

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

June 17, 2009

The City Council of the City of Grand Junction convened into regular session on the 17th day of June 2009 at 7:01 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Tom Kenyon, Gregg Palmer, Bill Pitts and Council President Bruce Hill. Councilmembers Teresa Coons and Linda Romer Todd were absent. Also present were City Manager Laurie Kadrach, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Hill called the meeting to order. Councilmember Kenyon led in the Pledge of Allegiance.

Council President Hill recognized former Mayor/Councilmember Gregg Palmer for his award as Lion of the Year. Councilmember Palmer thanked Council President Hill for mentioning it, noting it was a surprise and it is a pleasure being associated with a service group that does good for the community.

CONSENT CALENDAR

There were no items on the Consent calendar

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Public Hearing—2009 CDBG Action Plan [File #2009-CDBG]

City Council will consider final adoption of the 2009 Program Year Action Plan. This annual plan is required by the Department of Housing and Urban Development (HUD) for the use of Community Development Block Grant (CDBG) funds. The Action Plan includes the CDBG projects for the 2009 Program Year City Council approved for funding on May 18, 2009.

The public hearing was opened at 7:03 p.m.

Kristen Ashbeck, Senior Planner, presented this item. She reviewed the history of the program. This is the 14th year of participation in the CDBG program. The City's allocation is \$344,418 and the City received notice that this year's allocation was down \$21. In addition to the allocation, there are \$110,000 being returned so the total allocation is \$454,418. Also, the City received \$91,783 in stimulus funds that the Council allocated last month. The City is awaiting the release of those funds.

The purpose of the hearing tonight is to approve two more amendments and then adopt the 2009 Action Plan.

The first amendment was originally allocated to the Head Start Program who could not use the funds. Those were returned and will be included in the new allocation of funds. The first being to approve a revision to the Program Year 2008 Action Plan so that unspent funds for the Riverside Task Force may be used for demolition and site finish instead of acquisition.

Ms. Ashbeck then reviewed the other projects as follows:

- 1) City of Grand Junction Program Administration \$30,000
- 2) Homeward Bound of the Grand Valley Purchase Van \$26,000
- 3) St. Mary's Foundation Senior Companion Program \$12,000
- 4) Grand Junction Housing Authority Walnut Park Apartments \$100,000
- 5) Riverside Task Force Property Acquisition \$173,201
- 6) Mesa Developmental Services Office Remodel \$40,000
- 7) Housing Resources Garden Village Learning Center \$8,217
(in addition to \$91,783 stimulus funds previously approved)
- 8) Western Slope Center for Children Remodel \$65,000

The allocation of these funds leverages over \$2.1 million in other funding. There are some projects that are yet to be completed for the 2008 funding year. She reviewed those.

They will take public comments for the next 30 days and then submit the Plan to HUD for final approval.

Council President Hill then asked those wishing to speak to come forward.

Dan Whalen, Housing Resources of Western Colorado, 336 Iron Horse Court, thanked the Council for the Garden Village Learning Center funding. The Learning Center will include a Community Center for the residents and the public. The \$100,000 will help them leverage more funding. The Learning Center is for empowerment. Placing low income folks in these homes will help them move on.

Annette Aveda, 2539 A Shetland Court, Mesa Development Services, thanked the Council for the funds to remodel their office at 950 Grand.

Juanita Trujillo, 319 W. Ouray Avenue, representing the Riverside Task Force, thanked the Council for the funding to expand their campus.

Jacquie Pike, 952 Walnut, Senior Companion Program, thanked the Council for the funding. She has been with the program for 16 years and stated the elderly can, on average, stay in their own home after they no longer drive if they have a little bit of help. This funding provides mileage reimbursement for those that provide transportation for the elderly.

Dan Prinster, 679 Sperber Lane, past President and Board Member for the Western Slope Center for Children, thanked the Council for the funding for the Center. He explained the purpose of the Center.

There were no other public comments.

The public hearing was closed at 7:14 p.m.

Council President Hill noted for the record that the City Council has previously reviewed these applications in detail at a workshop, thus have few questions for the Staff at this meeting.

Resolution No. 58-09—A Resolution Adopting the 2009 Program Year Action Plan as a Part of the City of Grand Junction 2006 Five-Year Consolidated Plan for the Grand Junction Community Development Block Grant (CDBG) Program

Councilmember Palmer moved to adopt Resolution No. 58-09. Councilmember Beckstein seconded the motion. Motion carried by roll call vote.

Airport Improvement Program Grant for Ramp Rehabilitation at Grand Junction Regional Airport

AIP-38 is a small grant for the balance of the FAA's 2009 Entitlement funds for the Grand Junction Regional Airport and will be used for design only of the General Aviation Ramp Rehabilitation. The grant amount is \$673,403.00. The Supplemental Co-sponsorship Agreement is required by the FAA as part of the grant acceptance by the City.

Rex Tippetts, Airport Director, presented this item. These two grants are reimbursements for work already done; the first one is for design of the ramp rehabilitation.

Councilmember Pitts asked for clarification.

Mr. Tippetts advised they paid for the design work out of operation funds and these grant funds will reimburse them.

Councilmember Palmer moved to authorize the Mayor to sign the Original FAA AIP-38 Grant Documents and authorize the City Manager to sign the Supplemental Co-

sponsorship Agreement for AIP-38. Councilmember Beckstein seconded the motion. Motion carried by roll call vote.

Airport Improvement Program Grant for Utility Relocation at Grand Junction Regional Airport

AIP-40 is a small grant for the balance of the FAA's 2009 Entitlement funds for the Grand Junction Regional Airport and will be used to partially fund utility relocation in the Cargo area. The grant amount is \$74,387.00. The Supplemental Co-sponsorship Agreement is required by the FAA as part of the grant acceptance by the City.

Rex Tippetts, Airport Director, presented this item. He explained this is the balance of the grant monies that was approved less than thirty days ago.

Councilmember Palmer recognized Mr. Tippetts' effort to attend this meeting as he was out-of-town. He acknowledged all the work that the leadership at the Airport has accomplished.

Councilmember Palmer moved to authorize the Mayor to sign the Original FAA AIP-40 Grant Documents and authorize the City Manager to sign the Supplemental Co-Sponsorship Agreement for AIP-40. Councilmember Kenyon seconded the motion. Motion carried.

Revocation of a Revocable Permit Issued to Depot Preservation and Restoration Company LLC

Staff met with Jim Leany, Manager and Registered Agent of The Depot Preservation and Restoration Company, LLC, and is presenting, by way of the attached draft resolution, Mr. Leany's request.

John Shaver, City Attorney, presented this item. He explained how this issue was coming before the City Council, at the request of Mr. Jim Leany. He showed the area in question and then deferred to the applicant.

Jim Leany, 515 Rondo Drive, stated his reasons for the request. He has no use or benefit and zero interest in retaining the permit. He sold the train station to the Jackson Hole Brewing Company five years ago.

Councilmember Kenyon asked if the permit was transferrable at the time of the train depot sale. He said the City Attorney told him there could be no transfer. The property is currently up for sale.

Councilmember Kenyon asked if Mr. Leany paid for the improvements. Mr. Leany said it was paid out of grants, \$500,000 of which \$168,000 came from the City.

Councilmember Kenyon asked if Mr. Leany has been maintaining the facilities. Mr. Leany said he has twice but when he received notice that he did not own the improvements, he stopped maintaining them.

Councilmember Palmer asked for clarification on the transfer of the permit at the time of sale to which Mr. Leany responded that it could have been transferred but the purchasers declined.

Councilmember Palmer asked if he will need to remove the jersey barriers if the revocable permit is revoked. Mr. Leany said that could be requested. He recalled an accident before the barriers existed noting the barrier has saved lives. His obligation is only to maintain the site.

Councilmember Pitts asked who pays the light bill. Mr. Leany said the City has always paid that bill.

Council President Hill asked where the City right-of-way is on the photo. City Attorney Shaver said the barriers are in the right-of-way. Council President Hill asked if some of the parking is also in the City-right-of-way. City Attorney Shaver responded affirmatively.

Councilmember Kenyon inquired if it is the applicant's obligation to maintain the area included within the permit. City Attorney Shaver responded affirmatively. Further, City Attorney Shaver advised that the permit does require the applicant return the property back to original condition if the permit is revoked. Councilmember Kenyon noted it must be up to the City Manager as to how the property should be restored. City Attorney Shaver advised that the traffic engineers could review the situation first. City Attorney Shaver said the revocation could be conditioned on Mr. Leany meeting certain obligations.

Councilmember Pitts asked where the property line will be if the permit is revoked; will a survey need to be done? City Attorney Shaver advised the City could establish that property line. The current or future owner may not have the desire for any part of the parking lot depending on the planned use.

Councilmember Palmer asked if the removal of the barrier affects the current property. City Attorney Shaver said in his opinion, yes, there would be a loss of circulation.

Councilmember Palmer asked if the current owners have been contacted to see if they have an interest in order to retain that parking. City Attorney Shaver said he has not

contacted the new owners. He added that the permit could have been transferred to the new owners.

Councilmember Kenyon said he thought the permit should be revoked but to do so knowing all the impacts first before a final decision is made. He would like to work toward revoking it. He suggested having Staff review it first but give Mr. Leany an idea of the direction the Council is going.

Councilmember Pitts agreed with Staff bringing a resolution back to Council.

Councilmember Palmer thought the new owners should be contacted as this may affect the parking and circulation.

Councilmember Beckstein agreed in referring it back to Staff.

City Attorney Shaver said he would suggest that Mr. Leany make contact with the current owners and bring that back to Staff.

Council President Hill summarized that the permit was issued as part of a development plan to the benefit the property owner and the public. He recalled the configuration prior to the permit. The Council needs to know where the City property line is and if the current owner has an interest in the permit. He would also like a history of the development property on this property; then it could be brought back to Council.

Mr. Leany said he has owned the property for a decade. He described the configuration of the property prior. They actually lost parking with the barrier. The parking lot is City owned. He offered to provide details to the Staff to put the information together for the City Council.

The Council thanked Mr. Leany. The matter will come back with more information.

Purchase of Aggregate and Road Material in 2009 for Streets and Water Divisions

This approval request is for a contract award for the purchase of various sizes of aggregate and road materials for the City's Streets and Water Divisions for 2009.

Terry Franklin, Deputy Director of Utilities and Streets, presented this item. He explained how they remove the fill, take it to the gravel pit, and then bring new aggregate back to the site. Then he explained the crack fill program and the need for the road material as well as the chip seal program. It looks like there will be a \$15,000 savings dependent on how the material spreads out.

Councilmember Pitts asked about the quantity of chips proposed. Mr. Franklin assured him it was enough.

Councilmember Kenyon moved to authorize the Purchasing Division to enter into a contract with White Water Building Materials and Grand Junction Concrete Pipe Co. to provide aggregate and road materials for the Streets Division, as well as a contract with Gary Rinderle Construction to provide aggregate for the Water Division, for a combined estimated amount of \$193,700. Councilmember Palmer 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 7:56 p.m.

Stephanie Tuin, MMC
City Clerk