, the City is asking for annexation of this enclave. Using aerial photos, he described the development of the property and surrounding area for the last fifty plus years. The two parcels each have a single family dwelling on the property. One property owner has a mule and that use can continue. Mr. Rusche described some current subdivision activity on nearby properties. The adjacent properties have been zoned R-8. The zoning requested is R-8 which is consistent with the surrounding properties, the Comprehensive Plan, and meets the Zoning and Development Code requirements. The annexation is consistent with State Law. In conclusion, Staff finds all zoning criteria and requirements have been met and are consistent with the goals of the Comprehensive Plan.

There were no public comments.

The public hearing was closed at 8:16 p.m.

Ordinance No. 4605—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Wild Enclave Annexation, Located at 3122 and 3124 E Road, Consisting of Approximately 3.65 Acres



Ordinance No. 4606—An Ordinance Zoning the Wild Enclave Annexation to R-8 (Residential 8 DU/Ac) Located at 3122 and 3124 E Road

Councilmember McArthur moved to adopt Ordinance Nos. 4605 and 4606 and ordered them published in pamphlet form. Councilmember Boeschstein seconded the motion. Motion carried by roll call vote.

**Public Hearing—Amendment to Chapter 2.40 of the Grand Junction Municipal Code Adopting Rules and Regulations Regarding Cemeteries**

Changes to Chapter 2.40 are proposed to update and clarify the rules and regulations regarding the cemeteries, specifically the requirements for vaults and eliminating references to the development fee, as well as other housekeeping changes.

The public hearing was opened at 8:18 p.m.

Tom Ziola, Forestry/Horticulture/Cemetery Supervisor, presented this item. He described the amendments and their purpose. Other than those changes the present rules have been in effect and have not changed.

Councilmember Boeschstein asked how many cemeteries the City has. Mr. Ziola said two, Crown Point and Orchard Mesa.

Councilmember McArthur asked about the change of the wording addressing the designee in the ordinance. Jamie Beard, Assistant City Attorney, explained the change from City Clerk to the City Manager's designee. It would eliminate having to bring the ordinance back for changes in the future if there were a title change.

Council President Pro Tem Chazen asked about section 2.40.440 (e) and the reason for the provision that the City Manager may deny the work of a monument company if not meeting standards. Mr. Ziola explained how they will work with companies who perform sub standardly to improve their work for safety and for the care of the customers.

There were no public comments.

The public hearing was closed at 8:24 p.m.

Ordinance No. 4607—An Ordinance Amending Chapter 2.40 of the Grand Junction Municipal Code Regarding Cemeteries

Councilmember Norris moved to adopt Ordinance No. 4607 and ordered it published in pamphlet form. Councilmember Traylor Smith seconded the motion. Motion carried by roll call vote.

**Public Hearing—Amendment to Chapter 8.32 of the Grand Junction Municipal Code Relative to Forestry Licensing**

Changes to Section 8.32.110 of the Grand Junction Municipal Code are proposed to clarify and update requirements for a license to engage in the business of cutting, pruning, trimming or removing, and/or spraying of trees (collectively Tree Maintenance).

The public hearing was opened at 8:25 p.m.

Tom Ziola, Forestry/Horticulture/Cemetery Supervisor, presented this item. He acknowledged Kami Long, Forestry Board Chair, in attendance. He explained the proposed changes and the purpose of the change. He advised the Forestry Board will be reaching out to support the companies to succeed with the new educational requirements.

Councilmember McArthur asked why the City enforces worker's compensation when the State has its own enforcement. It seems redundant. Jamie Beard, Assistant City Attorney, explained that they have found that sometimes there are different entities holding the license than the entity that actually carries the worker's compensation. It helps the City stay on top of who has the coverage.

Councilmember McArthur stated that he feels it is a State law and the State should enforce it. City Attorney Shaver advised that it is the City's experience that the State does not do much enforcement. The City's role in the enforcement is good for the contactors because a lot of what the City does in confirming proper insurance coverage is education.

Councilmember Norris asked how the coverage is confirmed, is it confirmed through the State? City Attorney Shaver said that sharing of information is part of the difficulty. The State is not as responsive as dealing with the individual contractor. By working with the contractor directly, they can provide the City with a certificate of insurance from their insurance agent.

Councilmember Boeschstein said when he was in Fruita they relied on the City's level of licensing for confidence in their tree contractors. It is a dangerous occupation and trees can be ruined from improper pruning.

Council President Pro Tem Chazen asked how difficult it is to get the education, training, and testing to obtain a license. He wondered if the license was a barrier to doing business. Mr. Ziola listed the number of opportunities for training and how they help them succeed.

Councilmember McArthur noted that Occupational Safety and Health Administration (OSHA) enforces safety and asked him why the City is enforcing it. Mr. Ziola felt safety and competency goes hand in hand and explained why.

Councilmember Traylor Smith asked for confirmation that the City license may well be important to protect the City if the City hires contractors to help in the Forestry Department. City Attorney Shaver said from several perspectives it is beneficial for maintaining the standards.

The public hearing was closed at 8:37 p.m.

Councilmember Traylor Smith thanked Mr. Ziola and complimented the Forestry Department's work.

Council President Pro Tem Chazen said he has attended the board meeting and also said they do good work. He also encouraged anyone with experience to apply for the current vacancy on the Forestry Board.

Ordinance No. 4608—An Ordinance Repealing and Replacing Section 8.32.110 of the Grand Junction Municipal Code Regarding License to Engage in the Business of Cutting, Pruning, Trimming or Removing, or Spraying Trees

Councilmember Boeschstein moved to adopt Ordinance No. 4608 and ordered it published in pamphlet form. Councilmember Traylor Smith seconded the motion. Motion carried by roll call vote.

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

Milton "Tony" Long, 237 White Avenue, Apt. B, thanked the City Council for their service. He told a story about an incident in 2004; there was a motor home parked at the Horizon Safeway store and there were three homeless people living in the motor home. At that time, there was a bank being built there. One evening there were some men stealing building materials from that site and there was a man Mr. Long knew that chased the thieves away. He said that he is glad that he has a place to stay and can give something back to the community.

### **Other Business**

There was none.

**Adjournment**

Councilmember Norris moved to adjourn. All Councilmembers agreed.

The meeting was adjourned at 8:41 p.m.

Stephanie Tuin, MMC  
City Clerk