

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

August 20, 2014

The City Council of the City of Grand Junction convened into regular session on the 20th day of August, 2014 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 Phyllis Norris. Councilmember Sam Susuras was absent. Also present were City Manager Rich Englehart, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Norris called the meeting to order. Councilmember McArthur led the Pledge of Allegiance, followed by a moment of silence.

Presentations

July Yard of the Month

Tom Ziola, Forestry Supervisor, presented the Yard of the Month Award for July to Ben McKinstry at 731 Egret Circle. The winners were unable to attend. Mr. Ziola thanked Forestry Board member Teddy Hildebrandt for being the judge for this month. Mr. Hildebrandt was also unable to attend. Mr. Ziola also thanked all the co-sponsors of the Yard of the Month awards, specifically Valley Grown Nursery for co-sponsoring the July award. Lastly, he thanked the Council for their continued support.

Avalon Theatre Foundation Report

John Halvorson, President of the Avalon Theatre Foundation Board, and Robin Brown, Avalon Theatre Foundation (ATF) Board Representative, were present to make a report. Mr. Halvorson delivered two checks to the City Council in the amounts of \$20,000 and \$100,000. Of the original \$1.1 million commitment, \$989,000 has now been delivered. Earlier this year, when the cost of the project was increased in order to expand Phase I, the ATF also volunteered to raise another \$500,000. At this time, they still have \$611,000 to raise. They have \$318,000 in pledges receivable scheduled to be received in this calendar year and future years, which is keeping them close to their scheduled target. They are still seeking pledge commitments for the additional balance of \$293,000. The Paver Program, for the outdoor terrace, is currently their fundraising emphasis. The brick fundraiser in front of the Avalon Theatre was very popular, and the Paver Program promises to be even more so. The pavers have sold themselves at every tour; it is anticipated that all of the pavers will sell at the upcoming grand opening

events. Each paver can be sold as a whole or by quarters. He listed the different prices and encouraged all to participate.

Councilmember McArthur mentioned he has been handing out the Paver Program advertising brochures.

Councilmember Traylor Smith asked how many pavers were available. Mr. Halvorson said there were 400. Councilmember Traylor Smith asked how many have sold. Ms. Brown answered 32 whole or portions have been sold.

Councilmember Doody commended Mr. Halvorson and the ATF on their hard work and participation. Mr. Halvorson recognized Ms. Brown's contributions and said he would relay the compliment to the rest of the board.

Council President Norris commented that it is wonderful to see the community stepping forward to contribute to the project, making this a project of the entire community.

Mr. Halvorson mentioned that it is difficult to raise money for a project before it begins because there is nothing to show people.

Councilmember Boeschstein thanked Mr. Halvorson, Ms. Brown, and Councilmember Doody for their vision to increase the funding in order to make this building not only a beautiful performing arts center, but an economic and cultural asset to the region.

Ms. Brown presented shirts and flyers to the councilmembers.

Council President Norris and Councilmember Doody both pledged to buy a paver.

Certificates of Appointment

Parks and Recreation Advisory Board

Councilmember Chazen moved to reappoint Scott McBrayer and appoint Kyle Emert to the Parks and Recreation Advisory Board for three year terms expiring June 2017.

Councilmember Boeschstein seconded the motion. Motion carried by roll call vote.

Commission on Arts and Culture

Marjorie Haun was present to receive her Certificate of Appointment to the Commission on Arts and Culture. Ms. Haun thanked the Council for the appointment and noted it will be a learning curve. She first dipped her toes in the local arts community during the boom days. She sang for some community organizations, but had to quit when she was diagnosed with a neurological voice disorder. She then worked on some of her other artistic interests, one of which is writing. She was interested in serving on the Commission because she has noticed support of the arts parallels economic conditions

and since the community is currently in challenging economic times, she wants to help provide affordable art to the community, support and nurture upcoming artists, and ensure local art reflects its origins of Grand Junction and Western Colorado.

Council Comments

Councilmember Barbara Traylor Smith did not have any comments.

Councilmember Doody attended the dedication of the Colorado Mesa University (CMU) classroom building with Council President Norris. He commented on what a great collaboration CMU has with the City, the County, and the State. The classroom building is definitely a campus jewel; the City's contribution was \$7 million. During the last three weeks of construction, there was quite a push to get it completed in time for the start of the school year.

Councilmember Chazen attended a Matchett Park meeting on Tuesday, August 12th. The meeting focused on several small changes that need to be made to the Master Plan before it is presented to Council. On August 14th, he went to a Downtown Development Authority (DDA)/Business Improvement District (BID) meeting. The main topic was the BID: its role, organizational changes, and financial sufficiency as it pertains to the BID's upcoming renewal. Councilmember Chazen also attended the Associated Governments in Northwest Colorado (AGNC) meeting on Tuesday, August 19th. The speaker, Stephen Pudlewski, Director of Northern Rockies, discussed pipeline distribution. Councilmember Chazen also had the opportunity to speak to him privately about economic development opportunities in Grand Junction. Mr. Pudlewski and Councilmember Chazen are going to schedule a follow up meeting. On Friday, August 15th, Councilmember Chazen had breakfast with Greg Lanning, Public Works and Utilities Director. He encouraged other Councilmembers to do the same noting the City is very fortunate to have Mr. Lanning.

Councilmember Boeschstein attended Horizon Drive Association Business Improvement District (HDABID) meeting. They are getting ready for and looking forward to the Horizon Drive/I-70 improvements. The HDABID stated it is interested in displaying more public art on Horizon Drive. He has also been going to the Avalon Theatre meetings. The ATF Board continues to raise money through various means; the Paver program, in particular, looks to be a very successful fundraiser. On September 17th at 10:30 a.m., the Avalon will have their "ribbon" cutting ceremony; they will actually cut film instead of ribbon. Councilmember Boeschstein also went to the Riverfront Commission meeting. They discussed issues surrounding motorized vehicles on the riverfront trails and the dedication of the new trail to Fruita on September 10th at the Walker Wildlife Area. At the Land Trust meeting he attended, they worked on

additional conservation easements. Lastly, he wanted to let Council know Trout Unlimited would like the opportunity to speak to them about some issues.

Councilmember McArthur went with Trent Prall, Public Works Engineer, to the Leach Creek detention pond and areas around it to see the drainage issues. He also saw where a manhole cover had been forced off by the pressure built up from the force of the drainage flow. These drainage issues need to be addressed in the future years.

Citizen Comments

Bruce Lohmiller, 445 Chipeta Avenue, #25, stated he is still having problems with the Statute of Limitations. He also wanted to mention Congressman Tipton spoke about having congressional hearings on the Veterans Administration; he was notified by the Secretary of State that he has been confirmed as a write-in candidate for Mesa County Sheriff; and he has asked some gentlemen to speak to the Council about camping at Whitman Park and asked Council to please make them feel welcome.

CONSENT CALENDAR

Councilmember Doody read Consent Calendar items #1 through #6 and then moved to adopt the Consent Calendar as read (item #4 was pulled). Councilmember Boeschstein seconded the motion. Motion carried by roll call vote.

1. Minutes of the Previous Meetings

Action: Approve the Summary of the August 4, 2014 Workshop and the Minutes of the August 6, 2014 Regular Meeting

2. Setting a Hearing on Amendments to the Grand Junction Municipal Code Adopting Rules and Regulations Regarding the Possession/Use of Alcohol, Marijuana, and Drug Paraphernalia by a Minor

In 2013, 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 City of Grand Junction passed an ordinance in 2013 to be consistent with those state laws and penalties.

Over this past year, the legislators reviewed again the laws specifically related to minors (persons under 21 years of age) regarding marijuana and alcohol. The State has enacted new laws and this ordinance is proposed to be consistent with the state laws and penalties. In addition, the proposed ordinance will make the penalties for alcohol and marijuana violations for minors the same. Under the present law, a minor is treated more harshly for possessing or consuming alcohol.

Proposed Ordinance Amending Sections 9.04.220, 9.04.230, and 9.04.240 of the Grand Junction Municipal Code Regarding Alcohol, Marijuana, Drug Paraphernalia, and Persons Under the Age of 21 Years

Action: Introduce a Proposed Ordinance and Set a Public Hearing for September 3, 2014

3. **Setting a Hearing on Amending the 12th Street Medical Plaza and Hospice Care Planned Development and Amend the Comprehensive Plan Future Land Use Map, Located at 3030, 3040, 3045, and 3050 N. 13th Street**
[File #PLD-2014-115 and CPA-2014-116]

Request approval to amend the 12th Street Medical Plaza and Hospice Care Planned Development (HopeWest PD) to include four additional lots, zoning the four lots to PD (Planned Development) with a default zone of B-1 (Neighborhood Business) and also to amend the Comprehensive Plan from Residential Medium (4 - 8 du/ac) to Business Park Mixed Use for three of the four lots, Located at 3030, 3040, 3045, 3050 N. 13th Street and 3090, 3150 N. 12th Street. The proposed Resolution to amend the Comprehensive Plan will be considered with the second reading of the rezone ordinance.

Proposed Ordinance Amending the 12th Street Medical Plaza and Hospice Care Planned Development to Include Additional Land Area and Zoning the Additional Land Area PD (Planned Development) with a Default B-1 (Neighborhood Business) Zone District to be known as the HopeWest and Primary Care Partners Planned Development, Located at 3030, 3040, 3045, and 3050 N. 13th Street

Action: Introduce a Proposed Ordinance and Set a Public Hearing for September 17, 2014

4. **Outdoor Dining Lease for Mesa Theater and Club, LLC, Located at 538 Main Street - PULLED**

Mesa Theater and Club, LLC, is purchasing the Mesa Theater property and business located at 538 Main Street from the current owner Mesa Theater and Lounge, LLC. As a new business entity, Mesa Theater and Club, LLC, is requesting a first-time Outdoor Dining Lease for an area measuring 350 square feet directly in front of their building. The Outdoor Dining Lease would permit the business to have a revocable license from the City of Grand Junction to expand their licensed premise and allow alcohol sales in this area. The outdoor dining area comprises the same enclosed sidewalk dining area that is currently occupied by Mesa Theater and Lounge, LLC.

Resolution No. 26-14-A Resolution Authorizing the Lease of Sidewalk Right-of-Way to Mesa Theater and Club, LLC dba Mesa Theater and Club

Action: Adopt Resolution No. 26-14

5. **Mailing Services for City of Grand Junction**

This request is for contract services for regular daily pickup mailing services to be provided for the City of Grand Junction departments/divisions.

Action: Authorize the Purchasing Division to Enter into a Contract with Mail Managers, Inc. to Provide Regular Daily Pickup Mailing Services in the Estimated Annual Amount of \$69,114

6. **24 ½ Road Deceleration Lane at the Grand Valley Transit Transfer Site**

This request is to award a construction contract for the road improvements along 24½ Road, north of Patterson Road, at the new Grand Valley Transit transfer site.

Action: Authorize the City Purchasing Division to Enter into a Contract with Sorter Construction of Grand Junction, CO for the 24 ½ Road Deceleration Lane at the Grand Valley Transit Transfer Facility in the Amount of \$84,523

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Purchase of Digester Mixing System Equipment for the Persigo Wastewater Treatment Plant

This request is to approve a sole source purchase of digester mixing equipment from Ovivo USA, LLC, to replace and upgrade 30 year-old mixing equipment at the Persigo Wastewater Treatment Plant. A sole source is required because only one vendor provides this unique equipment.

Greg Lanning, Public Works and Utilities Director, presented this item. He explained what a digester system does at the Persigo Plant; it reduces the solids and also produces the methane gas that will be used as biogas. During maintenance it was discovered that the lid and the mixer were in need of repair. It was deemed best to buy new equipment rather than fix old outdated equipment. They conducted an evaluation on what the best equipment would be for the plant. This particular equipment is only sold by this company and has a long lead time for manufacture (18 weeks), thus the reason and timing for a sole source request. Placing the order now will enable the City to install the equipment next year. Although the request for these funds was not anticipated, they are available in the reserve, which has a balance of \$2.5 million. The estimated cost for the lid repair, equipment, and installation is \$225,000; the cost for just the new equipment is \$143,335.

Councilmember Traylor Smith noted the projected life span of the new digester is 50 years and asked what the life span of the current equipment is and how many years has it been in use. Mr. Lanning said the current digester was constructed and installed in 1984, but he did not know the anticipated life span of the current equipment. Councilmember Traylor Smith remarked that the projected life span of the current digester must have been longer than it has lasted since this project is not on the current replacement schedule.

Councilmember Chazen noted digester maintenance inspections have discovered other needed repairs and replacements and asked if there has been an unexpected replacement pattern developing that would require increased inspections. Mr. Lanning said there are other things that are deteriorating such as the big domes. The operators take great pride keeping the equipment going. However, a feasibility study would be helpful to determine the expected life of the equipment in order to better anticipate and budget for future repair and replacement costs.

Councilmember Chazen said he was not looking for an answer at this time, but wanted to further discuss the issue with the goal of maintaining the sufficiency of the reserves.

Councilmember Traylor Smith moved to authorize the City Purchasing Division to purchase vertical linear motion mixing equipment from Ovivo USA, LLC in the amount of \$143,335. Councilmember Doody seconded the motion. Motion carried by roll call vote.

Change Order for the 2014 Asphalt Overlay Project

The City has contracted with United Companies for the 2014 Street Overlay. Additional work has been identified to: 1. Repair a section of Highway 50 for Colorado Department of Transportation (CDOT); 2. Repair the bridge approaches along the Riverside Parkway at the Union Pacific Railroad (UPRR) and Highway 50 crossings; and 3. Overlay a section of 15th Street from Orchard Avenue to the Grand Valley Irrigation Company (GVIC) Canal.

Greg Lanning, Public Works and Utilities Director, presented this item. He explained the three areas to be added to this contract. The first section will be reimbursed by CDOT. The next two are the repair of the bridge approaches along Riverside Parkway; \$200,000 was carried forward from last year for these repairs. In the meantime, they found a simpler and less expensive solution to these repairs, which will cost \$91,735. By virtue of those savings, they would like to move up the overlay for 15th Street now that the sewer has been replaced. The cost of this overlay will be \$86,623. He enumerated the amount of the change order.

Councilmember Chazen wanted to clarify that, even with the additions, the project will still come in under budget. Mr. Lanning confirmed the savings.

Council President Norris asked if the 15th Street overlay was at the top of priority list for next year. Mr. Lanning answered it is.

Councilmember Chazen moved to authorize the Purchasing Division to amend the contract by change order with Oldcastle SW Group, Inc. dba United Companies in the amount of \$199,947.25. Councilmember Traylor Smith seconded the motion. Motion carried by roll call vote.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

There was none.

Adjournment

The meeting was adjourned at 7:45 p.m.

Stephanie Tuin, MMC
City Clerk