

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

August 19, 2015

The City Council of the City of Grand Junction convened into regular session on the 19th day of August, 2015 at 7:00 p.m. Those present were Councilmembers Bennett Boeschstein, Martin Chazen, Chris Kennedy, Duncan McArthur, Barbara Traylor Smith, Rick Taggart, 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 Councilmember Kennedy followed by a moment of silence.

Presentations

Yard of the Month

Randy Coleman, City Forester, introduced Shirley Nilsen, Forestry Board member and horticulturist. Ms. Nilsen awarded Michael and Jan Petersen, 718 Pacific Drive, with the July Yard of the Month Award and described their yard. The Petersen's were present to receive the award; Ms. Petersen thanked the City for the award.

Colorado Association of Chiefs of Police Presentation

Walt Vanatta, Craig Police Department Chief and a past President of the Colorado Association of Chiefs of Police (CACP), presented the Grand Junction Police Department (GJPD) with CACP's Professional Standards Compliance Award. He explained the GJPD has been accredited since 1996, but departments must reapply every five years.

Chief Vanatta explained the accreditation process, listed many of the standards that are reviewed, and why the City was re-accredited. He mentioned it is a significant undertaking; it is a very time consuming and expensive process.

Chief Vanatta thanked the City Council. Grand Junction Police Chief John Camper, Deputy Chiefs Mike Nordine and John Zen, and many other members of the GJPD and the Regional Communications Center were present to receive the award.

Chief Camper thanked the City Council for taking the time to recognize this honor. He recognized his executive and supervisory staffs and specifically Standards Officer Rick Dyer who has been with GJPD for 21 years and recently announced he would retire at the end of the year. Officer Dyer made sure the Department stayed accredited; GJPD was one of the first agencies to be accredited in the State.

Avalon Theatre Foundation

Robbie Breaux and Bobbi Alpha, Co-Chairs with Avalon Theatre Foundation (ATF), presented City Council with a check in the amount of \$200,000. Ms. Breaux introduced Ms. Alpha and said how proud she was to serve on the ATF board and that they had already reached their original goal of \$1.1 million to the City. To date, the ATF has presented the City with \$1.4 million, just \$150,000 shy of their total commitment. She listed the number of events that have been held at the Avalon Theatre and said they are looking forward to Phase II.

Citizens Comments

Tom Ross, 633 27 ½ Road, commented on the latest employee payout. He felt it was premature to make that decision since an internal investigation was still being conducted. He urged the City to take into consideration other options to help protect the taxpayer's money.

Bruce Lohmiller, 337 Colorado Avenue, addressed the City Council and mentioned Whitman Park was discussed at a recent Council Workshop. He then talked about a Department of Justice Summary about the "right to sleep" and said he understood Council had referred the Whitman Park topic to a committee. He said he had been working with Police Chief John Camper and City Attorney John Shaver.

Randall Spydell, 707 27 Road, asked the City Council whose responsibility it was to regulate the use of drones in the City. He noted drones have shown up uninvited in many locations and this is something that ought to be regulated; he was concerned if a private citizen had a drone license, they could use the technology to invade other's privacy.

City Attorney Shaver said he would provide the Mr. Spydell with his and Interim City Manager (ICM) Moore's contact information.

Council Comments

Councilmember Kennedy said a letter had been sent to the EPA (Environmental Protection Agency) signed by the City Council regarding potential ozone rule changes; he explained how the changes might negatively affect the economy. He read the letter which was approved by Council by a four vote minimum (attached). He then said, although he was not in total opposition to the letter Council approved, neither was he in total agreement which is why he sent his own letter; he then read his letter (attached).

Councilmember Traylor Smith said she was not at the last meeting as she had attended the Logistics Development Forum in Utah with Kristi Pollard, Grand Junction Economic Partnership (GJEP) Executive Director. They were able to meet with Site Selectors and

Economic Developers from similar sized cities which provided good and interesting feedback. On August 14th she attended meetings for the Workforce Development Board and the Community Services Block Grant Advisory Committee. On August 19th she went to the GJEP meeting; she is looking forward to the progress they are making.

Councilmember Taggart said the Governor has begun funding sixteen trails with the hope of tying some of the systems together; the State is also accepting proposals for new trails. Councilmember Taggart recently joined a group that would like to propose a new trail, located off the Grand Mesa, called the Palisade Plunge that would be thirty miles and have the second longest vertical drop of the trails in the State. He also went to a dedication ceremony for Ed and Barb Chamberlin who have been significant contributors to the Colorado Mesa University Cycling Center. On August 18th he attended the Grand Junction Regional Airport Authority Board meeting; he noted two important developments regarding the Airport: that the Federal criminal case has been dropped (the civil action is still active) and that David Fiore has been named as the finalist for the Airport Manager position. It is hoped he will be on board in September.

Councilmember Boeschstein went to the Homeless and Vagrancy Committee meeting on August 17th, the Riverfront Commission meeting on August 18th, and on August 19th the Horizon Drive Association Business Improvement District (HDABID) meeting; they are excited to kickoff construction for the improvements to Horizon Drive.

Councilmember Chazen said the Downtown Development Authority Executive Director candidates have been finalized; interviews will take place later this month. He also attended the Homeless and Vagrancy Committee meeting.

Council President Norris said, regarding the letter to the EPA, some thought it too weak and some thought it too strong, but the majority voted to send it. She appreciated Councilmember Kennedy's viewpoint and said this Council is willing to come to the table and work for the best possible solution, even though they may not all agree.

Consent Agenda

Councilmember Chazen read Consent Calendar items #1 and #2 and then moved to adopt the Consent Calendar amending the public hearing for the supplemental appropriation ordinance to October 7, 2015. Councilmember Kennedy seconded the motion. Motion carried by roll call vote.

1. Minutes of Previous Meetings

Action: Approve the Minutes of the July 29, 2015 Special Meeting, Summary of the August 3, 2015 Workshop and the Minutes of the August 5, 2015 Regular Meeting

2. Setting a Hearing on the 2015 Fourth 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 budget amendments for establishment of an Employee Retiree Health Trust.

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 October 7, 2015

ITEMS FOR INDIVIDUAL CONSIDERATION**Public Hearing – OneWest Outline Development Plan, Located between 23 ¼ and 23 ¾ Roads, from G Road to Highway 6 and 50**

The applicants request approval of an Outline Development Plan (ODP) for OneWest, a Planned Development (PD) zone district with default zone(s) of BP (Business Park Mixed Use) and C-2 (General Commercial) for approximately 177 acres, located between 23 ¼ Road and 23 ¾ Road from G Road to Highway 6 and 50.

The public hearing was opened at 7:42 p.m.

Brian Rusche, Senior Planner, presented this item. He described the proposed development plan and asked that the Staff Report be entered into the record. He described the location, the property size, the frontage along Highway 6 and 50, the Grand Valley Circulation Plan for the area, and the desire of the owner to divide the property into smaller parcels in order to market and develop it. The ODP speaks to phasing and the infrastructure needed. It is hoped this development will attract compatible uses for the medical complex nearby. Mr. Rusche described the proposed underlying zoning (default zones) which will be either C-2 or BP and said the property will be subject to the 24 Road Corridor Standards. Mr. Rusche identified each "Pod" and their distinct characteristics. He said there are stormwater facilities but a regional solution would better benefit these properties and others. A final plan will have to be approved before development can go forward but it would be an administrative review/approval since the proposed ordinance includes a full list of all uses permitted within each of the four pods. Mr. Rusche reviewed some of the possible uses for each pod and concluded saying the Planning Commission recommended approval with conditions which he listed.

Councilmember McArthur questioned why a default zone was listed as Mixed Use (MU) and C-2 in one area and as BP and C-2 in another. Mr. Rusche explained that if nothing happened in six years the zoning would revert back to the default zone of MU.

City Attorney Shaver said the ordinance stated the default zones (underlying zones) are BP and C-2, but the property could revert back to MU. Mr. Rusche explained some PD's had been approved but remained undeveloped, therefore a six year time frame was stipulated for this ODP; if nothing happened within six years the entire PD would go away. It is written correctly.

Councilmember McArthur asked if the entire area is not developed, would it all revert back to MU. Mr. Rusche said no and explained the only thing that would need to be completed within the six years is for the property to be subdivided into four pods. Councilmember McArthur asked what the Development Improvement Agreement process was. Mr. Rusche clarified it would be a Development Agreement (DA) which is unique in that it would set parameters for the subdivision submission and state what is necessary, at what stage it needs to be completed, and whose responsibility it will be; when the final draft is completed, it will be presented to Council for final approval. Councilmember McArthur then asked what the alignment of the Wilsea Drain was and if it could be relocated to become a part of the regional stormwater plan. Mr. Rusche said that may be one solution to the stormwater issue. Councilmember McArthur mentioned drainage water quality is an issue that will need to be addressed and regional drainage facilities would help facilitate that. He then asked if other properties would be accommodated under the regional plan. Mr. Rusche said they would which would be a broader benefit to the community. Councilmember McArthur asked if improvements where made above what was needed, would the owner be eligible for a reimbursement. Mr. Rusche said those types of details would be hammered out in the DA.

Councilmember Boeschstein said he will be happy to see this development move forward. He thanked the owners and developers for proposing a good plan that included many key infrastructure components.

Councilmember Chazen reviewed the uses listed in the BP zone and asked what will determine the what type of businesses that will go next to another. Mr. Rusche said it will be market driven to the extent that the developers may market certain areas to specific tenants. If a use is presented to the City that is an approved use and meets other standards, it will be allowed. However, other things such as noise are regulated by the Code.

City Attorney Shaver said it is common for a project like this to have covenants which would regulate some of things in addition to the Code.

Councilmember Kennedy mentioned that a lot of thought had been put into what would be allowed in each of the pods. He then asked if the overall intent was to create a

medical center west complex. Mr. Rusche said the hospital will be a catalyst, but the ODP is flexible and yet tailored enough to allow some of the better uses to evolve. For example Single Family uses are not listed but Multi Family uses are and would be a great fit along with manufacturing in certain pods. Councilmember Kennedy echoed Councilmember Boeschstein's comments and fully backed this change saying it should be a great economic driver.

Councilmember Traylor Smith clarified that the intent was to make the parcels more available by allowing them to move through the planning process faster.

Councilmember Taggart said he was worried about the diversity of uses in the C-2 zones, specifically in Pod 3. He felt it would be a burden on the developers to comingle those significantly diverse uses.

Council President Norris said she is glad to see development in this area and noted this is just the first step; covenants will be developed. She is anxious to see how it develops and is pleased for the economic development (ED).

Council President Norris opened up the hearing for public comment.

Joseph Coleman, 2454 Patterson Road, the attorney representing the ownership group, introduced the owners present. He said the owners have been in the area forty years and have a vested interest in the property and the community. Currently, they need to move this property forward and are here because of the cooperation of the Planning Department; they have been helpful, listened to concerns, and they were able to come to a consensus. The intent is to build on the momentum of Community Hospital and focus on uses that will compliment them while increasing the hospital's ability to be a regional draw. He said he was available to answer questions and requested Council's approval. He then addressed Councilmember McArthur's questions saying they would not be here if they were not convinced the ODP would happen; they don't plan for the area to revert to the default zone; they would like to prove Councilmember Boeschstein right about this development. Regarding Councilmember Taggart's concerns, they can't predict what development will come, but they will protect the Hospital as it is a valuable asset. He said the first developments will probably dictate what will follow; the developer will be wise to build upon what is currently there and not against it. He explained that it would be difficult to sell 177 acres which is why they would like to "cut" the property into bite sized pieces. He said Tom Logue, the planner for the applicants, is also present.

Council President Norris said Council had no additional questions and she expressed her appreciation for their work.

There were no other public comments.

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

Councilmember Boeschstein said this project has been a long time coming and it will be a huge economic boost.

Ordinance No. 4676 – An Ordinance Zoning the OneWest Development to a PD (Planned Development) Zone, by Approving an Outline Development Plan with Default Zones of BP (Business Park Mixed Use) and C-2 (General Commercial), Located at 2350 Highway 6 and 50, Between 23 ¼ and 23 ¾ Roads, from G Road to Highway 6 and 50

Councilmember Boeschstein moved to adopt Ordinance No. 4676 on final passage and order it published in pamphlet form. Councilmember Chazen seconded the motion. Motion carried by roll call vote.

I-70 at Horizon Drive (Exit 31) Interchange Improvements Project Intergovernmental Agreement Amendment #1

In September of 2013, the City sponsored project was approved by the State Transportation Commission for funding through the Responsible Acceleration of Maintenance and Partnerships (RAMP) program. This intergovernmental agreement (IGA) amends the April 23, 2014 IGA between Colorado Department of Transportation (CDOT) and specifically the City of Grand Junction's contribution to reflect actual project expenses and revenues based on bids received July 9, 2015.

Greg Lanning, Public Works Director, presented this item. He described the request and referred to the Staff Report. He reviewed previous discussions held at the pre-meeting and at a previous meeting under Other Business where Council agreed to allow the City Manager to send a letter of commitment to CDOT with a promise to bring this back for further discussion. He noted the current conditions and the proposal for improvements. It was originally a \$4 million project, but is now a \$6.6 million project. Mr. Lanning went through the project cost history and explained why the costs escalated; the increase was due to the actual bids received. CDOT was approached with the new cost, but they declined to participate in the increase. The HDABID and Ute Water will be participating in the project. Mr. Lanning reviewed the project's cash flow. HDABID will participate with a 50% match but they don't have the cash on hand; they asked the City to front them the money and allow them to pay it back. An agreement will be developed with the HDABID based on the resolution adopted by the HDABID Board if this amendment is approved. This amendment, however, is between the City and CDOT and includes the language "not to exceed". CDOT said they believed there would be some cost savings and contingencies have been built into the amendment for the City to be the beneficiary of those up to \$553,630. Mr. Lanning pointed out the project's significant benefits: improvement to the City's entry, the State is paying 70% of the project's cost, a local contractor has been awarded the contract, and so far the

project is on schedule. He added the HDABID will also be paying for the roundabout art work.

Councilmember Chazen asked what happened to the April 2014 IGA the City had with CDOT in the amount of \$5.25 million. Mr. Lanning said procedurally State projects are taking a long time to approve and are subject to inflationary increases; that is the main reason for the increase and this amendment; the State is looking at that these issues. Mr. Lanning said another increase is due to the Ute Water piece. Councilmember Chazen asked what the nature of the original IGA was. Mr. Lanning said the City submitted letters of commitment to CDOT as prices increased. He said the original IGA did not include a cost guarantee and then deferred to City Attorney Shaver regarding the other details.

City Attorney Shaver said until the final project design goes out for the final bid there is not a final contract or a final cost. Councilmember Chazen again asked what the purpose of the IGA was. City Attorney Shaver said it was a commit to continue the project design studies and finalization with the expectation that the final cost would be close to the \$5.25 million amount, but not a commitment on the final number.

Councilmember Chazen asked whose responsibility it will be to watch CDOT to ensure they honor their commitment.

Mr. Lanning said CDOT will be providing construction services and the City will receive their pay requests; the City will have an intimate relationship with the project including costs and the time frame. He is confident it will work well and if there are savings they will be identified.

Councilmember Chazen asked how much of the \$6.6 million will go to local contractors. Mr. Lanning said over 90% of the contracts went to local contractors and subs.

Councilmember Chazen noted the City will be carrying a receivable for the HDABID for \$68,000 a year for 7 years and asked how that would impact the City's uncommitted reserves.

Mr. Lanning said there are two ways to account for it, as an expense or to find the money in 2015 to front it. The 201 Fund has a balance from projects that were not done and savings from the Leach Creek Detention Facility which could be used to front the HDABID amount. The other option would be to look at next year's capital projects.

Councilmember Chazen complimented the HDABID for hanging in there and providing the commitment. He asked the Board members present if there would be enough money to continue operations with the seven year \$68,000 payment to the City.

Jay Moss, treasurer for HDABID, said \$68,500 is roughly $\frac{2}{3}$ of their operating budget; about \$200,000 per year is received in revenues and roughly $\frac{1}{2}$ of that is spent on

operating costs leaving the majority of the remaining amount for the payment. Since the City will be fronting their portion, it will allow them to free up cash to maintain a larger reserve than a one year minimum which is required. He is comfortable that the HDABID will be able to handle this payment; he is also working with Kathy Portner, Community Services Manager, to obtain grants. Mr. Moss said they conservatively estimated revenues, so if revenues increased they would look at paying the City off sooner.

Councilmember Kennedy expressed his thanks and appreciation for the HDABID's patience and continued diligence to see this through. He also thanked Mr. Lanning for his hard work.

Councilmember Traylor Smith appreciated HDABID seeing this through. She then commented that Council continues to see project cost increases due to delayed construction and then asked if it was possible to add a cushion to the project budgets to take these increases into account.

ICM Moore said they have done this in the past and it can be done, however, it is hard to budget that way.

City Attorney Shaver said there would be no legal impediments; in this case, the engineering estimates were conducted on the Front Range and some project factors may have been calculated differently; the City had no input.

Councilmember Taggart said it was terrific this amendment stipulated project savings would come back to the City first to be split between the City and the HDABID. He then asked whose responsibility it would be to manage contractors on this type of project, the State or the City. Mr. Lanning said CDOT would manage the construction.

Councilmember McArthur said it was disappointing that the project cost is higher than was estimated. He then asked why the 29 Road interchange is projected to be \$50 million if the Horizon Drive interchange will be \$6.6 million.

Mr. Lanning said the Horizon Drive project does not include bridge work; the 29 Road interchange will include work on two bridges which will cost about \$220 per square foot.

Councilmember McArthur said he has been skeptical about roundabouts being the best option, but he applauded the business community for being willing to step up for this project.

Councilmember Boeschstein said he attended the HDABID meetings; this area is a strong center for the valley and brings a lot of money to the community in terms of taxes. This will be a great project that will provide a beautiful entryway into the City. He thanked everyone and noted it will bring ED growth; he is in favor of it.

Council President Norris asked for clarification regarding next year's budget and where some of the expenses will come from. She said \$479,000 will come from the 201 Fund and then asked where the \$854,000 would come from. Mr. Lanning said that amount will be discussed as a piece of the 2016 budget; it will probably be allocated from the 201 Fund. Council President Norris asked if the reserves will stay intact. Mr. Lanning said they would. Council President Norris asked if the right-of-way property had been purchased from the Hilton. Mr. Lanning said all the right-of-ways had been purchased for about \$280,000. Council President Norris asked if that cost was in addition to the \$6.6 million. Mr. Lanning said yes. Council President Norris commented that she has been working on this since she came on Council. She applauded everyone's commitment.

Resolution No. 38-15 – A Resolution Amending an Agreement with the Colorado Department of Transportation for Work on the I-70 at Horizon Drive (Exit 31) Interchange Improvements Project, Authorizing City Matching Funds and Authorizing the City Manager to Sign Amendment #1 to the April 23, 2014 Intergovernmental Agreement with the Colorado Department of Transportation

Councilmember Traylor Smith moved to adopt Resolution No. 38-15. Councilmember Boeschstein seconded the motion. Motion carried by roll call vote.

Non-Scheduled Citizens & Visitors

Tom Ross, 633 27 ½ Road, commented that Council didn't open the last item up for public comment. He then asked what these changes will do for the safety of Horizon Drive. He said the current interchange is not the problem and the roundabouts will be hard to navigate especially for trucks and RVs due to the limited space. Trucks will have to take up two lanes to navigate; other area roundabouts have tire tracks in the center circle from larger vehicles having to use that space to get around. He asked whose idea it was to install roundabouts.

Mr. Lanning said CDOT does have a preference for roundabouts because they are safer by eliminating T-bone crashes. The roundabouts for this project are designed for larger trucks and will be generously sized to accommodate larger vehicles. They will also allow a better flow of traffic than signalized intersections.

Mr. Ross said the sculptures in the open area of the 24 Road roundabouts obstruct views; he suggested having only grass for the Horizon Drive roundabouts.

Mr. Lanning explained the views are intentionally obstructed to encourage motorist to slow down and look for oncoming traffic as well as to reduce the impact of oncoming headlights at night.

Council President Norris said the businesses along the Horizon Drive corridor support these improvements.

There were no other comments.

Other Business

There was none.

Adjournment

The meeting was adjourned at 9:05 p.m.

Stephanie Tuin, MMC
City Clerk