

**GRAND JUNCTION CITY COUNCIL
MINUTES OF THE REGULAR MEETING
November 18, 2015**

The City Council of the City of Grand Junction convened into regular session on the 18th day of November, 2015 at 7:04 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 Deputy City Clerk Debbie Kemp.

Council President Norris called the meeting to order. Councilmember Kennedy led the Pledge of Allegiance, followed by moment of silence.

Presentation – Interim City Manager Tim Moore Budget Presentation for 2016

President of the Council Norris advised that the Budget Presentation will be given at the December 2, 2015 City Council Meeting.

Citizens Comments

Richard Swingle, 443 Mediterranean Way, addressed the City Council on the subject of broadband in other communities. He reviewed the override the City recently did of SB 05-152. Broadband has now been defined as at least 25Mbps download speed and 3Mbps upload speed. Only Charter provides broadband in the City. He reviewed the history of wire and coax. He reviewed other communities (Meeker, Montrose, and Rangely) and their lack of being able to provide broadband. They are moving quickly to be able to provide 1Gbps service. Charter only provides 60Mbps service. Mr. Swingle referred to some quotes by Bob Mobley, Information Technology Director for Rio Blanco County, regarding broadband. He referred to some business models that the City could utilize to build up broadband.

Council Comments

Councilmember McArthur attended the National League of Cities Conference in Nashville, the Salvation Army's 150th anniversary celebration lunch, a cultural exchange at the Art Center, and the Department of Local Affairs (DOLA) reception.

Councilmember Boeschstein attended the DOLA reception, the screening of the Dalton Trumbo film, the new exhibit at the Museum of Western Colorado, a meeting held with the Outdoor Recreation Coalition, a meeting with David Fiore, the new Executive Director for the airport, and an Airport Committee meeting.

Councilmember Chazen said he attended the Associated Governments of Northwest Colorado (AGNC) economic summit meeting, he was a parade judge for the Veterans Day Parade, he spoke to high school students from the community at a meeting for Freedom and Responsibility Education Enterprise (FREE) Foundation, he met with David Fiore, the new Executive Director for the airport, had a one on one discussion with Scott Mercier regarding the U.S.A. Pro Challenge, and attended a DOLA presentation by AGNC for the Greater Sage Grouse Mapping Project.

Councilmember Kennedy said he drove his jeep in the Veterans Day Parade, he also met one on one with David Fiore, the new Executive Director for the airport, spent time in one on one conversations with constituents mostly regarding the Las Colonias Park Amphitheater, and he got his flu shot. He encouraged everyone and their families to get their flu shot.

Councilmember Traylor Smith reminded everyone traveling around the City and especially the Horizon Drive area to be careful because of the construction. She urged drivers to go slow, be patient and show courtesy to other drivers.

Councilmember Taggart had no comments.

Council President Norris said that she met with Sister Karen, Grand Valley Catholic Outreach Director, and toured the different entities for the homeless, she attended a luncheon with the CMU Trustees, she went to a Parks Advisory Board meeting, and advised that City Council finally got through the budget.

Consent Agenda

Councilmember Chazen read the Consent Calendar items #1 through #5 and then moved to adopt the Consent Calendar. Councilmember Traylor Smith seconded the motion. Council President Norris asked City Attorney Shaver if Consent Agenda Item #4 for the rates and fees should be setting a hearing. City Attorney Shaver explained that the resolution precedes the budget adoption so that the anticipated revenues can be proposed in the budget. Motion carried by roll call vote.

1. **Minutes of Previous Meetings**

Action: Approve the Summary of the October 19, 2015 Workshop and the Minutes of the November 4, 2015 Regular Meeting

2. **Setting a Hearing on the 2015 Fourth Supplemental Appropriation Ordinance and the 2016 Budget 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 and the 2016 proposed budget.

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

Proposed Ordinance Appropriating Certain Sums of Money to Defray the Necessary Expenses and Liabilities of the City of Grand Junction, Colorado and the Downtown Development Authority for the Year Beginning January 1, 2016 and ending December 31, 2016

Action: Introduce Proposed Ordinances and Set a Hearing for December 2, 2015

3. **Setting a Hearing on the Inclusion of Property Located at 236 Main Street (Marriott SpringHill Suites Hotel) into the Downtown Grand Junction Business Improvement District**

Western Hospitality, LLC petitions the City Council to include its property located at 236 Main Street (known as the Marriott SpringHill Suites Hotel) into the Downtown Grand Junction Business Improvement District.

Proposed Ordinance Expanding the Boundaries of the Downtown Grand Junction Business Improvement District to Include SpringHill Suites, 236 Main Street

Action: Introduce a Proposed Ordinance and Set a Hearing for December 2, 2015

4. **Rates and Fees Effective January 1, 2016**

Consider proposed rate and fee changes which would be effective January 1, 2016 for Water, Wastewater, Solid Waste, Ambulance, Fire, Parks, Recreation, and Municipal Court. The adopted fees would be incorporated into the revenues of the 2016 proposed budget.

Resolution No. 45-15 – A Resolution Adopting Fees and Charges for Water, Wastewater, Solid Waste, Ambulance, Fire, Parks, Recreation, and Municipal Court

Action: Adopt Resolution No. 45-15

5. **Right-of-Way Conveyance for the U.S. Highway 50 Resurfacing Project**

The Colorado Department of Transportation (CDOT) will resurface State Highway 50 from South Avenue to 29 Road within the limits of the City of Grand Junction in

the Spring and Summer of 2016. As part of the work, there will be small upgrades to access ramps along the corridor as required by the American with Disabilities Act (ADA). CDOT needs to acquire a small piece of right-of-way and a temporary construction easement from the City in order to proceed with the work.

Resolution No 46-15 – A Resolution Authorizing the Conveyance of Right-of-Way to the Colorado Department of Transportation for the State Highway 50 Resurfacing Project

Action: Adopt Resolution No. 46-15

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Grant Applications for the Federal Aviation Administration (FAA) for the Grand Junction Regional Airport Authority (GJRAA)

For 2016, the Grand Junction Regional Airport Authority (Authority) will submit two separate grant applications to the FAA for improvements to the Airport. Funds requested on these applications are entitlement funds to the Airport. Mesa County and the City of Grand Junction are required as Co-Sponsors to the Grant Offer, if awarded.

David Fiore, Executive Director, GJRAA, introduced this item. He said he was grateful to have met one on one with each Councilmember. The request is to apply for entitlement grants which are based on the number of enplanements at the airport. He deferred to Ben Johnson, Airfield Operations Manager, for the details.

Airfield Operations Manager Johnson explained the project and the grant requests. The projects have been split into two separate applications because one project is construction only and the other two projects are design only. The first application is the first phase of the air carrier apron reconstruction. The project will also rebuild the de-ice ramp drainage system. If funded, they anticipate getting bids in January 2016 for construction during the summer season. The two design projects are for the final design for the relocation of a remote transmitter/receiver for air traffic control and the second design project is the overall design of the relocated runway which includes not only the runway but ancillary roadways, navigational aids, lighting structures, drainage issues, etc. GJRAA is submitting a matching grant to the State. Because of the state's funding limitations, they are capping matching funds for airports. He reviewed the fiscal impact of the two projects.

Councilmember Traylor Smith asked if they will use local contractors for these projects. Mr. Johnson explained that Federal requirements do not allow for local procurements, it has to be open to contractors nationally, however, local contractors can apply and a lot of local companies do apply.

Councilmember Traylor Smith asked if they have the money for the amount not covered through the grants. Mr. Johnson said the money is in their budget.

Councilmember Chazen asked if the GJRAA Board has heard these requests and approved them. Mr. Johnson said the grant requests went to the GJRAA Board on November 17th and were approved. The requests will go before the County Commissioners at their December 7th meeting.

Councilmember Boeschstein asked what the status and prognosis of the unfinished building is. Mr. Fiore advised that the unfinished building is considered a terminal area plan and is a subset of a Master Plan which is required by the FAA. He provided history of the terminal building. He said that a local contractor is looking at the re-phasing for the building. There is a re-phasing of an assessment to determine, based on their liquidity, entitlement and grant money, and bonding capacity to find out the most feasible and best way to address issues which will include the unfinished building. They are hoping to be able to make some decisions by June 2016.

Councilmember Boeschstein asked Mr. Fiore if he has responded to a letter that Council wrote to the Airport Board advising that they would help with the finishing of the building so that it would not be subject to further deterioration during another winter.

Council President Norris said there was also a second letter sent.

Mr. Fiore said there was an engineering study conducted. When the terminal area plan was completed, there was an assumption that there would be FAA grant monies available to complete it. That was incorrect. Whether the building is torn down or finished, it will require some form of liquidity or debt.

Councilmember Boeschstein said the danger is the building going through another winter. Mr. Fiore said there could be further degradation of the building, but the most responsible path that they can take is to come to a viable conclusion on the building.

Councilmember McArthur asked if there has been any progress with the settlement of contractors on that building. Mr. Fiore said those are litigation matters but they will figure out the right path to take.

Councilmember McArthur stated that he has heard the history of the runway and was told that if they just built up the other side of the runway, it wouldn't require a new runway. Mr. Johnson said the runway was built small and has been expanded multiple times. The runway needs to be replaced because the foundation is being degraded by what is coming up underneath it. They bored holes and 60% of the runway needs full depth reconstruction. It can be fixed in place but that would mean closing the runway for an estimated timeframe of nine months.

Mr. Fiore said that development has changed with airports over the years and the design standards for the depth of a runway over the years has gone from six inches to, in some cases, fifteen inches.

Councilmember Chazen moved to approve grant applications between the Federal Aviation Administration and the Grand Junction Regional Airport Authority for Airside Improvements for the FAA Grants AIP 54 and AIP 55 in the amounts of \$4,420,000 and \$2,790,000 respectively. Councilmember Kennedy seconded the motion. Motion carried by roll call vote.

Las Colonias Park Amphitheater Grant Request - Continued from November 4, 2015

This is a request to authorize the Interim City Manager to submit a request to the Colorado Department of Local Affairs for a grant for development of Las Colonias Park Amphitheater not to exceed \$1.9 million. The grant is due on December 1, 2015 and final contract award will take place mid-year 2016.

Traci Wieland, Recreation Superintendent, presented this item and described the proposed amphitheater at the park which included parking improvements, egress and ingress from Riverside Parkway, dedicated areas for concessions and restrooms, lawn seating, pedestrian access, and lighting. She also described the amphitheater building itself. She reviewed funding for the amphitheater which included a possible DOLA grant, funding from the City, DDA, Lions Club, and other local foundations. Ms. Wieland reviewed the timeline for the project: December 1, 2015 – DOLA grant deadline; February/March 2016 – DOLA presentation; June 2016 – Under contract with DOLA (if awarded); August 2016 – under contract for construction; September 2016 – construction begins; fall 2017 – construction complete.

Councilmember Kennedy said they have discussed this a number of times. He thanked Ms. Wieland, her Staff, and Parks and Recreation Director Rob Schoeber for their work on the entire process. He explained that at the last Council meeting, there were only five Councilmembers present and he wanted to put this item off until the entire Council was present to vote. He's looking forward to moving forward with this project.

Councilmember Boeschstein said it is a great project and thanked Ms. Wieland and everyone in Parks Department, the Grand Junction Lions Club, Colorado Department of Energy, Colorado Division of Health, and numerous people who contributed to the project. He said it is a wonderful project and he is looking forward to approving it.

Councilmember McArthur said conversation regarding this project has been going on for a long time. He set all the excessive conversation aside and looked at the project itself. He sat down with Staff, voiced his concern, and asked for details; he got a better degree of confidence on the potential benefit for the community in going forward with the

project. He feels it would be appropriate to go forward with the grant request. It will add to the maintenance budget but, as the City grows, the budget grows.

Councilmember Chazen read the statement he read at the previous City Council meeting (see the City Council Meeting Minutes from November 4, 2015). He was not supportive of the request.

Councilmember Traylor Smith said she has thought about this, talked to many community members, and made a pro and con list. She asked Ms. Wieland if it is assumed that when the grant is applied for, there is no going back. She questioned the plan itself and asked, if a grant is awarded, does it have to be built as it was presented.

Kathy Portner, Community Services Manager, responded to Councilmember Traylor Smith's questions. She said that it would be unusual to back out of a grant if awarded but nothing would preclude that. There would be opportunity to propose changes or back out before making a presentation to the committee for the grant. The committee makes a decision based on the project and not necessarily on the details themselves. Project scopes do shift if funding is approved at a lesser amount than what was requested.

Councilmember Traylor Smith said that one of her concerns is not having the feasibility study back yet on the amphitheater. She asked if the study shows it's too much for the community, could the grant application be pulled at that time. Ms. Portner said yes.

Councilmember Traylor Smith asked if Open Space Funds could be used for the project. Ms. Wieland said the Open Space Funds are for development and capital projects. The Conservation Trust funds (CTF) provide more flexibility and latitude. Councilmember Traylor Smith asked if the total of the City's contribution is \$837,000. Ms. Wieland confirmed that to be correct.

Councilmember Traylor Smith expressed that she was not happy with the undue influence for the DDA funds, how those DDA meetings were conducted, nor how Councilmember Chazen was treated at those meetings and he deserves an apology.

Councilmember Taggart stated he is in support of moving forward on this grant.

Council President Norris asked about the Riverfront Commission moving the trail and would the City have to put up extra money for that. Ms. Wieland explained that the trail relocation is specific to the location of the amphitheater and a portion of that trail will need to be relocated. The Riverfront Commission wants to provide \$50,000 for relocation of the trail and \$50,000 would be requested from El Pomar which would allow the City to get DOLA's matching \$100,000.

Council President Norris asked about the requirement of additional funds needed in 2017, 2018, and 2019. Ms. Wieland explained that the cash flow needed in 2017 is \$129,000. No additional funds from the General Fund will be asked for in 2018 or 2019.

Council President Norris asked if funding for this project was not being requested from DOLA, could funding for another project be requested? She asked about this because the water project was supposed to happen before the amphitheater project and she is concerned about not having the water for the grass and was wondering how long before that project would happen. Ms. Wieland said that the reason they moved forward with the amphitheater project was because of funding partners coming to the surface with matching funds. Council President Norris asked if all of the CTF and Open Space Funds are being tied up through 2019. Ms. Wieland said there are other capital projects that will utilize some of those funds.

Council President Norris asked again if a DOLA grant could be applied for another project. She pointed out that the Avalon Theatre is not complete yet. She is also concerned about the maintenance cost of the amphitheater. She feels that there are things that need to be done to offset General Fund expenses next year and that the amphitheater is not a project that really needs to be done this year. She can't support it this year.

Resolution No. 47-15 – A Resolution Authorizing the Interim City Manager to Submit a Grant Request to the Colorado Department of Local Affairs (DOLA) Energy and Mineral Impact Assistance Program for Development of Las Colonias Park Amphitheater

Councilmember McArthur pointed out the workshop they just got out of and cited a quote about leadership by Theodore Roosevelt and said it is often easier to say yes than to say no. He then moved to adopt Resolution No. 47-15. Councilmember Boeschstein seconded the motion.

Councilmember Chazen referred to an email from Ms. Wieland to some members of the Lions Club on October 22nd.

Interim City Manager Moore said it would be best discuss the email at a later date.

Council President Norris said this will be brought up during a workshop as well as other things that need to be discussed.

Councilmember Traylor Smith asked what other projects could DOLA funds be applied for during this round. Interim City Manager Moore said that this round for DOLA grant applications is due December 1st. He noted that DOLA grants require 50% match. The 2016 budget does not contemplate any other project with a big match. There is the overpass at B ½ Road on Orchard Mesa that could potentially be leveraged to do a broader project at B ½ Road. The other one could be water system improvements.

Motion carried by roll call vote with Councilmembers Chazen, Traylor Smith, and Council President Norris voting NO.

Council President Norris called a recess at 8:30 p.m.

The meeting reconvened at 8:35 p.m.

Purchase of Pipe Materials for the Buthorn Drain Flood Mitigation Project at Bass Street

The City of Grand Junction and the Grand Valley Drainage District (GVDD) are partnering on a Storm Water Improvement project for the Buthorn Drain system. These improvements will provide flood mitigation for the neighborhood along Bass Street near the west end of West Lake Park. The City will be supplying the materials and GVDD will install them.

Greg Lanning, Public Works Director, presented this item and background. He described the location and said there were three flooding events during the summer of 2014. The project is to install 390 feet of 60 diameter inch pipe to reduce the overflow to Bass Street. Grand Valley Drainage District will install the pipe. If approved, the project will begin later this month and finish in December. The City continues to resolve drainage issues with its residents' needs in mind.

Councilmember McArthur asked about the orange arrows that were shown on the diagram. Mr. Lanning explained that the orange arrows were other contributing flows to the area. The red arrows indicate what overflows the drain and the blue area is the project area.

Councilmember Traylor Smith asked if the yellow area will be able to handle the flow. Mr. Lanning said yes, they have been designed in size for the flows.

Council President Norris asked if it will help the flow in other problem areas. Mr. Lanning said yes.

Councilmember McArthur asked what it would entail to repair the entire Buthorn Drain. Mr. Lanning said that the ultimate solution is for one more major detention facility upstream and upsizing of the additional pipe upstream.

Council President Norris asked if the retention would be like the Leech Creek project done last year and asked how much had been spent on that project. Mr. Lanning said that it is similar and said it was \$500,000 to complete that project.

Councilmember McArthur asked what the ultimate cost for the Leech Creek project was. Mr. Lanning said he is unsure. Councilmember McArthur asked if there is a request in

for Bosley Wash. Mr. Lanning said the County has a grant request in for Bosley Wash which is a \$3.5 million project.

Councilmember Boeschstein asked if as additional development occurs along Buthorn Drain, will the developers be required to retain drainage. Mr. Lanning said that would be required with new development.

Councilmember Traylor Smith moved to authorize the Purchasing Division to purchase materials from Precast Concepts of Grand Junction, Colorado to be used for the construction of the Buthorn Drain Flood Mitigation Project at Bass Street in the amount of \$62,009.50. Councilmember McArthur seconded the motion. Motion carried by roll call vote.

Intergovernmental Agreement for the U.S. Highway 50 and B.5 Road Path Project

In December of 2014, the City was awarded a federal Transportation Alternatives Program (TAP) grant in the amount of \$1,200,000 for the U.S. Highway 50 and B.5 Road Path. This intergovernmental agreement establishes the relationship between Colorado Department of Transportation (CDOT), acting on behalf of Federal Highway Administration (FHWA), and the City of Grand Junction.

Greg Lanning, Public Works Director, introduced this project and the grant details. The project is a modification of an overpass to get pedestrians across Highway 50. He reviewed the design and said getting over the highway was not easy. The project takes an old overpass and converts one lane into a pedestrian walkway and keeps the other for traffic which will be only one way. The City has already begun the project design. It is slated to be completed summer or fall of 2016.

Councilmember Chazen asked if anything has been bid for the project yet. Mr. Lanning said that the geotechnical has been bid and is less than \$5,000.

Councilmember Chazen asked if the City enters into the IGA, does it obligate the City to go forward with the project. City Attorney Shaver said it evidences the City's commitment to proceed, but the City is not committed until the processes are followed through and finished. Mr. Lanning added that Mr. Prall said that looking at a default on a project like this is like looking at a bond rating and may not have the same rating as the first time. In other words, they might not consider the next grant.

Councilmember Chazen said recently there were two instances, the round-a-bouts and North Avenue, and because of economic conditions, things change. He asked if they are reasonably sure that the project would stay within the amount budgeted. Mr. Lanning said that Mr. Prall said two things would help, timeliness and he believes that

the project was over estimated because of contingency. He is confident that the project will come in under budget.

Councilmember Traylor Smith asked, if the project is less, whose money is saved first, the City's or the TAP. Mr. Lanning said it ratchets back proportionately.

Council President Norris said the project is very important for the safety of children that have to cross the road to go to school. It seems like an easy project to do and it helps clean up the entrance to the City.

Councilmember McArthur asked if the project only involves the ramp. He noted that the drainage is horrible right there and puddles build up. He asked if there is some way to address the drainage. Interim City Manager Moore said that CDOT does have a significant overlay reconstruction project from 5th Street all the way out, but he isn't sure that drainage is part of that overlay. Councilmember McArthur said it looks like there is a detention or retention facility on the area just east of the overpass on the north side of the highway. Interim City Manager Moore said they will bring that up when they talk to CDOT about that project.

City Attorney Shaver said the City was looking at some of the ditch rights and ditch rights-of-way for that location to find ways to reroute that drainage.

Resolution No. 48-15 – A Resolution Accepting Federal Aid Funds for Construction Work on the U.S. Highway 50 and B.5 Road Path Project, Authorizing City Matching Funds and Authorizing the City Manager to Sign an Intergovernmental Agreement with the Colorado Department of Transportation

Councilmember Chazen moved to adopt Resolution No. 48-15. Councilmember Boeschstein seconded the motion. Motion carried by roll call vote.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

There was none.

Adjournment

The meeting adjourned at 8:57 p.m.

Debra Kemp, MMC
Deputy City Clerk