

**GRAND JUNCTION CITY COUNCIL  
WORKSHOP AGENDA**

**MONDAY, NOVEMBER 15, 2004, 7:00 P.M.  
CITY HALL AUDITORIUM, 250 N. 5<sup>TH</sup> STREET**

**MAYOR'S INTRODUCTION AND WELCOME**

7:00 **COUNCILMEMBER REPORTS**

7:10 **CITY MANAGER'S REPORT**

7:15 **REVIEW FUTURE WORKSHOP AGENDAS**

[Attach W-1](#)

7:25 **REVIEW WEDNESDAY COUNCIL AGENDA**

7:30 **UPCOMING APPOINTMENTS TO BOARDS & COMMISSIONS:** In anticipation of upcoming appointments to the Visitor and Convention Bureau Board of Directors, Historic Preservation Board and Commission on Arts and Culture, City Council will discuss specific issues relating to each board.

[Attach W-2](#)

7:40 **2005 BUDGET PRESENTATION & REVIEW:** Staff will present the 2004-2005 Biennial Budget Review as outlined in the budget book provided.

[Attach W-3](#)

**CONVENE INTO SPECIAL SESSION**

9:30 **EXECUTIVE SESSION** – DISCUSSION OF PERSONNEL MATTERS UNDER SECTION 402 (4)(F)(I) OF THE OPEN MEETINGS LAW RELATIVE TO CITY COUNCIL EMPLOYEES AND TO DETERMINE THE CITY'S POSITION AND TO INSTRUCT THE CITY'S NEGOTIATORS REGARDING THE FIRE DISTRICT CONTACT PURSUANT TO SECTION 402 4 E OF THE COLORADO'S OPEN MEETINGS LAW

**ADJOURN**

This agenda is intended as a guideline for the City Council. Items on the agenda are subject to change as is the order of the agenda.

Attach W-1

Future Workshop Agenda

# CITY COUNCIL WORKSHOP AGENDAS

***▶ NOVEMBER 16, TUESDAY 9:00 AM ➔ at Two Rivers CC***  
***9:00 AM to 12:00 Noon: Strategic Plan Meeting #3***

***\* NOVEMBER 29, MONDAY 11:30 AM (cancel for NLC Conference?)***

***NOVEMBER 29, MONDAY 7:00PM (cancel for NLC Conference?)***

***\* DECEMBER 13, MONDAY 11:30 AM***

***11:30 DEVELOPMENT ISSUES UPDATE IN THE MARIPOSA AND  
MONUMENT ROAD AREAS***

***DECEMBER 13, MONDAY 7:00PM***

7:00 COUNCIL REPORTS, REVIEW WEDNESDAY AGENDA AND REVIEW  
FUTURE WORKSHOP AGENDAS

7:25 CITY MANAGER'S REPORT

7:30 UPCOMING APPOINTMENTS TO BOARDS & COMMISSIONS

7:45 LINCOLN PARK MASTER PLAN UPDATE

***\* JANUARY 3, MONDAY 11:30 AM at Two Rivers Convention Center***

***11:30 MEETING WITH THE VISITOR & CONVENTION BUREAU BOARD***

***JANUARY 3, MONDAY 7:00PM***

7:00 COUNCIL REPORTS, REVIEW WEDNESDAY AGENDA AND REVIEW  
FUTURE WORKSHOP AGENDAS

7:25 CITY MANAGER'S REPORT

7:30 SMOKING ORDINANCE UPDATE: ONE YEAR BEFORE FULL  
IMPLEMENTATION

***\* JANUARY 17, MONDAY 11:30 AM at Two Rivers Convention Center***

***11:30 MEETING WITH THE GRAND JUNCTION HOUSING AUTHORITY***

***JANUARY 17, MONDAY 7:00PM***

7:00 COUNCIL REPORTS, REVIEW WEDNESDAY AGENDA AND REVIEW  
FUTURE WORKSHOP AGENDAS

7:25 CITY MANAGER'S REPORT

7:30 UPCOMING APPOINTMENTS TO BOARDS & COMMISSIONS

***\* JANUARY 31, MONDAY 11:30 AM***

11:30 OPEN

**JANUARY 31, MONDAY 7:00PM**

7:00 COUNCIL REPORTS, REVIEW WEDNESDAY AGENDA AND REVIEW  
FUTURE WORKSHOP AGENDAS

7:25 OPEN

**\* FEBRUARY 14, MONDAY 11:30 AM**

11:30 OPEN

**FEBRUARY 14, MONDAY 7:00PM**

7:00 COUNCIL REPORTS, REVIEW WEDNESDAY AGENDA AND REVIEW  
FUTURE WORKSHOP AGENDAS

7:25 CITY MANAGER'S REPORT

7:30 OPEN

**BIN LIST**

1. Traffic calming: Discussion of current policy
2. Jim Lochhead: Update on water issues (moved from 13 December)
3. Neighborhood Program review
4. Youth Council bylaws (ready for discussion)
5. Mesa County EMS resolution

**Department Presentations to City Council**

**2004**

**November** GIS Report

**2005**

**January** Visitor and Convention Bureau

**February** Code Enforcement

**March** Golf Course/Recreation

**April** Public Works Utilities - Water

**Attach W-2**  
**Upcoming Vacancies on Volunteer Boards**  
**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA									
Subject		Upcoming Appointments to Boards & Commissions – Visitor and Convention Bureau, Historic Preservation Board, and Commission on Arts and Culture							
Meeting Date		November 15, 2004							
Date Prepared		December 19, 2011				File # NA			
Author		Stephanie Tuin			City Clerk				
Presenter Name		Stephanie Tuin			City Clerk				
Report results back to Council		X	No		Yes	When			
Citizen Presentation			Yes	X	No	Name			
X	Workshop		Formal Agenda				Consent		Individual Consideration

**Summary:** The City is advertising for the Visitor and Convention Bureau Board of Directors, the Historic Preservation Board and for the Commission on Arts and Culture via newspapers, the web and utility bill inserts. Applications close on December 1 for the VCB and Historic Preservation and January 15 for the Arts Commission. Once applications close, applications will be provided to Council for either interview scheduling or selection.

**Budget:** NA

**Action Requested/Recommendation:** An opportunity for City Council to discuss the issues these boards are facing and/or any particular expertise needed on the board.

**Attachments:**

1. The current membership roster for the board being discussed
2. Ethical Standards Resolution No. 84-02, adopted on 9-4-02

**Background Information:**

**Visitor and Convention Bureau Board of Directors**

This is a nine-member board that has three positions expiring and one vacancy due to a resignation in September. Two of the incumbents are eligible for reappointment but it is likely only one will be requesting reappointment. At this time there are two applications for consideration but there will probably be several more before the close

of the applications on December 1. This function of the Board of Directors is to advise the VCB staff on policies and marketing directions.

The meetings are held the second Tuesday of each month at 3:00 p.m. The time commitment for this board runs around three hours per month plus a one-day annual retreat and one additional workshop requiring four hours of time. Terms are for three years.

The board has indicated that board members with a variety of backgrounds would be beneficial rather than just tourism backgrounds.

The VCB board will be soliciting Requests for Proposals for the Marketing and Advertising contract in 2005. That process will begin next summer.

Otherwise, City Council will be presented a full overview of VCB activities at a workshop in January.

### **Historic Preservation Board**

This five to seven-member board has two seats expiring. One incumbent is eligible for reappointment (and he will likely request reappointment) and the other seat is the DDA representative. A letter has been sent to the DDA representative asking for the DDA appointment. So far two applications have been received.

The Historic Preservation Board is responsible for recommending designation of historic resources to City Council for listing on the City Register of Historic Sites, Structures and Districts. The Board also reviews proposed alterations to designated sites as necessary and generally promotes historic preservation in the Grand Junction community.

This board meets about six times per year the 1st Tuesday of the month at 4:00 p.m. for about one hour. Additional time requirements include involvement in activities during Historic Preservation month (May) and presentations to City Council. The City Code was changed last year to make the terms for this board four years.

The third phase of the historic resources survey is underway and is due to be complete late February. The consultant selected was Reid Architects, Inc. (Aspen). The research project on the work done by the Works Progress Administration (WPA) and the Civilian Conservation Corps (CCC) in the early 20<sup>th</sup> century has been put on hold.

The proposed HPB bylaws are currently being reviewed by the legal department prior to being presented to City Council for ratification.

In the past, City Council has selected members of the HPB based on applications submitted and any solicited recommendations received from the board.

### **Commission on Arts and Culture**

This is a nine-member board where at least 5 members must have acknowledged accomplishment as either an amateur or professional in architecture, art criticism, art education, art history, choreography, dance, communicative arts, crafts, folk and ethnic arts, literature, media arts, music, opera, painting, photography, sculpture, theater or urban design. Commission members (or their spouse) cannot serve on the governing board or be an employee of any other local arts or cultural organization. There are three openings coming up on the board in February and only two incumbents are eligible for reappointment. It is likely the two will request reappointment. At least one appointment of the three will need to have expertise in one of the above described areas.

The mission of the Commission on Arts and Culture is to enhance local arts and cultural opportunities and development, encourage cooperation and collaboration among arts organizations, provide information to area artists and arts agencies and establish community arts priorities.

The Commission meets the 4th Wednesday of each month at 4:00 p.m. The time commitment for this board runs around two hours per month plus committee meetings and cultural events which amount to about another 2 to 4 hours per month. Terms are for three years.

Public arts projects, through the 1% for the Arts Program, continue to be a focus with this board, particularly with a number of City facilities being constructed. The board has indicated additional expertise in the visual arts arena would be a helpful addition to the board because of this activity. Someone with a business background would also be beneficial. The Arts Commission advises that due to the nature of the board and the functions they perform, including making recommendations to the City Council on grant funding to cultural events, it is really important that anyone appointed have a true commitment to the arts.

The Art Commission continues to host quarterly receptions for the opening of new art exhibits at City Hall. They coordinate these receptions with the Downtown's Art Hop night and the openings have been, for the most part, well attended and well-received. The Arts and Culture Grant Program continues to expand and Commission members review requests, make recommendations to City Council and then monitor (and generally attend) all functions that have been awarded grant monies.

**VISITOR AND CONVENTION BUREAU  
BOARD OF DIRECTORS**

Michael Somma  
resigned 9/04

Nine Members

Three Year Terms

<b>NAME</b>	<b>APPTED</b>	<b>REAPPTED</b>	<b>EXP</b>	<b>Occupation</b>
Vacant			12-05	
Linda Smith, (Chair)	02-02-00 12-17-03	02-07-01	12-00 12-03 12-06	retired
Jane Fine Foster	02-07-01 12-17-03		12-03 12-06	Nursing Instructor
Kevin Reimer	02-07-01 12-17-03		12-03 12-06	Owner - Hawthorn Suites Hotel
Steve Meyer	11-20-02 12-17-03		12-03 12-06	President/Owner Shaw Construction LLC
Jill Eckhardt	02-06-02		12-04	Mesa State Dir of Housing
Peggy Page	02-02-00	02-06-02	12-01 12-04	Owner - page Parson's Jewelers
Lynn Sorlye	11-20-02		12-05	General Manager – Holiday Inn
Alan Friedman	01-06-99	02-06-02	12-01 12-04	Self-employed - investments

Term limited →

No City Council rep since May, 1998

Created: November, 1989 – effective 1990

Meetings: Second Tuesday, 3:00 p.m., location varies

## **HISTORIC PRESERVATION BOARD**

Four Year Terms

Five to Seven Members

<b>NAME</b>	<b>APPTED</b>	<b>REAPPT'D</b>	<b>EXP</b>	<b>OCCUPATION</b>
David Sundal (E)	01-07-04		12-06	Retired
Judy Prosser- Armstrong (E)	04-16-03		12-05	Curator of Archives, Librarian & Registrar
William C. Jones (E)	04-21-99	06-20-01 01-07-04	12-00 12-03 12-06	Teacher, trustee for Railroad museum
Zebulon Miracle (E)	01-07-04		12-06	Asst. Curator of History
Thomas C. Streff (E)	3-20-02		12-04	Retired History/Government Teacher
Doug Simons DDA	06-26-02		12-04	DDA rep, (also owner Enstrom Candies)
Bill Cort	04-16-03		12-05	Environmental/Safety Officer

The Board shall consist of a minimum of 5 members and not more than 7. When there are more than 5 members, at least 4 shall be professionals or have expertise in a preservation-related discipline including but not limited to history, architecture, planning, or archaeology. When there are 5 members, there shall be at least 3 such professionals. One member shall be a member of the DDA Board or employee of the DDA. (E) denotes expertise, (L) denotes layperson.

Created: August, 1994, membership amended January, 1995.

Meetings: First Tuesday of the month, 4:00 p.m. in the Community Development Conference Room.

Contact: Kristen Ashbeck, Community Development Dept.

[Note: In 2004, terms were changed from three years for four years]



**COMMISSION ON ARTS & CULTURE**

**9 Member - Three-Year Terms**

<b><u>NAME</u></b>	<b><u>APPTED</u></b>	<b><u>REAPPT'D</u></b>	<b><u>EXP</u></b>	<b><u>OCCUP'N</u></b>
Lora Quesenberry <b>E</b>	2-18-04		02-07	Housewife, Art Teacher
Pamela Blythe <b>E</b>	06-21-00	02-19-03	02-03 02-06	Architect/ Designer
Doug Clary <b>E</b>	09-05-01	03-20-02	02-02 02-05	Publisher/ Flower grower
Lee Borden <b>E</b>	04-16-03		02-06	Producer/ Theatre Co. Manager
Priscilla Mangnall <b>E</b>	02-19-97	03-03-99 03-20-02	02-99 02-05	Visual Artist/ MS Society of Mesa Co.
Terra Anderson <b>L</b>	10-06-04		02-06	Inst. of Palliative Care Director for Hospice
Jack Delmore <b>E</b>	03-20-02		02-05	Associate Professor- Mesa State Music & Theater
Joan Meyers <b>L</b>	03-07-01	2-18-04	02-07	Retired District 51 teacher
Karen Kiefer <b>E</b>	11-21-01	2-18-04	02-07	Artist/ Business Owner

Term limited →

All nine members are appointed by the Grand Junction City Council. At least five members must have acknowledged accomplishment as either an amateur or professional in architecture, art criticism, art education, art history, choreography, dance, communicative arts, crafts, folk and ethnic arts, literature, media arts, music, opera, painting, photography, sculpture, theater or urban design.

Created: September, 1989, By-Laws: 1991, Amendment that City Council member is a voting member on 10-5-94, Amendment that one appointment may be a councilmember but doesn't need to be on 6-5-96.

Meetings: Fourth Wednesday, 4:00 p.m., Parks Conference Room, 1340 Gunnison Avenue

E – expertise  
L – layperson

## CITY OF GRAND JUNCTION, COLORADO

### RESOLUTION NO. 84-02

#### A RESOLUTION CLARIFYING THE ETHICAL STANDARDS FOR MEMBERS OF THE CITY'S BOARDS, COMMISSIONS AND SIMILAR GROUPS

##### Recitals.

- A. The various City boards, committees, commissions and other groups are similar in that: the members are typically appointed by the City Council; the mission of each is somehow supportive of the City; and from the perspective of the citizen, the actions and pronouncements of the members of such boards and commissions may be viewed as being the act or pronouncement of the City.
- B. The power and legal responsibilities of several of such City groups rise to the level that the City Council should provide additional guidance and rules, pursuant to the City charter, state and other law.
- C. Members of entities/boards who have one or more of the following powers, duties or opportunities, should be subject to higher scrutiny and care, and will be termed "Authoritative":
- spend money,
  - adopt a budget,
  - buy or sell property,
  - act for or bind the City,
  - sue and be sued,
  - hire/fire and supervise employee(s),
  - make land use decisions, including zoning and/or variances;
  - issue and regulate City licenses, including the power to suspend or revoke a right or privilege to do business with or within the City.
- D. The following are Authoritative:
- Grand Junction Downtown Development Authority
  - Walker Field Public Airport Authority (only for the three City appointees)
  - Grand Junction Housing Authority
  - Grand Junction Planning Commission
  - Grand Junction Planning Commission Board of Appeals
  - Building & Fire Code Board of Appeals
  - Contractor's Licensing Board
  - Parks Improvement Advisory Board (only for the City's appointee)
  - Public Finance Corporation
  - Riverview Technology Corporation
  - Grand Junction Forestry Board
  - Ridges Architectural Control Committee

- E. A member of a body with advisory powers and duties only could normally not make a decision that is an actual conflict of interest, although a question of appearance of impropriety might arise. Such groups that are normally acting through a City employee or another City group will be termed “Advisory” for this resolution. The following groups and boards are Advisory:

- Commission on Arts and Culture
- Parks and Recreation Advisory Board
- Urban Trails Committee
- Riverfront Commission
- Historic Preservation Board
- Growth Plan members
- Study groups
- Transit Committees/groups
- Visitor & Convention Bureau Board of Directors
- Other *Ad Hoc* Committees

- F. All members City’s boards and groups are encouraged to discuss such matters with the City Attorney or the Mayor as soon as the member determines that a situation or circumstances has arisen or is likely to.
- G. Some court cases from other jurisdictions have suggested that the ethical and conflict rules for Authoritative groups should be the same as the rules for the City Council. Based on those cases, initial drafts of these rules treated all members of Authoritative groups as being equivalent as members of the City Council.

While having one rule for the Council and all Authoritative groups has the benefit of simplicity, there are quite real and significant limitations. Namely such a rule would mean, for example, that the spouse of an appointee to a City board would be prohibited from bidding on a City job, even though the particular board has no other connection with the bid.

- H. Having considered the benefits and practical impacts of the earlier draft, the Council determines that the earlier draft rule should apply to the members of the Council. For authoritative boards, the rule should be to view each such board on its own, and not act as though totally unrelated boards and groups are the same for these purposes.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION:**

1. These rules supplement state and other applicable law, especially including §101 of the City charter.
2. The recitals are a substantive part of these rules.

3. A member of an Authoritative board is subject to the same rules as is a Council person, but only with regard to the particular board or group on which the member serves.
4. Rules for members of an Authoritative board are:
  - (a) With regard to the board or group on which the member serves, it is not allowed for the member, or immediate family or business associates of the member, to contract with or have a business relationship with such member's board or group.
  - (b) It is not allowed for a member to act or be involved in a decision or situation in which it could reasonably be perceived that the member's personal or financial interests could influence the decision-making.
  - (c) Regarding the board or group on which a member serves, such member shall not act, influence or be involved in a decision or situation in which the member's immediate family or business associate is involved.
  - (d) Regarding the board or group on which the member serves, it is not allowed for a member's immediate family or business associate to do business with the board or group.
  - (e) Each member must disclose the conflict or appearance of impropriety (including the potential of either) as soon as possible.
  - (f) If a conflict exists, the member must remove him or herself from further involvement in the decision or the process. If an appearance of impropriety exists, the member may remove him/herself or may seek the guidance of the other members of the board or group. In addition, if either a conflict or the appearance thereof reasonably exists, the member must avoid exercise of any attempt to influence any decision-maker.
5. Advisory boards and members are not subject to the rules that apply to Authoritative boards or groups, except that:
  - (a) A member of an advisory board or group must: as soon as possible disclose the conflict, appearance of impropriety, or potential thereof; and such member must absent him/herself from participation or influence regarding the matter.
6. There is no conflict, nor impropriety, for any member of any City Authoritative or Advisory board or group if the matter does not involve the board or group on which the member serves.
7. Some explanatory situations are described on the attached "Ethical Situations and Recommended Actions."

For this resolution:

- (a) "disclosure" or "disclose" means to write or email each member of the respective board or group, and to send a copy to the Mayor and to the City Attorney. The City Attorney shall deliver a copy of all such disclosures, along with any legal

opinion that is made available to the public, to the City Clerk who will keep a public record of all such disclosures;

- (b) “immediate family” means a person’s spouse/partner and the person’s children, siblings and others living together as a family unit. Cousins, aunts, uncles, and parents would not be deemed “immediate family” unless living with the person as a part of the same family unit;
- (c) “business associate(s)” means a person who is:
  - (i) an owner of ten percent (10%) or more of a firm, corporation, limited liability company, partnership or other legal entity; and/or
  - (ii) an officer or director of a corporation; a manager or general manager of a member of a limited liability company; a partner of a partnership or a similar position of authority in another entity.

PASSED and ADOPTED this 4<sup>th</sup> day of September, 2002.

/s/ Cindy Enos-Martinez  
President of the Council

ATTEST:

/s/ Stephanie Tuin  
City Clerk

# Memo

**To:** City Council  
**From:** Dan Wilson, City Attorney  
**CC:** Law, Kelly Arnold, David Varley  
**Date:** July, 2002  
**Re:** Ethical Rules Scenarios

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**Scenario #1:** An applicant for an authoritative board is the owner of a firm and routinely does business for the City, but not for the board for which he is applying. The historical sales to the City by the applicant have all been pursuant to public bid process.

**Answer:** The applicant would be able to do business with the City and with any board other than the authoritative board to which appointed.

**Scenario #2:** An applicant for an authoritative board is not the owner, but is the number three person in a ten person firm that routinely does business with the City, but not for the board for which he is applying. The sales to the City by the applicant's firm are pursuant to public bid process.

**Answer:** If the #3 person is not an owner of the firm nor an officer, manager or member of the firm but is in a support role to the CEO/owner, then there is no conflict of interest.

Does this second scenario involve an appearance of impropriety? Stated another way, would a member of the public view the connection of the applicant to the firm as being identical as that of the owner? If so, the #3 person should disclose his/her relationship with the firm during the application process.

**Scenario #3** – If the applicant for the authoritative board was one of the primary workers for the ten person firm, but not in a management or supervisory role, would the result change?

**Answer:** The resolution would allow the arrangement. The person can serve because the person is not exercising decision making authority for the firm.

**Scenario #4:** – If an applicant for an authoritative board is the owner of a firm that provides services to another City authoritative board (rather than directly to the City), should the result change?

**Answer:** Because each authoritative board is viewed separately from other City authoritative boards, the applicant would be able to do business with the City and with any authoritative board except the one to which the person was appointed.

**Scenario #5:** If an applicant for an authoritative board is the husband of an owner of a firm that provides services to another City authoritative board, should the result change?

**Answer:** The owner/wife would only be barred from doing business with the particular authoritative board on which the husband served.

**Scenario #6** – If an applicant for an authoritative board is the sibling of an owner of a firm that provides services to another City authoritative board, should the result change?

**Answer:** This depends on the relationship between the siblings. Unless the sibling was living in the same house as the owner of the firm, there is no conflict.

An individual applicant or board member might still recuse in a particular instance regarding other members of one's extended family if the relationship is such that it would be difficult to make an independent and objective decision.

**Scenario #7:** If an applicant's best friend does business with the City, but does not do business with the authoritative board itself, is that a problem?

**Answer:** No conflict exists. Nevertheless, because the public could reasonably perceive that the close personal relationship would influence decision-making, recusal is appropriate.

**Scenario #8:** If an applicant's ex-spouse is one of the prime contractors for the City from time to time, but not at the time that the applicant would be appointed, would the applicant's appointment bar another contract during his or her term?

**Answer:** No, because the "ex-spouse" does not fit within the definition of family or close business associate.

**Scenario #9:** May the child of a member of an advisory board bid on a City Public Works Department contract authorized by the City Council?

**Answer:** Because the requirement for members of advisory boards is disclosure, once that has been completed, there is no other bar to such a bid.

**Scenario #10:** Assume that the Arts Commission was expected to recommend to the Parks Director regarding the Director's purchase of a piece of art. If one of the members of the Commission was close friends with the creator of one of the pieces of art, the member should disclose the relationship and avoid further involvement with the process of making recommendations and acquiring the artwork.

-end-



**Attach W-3  
Budget Presentation**

**City Council has been provided  
the 2004-2005 Budget Overview  
in a separate distribution**