

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

September 3, 2014

The City Council of the City of Grand Junction convened into regular session on the 3rd day of September, 2014 at 7:03 p.m. in the City Auditorium. Those present were Councilmembers Bennett Boeschstein, Martin Chazen, Jim Doody, Duncan McArthur, Sam Susuras, Barbara Traylor Smith, and Council President Phyllis Norris. 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 Boeschstein led the Pledge of Allegiance, followed by an Invocation by Brother Jerry Graves, 1st Counselor, Fruita 1st Ward Bishop, Church of Jesus Christ of Latter Day Saints.

Proclamations

Proclaiming the Week of September 7, 2014 as “Direct Support Professionals Recognition Week” in the City of Grand Junction

Councilmember Traylor Smith read the proclamation. Present to receive the Proclamation were Doug Sorter, Director of Business Development for Strive; from Mosaic of Western Colorado, Theresa Burns-Fair, Executive Director, and Tamara Capp, Community Relations Manager. Ms. Capp thanked the City Council on behalf of Direct Support Professionals.

Proclaiming the Month of September 2014 as "Suicide Prevention Month" in the City of Grand Junction

Councilmember Doody read the proclamation. He mentioned he is a board member of the Western Colorado Suicide Prevention Foundation (WCSPF). Martha Graf, Executive Director, and Dave Fishell, board member on WCSPF, were present to receive the Proclamation. Ms. Graf thanked the Council for raising awareness of this issue and described some of the issues in Mesa County and the high rate of suicide and the number of attempts. The question of why is asked many times but she cautioned there is not one answer; it is a complicated issue. She encouraged a community response to help reduce the rate of suicide. Some of the efforts include decreasing the stigma of mental health issues; increasing the access to mental health services; and reducing the access to guns. On September 6th they are holding their annual golf tournament and all are welcome to participate.

Certificate of Appointment

Kyle Emert was present to receive his certificate of appointment to the Parks and Recreation Advisory Board. Mayor Pro Tem Chazen presented him with his certificate and booklet. Mr. Emert thanked the Council for the appointment and the opportunity.

Citizen Comments

Bruce Lohmiller, 445 Chipeta Avenue, #25, added to what Ms. Graf said; there is a suicide prevention hot line available. He said getting caught attempting suicide can land someone in jail for six months. He noted that he will be having a conference with City Attorney Shaver and attorney Colleen Scissors. He mentioned that he knows Al Klein who might be helpful regarding Whitman Park as he is familiar with Project Deep Freeze which gets people off the street.

Council President Norris asked the four students in attendance from the Colorado Mesa University (CMU) Public Administration Class to introduce themselves.

Justine Roof, one of the CMU students, urged the Western Colorado Suicide Prevention Foundation to not focus on keeping guns out of people's hands as that will cause push back but rather to focus on treating depression.

Council Comments

Councilmember Traylor Smith displayed the Grand Valley Magazine insert focusing on North Avenue. She complimented the issue and their efforts.

Councilmember Boeschstein attended the Epic Rides event which brought in mountain bike riders from all around the world. He also attended the car show at Canyon View Park and a Grand Junction Rockies game. Councilmember Boeschstein reminded everyone that the grand re-opening for the Avalon Theatre is September 17th and it begins with a film cutting. He attended the Business Incubator meeting that day; they would like to talk to the Council and County Commissioners. On Friday, September 5th, the new Monument View Riverfront Trail section will open and he will be in attendance.

Councilmember Chazen said he participated in the monthly Yard of the Month evaluation on August 25th. He complimented the properties nominated. The award will be made at the next Council meeting.

CONSENT CALENDAR

Councilmember Doody read Consent Calendar items #1 through #4 and then moved to adopt the Consent Calendar as read. Councilmember Traylor Smith seconded the motion. Motion carried by roll call vote.

1. **Minutes of Previous Meetings**

Action: Approve the Summaries of the August 18, 2014 and the August 20, 2014 Workshops and the Minutes of the August 20, 2014 Regular Meeting

2. **Setting a Hearing on Amending Industrial Pretreatment Regulations Regarding Limits for Metals in Industrial Wastewater Discharge**

Reductions in metals discharged to the Persigo Wastewater Treatment Facility are necessary to meet State and Federal wastewater discharge permit requirements. Federal regulations require a City Council reading of the proposed changes to the Code, public notice by the US Environmental Protection Agency, and final approval in a hearing.

Proposed Ordinance Amending Section 13.04.370 (d) of the Grand Junction Municipal Code Pertaining to Industrial Pretreatment Regulations Concerning Mass-Based Local Limits

Action: Introduction of a Proposed Ordinance and Set a Public Hearing for November 5, 2014

3. **Contract for the 27 Road and H Road Bridge Deck Replacement Project**

This request is to award a construction contract for the replacement of the existing bridge deck crossing the Government Highline Canal located approximately 75' east of 27 and H Road. This contract shall include the removal and replacement of the deteriorating steel decking material and pave the surface with hot mix asphalt.

Action: Authorize the City Purchasing Division to Enter into a Contract with G.A. Western Construction Co. of Palisade, CO for the 27 and H Road Bridge Deck Replacement Project in the Amount of \$70,100.50

4. **CDBG Subrecipient Contract with the Grand Junction Housing Authority for Previously Allocated Funds within the 2014 Community Development Block Grant (CDBG) Program Year**

The Subrecipient Contract formalizes the City's award of \$50,000 to the Grand Junction Housing Authority allocated from the City's 2014 CDBG Program as previously approved by Council. The grant funds will be used to rehabilitate 78 housing units in the Walnut Park Apartments complex.

Action: Authorize the City Manager to Sign the Subrecipient Contract with the Grand Junction Housing Authority for \$50,000 for the City's 2014 CDBG Program Year Funds

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Public Hearing – Amendments 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 again reviewed the laws specifically related to minors (persons under 21 years of age) regarding marijuana and alcohol. The State then 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.

The public hearing was opened at 7:27 p.m.

John Shaver, City Attorney, presented this item. He explained the proposed ordinance and noted that Assistant City Attorney Jamie Beard is in attendance and can answer specific questions as she is the Court Administrator. The changes will bring the City Code into conformance with State law. It makes the penalties the same for both alcohol and marijuana possession by a minor.

Councilmember McArthur asked if State law requires the City to conform or does the City want to conform. Ms. Beard said the City is not required to pass this ordinance since this is a Home Rule community. However, Staff is recommending the City pass this ordinance to be consistent with the State so that local defendants would face the same statutes as in other courts which emphasizes education and treatment rather than penalties.

Councilmember Boeschstein asked how many arrests have been made in the City since the marijuana law passed. Ms. Beard said there has been a slight increase in marijuana possession by minors.

Councilmember Chazen asked if this change would be in line with the County. Ms. Beard said yes, as the County follows State law. The City and County use similar prosecution protocols, including deferral and diversion.

Councilmember Susuras referred to Section (e), Number (2), which allows minors to consume alcoholic beverages in their parent's home with the parent's knowledge and permission and asked if the State has the same exclusion. Ms. Beard said the State does have a similar exclusion; the City is more specific, stating this is limited to the parents' home. Councilmember Susuras asked what consequences would apply if police were called in due to the minor's alcohol consumption. Ms. Beard said the specifics of the situation and other laws would cover the situation. Councilmember Susuras then asked if this exclusion is the same for marijuana. Ms. Beard said this exclusion in the City Code only applies to alcohol.

City Attorney Shaver said charges for parents who allow their children to drink and become out of control may fall under contributing to the delinquency of a minor, which can be a felony.

Councilmember Doody asked how a minor can be defined as being under 21 years, when at 18 years they can vote and join the military. Ms. Beard said by presenting the law as written, the State has determined persons between 18 and 21 to be minors under certain circumstances, especially concerning alcohol and marijuana, and the City would like to conform to this stipulation.

Councilmember Traylor Smith asked what the outcome difference has been for those sentenced with a penalty versus those sentenced to treatment and/or rehabilitation. Ms. Beard said the previous law had the same options: education, treatment, and penalties such as jail time, fines, and/or useful public service. The difference with the new law is that it has more of an emphasis on education and treatment and has lessened the amounts and limits of the various penalties. The intent is to educate and encourage minors to make better and healthier choices. Councilmember Traylor Smith asked what results have been seen with the shift in philosophy. Ms. Beard said in some cases there has been improvement.

There were no public comments.

The public hearing was closed at 7:37 p.m.

Councilmember McArthur commented that it is a positive and appropriate thing to work toward the education and treatment of minors, as they can make decisions that could negatively impact the rest of their lives and their mental and physical development.

Ordinance No. 4637 — An 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

Councilmember Traylor Smith moved to adopt Ordinance No. 4637 and ordered it published in pamphlet form. Councilmember Doody seconded the motion. Motion carried by roll call vote.

Colorado Law Enforcement and Emergency Services Training Center Grant Request

This request is for authorization to submit a request to the Mesa County Federal Mineral Lease District (MCFMLD) for a \$550,000 grant for the development of the Colorado Law Enforcement and Emergency Services Training Center. Funding from the grant along with the local match will be used to construct a water supply system sufficient to supply water for classroom buildings and fire training. The grant application is due September 5, 2014.

Ken Watkins, Fire Chief, presented this item. He explained the request is for a \$550,000 grant to construct a water supply system at the Colorado Law Enforcement and Emergency Services Training Center. He noted that Deputy Police Chief Mike Nordine was also present to answer any specific questions about the Training Center. He displayed a site plan and explained the different elements of the Center. The development of the site is a partnership between the City, the County, and Colorado Mesa University (CMU) to train police officers and, in the future, to also train fire fighters. The grant funds would help pay to install a 7,400 foot water line system to the site and

move two modular trailers on site for classrooms, and includes in-kind design and construction. There is also a cash match from the City and CMU. The upgraded water system and classroom trailers are necessary additions for fire training; there is currently not enough water pressure for burn training or classroom space.

Councilmember Traylor Smith asked if any other utilities are needed on the property that could be installed at the same time as the water line to save money.

City Manager Englehart said the Bureau of Land Management (BLM) dictates what type of development and services are allowed at that location. CMU has worked with the BLM and the County to identify the types of services allowed for that area. He also clarified that the City's responsibility is restricted to the training facility, but if other services are needed, they will be provided. Councilmember Traylor Smith asked specifically if electricity was already installed. City Manager Englehart stated electricity and other needed services have already been installed. Chief Watkins added that there is already a two inch water line, but noted that a larger line and an on-site sewer system will be needed to support the requirements for the fire training center. Chief Watkins noted they are investigating other options besides the 7,400 foot line, such as tying into an existing raw water line that is close to the site.

Councilmember Susuras complimented Chief Watkins on the presentation. He asked if the \$199,300 of in kind services would be provided only by the City. Chief Watkins provided more detail: the City is providing \$102,000 for the in-kind engineering, design, and construction management with CMU also contributing to the construction management. Councilmember Susuras asked if County agencies, such as the Sheriff's Department, would benefit from this project and if so, why is the County not helping to fund the project. Chief Watkins said all 11 fire agencies in the County as well as the Sheriff's Department will benefit from this facility.

City Manager Englehart explained that this is a district (Mesa County Federal Mineral Lease District aka MCFMLD) that has been set up and the County is required to be kept at an arm's length from the granting board, so they have elected not to participate in the funding because of their close ties to the district. However, the County has been heavily involved in the layout and development; they put the road in and used their millings. Councilmember Susuras wanted to clarify that the County would not help financially while funds are being requested from MCFMLD. City Manager Englehart confirmed this, but emphasized the County would continue to contribute through in-kind services. He also noted \$100,000 was set aside in this year's budget for a fire component, which is why it can be used for the water line.

Councilmember McArthur asked how much is available through the MCFMLD fund. City Manager Englehart said it is around \$890,000. Councilmember McArthur then asked if the City would be competing with the Drainage District for a grant. City Manager Englehart said the City will; the Drainage District has applied for a \$50,000 mini grant; the grants are set up in tiers. Councilmember McArthur asked if there is a back-up plan if the full amount is not awarded to this project. City Manager Englehart said they would need to go back to the drawing board and look to do something else with the funds.

Councilmember Boeschstein noted this project is outside of the Urban Growth Boundary and the City would be making an exception to extend water and sewer lines for the City that it would not make for other developers.

City Attorney Shaver agreed it is an exception, but it is for an exceptional purpose. When the BLM granted the land, they stipulated that it be used for government educational purposes, not commercial development. Councilmember Boeschstein asked if anyone else would be able to tap into the water line. City Attorney Shaver said the agreement would be for a private line from Clifton Water, so others would not be able to request access to the line; Clifton Water would have exclusive servicing rights to the line. Councilmember Boeschstein asked if the size of line would be sufficient for fire hydrants. Chief Watkins stated it will be an eight inch pressurized line that will support fire hydrants and fire training. Councilmember Boeschstein asked if they anticipated needing a sewer line or any other utilities that require trenching. City Manager Englehart said a septic system will be installed, but it does not require a trench. Councilmember Boeschstein stated it would be advisable to do all the utilities at once.

Councilmember Doody asked Chief Watkins if a fire burn building is planned and stated a propane tank could be used for it. Chief Watkins agreed and added class A fires could use wood pallets. Councilmember Doody mentioned the property is close to the race track and skeet trap range. He supports this project and is glad to see it moving forward.

Councilmember Chazen asked if the trap range will tap into the existing water line. Chief Watkins said the original water line was intended to provide water to all the facilities in the area, which also includes the model airplane club. The Training Center will be located at the end of the two inch line and left with very little water pressure. Councilmember Chazen asked if the two inch line will be shut down when the eight inch line is available, thus making it necessary for the current users to tap into the new line. Chief Watkins said the two inch line will remain in operation. Councilmember Chazen said when he first saw the project cost, it was \$765,000. Tonight's presentation for the project stated the cost is \$891,000 with the City taking responsibility for most of the increase, and asked for the changes to be explained.

City Manager Englehart explained that a value has now been assigned to the use of the City trailers that will be used for classrooms, which is why the cost has increased and the City has taken on the responsibility for most of the increase.

Councilmember Chazen stated it is a good use of the trailers. He then asked, if the City receives the full grant funds, would construction start this fiscal year or next. Chief Watkins said it would be constructed in 2015; solicitation of bids would start in the spring and construction would start in summer. Councilmember Chazen asked if the \$100,000 would carryover to 2015. Chief Watkins said it would.

Council President Norris wanted to clarify that the water line would tap into Clifton water. Chief Watkins replied that is correct.

Council President Norris said that the City had applied for the MCFMLD grant before and had been turned down. One stipulation for this grant is that each entity could not apply for any other grant. She then asked if there are other grants for which the City could

apply, but are not able to since the City is applying for this grant. Could the City or one of the other partners apply for them? City Manager Englehart said the City is the applicant for the MCFMLD grant on behalf of a number of entities. There have been discussions with the MCFMLD board letting them know that the City is the applicant for a group project; all entities have written letters of support to them. The challenge is to have the district board create a group category. City Manager Englehart feels they have been heard so there may be other options in the future.

Council President Norris expressed concern that other grant funds are not able to be sought to the detriment of this and other projects.

Councilmember McArthur commented that this project is not only unique to the area, but to the State and will benefit a lot of entities on the western slope. He asked if use fees will be charged to help offset the cost. Chief Watkins said the technical committee has already developed a use agreement that outlines a fee schedule for project partners and those outside of the partnership as there is interest from other agencies to use the track.

Councilmember Susuras commented on how important this project is for the region. He feels it is best to start the project knowing other grants will be available in the future for other facilities and projects at this facility. He will support this resolution.

Resolution No. 26-14 – A Resolution Authorizing the City Manager to Submit a Grant Request to the Mesa County Federal Mineral Lease District for the Development of the Colorado Law Enforcement and Emergency Services Training Center

Councilmember Susuras moved to adopt Resolution No. 26-14. Councilmember McArthur seconded the motion. Motion carried by roll call vote.

Non-Scheduled Citizens & Visitors

Steven St. John, 4333 Blair Road, asked why, if the Training Center is important for the region, is the City applying for grants rather than setting aside or pooling monies with other entities. He expressed frustration that the City would allocate \$330,000 to upgrade one overpass but has not set aside enough money to set up a water line for the Training Center that would be of great value to the area.

Other Business

Councilmember Traylor Smith referred to the request for funds from the CDBG fund for the Housing Authority that was approved on the Consent Calendar. She mentioned that the Housing Authority has done a very good job maintaining their properties; keeping in mind safety factors for the residents that are elderly and cognitively challenged. The monies will be put to good use keeping these properties safe for years to come, like at the Walnut Avenue Apartments.

Councilmember Doody asked if Deputy City Manager Tim Moore would talk with Mr. St. John.

Adjournment

The meeting was adjourned at 8:07 p.m.

Stephanie Tuin, MMC
City Clerk