

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

April 13, 2009

The City Council of the City of Grand Junction convened into regular session on the 13th day of April 2009 at 7:02 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Jim Doody, Bruce Hill, Linda Romer Todd, Doug Thomason, and Council President Gregg Palmer. Also present were City Manager Laurie Kadrich, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Palmer called the meeting to order. Councilmember Thomason led in the Pledge of Allegiance followed by an invocation by Tom Hunn, Baha'i Faith.

Proclamations/Recognitions

Proclaiming April 20 – 26, 2009 as “Administrative Professionals Week” in the City of Grand Junction

Proclaiming April 23, 2009 as “Arbor Day” in the City of Grand Junction

Proclaiming May 1, 2009 as “Silver Star Banner Day” in the City of Grand Junction

Proclaiming June 17, 18, and 19, 2009 as “Western Slope Rural Philanthropy Days” in the City of Grand Junction

Appointments

Councilmember Hill moved to appoint Bill Milius to the Horizon Drive Association Business Improvement District for a term to expire April, 2012 and to appoint Jan Rohr and re-appoint Clark Atkinson to the Horizon Drive Association Business Improvement District to four year terms expiring April, 2013. Councilmember Thomason seconded the motion. Motion carried.

Citizen Comments

Roger Mahoney, 2502 Vanburen Avenue, approached City Council looking for some help. On March 17th, his son's basement flooded with black water from the sewer. The City crew came out and determined the blockage was past his individual line. Someone from the City came over and took pictures and determined the blockage was up the street. They called Royal Restoration to clean up the mess. His son's insurance is Farmer's Insurance but it only covers up to \$5,000 when the problem is off the son's property. They have collected that. The amount incurred was \$32,348. They have been trying to go through the proper channels but have not received return calls. He

called the City Attorney's office and was told there was a meeting last Friday at 3:00 p.m. to specifically address this issue. Since then they have not heard back. He called today and did not get a return call. He called Risk Management again and did not get a call back. The City has acknowledged responsibility up to a certain point. He did finally hear from the City's insurance agent who rudely denied the claim. He is disappointed that he is not getting return phone calls. They have exhausted the \$5,000 from their insurance, Farmer's, and would like to have this resolved.

City Attorney John Shaver offered to excuse himself from the meeting and speak with Mr. Mahoney, which he did.

Council Comments

Councilmember Beckstein stated that she will not be able to be present at the April 15th meeting. She took the opportunity to express her gratitude and appreciation in working with Councilmembers Thomason and Doody.

Council President Palmer announced that this is the next to the last meeting for Councilmembers Thomason and Doody.

City Manager's Report

City Manager Laurie Kadrich addressed the City Council. She updated the Council on the American Recovery and Reinvestment Act (ARRA). The City is working with several different partnerships including the Mesa County Sheriff's Department. They have identified public safety opportunities and identified other entities that might be eligible for upcoming grants.

In the Economic Development area, the City received an allocation of \$91,783 and it is Staff's recommendation to include that with the City's regular CDBG entitlement funds.

Under transportation, the Staff is awaiting the grant criteria which is expected May 11th. They are preparing a surface transportation project and a joint application with Mesa County for 29 Road. It may delay construction by six months but could result in a \$30 million grant.

Under energy, environment and infrastructure, the City was allocated \$229,800 for energy efficiency. It was thought that it could be used for the Johnson Control Contract but they received notice that it is not eligible, although there are other projects not funded by that contract that may be eligible. The application is due June 25, 2009. Community projects have preference over individual projects.

Another area is being funneled through the Governor's energy audit and they believe the Compressed Natural Gas project may be eligible but they are awaiting the criteria. Also there are dollars available for clean cities, there may be some opportunities with applications due May 29th.

There are some Public Safety grants the City is submitting to construct Fire Station #1 and remodel Fire Station #2, but the criteria have not been issued yet. These projects must be "shovel ready".

The next area is the Justice Assistance Grant (JAG) which is on the agenda and is due May 18, 2009. This is in partnership with the Mesa County Sheriff's Department to help fund the Computer Aided Dispatch (CAD) and Records Management System (RMS). Another grant in this area is for the conversion to 800 MHz radios. There is another grant available through the U.S. Department of Justice for other projects under consideration and will be due April 27th. Lastly, there are Community Oriented Policing Services (COPS) grants that will pay for police officer salaries. There are open positions due to the officers that are currently serving in Iraq. Ms. Kadrach then distributed the flowcharts on the various elements of the ARRA.

Councilmember Todd asked if the police officers are guaranteed jobs when they return from private jobs in Iraq. City Manager Kadrach said they are not, but it is beneficial to the City if they return rather than the City having to retrain a new officer.

Councilmember Hill thanked City Manager Kadrach and reiterated how the other communities are grateful for the City's assistance. It puts on point his philosophy of thinking regionally. Regarding the 29 Road project, he would rather see those dollars be shifted to move capital projects up rather than to shift dollars to operations. City Manager Kadrach agreed, advising that this is the City's direction.

That concluded the report.

CONSENT CALENDAR

Councilmember Doody read the Consent Calendar and then moved to approve consent items #1 through #4. Councilmember Beckstein seconded the motion. Motion carried by roll call vote.

1. Minutes of Previous Meetings

Action: Approve the Minutes of the March 30, 2009 and the April 1, 2009 Regular Meetings, and the April 8, 2009 Special Meeting

2. **Establishing Liquor License Fees for Bed and Breakfast Permits**

The City has been contacted by a private citizen who is interested in opening a Bed and Breakfast in City limits. Currently our fees for liquor licensing do not cover Bed and Breakfast establishments. This is not a liquor license but a permit for operating a bed and breakfast with not more than twenty sleeping rooms that offers complimentary malt, vinous, and spirituous liquors for consumption only on the premises and only by overnight guest(s).

Resolution No. 40-09—A Resolution Amending Resolution No. 61-08 to Amend the Liquor License Fees in the City of Grand Junction, Colorado

Action: Adopt Resolution No. 40-09

3. **Contract for Construction and Installation of a Septage Receiving Station at Persigo Wastewater Treatment Plant**

Request is being made to award a contract for construction and installation of a Septage Receiving Station at Persigo Wastewater Treatment Plant.

Action: Authorize the Purchasing Division to Enter into a Contract with Mays Concrete to Install a Septage Receiving Station at Persigo Wastewater Treatment Plant in the Amount of \$122,957

4. **Setting a Hearing for the Tall Grass Rezone, Located at 2293 and 2295 Tall Grass Drive** [File #RZ-2009-014]

Request to rezone the 3.709 acres, located at 2293 and 2295 Tall Grass Drive from C-2 (General Commercial) to I-1 (Light Industrial).
Proposed Ordinance Rezoning Two Parcels of Land from C-2 (General Commercial) to I-1 (Light Industrial) Known as the Tall Grass Rezone, Located at 2293 and 2295 Tall Grass Drive

Action: Introduction of Proposed Ordinance and Setting a Hearing for May 4, 2009

ITEMS NEEDING INDIVIDUAL CONSIDERATION**Application for Justice Assistance Grant (Recovery/Reinvestment Act Funding Request) for the County-wide Computer Aided Dispatch and Records Management System**

The Grand Junction Police Department has been solicited by the Bureau of Justice Assistance program of the US Department of Justice, to apply for an annual formula grant in the amount of \$254,568. These funds are allocated evenly between Grand Junction Police Department and Mesa County Sheriff's Office and will be used in combination with other funding sources to purchase a new county-wide Computer Aided Dispatch and Records Management Systems (CAD/RMS). These systems will provide the ability to have fully shared, integrated criminal justice records across all law enforcement agencies in Mesa County. They will also greatly improve communications and eliminate operational inefficiencies that currently exist.

Bill Gardner, Chief of Police, presented this item. He explained the purpose of the grant as touched upon in the City Manager's Report and the partnership with the Mesa County Sheriff's Office for this grant. This grant will benefit all of Mesa County. The request will help fund the Computer Aided Dispatch and Records Management System county-wide where information can be shared county-wide. Both the City and County have researched the different vendors and they are now down to a final two who will be performing a proof of feasibility. The current systems have expired and the support costs are high. Some funds will come from the 9-1-1 account and other grants are being pursued.

Council President Palmer asked if the grant obligates the City to fund this project within a certain period of time. Chief Gardner said he did not believe it does. City Manager Kadrich said the City has applied for another grant to fund the rest and they intend to buy the technology and then add the other modules in records management as funding becomes available.

Councilmember Coons asked if Mesa County is participating financially. Chief Gardner said this grant is joint with the City and the County but the County will have to participate in the future cost sharing.

Councilmember Hill noted the importance of working on the financing now.

Council President Palmer asked for any public input. There was none.

Councilmember Hill moved to authorize the City Manager to apply for these funds, and if awarded, to manage/disperse \$254,568 in grant funds. Councilmember Todd seconded the motion. Motion carried.

Public Hearing—Amending the Municipal Code Regarding Wastewater and Industrial Pretreatment Regulations

The U.S. Environmental Protection Agency (USEPA) conducted an audit of the City's industrial pretreatment program in July of 2008. The resulting audit report included recommendations and some required actions. Staff has prepared amendments to the Code to incorporate some of the changes required by the EPA audit.

The public hearing was opened at 8:05 p.m.

John Shaver, City Attorney, presented this item and noted that Mike Shea, the industrial pre-treatment coordinator, is present. He explained that the EPA regularly audits the City's regulations and requires certain amendments to the wastewater and industrial pre-treatment provisions and this ordinance is so the City's regulations comply with EPA regulations. The first reading was in January and it then had to be published in the federal register prior to the second reading. These changes simply refine the City's already state-of-the art program. The Staff Report includes his legal opinion that the changes comply with the EPA regulatory authority.

Councilmember Doody pointed out that the plant won second place in pre-treatment and first place in operations and maintenance last year.

Councilmember Coons asked about the impact to the ratepayers. City Attorney Shaver said there is virtually no impact, the rate structure is built into the discharge rate. The average household consumer and regular commercial consumer will not see any significant change.

There were no public comments.

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

Ordinance No. 4344—An Ordinance Amending Portions of Article II of Chapter 38 of the Grand Junction Code of Ordinances Pertaining to Pretreatment Regulations, to Incorporate Required Changes to the City's Legal Authority Requested by the United States Environmental Protection Agency through an Audit

Councilmember Coons moved to adopt Ordinance No. 4344 and ordered it published. Councilmember Thomason seconded the motion.

Councilmember Hill asked about the change in criminal penalties as there is an inconsistency in the dollar amount. Mr. Shaver acknowledged the correction.

Motion carried by roll call vote.

Public Hearing—Amending the Requirements for Tasting Alcoholic Beverages at Licensed Establishments

City Council adopted Ordinance No. 3716 regarding tasting of alcoholic beverages on February 2, 2005. Recently a licensee asked to reevaluate the containers permitted for tastings at the licensed establishments. Because of the size of the container it is reportedly difficult to efficiently administer samples in the cups authorized by the current ordinance. There are also concerns that the opaque cups hinder the presentation of the products. Legal staff proposes an amendment to Section 4-58 of Article IV, Chapter 4 of the Code of Ordinances to promote better efficiency and aesthetics of the presentation for the benefit of the proprietors. Amending the Code to allow portion control cups as well as pour control caps will give proprietors a variety of ways to present their products in a manner that best fits the goals of each establishment.

The public hearing was opened at 8:14 p.m.

John Shaver, City Attorney, presented this item. He explained that one of the retail liquor store proprietors requested that the City amend the tasting regulations in order to help them better present the product. The ordinance will allow a larger size cup but maintain the one ounce portion. The request is also to allow a larger cup in a clear plastic so the product can be better seen. The portion would be controlled under a cap that measures the portion. The proprietor of Planet Wines, Mr. Chariton, was not able to be present but was happy to hear of the proposed change.

There were no public comments.

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

Ordinance No. 4345—An Ordinance Amending Chapter 4, Article IV, Section 4-58 of the Grand Junction Code of Ordinances Pertaining to the Tasting of Alcoholic Beverages

Councilmember Todd moved to adopt Ordinance No. 4345 and ordered it published. Councilmember Beckstein seconded the motion. Motion carried by roll call vote.

Councilmember Hill thanked City Attorney Shaver for providing a strike-through version of the changes to the ordinance.

Public Hearing—Parkway Complex Annexation and Zoning, Located at 2789 Riverside Parkway [File #ANX-2009-018]

A request to annex and zone 1.26 acres, located at 2789 Riverside Parkway to an I-1 (Light Industrial) zone district. The Parkway Complex Annexation consists of two (2) parcels.

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

Michelle Hoshide, Associate Planner, presented this item. She described the request, the site, and the location and asked that the Staff Report and attachments be entered into the record. The request meets the criteria of the Zoning and Development Code. The Planning Commission recommended approval at its March 10, 2009 meeting. The applicant was present but did not wish to make a presentation.

Council President Palmer asked about the sign for sale stating it is 1.14 acres. Ms. Hoshide advised the annexation may be different than the land advertised by the real estate sign.

There were no public comments.

The public hearing was closed at 8:20 p.m.

a. Accepting Petition

Resolution No. 41-09—A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that the Property Known as the Parkway Complex Annexation, Located at 2789 Riverside Parkway is Eligible for Annexation

b. Annexation Ordinance

Ordinance No. 4346—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Parkway Complex Annexation, Approximately 1.264 Acres, Located at 2789 Riverside Parkway

c. Zoning Ordinance

Ordinance No. 4347—An Ordinance Zoning the Parkway Complex Annexation to I-1 (Light Industrial), Located at 2789 Riverside Parkway

Councilmember Thomason moved to adopt Resolution No. 41-09 and Ordinance Nos. 4346 and 4347 and ordered them published. Councilmember Coons seconded the motion. Motion carried by roll call vote.

Public Hearing—Ajarian Annexation and Zoning, Located at 2954 D ½ Road [File #ANX-2009-021]

Request to annex and zone 17.78 acres, located at 2954 D ½ Road to an R-8 (Residential 8 du/ac) zone district. The Ajarian Annexation consists of 2 parcels and includes a portion of the D ½ Road right-of-way.

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

Michelle Hoshide, Associate Planner, presented this item. She described the request, the site, and the location and asked that the Staff Report and attachments be entered into the record. The request meets the criteria of the Zoning and Development Code. The Planning Commission recommended approval at its March 10, 2009 meeting. The applicant was present but did not wish to make a presentation.

There were no public comments.

The public hearing was closed at 8:22 p.m.

a. Accepting Petition

Resolution No. 42-09—A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Ajarian Annexation, Located at 2954 D ½ Road and Including a Portion of the D ½ Road Right-of-Way, is Eligible for Annexation

b. Annexation Ordinance

Ordinance No. 4348—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Ajarian Annexation, Approximately 17.78 Acres, Located at 2954 D ½ Road and Including a Portion of the D ½ Road Right-of-Way

c. Zoning Ordinance

Ordinance No. 4349—An Ordinance Zoning the Ajarian Annexation to R-8 (Residential 8 du/acre), Located at 2954 D ½ Road

Councilmember Todd moved to adopt Resolution No. 42-09 and Ordinance Nos. 4348 and 4349 and ordered them published. Councilmember Hill 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 8:24 p.m.

Stephanie Tuin, MMC
City Clerk