

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

**July 1, 2015**

The City Council of the City of Grand Junction convened into regular session on the 1<sup>st</sup> day of July, 2015 at 7:00 p.m. Those present were Councilmembers Bennett Boeschstein, Martin Chazen, Chris Kennedy, Duncan McArthur, Rick Taggart, Barbara Traylor Smith, and Council President Phyllis Norris. Also present were Interim City Manager Tim Moore, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Norris called the meeting to order. The audience stood for the Pledge of Allegiance led by Patrick Weir, Grand Junction High School Knowledge Bowl team member, followed by a moment of silence.

**Proclamations**

**Grand Junction High School Knowledge Bowl Team Day**

Proclaiming July 1, 2015 as “Grand Junction High School Knowledge Bowl Team Day” in the City of Grand Junction

Councilmember Boeschstein asked the entire Knowledge Bowl team to come forward and he then read the proclamation. Coaches Lyndsay Thompson, Lynn Thompson, Lorena Thompson, and team members were present to receive the proclamation. Ms. Thompson thanked Council for recognizing the kids. She related the history of the school team and what it takes to form a winning team.

**EMT and Paramedic Recognition Day**

Proclaiming July 1, 2015 as “EMT and Paramedic Recognition Day” in the City of Grand Junction

Councilmember Chazen read the proclamation. Grand Junction Fire Chief Ken Watkins and members of the Emergency Services staff were present to receive the proclamation. Chief Watkins lauded the work of the EMTs and Paramedics and thanked the City Council for the recognition. The Emergency Services staff is very proud of the work they do and were not surprised they received this acknowledgment. They work in partnership with the Human Resources Department to recruit the best people in order to provide the best services. He recognized the City Council's support of the department as well as the community's support. He asked the staff present to introduce themselves.

## **Presentations**

### **May Yard of the Month**

City Forester Randy Coleman introduced Roger and Martha McCoy, 694 Glen Caro Drive, and presented them with a plaque and gift card for May Yard of the Month. Mr. Coleman recognized the contributor of the gift card and City Council for their support.

### **Bicycle Friendly Community Designation by Harry Brull, Board Member from the League of American Bicyclists**

Harry Brull, Board Member from the League of American Bicyclists, presented the City with a bronze recognition for Grand Junction being a Bicycle Friendly Community. Grand Junction is the third community he has presented this award to. He provided a history of the League including its beginnings as the League of American Yeomen and then described the League's partners and where they get their funding. To date, 350 awards have been granted; he noted bicycles help provide solutions for a number of things. He thanked Community Services Manager Kathy Portner and the rest of the team that made this happen. He lauded all the cycling amenities and activities in the valley. Bicycle Friendly signs will be placed at the community entrances. He gave the City Council information and pins.

## **Appointments**

### **To the Parks and Recreation Advisory Board**

Councilmember Kennedy moved to reappoint Kristy Emerson and appoint Steven "Nick" Adams to the Parks and Recreation Advisory Board for Three Year Terms Expiring June 30, 2018. Councilmember Chazen seconded the motion. Motion carried by roll call vote.

### **To the Downtown Development Authority/Downtown Grand Junction Business Improvement District**

Councilmember Chazen moved to reappoint Jason Farrington and appoint Dan Meyer for Four Year Terms Expiring June 2019 and appoint Duncan Rowley for a Partial Term Expiring June 2017 to the Downtown Development Authority/Downtown Grand Junction Business Improvement District. Councilmember McArthur seconded the motion. Motion carried by roll call vote.

### **To the Riverfront Commission**

Councilmember Boeschstein moved to reappoint Stacy K. Beagh and Claudette Konola and appoint Gale Foster for Three Year Terms Expiring July 2018, to the

Riverfront Commission. Councilmember Kennedy seconded the motion. Motion carried by roll call vote.

### **Citizens Comments**

Bruce Lohmiller, 337 Colorado Avenue, #12, thanked City Council for the City Hall Veterans Art Exhibit and stated one of the pieces was his; he invited Council to the reception. He also mentioned Whitman Park and asked if there were any plans for it. He said there is a new Superintendent of Schools and mentioned some of his past concerns with the school district. He said he spoke with Mr. Shaver and Judge Bottger and thanked police officers for lawfully resolving an incident.

### **Council Comments**

Councilmember Taggart said Colorado Mesa University (CMU) was proud to have been able to work with the Visitor and Convention Bureau (VCB) on the Ride the Rockies event. He said Grand Junction put its best foot forward and the riders were appreciative. He met with the Grand Junction Regional Airport Authority Board; they are continuing to work on resolving the building situation, selecting a finalist for the Airport Manager position, and are reviewing options for the major runway. Councilmember Taggart also attended the VCB Board meeting, met with the Avalon Theatre Foundation, and went to the Persigo Joint Board Meeting. He and Councilmember Traylor Smith met with leaders from local businesses, the Grand Junction Economic Partnership (GJEP), CMU, and the Grand Junction Chamber of Commerce to discuss how airport services could be expanded to help promote local Economic Development (ED).

Councilmember Traylor Smith said she and Councilmember McArthur went to the Colorado Municipal League (CML) Annual Conference; it was a good conference with good networking opportunities. They discussed many of the subjects the City is currently addressing with other municipalities. She also attended the Grand Junction Housing Authority meeting; they are making progress on many projects.

Councilmember Kennedy has been helping his wife recover from knee replacement surgery over the last few weeks but also attended the Mountain Connect Conference; he and Information Technology Director Jim Finlayson are compiling information gathered from the conference which includes what other municipalities are doing to expand their broadband services and what help is available from the business community. He hoped to have this information available soon.

Councilmember Chazen said he attended the June 17<sup>th</sup> meeting of the Associated Governments of Northwest Colorado. The meeting was a legislative update from Senator Cory Gardner, Representative Scott Tipton, and State Representatives Bob Rankin,

Yeulin Willett, and Dan Thurlow; they talked about issues that are common to the six counties within the region for the upcoming legislative session. On June 25<sup>th</sup> he attended the Downtown Development Authority (DDA) meeting; the chosen candidate for the DDA Executive Director position withdrew; the position will be reposted. The DDA did obtain final approval for the demolition of White Hall and it will soon be completed. He and the rest of Council attended the North Star Destination Strategies presentation and most of Council was able to attend the Wireless Telecommunication Master Plan Kick-Off.

Councilmember Boeschstein attended the June 9<sup>th</sup> Urban Trails Committee meeting. Much of their work resulted in the award from the League of American Bicyclists that was received tonight. He thanked the Committee and Kathy Portner for spearheading the project. On June 10<sup>th</sup> he went to a presentation by Colorado Preservation, Inc.; they discussed the economic benefits of preserving the railroad depot. He also attended a meeting for the DDA, the West Star Aviation Open House, the North Star Destination Strategies presentation, and a meeting of the new Property Committee which reviews proposed property acquisitions and disposals.

Councilmember McArthur attended the 93<sup>rd</sup> CML conference which had over 1,100 hardworking participants; there were good networking opportunities and discussions on the Persigo Biogas Project. He participated in Bike to Work Day along with Councilmember Taggart and lots of staff. He also participated with about 150 others in the St. Baldrick Foundation Event where he had his head shaved to help raise money for child cancer research; they raised about \$51,000. He was honored to sit next to Grand Junction Fire Chief Watkins and Battalion Chiefs who also had their heads shaved; Chief Watkins auctioned off his moustache for the event as well.

Council President Norris said along with attending local ED events that were mentioned earlier, she and Councilmember Chazen went to Calgary, Canada to attend the Global Petroleum Show. They spoke to companies about the benefits and opportunities of relocating to Grand Junction; over 160 contacts were made, 30 of which are ready to move immediately. The contact information was given to GJEP for follow up; she has received three follow up calls from companies they spoke to. This is the most feedback they have had in a long time and she feels this was a very successful trip.

### **Consent Agenda**

Councilmember McArthur read Consent Calendar items #1 through #9 and then moved to adopt the Consent Calendar. Councilmember Traylor Smith seconded the motion. Motion carried by roll call vote.

1. **Minutes of Previous Meetings**

*Action: Approve the Summaries of the May 18, 2015 and June 1, 2015 Workshops, the Minutes of the June 3, 2015 Regular Meeting, and the June 20, 2015 Special Meeting*

2. **Setting a Hearing on Zoning the Hutto-Panorama Annexation, Located at Approximately 676 Peony Drive**

A request to zone approximately 7.921 acres from County RSF-4 (Residential Single-Family) to a City CSR (Community Services and Recreation) zone district.

Proposed Ordinance Zoning the Hutto-Panorama Annexation to CSR (Community Services and Recreation) Located at Approximately 676 Peony Drive

*Action: Introduce a Proposed Zoning Ordinance and Set a Public Hearing for July 15, 2015*

3. **Setting a Hearing on Zoning the Rodgers Annexation, Located at 2075 South Broadway**

A request to zone 1.924 acres from County RSF-4 (Residential Single-Family 4 du/ac) to a City R-4 (Residential 4 du/ac) zone district.

Proposed Ordinance Zoning the Rodgers Annexation to R-4 (Residential 4 du/ac) Located at 2075 South Broadway

*Action: Introduce a Proposed Zoning Ordinance and Set a Public Hearing for July 15, 2015*

4. **Setting a Hearing on the 2015 Supplemental Appropriation Ordinance**

This request is to appropriate certain sums of money to defray the necessary expenses and liabilities of the accounting funds of the City of Grand Junction based on the 2015 amended budget for major capital projects and the subjects stated in the ordinance.

Proposed Ordinance Making Supplemental Appropriations to the 2015 Budget of the City of Grand Junction

*Action: Introduce a Proposed Ordinance and Set a Public Hearing for July 15, 2015*

5. **Setting a Hearing on Amending the Zoning and Development Code Sections 21.03.070(d), (e), (f), (g), (h) and 21.03.080(a), (b) Concerning Side- and Rear-Yard Setbacks and Eliminating Maximum Building Sizes in Certain Zone Districts**

Amendments to the Zoning and Development Code changing side- and rear-yard setbacks in the CSR, MU, BP, I-O, and I-1 zone districts and eliminating building size restrictions (and correspondingly the requirement of a conditional use permit for buildings larger than the maximum) in the C-1, C-2, CSR, MU, BP, I-O, and I-1 zone districts.

Proposed Ordinance Amending Sections 21.03.070 (d), (e), (f), (g), (h), and 21.03.080 (a), (b) of the Zoning and Development Code (Title 21 of the Grand Junction Municipal Code) regarding Maximum Building Size and Setbacks

*Action: Introduce a Proposed Ordinance and Set a Public Hearing for July 15, 2015*

6. **Purchase of Property at 743 Horizon Drive for the I-70 Exit 31 Horizon Drive Roundabouts**

The City has entered into a contract to purchase right-of-way at 743 Horizon Drive from Grand Conjunction, LLC dba the DoubleTree for construction of a roundabout on Horizon Drive in conjunction with the I-70 Exit 31 Horizon Drive Roundabouts Project. The City's obligation to purchase this right-of-way is contingent upon Council's ratification of the purchase contract.

Resolution No. 31-15 – A Resolution Authorizing the Purchase of Real Property at 743 Horizon Drive from Grand Conjunction, LLC dba the DoubleTree

*Action: Adopt Resolution No. 31-15*

7. **2015 Mesa County Hazard Mitigation Plan**

The Hazard Mitigation Planning Committee conducted a risk assessment that identified and profiled hazards that pose a risk to all of Mesa County, assessed the County's vulnerability to these hazards, and examined the capabilities in place to mitigate them. The County and City of Grand Junction are vulnerable to several hazards that are identified, profiled, and analyzed in this plan.

Resolution No. 32-15 – A Resolution Adopting the 2015 Mesa County, Colorado Hazard Mitigation Plan

*Action: Adopt Resolution No. 32-15*

8. **Sole Source Professional Services Contract for Engineering Design of the Diffuser Pipe Outfall for the Persigo Waste Water Treatment Plant Project**

The Public Works Department is requesting that City Council approve awarding a sole source professional design services contract for the design of a Diffuser Outfall for the Persigo Waste Water Treatment Plant. This design effort will result in a project to address restrictions on effluent limits from the Colorado Department of Public Health and Environment (CDPHE) as a result of Regulations 31 and 85.

*Action: Authorize the City Purchasing Division to Enter into a Contract with Stantec Consulting Services, Inc. of Denver, CO for the Design of a Diffuser Outfall at the Persigo Waste Water Treatment Plant for the Proposal Amount of \$139,900*

9. **Contract to Extend Sewer to the Redlands Club Sewer Improvement District**

Upon completion of the Redlands Club Sewer Improvement District, five properties will be able to connect to the Persigo Waste Water Treatment Plant and abandon their existing septic systems. The property owners and Persigo will share the cost of providing the sewer service.

*Action: Authorize the City Purchasing Division to Enter into a Contract with Underground Obstacles, LLC for the Redlands Club Sewer Improvement District in the Amount of \$97,724 Contingent on Creation of the District by the Mesa County Board of County Commissioners*

## ITEMS FOR INDIVIDUAL CONSIDERATION

**Authorization for the City Manager to Disburse a Portion of the J. Heywood Jones Estate Trust Funds to the Mesa County Public Library District**

In 2013, the City was named as the Trustee for a portion of the J. Heywood Jones Estate Trust. Instructions were to disburse the funds for museum and library purposes. The Mesa County Public Library District (MCPLD) is requesting a disbursement of funds for a proposed production studio.

John Shaver, City Attorney, noted Joe Sanchez, Library Director for the MCPLD, had a presentation on this item. Mr. Sanchez explained the project, how the idea evolved, showed renderings of the proposed building, and explained the purpose of the design. The building is envisioned to house a soundproof recording studio, an editing and production center, a training space, and a studio for an Artist in Residence; this space will be offered to local artists for a three to four month period in exchange for holding workshops which would expand services offered to the community. A primary goal of the project is to offer entry level through advanced level services through training,

access to equipment, and creation/preservation. He highlighted the Veterans Remember project, a video series on fly tying and fishing, and wildlife photos; this information is now preserved and available to the public to be used for various projects and research. He noted the Public Broadcasting Service has expressed interest in using the videos.

Councilmember Traylor Smith said she would like to encourage Mr. Sanchez to compile information from former Councilmembers and County Commissioners on how and why policies were developed.

Councilmember McArthur asked what the estimated total project cost is.

Mr. Sanchez said the project cost is about \$1.3 million.

Councilmember Boeschstein said this is a great project and he looks forward to supporting it. He then asked City Attorney Shaver if half of the trust money went to the Museum of Western Colorado.

City Attorney Shaver said the total Trust was about \$157,000 with half going to the Museum.

Councilmember Boeschstein asked how much this project would overlap with the new CMU production studio.

Mr. Sanchez said the Library plans to partner with CMU and they have been in contact with them since the project's inception; they plan to use CMU students and the studios will be complimentary and projects will be funneled back and forth.

Councilmember Chazen said he met veteran Jim Stafford and is glad his stories are being documented and captured. He asked Mr. Sanchez if funds have been secured for the rest of the project. Mr. Sanchez said funds have been secured from the Library Foundation, private sources, and a capital campaign, while the remainder will be covered from MCPLD reserves. Councilmember Chazen noted Council has a fiduciary responsibility regarding the trust funds and asked Mr. Sanchez if there is enough funding for the increased staffing needs. Mr. Sanchez said yes; he has spent eight months drilling down the numbers and assessing the need and value of the project to ensure he is responsible with the public's dollars. The only new position will be a full-time videographer.

Councilmember Kennedy thanked Mr. Sanchez for the presentation and mentioned he has a musical background in Jazz composition and will be "jazzed" to see this come to fruition. He said it will be a great contribution to the community, especially for young people. Mr. Sanchez said he was the first librarian on the eastern slope to provide e-content and the MCPLD will be one of the nation's leaders with this type of project;



other libraries in the state are looking to follow this lead. Currently the MCPLD has an exhibit traveling the state.

Councilmember Taggart said he would love to see the fly fishing video project completed first as he is an avid fly fisherman.

Mr. Sanchez said he is working on building the video now, but it may take up to a year or two until it is completed.

Council President Norris thanked Mr. Sanchez for moving this project forward and said this is another example of what makes Grand Junction one of the best places to live in the Western United States.

City Attorney Shaver restated the City has a legal duty regarding the disbursement of these funds and an obligation to ensure that the money left by the Heywood Jones family will be used for the purposes for which the trust was created; for the use and benefit of museum and library purposes.

Resolution No. 33-15 – A Resolution Authorizing the City Manager to Disburse Trust Assets

Councilmember Traylor Smith moved to adopt Resolution No. 33-15. Councilmember Kennedy seconded the motion.

Councilmember McArthur asked if the trust specifies a use for these funds. City Attorney Shaver said only in the general terms he stated earlier.

Councilmember Chazen asked if the funds are held in a trust by the City and that the disbursement will not impact City finances. City Attorney Shaver said these funds have been segregated from City funds since the City was designated to disburse the funds.

Motion carried by roll call vote.

### **North Avenue Catalyst Grant Application for 555 North Avenue**

Mason Plaza, located at 555 North Avenue, has submitted an application for consideration for the North Avenue Catalyst Grant Program. The eligible grant amount is \$4,110.43. This is the third application for this program to come before the City Council.

Lori V. Bowers, Senior Planner, introduced this item. She described the request and the location. She explained the background of the program including the purpose and goal of an improved streetscape. She pointed out the boundaries of the program and how the applications and criteria are reviewed. Ms. Bowers detailed the items being requested which include exterior lighting upgrades, landscape improvements, and

driveway widening. She noted the applicant was present. The North Avenue Catalyst Committee did recommend approval of this request at their June 4, 2015 meeting.

Councilmember McArthur noted when this program was first introduced it was called a “façade” program; he sees the driveway widening as a functional improvement not aesthetic. He expressed his concern that this program is too inclusive.

Ms. Bowers said the program includes safety improvements and widening the driveway will allow cars to pull in and out of the driveway at the same time without stopping the flow of traffic along 6<sup>th</sup> Street. Councilmember McArthur restated his concern.

Councilmember Boeschstein asked if the lighting would be downward facing. Ms. Bowers said the lighting will be downcast, shielded, and timed; the brightness will be adjusted by a dimmer. Councilmember Boeschstein asked if landscaping will be included in the upcoming North Avenue Complete Streets Project. Ms. Bowers said it will; rock was suggested so that plants would not be removed during that project.

Council President Norris said she feels these improvements would improve the look of the business; the narrowness of the driveway is detracting to people when they try to get in and out. She spoke with a member of the North Avenue Owners Association and they highly recommended widening the driveway because it poses a safety issue; originally this business had North Avenue access.

Councilmember Kennedy asked what vertical curbing is. Ms. Bowers described it as a short wall that goes 12 inches into the ground and creates a traffic barrier. She said this would be more aesthetically pleasing than a fence since it would not need maintenance.

Councilmember Traylor Smith asked if any parking spaces would be lost if these improvements were made. Ms. Bowers said they would not.

Councilmember Chazen said the purpose of the program is to encourage property owners to upgrade, beautify, and maintain their properties. He asked if the program inspired the property owner to seek these improvements. Ms. Bowers said the property owner refaced the building before the program was available, but when he found out about the program he applied for these improvements in order to complete the look.

Councilmember McArthur said he doesn’t discount the fact that the driveway detracts from the function of the parking lot, but restated he does not feel that improvement qualifies as beautification.

Council President Norris asked Ms. Bowers what the program includes.

Councilmember Traylor Smith read from the application, “work to be performed on front façade improvements and/or pedestrian safety and streetscape”. Ms. Bowers added that the program also includes public safety improvements.

Council President Norris said she sees this improvement as a combination of safety and beautification.

Councilmember Kennedy noted this is the third program application and it is available on a first come first serve basis. He then asked how long the program has been available. Ms. Bowers said the program is six months old. Councilmember Kennedy said he feels this is an investment in North Avenue and he hoped it would encourage others to apply while the program is still available.

Councilmember Chazen said this program was modeled after a Downtown Development Authority program that had specific guidelines; he encouraged Staff and the Committee to review the guidelines and return to Council with recommendations to better define what can be included. He will support this application, but would like to see recommendations from Staff regarding more specific guidelines.

Councilmember Traylor Smith moved to approve a North Avenue Catalyst Grant Application from Mason Plaza, Located at 555 North Avenue, in the Amount of \$4,110.43. Councilmember Kennedy seconded the motion. Motion carried by roll call vote with Councilmember McArthur abstaining.

### **Public Hearing - Community Development Block Grant (CDBG) 2015 Program Year Annual Action Plan**

The City will receive \$374,788 CDBG funding for the 2015 Program Year which begins September 1<sup>st</sup>. The City also has \$3,462 in funds remaining from the 2014 Program Year to be allocated with the 2015 funds. The purpose of this hearing is to adopt the 2015 Annual Action Plan which includes allocation of funding for 14 projects as part of the Five-Year Consolidated Plan.

The public hearing was opened at 8:32 p.m.

Kristen Ashbeck, CDBG Administrator, presented this item. This is the 20th year the City has been an entitlement community. She reviewed the process and how the 2015 Program Year Action Plan is required to be adopted as part of the Five-Year Consolidated Plan which is attached to the Staff Report. The Plan is an outline and commitment by the City on how the 2015 funds will be allocated. City Council approved 14 funding requests and some administration costs; she highlighted some of the projects. One applicant was in the audience.

Councilmember Chazen wanted to know if there were any issues with any of the applicants or programs before Council gave their final approval. Ms. Ashbeck said at this time nothing has come up, but there are some procedural things they are still working through; most applicants are simply looking forward to getting the money for their projects.

Councilmember Boeschstein thanked Ms. Ashbeck for including Safe Routes to School projects.

There were no public comments.

The public hearing was closed at 8:37 p.m.

Resolution No. 34-15 – A Resolution Adopting the 2015 Program Year Action Plan as Part of the City of Grand Junction Five-Year Consolidated Plan for the Grand Junction Community Development Block Grant (CDBG) Program

Councilmember Boeschstein moved to adopt Resolution No. 34-15. Councilmember Chazen seconded the motion. Motion carried by roll call vote.

Council President Norris called a ten minute recess at 8:37 p.m.

The meeting reconvened at 8:44 p.m.

**Public Hearing - Amending the 24 Road Corridor Design Standards Changing the Maximum Letter Height for Building (Wall Mounted) Signs, Section 25.28 Signs**

This is an amendment to the Development Regulations found in Title 25, 24 Road Corridor Design Standards, changing the maximum letter height for building (wall mounted) signs by eliminating the current 12 inch height limits of letters for all building (wall mounted) signs within the 24 Road Corridor subarea. This effectively allows for any size lettering that also conforms to the general Sign Code allowances as found in the Zoning and Development Code and no longer restricts such signage to 12 inch letters.

The public hearing was opened at 8:45 p.m.

David Thornton, Principal Planner, presented this item. He described the reasons for the request and said since 2002, when this standard was put in place, a lettering height variance has been sought by many of the applicants within the corridor. This has been a barrier to development since a twelve inch letter is not readable from the road; to increase the letter height the applicant must apply for a Conditional Use Permit (CUP) process which added to their process time and expenses. If this is approved, the lettering will still be limited by the maximum size of the sign (100 square feet) which is not proposed to be changed. Mr. Thornton explained the exact change in the text that would remove the maximum height wording.

Councilmember Kennedy asked if there would be a possibility of a small business stand having a one hundred square foot sign. Mr. Thornton said the Code would still include a standard stating sign sizes are limited to two times the width of the building which will keep them in scale. Councilmember Kennedy asked what the original intention was of

the 12 inch height limit. Mr. Thornton said the corridor was going to be developed as a business or office park, but it turned out to be more retail in nature.

Councilmember Boeschstein asked if monument style signs are required along 24 Road. Mr. Thornton said yes.

Councilmember Chazen asked what will happen to the CUPs that businesses had applied for and will a business now be able to increase the lettering size of their signs. Mr. Thornton said businesses will have that opportunity to change their signs.

Councilmember Taggart said he found the entire ordinance confusing; if he were an applicant he would have to call the Planning office for clarification. He gave an example regarding temporary and site signs; no dimensions are cited for temporary signs and it states only one site sign is allowed per building and only for the purpose of listing businesses within the building. He feels the whole ordinance needs to be reviewed and noted The Value Inn is in violation. Mr. Thornton said this corridor is on the Comprehensive Plan (CP) list to be cleaned up because the corridor did not develop the way the City envisioned. Councilmember Taggart said he would prefer to continue issuing variances until the whole ordinance could be cleaned up.

Council President Norris asked if this area has any overlays on top of the zoning. She mentioned there are some areas in the City that have multiple overlays requiring multiple documents to be reviewed to find out what can be done in these areas. This is very confusing and a lot of cleanup needs to be done. Mr. Thornton said 24 Road just has one overlay; from 23 Road to 24 ½ Road and from Patterson Road to G ¾ Road. Council President Norris asked how many steps a 24 Road property owner would have to go through to find out what is allowed. Mr. Thornton said they would have to comply with the overlay standards and the general Code would apply in some circumstances.

Councilmember Chazen asked if Councilmember Taggart made a motion to table this and instruct Staff to come back with recommendation on how to clean up the entire ordinance.

Council President Norris said no motion had been made yet. Councilmember Taggart confirmed he did not make a motion.

Councilmember Boeschstein suggested illustrations be included in the Code to help simplify and clarify the intent; the Municipal Model Land Use Code in Colorado is a good example of this.

Councilmember Kennedy concurred with Councilmember Taggart regarding the review of the entire application process; it should be streamlined.

Councilmember McArthur said the 12 inch lettering height restriction is clearly not functional; something needs to be done. He asked if there is a downside to not having

a maximum height established; are there other ways this is controlled? Mr. Thornton said it is controlled by the maximum size of signs; for example Kohl's has five foot letters now.

There were no public comments.

The public hearing was closed at 9:04 p.m.

Councilmember Chazen asked City Attorney Shaver if wording can be included in the motion to direct Staff to review this.

City Attorney Shaver said direction to Staff can be incorporated into the motion which would provide for a legal expectation, but, he suspects Interim City Manager Moore has heard Council's concerns and Council could simply ask Mr. Moore to review this as policy direction.

Councilmember McArthur asked if any applications are pending or if any businesses are under construction, and if their signs have been approved. Mr. Thornton said there is an application pending.

Councilmember McArthur asked how soon this ordinance could be reviewed. Mr. Thornton said it would depend on how much Council would like to be reviewed; just the signage portion or the overlay as a whole.

Councilmember McArthur said he is willing to support this current proposal.

Councilmember Traylor Smith suggested Councilmembers McArthur and Boeschstein work with Staff on this; she would approve this portion but would like to see the whole process reviewed.

Councilmember Chazen agreed.

Council President Norris expressed concern that reviewing the CP will be a huge job. However, she would like to make sure changes like this will be included in the CP review so that it will be easy for a builder or business to access, understand, and comply with the Codes.

Councilmember Kennedy will approve this amendment now, but would like Staff to go back to the drawing board and streamline the process and language.

Councilmember Taggart expressed concern that to approve this amendment is to approve an ordinance where the language regarding other signs is very confusing.

Council President Norris asked City Attorney Shaver if this request is for a new ordinance or an amendment to an existing ordinance.

City Attorney Shaver said this request includes some of both; to incorporate an amendment striking the letter height restriction will include that change in an existing ordinance. City Attorney Shaver said if he understands Councilmember Taggart correctly, he would like to revisit the entire sign section as it relates to the 24 Road Corridor.

Councilmember Kennedy said there is no sense just striking the language without addressing the entire section.

Councilmember Taggart said he hoped Council wouldn't be holding up an applicant if this is not approved, but variances could continue to be granted.

Councilmember Traylor Smith asked how long it takes to get a variance. Mr. Thornton said the process can take up to 90 days.

Councilmember Traylor Smith said if this is approved the business could get their signage quicker and then Staff could work on the language.

Council President Norris said she would like Interim City Manager Moore to work on this process.

Councilmember Boeschstein said variances are not automatically granted and should truly be exceptions; he would like to approve the amendment now and then work on the Sign Code.

Ordinance No. 4666 – An Ordinance Amending Section 25.28 of the 24 Road Corridor Design Standards and Guidelines (Title 25 of the Grand Junction Municipal Code) Regarding Maximum Lettering Size for Building Signs

Councilmember Chazen moved to adopt Ordinance No. 4666 on final passage and ordered final publication in pamphlet form. Councilmember Traylor Smith seconded the motion. Motion carried by roll call vote.

Councilmember Chazen clarified direction to Staff.

Councilmember Taggart asked that no variances be issued for advertising signs during the interim.

**Public Hearing - Hutto-Panorama Annexation, Located at Approximately 676 Peony Drive**

A request to annex approximately 7.921 acres, located at approximately 676 Peony Drive. The Hutto-Panorama Annexation consists of one parcel and no public right-of-way.

The public hearing was opened at 9:14 p.m.

Brian Rusche, Senior Planner, presented this item. He described the request and the location. He noted the zoning hearing will be on July 15<sup>th</sup> due to a scheduling issue. Mr. Rusche described the previous use of the property as a sewer lagoon which has now been decommissioned. The property is now used to access sanitary sewer infrastructure and an offsite lift station. The site now functions as an open space and a conservation site due to its proximity to the Colorado River. The request meets the criteria for annexation.

Councilmember McArthur asked what the proposed use is for this site. Mr. Rusche said there are no proposed use changes to the site. The City is the applicant; it is more of a housekeeping item.

There were no public comments.

The public hearing was closed at 9:17 p.m.

Resolution No. 35-15 – A Resolution Accepting a Petition for the Annexation of Lands to the City of Grand Junction, Colorado, Making Certain Findings, and Determining that Property Known as the Hutto-Panorama Annexation, Located at Approximately 676 Peony Drive is Eligible for Annexation

Ordinance No. 4667 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado Hutto-Panorama Annexation Approximately 7.921 Acres Located at Approximately 676 Peony Drive

Councilmember Kennedy moved to adopt Resolution No. 35-15 and Ordinance No. 4667. Councilmember Chazen asked to amend the motion to include "on final passage and ordered final publication in pamphlet form". Councilmember Kennedy agreed. Councilmember Chazen seconded the amended motion. Motion carried by roll call vote.

### **Public Hearing - Rodgers Annexation, Located at 2075 South Broadway**

A request to annex approximately 1.924 acres, located at 2075 South Broadway. The Rodgers Annexation consists of one parcel and no public right-of-way.

The public hearing was opened at 9:19 p.m.

Brian Rusche, Senior Planner, presented this item. He described the request and the location. The zoning will be considered on July 15<sup>th</sup>. This property is separated from Seasons Drive by a piece of property owned by the Seasons Homeowner Association (HOA). This property is owned by Richard Tope who is negotiating with the Seasons property owners for the strip that separates the public right-of-way; it will require a replat to allow access onto Seasons Drive. The property would continue to have access onto



South Broadway for one residence. In 2010, this property was designated as an estate for the Future Land Use Map in the Comprehensive Plan. However, the Blended Residential Category Map would allow for a range of densities that are appropriate for a particular neighborhood and would be decided on a case by case basis. The Blended Map has a residential low category that allows up to five units per acre. On July 15<sup>th</sup> a request for R-4 zoning will be presented and discussed in more detail; it is currently zoned in the county as RSF-4. The proposed zoning is consistent with the surrounding County zoning and meets Goals 3 and 5 of the CP and the ED Plan goals.

Councilmember Taggart said he doesn't have any issues with the annexation, but believes the HOA has concerns regarding the zoning that need to be resolved.

Councilmember Traylor Smith asked if there are any downsides to the City regarding this annexation if the zoning can't be changed.

City Attorney Shaver said there is no legal obligation with the annexation when making specific statutory findings relative to what the law says about the ability to be integrated into the City Limits. One of the aspects of the upcoming public hearing is to determine whether the property is able to be developed. Therefore, no problem will be created by annexing this property into the City.

There were no public comments.

The public hearing was closed at 9:27 p.m.

Resolution No. 36-15 – A Resolution Accepting a Petition for the Annexation of Lands to the City of Grand Junction, Colorado, Making Certain Findings, and Determining that Property Known as the Rodgers Annexation, Located at 2075 South Broadway is Eligible for Annexation

Ordinance No. 4668 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado Rodgers Annexation Approximately 1.924 Acres Located at 2075 South Broadway

Councilmember Boeschstein moved to Adopt Resolution No. 36-15 and Ordinance No. 4668 on final passage and ordered final publication in pamphlet form. Councilmember Kennedy seconded the motion. Motion carried by roll call vote.

### **Non-Scheduled Citizens & Visitors**

There were none.

**Other Business**

Council President Norris said the City received a demand from The Daily Sentinel (DS) for the June 20<sup>th</sup> Executive Session (ES) recording. The DS asserts the notice did not specify the topic of the meeting. In response, the City Attorney John Shaver asked City Clerk Stephanie Tuin to provide the recording of the meeting. She then deferred to City Attorney John Shaver.

City Attorney Shaver said the attorney for the DS, Steve Zansberg, said there are three elements that have to be in place for an executive session to be convened under Colorado law: a citation to a statute which allows for certain topics to be discussed in an executive session, an announcement of the topic prior to convening the session, and the session must be recorded. It is the City's custom to record all ES as required by law. After he was contacted by Mr. Zansberg, he went to the City Clerk for the disc in order to refresh his memory. He found the meeting was not recorded on the disc. As a result, the City was not able to respond to the DS's request. He recommended City Council consider holding a Special Meeting (SM) for the purpose of discussing why Council did what they did. He said the ES can't be replicated as former City Manager Rich Englehart is no longer a City employee and that would be one of the standards for convening an ES, plus there are privacy issues involved. The DS's concern is whether the matter was decided in the ES; as he responded to the DS, Council did not do that. The DS is free to assert that but since the disc is blank, it is not able to be refuted. It may be appropriate to convene a SM to discuss the rationale relative to Mr. Englehart's proposal and Council's consideration of that proposal.

Council President Norris asked for Council comments.

Councilmember Chazen asked for confirmation that there is no recording of the June 20<sup>th</sup> ES. City Attorney Shaver said the disc is blank.

Councilmember Traylor Smith asked if the equipment was tested. City Attorney Shaver said a test was conducted at the pre-meeting that evening, but he did not know the results yet.

Councilmember Chazen asked, if there is no recording as required by law, what are the consequences?

City Attorney Shaver said at this point, he does not know; in part because he believes the decision Council made on June 24<sup>th</sup> is legally defensible. At the June 20<sup>th</sup> ES Mr. Englehart made a conditional offer to Council and the terms were discussed, but nothing was agreed upon; no signed letter was presented and there was no formal proposal. He said Council and Mr. Englehart may go into the specifics of the ES, but because it is privileged information, he cannot. He can say there was a lot of discussion relative to the options that were presented to Council and what they were tasked to do.

The June 24<sup>th</sup> decision was based on those discussions. To specifically answer Councilmember Chazen's question, there is no fact pattern in cases that enable him to answer the question, but in the interest of the Open Meetings law and being able to respond to the concerns raised by the DS, because the disc is blank, he can't respond.

Councilmember Chazen asked if the decision made at the June 24<sup>th</sup> Open Meeting is invalidated because the ES was not recorded. City Attorney Shaver said, in his opinion, it is not because the purpose of the ES was to discuss a personnel matter, the subject of which was Mr. Englehart. What the DS suggested, is that the nature of the proposal and the adoption of Council's position occurred at that meeting. Since there is no recording, there is no way to respond. He recommended holding another meeting for the purpose of Council to make public statements regarding the individual and collective rationale that led to their decision on June 24<sup>th</sup>.

Councilmember Chazen asked, if Council held a SM for these purposes, would a formal motion be made. City Attorney Shaver said the nature of the recommendation is for Council to express their rationale and address, in a manner of their choice, what their thought process was. There is no law that compels Council to do this; he is recommending this because he believes the decision made on June 24<sup>th</sup> was consistent with the legal process. The DS attorney has a different view, but because there is no recording Mr. Shaver does not feel there is merit to contest the allegation. The bottom line is the City did not comply in having the meeting recorded.

Councilmember Kennedy said he has been asked a lot of questions on the street, and this has been a major topic of conversation at the different meetings he has attended. He is disappointed that there is no recording of the ES and for everyone's protection he does not want this to be repeated. He characterized the decision he made as a choice between bad and worse for a lot of reasons and said his mistake was not making a comment before the motion at the Council meeting on June 24<sup>th</sup>. He now has a desire to move the City and Staff forward in a positive direction from this very bad situation. He feels it is necessary to have another meeting to express what Council's thought process was. He also wanted to ensure the technology being used to document meetings is functional.

City Attorney Shaver said he appreciates Councilmember Kennedy's comments regarding the recording because he and City Clerk Stephanie Tuin were also disappointed. He said there is no excuse and he will find out what happened.

Councilmember Traylor Smith asked if there should be a redundant system of two recordings.

City Attorney Shaver said that is something to be considered, but he does not feel it was an equipment failure, but rather a misstep in the protocol to finalize the recording process.

Councilmember McArthur said he made his decision based on the ES discussion and did not want to encroach on any privacy or outstanding issues. He felt it was the safest course to take with respect to those involved. He agreed with the recommendation to hold an additional meeting to reaffirm how Council came to their decision and he would be willing to have a reaffirmation vote at the public meeting. He would like to hold the meeting as soon as possible based on the public notice requirements. City Attorney Shaver said a 24 hour posted notice is required.

Councilmember Chazen agreed with Councilmembers Kennedy and McArthur; a follow up public meeting is needed as soon as possible. He is willing to unequivocally state his reasons for his decision even though it will be tricky talking about things that happened in an ES since an internal investigation is still ongoing.

Councilmember Taggart echoed Councilmember Chazen and wondered if anything can be said from an expectation standpoint, in that there is no way to recreate thoughts from two weeks ago; the essence can be recreated, but it would not be a verbatim account. He did differ from Councilmember Kennedy in that he spoke to the DS after the June 24<sup>th</sup> meeting to say he had spent three days thinking about the situation and the available options; after the proposal was made and accepted he had nothing more to say.

City Attorney Shaver said he understood Councilmember Taggart's position and there is no expectation to recreate the ES. However, since the City is unable to produce what the City was obligated to secure, an attempt to recreate the essence of the ES needs to be made out of respect to the standards and the law.

Councilmember Boeschstein said he participated in the ES by phone from Boston and took notes which he still has. City Attorney Shaver said there is no legal obligation for notes to be produced under the Open Meetings law, although, if it is agreed to have a SM, they may be relevant for the purpose of any comments he would like to make. Councilmember Boeschstein said he will be on vacation next week and asked if he could participate by phone.

Councilmember Traylor Smith said she will also be absent.

Council President Norris asked for clarification that City Attorney Shaver is suggesting Council hold a SM for the purpose of discussing why each Councilmember made the decision they made, but it is not to recreate the ES.

City Attorney Shaver said that is correct. When situations like this occur, it is good to give some of the background and thoughts relative to the decision made because that is the essence of the concern expressed by the DS.

Councilmember McArthur asked if the two Councilmembers that will be absent can enter a written statement.

City Attorney Shaver said they may participate by phone or in writing; either one will demonstrate good faith.

Council President Norris said the ES was as it should have been; Council did not make a decision there, however she felt there should have been a discussion for the public at the June 24<sup>th</sup> meeting so it was known what Council was thinking in order to make that decision. She stated there is still a personnel issue that will not and should not be made totally public, but Council does need to step up and explain why they voted the way they did; Council owes that to the public. She asked City Attorney Shaver if they need to schedule another meeting where the topic will be to discuss why Council voted the way they did. City Attorney Shaver said there is no obligation to have a public comment period; he doesn't recommend allowing public comment from citizens, but it is the decision of Council.

Councilmember Kennedy said he would welcome public comment at the meeting. He clarified that each Councilmember would have a frank and open discussion about their thought process and subsequent decision. City Attorney Shaver restated public comment is not legally required.

Councilmember Taggart said he is open to having public comment as long as it is understood that it is not for the purpose of a new vote.

Councilmember McArthur said he is open to a public comment period, but the objective of this meeting would be to reiterate their thought process. Since there was no public comment when the vote was made at the June 24<sup>th</sup> Council meeting, an opportunity should be given.

Councilmember Chazen said considering the time logistics and that July 3<sup>rd</sup> is a holiday, the earliest time a meeting could be scheduled would be before the workshop on July 6<sup>th</sup> and since there will be no voting, Councilmembers Boeschstein and Traylor Smith can participate by phone.

City Attorney Shaver said they could participate by phone or submit written comments.

Council President Norris agreed July 6<sup>th</sup> is the earliest a SM could be scheduled. She said she does not want to have a public comment period since the purpose of the meeting is to explain the reasoning behind their votes. She said Councilmembers Boeschstein and Traylor Smith can call in or leave notes to be read.

Councilmember Kennedy asked if Council could vote on whether or not to have a public comment session. He is in favor of having one.

Council President Norris asked if anyone else was in favor or having a public comment period. She said since no one else was in favor there will be no public comment period.

City Attorney Shaver asked what time the meeting should be scheduled. Council President Norris asked if the meeting could be scheduled at 4 p.m.

Councilmember Traylor Smith said everyone should have ten minutes for their comments; hers will be in writing.

Councilmember Chazen questioned if starting the meeting at 4 p.m. would give them enough time. He then asked if there would be a quorum since two Councilmembers will be absent. City Attorney Shaver said there would with five members present.

Councilmember Boeschstein asked for clarification on the sequence of events at the ES; was Mr. Englehart's letter read and did the Councilmembers have an opportunity to comment.

City Attorney Shaver said Mr. Englehart did not submit his offer letter at the ES; it was submitted for consideration as a conditional offer to amend his employment contract June 24<sup>th</sup>. At that time, Council could have not accepted the offer or negotiated the terms.

Councilmember Taggart said the ES was about two hours long and he was concerned if the SM begins at 4 p.m. it will not be enough time; he would prefer to start at 3 p.m.

All other Councilmembers agreed.

Councilmember McArthur recommended the format for the meeting be as follows: open the meeting, state there is a quorum, have each Councilmember state their thoughts, and conclude.

Councilmember Chazen said if the meeting starts at 3 p.m. and they follow the format put forward by Councilmember McArthur, it would allow for break before the workshop.

Council President Norris asked if the workshop start time could be changed to start immediately following the meeting.

City Attorney Shaver said it could.

Councilmember Chazen said he would like to start the discussion as quickly as possible regarding the replacement of the City Manager; he proposed this be added to the July 6<sup>th</sup> Workshop agenda in order to get direction from Staff.

Councilmember Traylor Smith requested the options be forwarded to her via email.

Councilmember Boeschstein said he thought Human Resources Director Claudia Hazelhurst had already started the process and was looking for a “circuit rider”.

Interim City Manager Moore said Ms. Hazelhurst would provide information on her findings on July 6<sup>th</sup>.

**Adjournment**

The meeting was adjourned at 10:08 p.m.

Stephanie Tuin, MMC  
City Clerk