

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

**April 6, 2016**

The City Council of the City of Grand Junction convened into regular session on the 6<sup>th</sup> day of April, 2016 at 7:00 p.m. Those present were Councilmembers Bennett Boeschstein, Chris Kennedy, Duncan McArthur, Rick Taggart, Barbara Traylor Smith, and Council President Pro Tem Martin Chazen. Absent was Council President Phyllis Norris. Also present were Interim City Manager Tim Moore, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Pro Tem Chazen called the meeting to order. Councilmember Kennedy led the Pledge of Allegiance which was followed by a moment of silence.

**Proclamations**

**Proclaiming April 16, 2016 as “National Health Care Decisions Day” in the City of Grand Junction**

Councilmember Boeschstein read the proclamation. Dyann Walt, Adult Services Supervisor with the Department of Human Services, and Erica Eng, Director of Organizational Development for Community Hospital, were present to receive the proclamation. Ms. Walt thanked the City Council and emphasized the importance of the awareness and the need to spread the word. It is important to convey one's wishes to loved ones on how to handle end of life decisions. Ms. Eng said the event at the library on April 11<sup>th</sup> is free and includes a documentary and panel discussion. She also mentioned other upcoming events that would be held. Ms. Walt and Ms. Eng distributed some advanced directive information to the City Council.

**Proclaiming April, 2016 as “Fair Housing Month” in the City of Grand Junction**

Councilmember Kennedy read the proclamation. Katie Bowman, Executive Director, and Marisa Felix-Campbell, PR/Marketing Director of Housing Resources of Western Colorado, and Doug Sorter, Director of Business Development for STRiVE, were present to receive the proclamation. Ms. Felix-Campbell thanked the City Council and others for making this a priority. She described and presented statistics from the Grand Valley Housing Needs Assessment.

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**Proclaiming April, 2016 as “National Autism Awareness Month” in the City of Grand Junction**

Councilmember Traylor Smith read the proclamation. Doug Sorter, Director of Business Development for STRiVE, was present to receive the proclamation. Mr. Sorter expressed his appreciation and described Autism Spectrum Disorders (ASD) which are brain development disorders and listed some of the common behaviors. Those with ASD have difficulty interacting with the community. STRiVE has been very successful working with children with Autism. The service is provided at no cost to the families but they are always looking for more funding. He provided literature to the City Council and invited everyone to “STRiVE for Success” events and listed upcoming dates. Councilmember Traylor Smith asked if there are opportunities to participate in fundraising events. Mr. Sorter said they have the “Tulips and Juleps” event coming up and provided the details.

**Proclaiming April, 2016 as “Child Abuse Prevention Month” in the City of Grand Junction**

Councilmember Taggart read the proclamation. Jacque Berry, Child Welfare Supervisor for Department of Human Services, was present to receive the proclamation. Ms. Berry thanked the City Council and then provided current statistics; the Department of Human Services did 140 assessments. Mesa County's goal is to assess and assist families in staying together. She reached out to everyone to speak out against a child abuser and report suspected abuse. She quoted "when in doubt, report it out" from the Director of Human Services.

**Proclaiming April, 2016 as “Month of the Young Child” in the City of Grand Junction**

Councilmember McArthur read the proclamation. Lora Rohlman, Early Head Start (EHS) Quality Improvement Specialist for Early Learning Ventures, was present to receive the proclamation. Ms. Rohlman thanked the City Council. She described her organization and what they do to help young children. Their focus is early childhood care and education. Sylvia Barragan, Program Assistant with Mesa County Partnership for Children and Families, was present and handed out pinwheels to Council for increased awareness.

**Certificates of Appointment****To the Grand Junction Housing Authority**

Councilmember Traylor Smith presented a certificate to John Howe who was present to receive his Certificate of Appointment to the Housing Authority. Mr. Howe thanked the

City Council for the appointment and said he looks forward to the challenge of learning more about this field and helping the community with housing options.

### **To the Commission on Arts and Culture**

Councilmember Kennedy presented a certificate of reappointment to Jeremy Franklin, and a certificate of appointment to Thea Arandjelovic. Mr. Franklin and Ms. Arandjelovic both thanked the City Council.

### **Citizens Comments**

Council President Pro Tem Chazen welcomed students from an American Government class at Colorado Mesa University (CMU).

Owen Mangan, 664 29 ½ Road, Grand Junction, CO, expressed to City Council his opposition to next month's "Gay Parade". He felt it is acting against nature's God and it is indicating anti-humanity. He asked the Council to cancel the Gay Parade.

Richard Swingle, 443 Mediterranean Way, Grand Junction, CO, addressed the City Council about his interest in City government, SB-152, and its subsequent opt out by the voters. He talked about the Mountain Connect Conference that is coming up on June 5<sup>th</sup> through June 7<sup>th</sup> in Keystone. There will be a Broadband 101 class and the opportunity to see what other communities are doing. He encouraged City Councilmembers to attend.

### **Council Comments**

Councilmember Taggart had no comments.

Councilmember T aylor Smith had no comments.

Councilmember Kennedy stated that he is proud to live in an inclusive community and he took exception to the statements made by one of the citizens during the comment period.

Councilmember Boeschenstein said he went to the National Planning Association Conference where there were 5,000 city planners in attendance. He will share information he received with the City Council and Staff. He congratulated Staff for getting a DOLA (Department of Local Affairs) grant for Las Colonias Park.

Councilmember McArthur said he went to Delaney Clements service on April 2<sup>nd</sup>. It was a touching event. He toured a homeless facility in Denver and participated in a Youth Image Summit in Brighton. He made note that a friend of his, a physician, was

murdered in his front yard in Centennial, CO, while assisting with a domestic violence situation.

Council President Pro Tem Chazen said on March 23<sup>rd</sup> he went to an Associated Governments of Northwest Colorado (AGNC) meeting where Dave Norman presented information about a Veterans Affairs (VA) program; Mr. Norman will be reaching out to veterans of Western Colorado to raise awareness of VA programs.

### **Consent Agenda**

Councilmember McArthur read the Consent Calendar items #1 through #4 and moved to adopt the Consent Calendar. Councilmember Boeschstein seconded the motion. Motion carried by roll call vote.

1. **Minutes of Previous Meetings**

*Action: Approve the Summary of the March 14, 2016 Workshop, the Minutes of the March 16, 2016 Regular Meeting, the Summary of the March 21, 2016 Workshop, and the Minutes of the March 23, 2016 Special Session*

2. **Setting a Hearing to Amend the Grand Junction Municipal Code to Allow for an Additional Alternate on the Forestry Board**

The request is to amend the Grand Junction Municipal Code to be consistent with the proposed Forestry Board bylaws. The bylaws will be presented for formal adoption at the second reading of this ordinance.

Proposed Ordinance Amending Chapter 2.36, Forestry Board, of the Grand Junction Municipal Code by Amending Section 2.36.010 (a) Concerning Composition of the Board

*Action: Introduce Proposed Ordinance on First Reading and Set a Public Hearing for April 20, 2016*

3. **Purchase a Rubber Tire Backhoe for the Water Services Division**

The rubber tire backhoe is a resource needed to provide ongoing operation and maintenance in the Water Services Division. This equipment is used for the repair and installation of water distribution pipes, water valves, fire hydrants, meter pits, sewer manholes, water supply ditches, water supply reservoirs, and other critical drinking water and irrigation infrastructure.

*Action: Authorize the City Purchasing Division to Purchase a Rubber Tire Backhoe for \$99,408 from Wagner Equipment Co.*

**4. Replacement of Rough Mower at Lincoln Park Golf Course**

The current rough mower being used at Lincoln Park is past its life expectancy and needs to be replaced. It is used on a daily basis during growing season and it's on schedule for replacement as part of the fleet replacement program.

*Action: Authorize the City Purchasing Division to Purchase a Rough Mower from Potestio Brothers in the Amount of \$55,103.99*

**ITEMS NEEDING INDIVIDUAL CONSIDERATION****Public Hearing – Setting the City Manager's Salary and Ratifying an Employment Agreement with Greg Caton**

At the City Council meeting on March 2, 2016, the City Council authorized an offer of employment to Greg Caton to be the City Manager. The agreement was sent to Mr. Caton and he accepted the offer. On March 16, 2016, the City Council adopted a resolution appointing Mr. Caton as City Manager. This required step in the employment process is to adopt an ordinance setting his salary. The employment agreement negotiated with Mr. Caton will also be considered for final ratification.

The public hearing was opened at 7:50 p.m.

John Shaver, City Attorney, introduced this item. He stated that the matter had been discussed in the past but he and Claudia Hazelhurst, Human Resources Director, can answer any questions.

Councilmember Kennedy asked that the salary and benefits be detailed for the benefit of the audience. City Attorney Shaver said the City Charter does require the City Manager's salary be set by ordinance.

Claudia Hazelhurst, Human Resources Director, said Mr. Caton's salary has been offered at \$180,000 and she listed the benefits being offered.

There were no public comments.

The public hearing was closed at 7:53 p.m.

Ordinance No. 4692 – An Ordinance Concerning the Salary of the City Manager

Councilmember Boeschstein moved to adopt Ordinance No. 4692 on final passage and ordered final publication in pamphlet form and to ratify the employment agreement as presented. Councilmember Traylor Smith seconded the motion.

Councilmember McArthur said this process was thoroughly vetted in the community and it is good to get to this point.

Councilmember Boeschstein agreed with Councilmember McArthur and said it has been a long process with a lot of candidates. He is looking forward to Mr. Caton's employment.

Motion carried by roll call vote.

**Public Hearing – Christian Living Services, Outline Development Plan, Located at 628 26 ½ Road**

The applicants request approval of an Outline Development Plan (ODP) to develop a 58,000 square foot Assisted Living Facility for Christian Living Services, under a Planned Development (PD) zone district with default zone of R-O (Residential Office), located at 628 26 ½ Road.

The public hearing was opened at 7:55 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, and said that the 2.37 acre site is an unusually shaped triangular lot located at the northeast corner of 26 ½ Road and Horizon Drive. He described the surrounding uses. The proposed project will be one building that is two stories tall, not to exceed 58,000 square feet, and will provide assisted living with parking. The proposed Outline Development Plan is consistent with the Zoning and Development Code. A request to deviate the size of the building is part of the Planned Development but the zoning of R-O (Residential Office) will be the default zone and will be guiding the rest of the standards and development. The details for the rest of the project are still under review. The Planning Commission forwarded a recommendation of approval after their review. Staff recommends approval.

Councilmember Boeschstein asked if the sidewalk on Horizon Drive will be continued. Mr. Rusche said it currently stops at the signalized intersection but the applicant is proposing to continue the sidewalk. Councilmember Boeschstein asked if there are any wetlands. Mr. Rusche said there are no wetlands but there is an easement on the property near the canal.

Councilmember McArthur asked if the applicant is proposing a 58,000 square foot, two story building instead of the 10,000 square foot maximum building currently allowed. Mr. Rusche confirmed that to be correct. Councilmember McArthur asked if there are any concerns for fire or emergency services. Mr. Rusche said that all building code standards will have to be met. He said that there is mention in the application that this is a more efficient use of the site. The access off of both roadways has been addressed. Councilmember McArthur asked about the traffic. Mr. Rusche said that the R-O zone is a more unique zone because even though it has a maximum building size,

there is no maximum number of buildings, so this size lot could have accommodated a number of buildings that would generate more traffic. Assisted living has different needs and many of the residents won't have vehicles.

Councilmember McArther asked if the 24/7 hours of operation versus medical buildings which operate 8 hours a day will pose any problems. Mr. Rusche stated that there should not be a problem since there will be three around-the-clock shifts for caregivers. The applicant is working with the church adjacent to the property for some shared parking spaces. Councilmember McArthur asked what the maximum number of residents will be. Mr. Rusche said he believed the applicant is proposing an 84 bed facility. Councilmember McArthur asked who prepared the project report. Mr. Rusche said that it was the applicant. Councilmember McArthur asked about the start date for the project being May 2016. Mr. Rusche said that Councilmember McArthur will have to ask the applicant about that.

Councilmember Taggart asked Mr. Rusche to talk about the access to the facility because it is a very busy intersection. Mr. Rusche said that the applicant has proposed, through the TEDs exception process, there will be two full motion access points, one off of Horizon Drive and the other one, which is an existing access point, on 26 ½ Road that will be redesigned with curb, gutter, and sidewalk and could be a shared entrance point with the church. Councilmember Taggart expressed concern regarding aggressive drivers where the roadway collapses from three lanes to two lanes. Mr. Rusche said he believes that the road would be restriped but he will bring that to the engineer's attention.

Councilmember Traylor Smith asked Mr. Rusche to explain Planned Development. Mr. Rusche explained that Planned Development allows the ability to make deviations from normal standards. It is intended for good projects that provide public benefit but don't fit with the standards. The primary reason for this request is to provide the ability to build a larger building. The Outline Development Plan requires the applicant to present a plan. City Attorney Shaver said that it is also known as contract zoning, it is not a perfect fit, but it is the exchange of the applicant presenting their plan and the City giving their approval.

Council President Pro Tem Chazen asked the applicant to make their presentation.

H. McNeish, Confluent Development in Denver, CO, and Camille Thompson, President of Christian Living Services (CLS), presented information and acknowledged the local consultants who have been helping them.

Ms. Thompson read the CLS mission statement and described the services they provide. It is a big company doing great work. They serve in the Denver area. The demand for senior living services is growing. They have been partnering with companies like Confluent Development who have the resources to build facilities. She

described the services provided by CLS. She addressed the term “Christian” in their name; they are inclusive communities that provide love, compassion, respect, unity, and integrity to those that do and do not profess a faith based belief.

Mr. McNeish provided a snapshot of the proposed site with the two story, 66 unit building (40 units assisted living and 26 units memory care) with 72 shared parking spaces (with church), and 32% landscaping. They want the design of the project to integrate with the neighborhood. There will be improvements to the sidewalks along 26 ½ Road and Horizon Drive. He reviewed the community benefits the project will bring to the area.

Councilmember McArthur asked if a retention pond, rather than a detention pond, is being proposed for the project. Mr. McNeish said a detention pond is proposed and the outfall will go into a pipe and then into the City system.

Councilmember Boeschstein asked Mr. McNeish if he was aware of the letter provided to Council from Hilltop Community Resources that addressed concerns regarding the proposed facility (attached). Mr. McNeish said he was not familiar with the letter.

City Attorney Shaver said the letter was received by the City Clerk at 6:50 p.m. and copies were distributed to City Council, Mr. Rusche, and Mr. Moberg, Development Services Manager. Mr. Rusche provided Mr. McNeish with a copy of the letter.

Council President Pro Tem Chazen asked City Attorney Shaver if the letter should be read into the record. City Attorney Shaver said it is not necessary to read the letter into the record because it is sufficient that Council has copies of the letter as it is simply asking a few questions and not objecting to the request that is before Council.

Councilmember McArthur said he skimmed over the letter and noted that much of it would be addressed in the development process. Mr. Rusche said that any of the design concerns will be addressed during the review process. Everything presented is part of Planned Development zoning request which Staff and the Planning Commission deem to be appropriate and meets all the required criteria.

Councilmember Taggart found it awkward that the applicants have not seen the letter and said some of the concerns in the letter reflect business decisions.

Councilmember Kennedy agreed that it is more of a business case being made in the letter and the matter before Council is zoning. He encouraged the applicant to review the letter and consider Hilltop's concerns as they are a good community partner. Mr. McNeish said that they appreciated Council's recognition of the awkwardness of the letter and they would certainly take the letter and the concerns addressed into account and under advisement as they moved forward.



Council President Pro Tem Chazen asked if any public meetings were held and if there was any opposition expressed. Mr. Rusche said there was a neighborhood meeting held last fall with a number of people in attendance that were positive about the request. There was a Planning Commission hearing held and only one resident from the neighborhood was in attendance. Mr. Rusche said this is the first time that they have heard anything from Hilltop Community Resources.

There were no public comments.

The public hearing was closed at 8:44 p.m.

Ordinance No. 4693 – An Ordinance to Zone the Christian Living Services Development to a PD (Planned Development) Zone, by Approving an Outline Development Plan with a Default Zone of R-O (Residential Office), Located at 628 26 ½ Road

Councilmember Traylor Smith moved to adopt Ordinance No. 4693 on final passage and ordered final publication in pamphlet form. Councilmember Kennedy seconded the motion.

Councilmember McArthur thanked the applicant for the complete presentation and answering all of Council's questions.

Councilmember Taggart asked that the intersection of 26 ½ Road and Horizon Drive be looked a closely by Staff to make the intersection safe.

Council President Pro Tem Chazen stated that he will support the motion, welcomed them to the community, and thanked them for their investment in the community.

Motion carried by roll call vote.

Council President Pro Tem Chazen called a 5 minute recess.

The meeting was reconvened at 8:54 p.m.

### **Sole Source Purchase of Sternberg Lighting LED Pedestrian Lights for the Horizon Drive Roundabouts Project**

This request is to authorize the City Purchasing Division to sole source purchase 38 Light Emitting Diode (LED) pedestrian lights from Sternberg Lighting for the Horizon Drive Roundabouts Project.

Trent Prall, Engineering Manager, presented this item. He introduced Vara Kusal, Manager of the Horizon Drive Association Business Improvement District (HDABID). He then explained the request and the reason the lights were not included in the original project solicitation; the foundations for the lights were included in the original project.

The HDABID selected Sternberg and plans to pay for the lights but the contractor insisted on dealing directly with the City. Mr. Prall displayed renderings of the proposed lighting. The lights will be in the City's inventory and not Xcel Energy's.

Mr. Prall updated the City Council on the Horizon Drive Roundabouts Project; it is moving forward quickly. He showed photos of sculptures that are being constructed in Vermont and said they will be an impressive entry feature.

Councilmember Kennedy asked if there is any other LED pedestrian lighting around the City. Mr. Prall said these will be the first to be installed but the North Avenue Complete Streets Project includes LED pedestrian lights. Councilmember Kennedy asked what the projection on energy savings is. Mr. Prall said that it should be about 50% on the electricity and noted LED lights last longer and require less maintenance.

Councilmember Taggart asked if the vision is to use this type of lighting throughout the entire project. Mr. Prall said they will use LED lighting all the way down to G Road and up to H Road. He advised that Sternberg Lighting has been in business for 93 years and they keep all of their molds and will be able to replicate the lighting in the future.

Councilmember Boeschstein thanked both the HDABID and the North Avenue Owners Association (NAOA) for their time and effort. This project will improve the entryway into the City and banners will be allowed on the bigger light posts which will be a positive entry feature.

Councilmember McArthur asked about the additional \$8,670 shown on the Staff report for sculpture lighting that was not included in this request. Mr. Prall explained that is a separate contract but fits within the purchasing guidelines and will be paid by HDABID as well.

Councilmember McArthur asked if this request had been budgeted and if not, why City Council is being asked to approve this request. Jay Valentine, Internal Services Manager, said that the City will purchase the lights but because the City did not do the procurement, it is a sole source. An amendment will be done to the budget for both the expenditure and the revenue for the same amounts.

Councilmember Traylor Smith thanked the HDABID and reminded citizens to be careful when traveling in the construction area and encouraged visiting the businesses in that area during this construction process.

Council President Pro Tem Chazen invited the HDABID representative in the audience to make a statement.

Vara Kusal, Manager of HDABID, thanked City Council for their support and lending City Staff to them as they have been so valuable to the HDABID. She said it is exciting

to see the project progressing and even though it is hard on the businesses, they are focusing on the end result.

Councilmember Traylor Smith moved to authorize the City Purchasing Division to sole source the purchase of Sternberg Lighting LED pedestrian lights in the amount of \$144,982 for the Horizon Drive Roundabouts Project. Councilmember Boeschstein seconded the motion. Motion carried by roll call vote.

### **TIGER VIII Grant Application for the North Avenue Complete Streets Project, Phase II**

In July of 2012, the City was awarded a Federal Transportation, Community, and System Preservation Program (TCSP) Grant in the amount of \$1,190,099 for the North Avenue (US Highway 6) Complete Streets Project which will construct a  $\frac{3}{4}$  mile segment from 12<sup>th</sup> Street to 23<sup>rd</sup> Street. This federal TIGER VIII grant request for \$10 million would fund a second phase that proposes to transform the balance of the four mile thoroughfare by constructing ADA compliant active (bike/pedestrian) transportation alternatives to the disadvantaged corridor and provide for future expansion of technological upgrades.

Trent Prall, Engineering Manager, presented this item. He recognized the presence of Poppy Woody, president of the North Avenue Owners Association (NAOA), and Debbie Hoey, one of their board members. He explained the grant monies allocated through the U.S. Department of Transportation (USDOT), the eighth round of Transportation Infrastructure Generating Economic Recovery (TIGER) discretionary grants, and described the requirements including the match.

The purpose of the project is increased safety and access for all street users; he listed the other elements of the grant program. He showed examples of a "complete street". This application is to complete the corridor. He listed the criteria for the grant application including strong partnerships. He noted the relationship to the Comprehensive Plan and the Economic Development Plan. Applications are due April 29, 2016, and the notice of awards will come out sometime in September 2016. Mesa County will consider a partnership in the project on April 12, 2016. A letter of support has been received from NAOA and a number of letters of support have been solicited previously and it is anticipated they will be resubmitted. The award is such that a small amount of design work will begin in 2017 and 2018. Right-of-way acquisition is anticipated in 2019 and the beginning of the project in 2020.

Councilmember Traylor Smith asked if the City will have to come up with \$3.5 million from the General Fund to do this project. Mr. Prall said that it is hoped that Mesa County will partner with the City for \$1.076 million. The City share of about \$2.5 million is not programmed at this point in time but will be looked at during the three year budget

process. Perhaps look at using funds no longer needed for Riverside Parkway. There are other possible grant opportunities but some may go for the Horizon Drive project.

Councilmember Taggart asked if Staff has learned enough from past applications to have the ability to tune the application up for a better chance to get the grant. Mr. Prall stated that one way to have a better chance on this application is to have a financial partner. Another strong selling point would be to have a Business Improvement District for North Avenue formed that would have a source of revenue to put towards the project. The concept for Complete Streets has been around for a long time. Mr. Prall said last year a TIGER VII grant was awarded to Kauai, Hawaii and that project converted a roadway to bikes only for a significant portion of their downtown. In Kalispell, Montana, there was an improvement done in the downtown area where the railroad was very close to Main Street to make it more tourist friendly. Councilmember Taggart said the key would be to learn from the last application to make it successful.

Council President Pro Tem Chazen asked if the City would be obligated to move forward with the project if Council approves the application for this grant. Mr. Prall said that the City could always turn the grant down if the City does receive it. The City would not be formally under contract with them until the Intergovernmental Agreement is signed in May or June of 2017. City Attorney Shaver said any obligation is subject to annual appropriation. Council President Pro Tem Chazen said he is concerned that if the project goes forward, what will happen when the County says they don't have the money, will there be an escape hatch? Mr. Prall said that the entire right-of-way east of 29 Road is in the City limits but County Staff agrees that the County should participate because the properties are still in the County. If the County decides to not participate on April 12<sup>th</sup>, there would still be time to stop the project at 29 Road now that the minimum grant request has been reduced from \$10 million to \$5 million. Council President Pro Tem Chazen said he is hesitant to go forward without knowing there is a financial partner on board. The choices are to approve this now, table the request and wait for the County's decision, or pass it with an amendment to see what the County's participation is going to be.

Councilmember Traylor Smith said that City Staff won't know if the grant has been awarded until September and then the City could refuse the grant if the funds can't be put together. She felt there is no downside to apply for the grant. She asked Mr. Prall how much time the City would have to decide to move forward with the project if the grant is awarded. Mr. Prall said it could be seven to nine months.

Councilmember Taggart said he is uncomfortable with approving this as contingent. He would be more comfortable to revise the resolution for the City's portion of \$1.57 million, and then let the County approve their half. Mr. Prall explained that the County's portion would only be \$1.076 million which he prorated to only include the portion of the road where the properties are in the County. Mr. Taggart said he would like to see

something approved at this meeting to put pressure on the County because of the time table being problematic.

Council President Pro Tem Chazen said that he feels that the County understands how serious the City is about this project.

Councilmember Traylor Smith said that it would give the County clarity rather than pressure and because the City won't have to accept the grant if it is awarded, it would be a good idea to go ahead and apply for the grant.

Council President Pro Tem Chazen asked if the amount being requested could be reduced if awarded and the County chooses not to participate. Mr. Prall said he doesn't see why the scope of the project couldn't be reduced.

Council President Pro Tem Chazen invited representatives from the NAOA to make a statement.

Poppy Wood, president of the NAOA, said it was nice to have come this far, it would be nice to start on the next step; the City, the County, and the State have worked well together to get this far and she would like to see it continue. Even though it is getting there, there is still so much to do on North Avenue to make it a viable, welcoming area. She encouraged approval of the grant application.

City Attorney Shaver said that an amendment to the resolution could include the words "up to" in two places in the second paragraph.

Resolution No. 10-16 – A Resolution Authorizing the Interim City Manager to Apply for a Federal Transportation Infrastructure Generating Economic Recovery (TIGER) VIII Grant for Construction Work on the North Avenue (US Highway 6) Complete Streets Project, Phase II

Councilmember Taggart moved to adopt Resolution No. 10-16 adding "in the amount not to exceed \$10 million". Councilmember Boeschstein seconded the motion.

Councilmember Boeschstein said it is important to note that in the past, the City has partnered with the County on other projects successfully and it would be good to let them know their partnership is important to help get the grant.

Council President Pro Tem Chazen asked if the City has applied for this before. Mr. Prall said yes, on June 3, 2015. Council President Pro Tem Chazen asked if the County participated then. Mr. Prall said no, County Staff was reluctant to move it forward to the Commissioners at that time.

Motion carried by roll call vote.

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**FASTLANE Grant Application for the 22 Road/River Road/Railroad Crossing Improvement Project**

In 2013 and 2014 the City of Grand Junction and Colorado Department of Transportation (CDOT) constructed improvements in the area of I-70 and Exit 26 that realigned 22 Road and reconstructed the interchange to the diverging diamond configuration. This federal FASTLANE request for \$5 million would partially fund a new crossing of the Union Pacific Railroad just south of the 22 Road signal on Highway 6&50; eliminate the G Road railroad crossing about 8/10 of a mile to the east; and widen River Road between 22 Road and 24 Road to allow for left turns.

Trent Prall, Engineering Manager, presented this item. He stated that the U.S. Department of Transportation's (USDOT) FASTLANE (Fostering Advancement in Shipping and Transportation for Long-term Achievement of National Efficiencies) program is a new program in the FAST (Fixing America's Surface Transportation) Act. The purpose of FAST Act is to fund critical freight and highway projects across the country. Under FASTLANE, grant awards must be a minimum of \$5 million and a 40% match is required; however, half of the match can be other federal funds. CDOT asked the City to apply for this grant and will provide some funding. Union Pacific Railroad (UPR) said the crossing guards are the most hit in the State and the accident rate is high; the purpose is to eliminate this hazardous crossing. Mr. Prall displayed the proposed new intersection and elaborated on other improvements that will be included in the project. He listed the grant criteria and reviewed the financial breakdown and the time frame for the project. Final applications for the grant are due April 16, 2016. Partnerships are again a big part of the grant process. Mesa County will be asked to participate on April 12<sup>th</sup> to split the match of \$1.233 million. The bulk of the project will be done in 2019.

Councilmember Traylor Smith asked what the probability is of the City getting this grant. Mr. Prall said that \$78 million will be allocated to small projects such as this one. This opportunity came out quickly and with little notice, it would be difficult for other communities to pull an application together. Since CDOT requested the City to apply and with the partnership opportunities with CDOT and the County, there is a possibility the City could get the grant.

Councilmember Boeschstein thanked Mr. Prall and asked if UPR would be contributing anything. Mr. Prall said that they are very interested in eliminating the crossing but can't commit since it is such a quick application time frame. He has the Public Utilities Commission (PUC) working on getting a commitment from UPR. The City may be able to get a letter of support. Councilmember Boeschstein asked if PUC has to approve the project. Mr. Prall said PUC wouldn't approve it yet, they will approve the new crossing and the elimination of the old crossing in the future but the

PUC liaison for local agencies and UPR is working on getting some response from them.

Councilmember Kennedy said he has driven that intersection many times per day in the past and he appreciates anything that would make that a different experience. It sounds like the City would have pretty good leverage going into this with the partnerships and the safety significance this project has. He supported the request.

Council President Pro Tem Chazen asked if the road will be closed from River Road to the I-70 Business Loop. Mr. Prall said the crossing would be abandoned and completely closed. Council President Pro Tem Chazen asked, with the new entrance on the other side of the Diverging Diamond, where will another access be? Mr. Prall said it will be at 24 Road, at the Redlands Parkway (which is the start of the Riverside Parkway). Council President Pro Tem Chazen asked if the City would be obligated to expend those funds in 2018 and 2019. Mr. Prall said the City would not be formally under contract until sometime in April, May, or June of 2017. At that point, there will be other partners participating but it will still require an annual appropriation.

Resolution No. 11-16 – A Resolution Authorizing the Interim City Manager to Apply for a Federal Fostering Advancement in Shipping and Transportation for the Long-Term Achievement of National Efficiencies (FASTLANE) Grant for Construction Work on the 22 Road/River Road/Railroad Crossing Improvement Project.

Councilmember Boeschstein moved to adopt Resolution No. 11-16. Councilmember Kennedy seconded the motion. Motion carried by roll call vote.

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

Richard Swingle, 443 Mediterranean Way, Grand Junction, CO said he has attended a lot of meetings and he is struggling with the March 21<sup>st</sup> Workshop which was identified as a priorities meeting. He was hoping to hear what each Councilmember's priorities are for the City. Mr. Swingle listed several projects and needs of the City and other entities that need funding. Instead of a long shopping list that was sent back to Staff, he was hoping, as leaders for the community, they would have taken a position on what the most important projects are for the community. He feels that still needs to take place.

### **Other Business**

There was none.

**Adjournment**

The meeting was adjourned at 10:00 p.m.

Stephanie Tuin, MMC  
City Clerk





Dear City Council,

This letter is in regards to the proposed Christian Living Services Outline Development Plan being discussed at the April 6<sup>th</sup>, City Council meeting. In my position with Hilltop Community Resources, I have been monitoring the progress of this project with interest from a competitor stand point. In reviewing the application, I have additional concerns, which I believe the Council may want to consider as you move forward with your decision making process.

Although, the addition of new facilities to meet the increasing demand for senior services in our community is welcomed, certain concerns such as the appropriateness of a Planned Development zoning, the true "increasing demand" of assisted living services, the significant shortage of qualified caring giving staff in the valley, a the immediate proximity to another "group living facility" should be fully examined by council. In full disclosure, Hilltop has operated two assisted living facilities in Grand Junction as a local non-profit owner/operator (The Fountains and The Commons. With this vantage point I believe I can add an "insiders" perspective to the local industry.

1. The application mentions multiple times the "growing demand for Assisted Living Facilities", and although there is a significant increase in demand for these services across the valley, our market study clearly shows the overwhelming majority of demand is in the middle and low-income sectors of our population. Unfortunately, the application in Section 21.05.040(g) (4) states that the proposed project is not designed to meet the moderate, low and very low income households. I am not currently aware of a single assisted living or memory care facility operating at capacity.
2. As a longtime supporter of economic develop and jobs in our community, I clearly favor adding jobs to our depressed workforce. Unfortunately, Grand Junction is a community with a heavily focus on the service sector. As a local employer of over 680 employees, finding qualified care giving staff is a significant challenge faced by the local industry. With the new additions of two post-acute rehabilitation facilities within the next year; this trend will become even more difficult.
3. I question the appropriateness of utilizing a Planned Development zone distinction. By definition, a PD distinction "*should be used when long-term community benefits will be derived*". I question this project's long term community benefit. Hilltop's facilities are both located on Planned Develop sites. Our facilities, in addition to serving the private pay individuals, allow our residents to remain in our facilities if they outlive their financial resources and need to receive Medicaid. Furthermore, as a local non-profit agency, the "excess revenue" from our facilities stay in the Grand Junction area and is reinvested in programs meeting long-term community

benefit, such as domestic violence services, at-risk youth, seniors with dementia, and many more.

4. My last point of clarification is in regards of the project being within 750 feet of another group living facility, Mesa View Retirement. I was a member of the community team, years ago which worked with the City Attorney's office to create a "group living facility" designation in the code, since prior no designation existed. The intent of this process was for ALL similar facilities, including ones like Mesa View Retirement to fit under the code.

I have reviewed Greg Moberg's memorandum dated March 1, 2016 which states "*While it is clear that the City and Holiday have not, since May 2010, considered Mesa View to be a group living facility, it is not clear from the record how that Decision was reached or to what use and/or use category Mesa View was reclassified. While it is impossible to recreate the events of almost 6 years ago, I am confident that the Decision had a rational basis, and the purpose of this memorandum is to supplement and clarify the record of that Decision.*"

I am afraid I do not share Mr. Moberg's confidence the Decision had a rational basis. Although the code does not specifically outline a facility like Mesa View, the descriptors of the facility clearly fit Group Living. I have included some highlighted portions of the code. This code may not be perfect but was put into place to guide the City, give clarification to providers and protect the citizens.

**Section 21.04.020(b) Group Living.**

(1) *Characteristics. Group living is characterized by the residential occupancy of a structure by a group of people who do not meet the definition of household living. Tenancy is arranged on a monthly or longer basis, and the size of the group may be larger than a family. Uses where tenancy may be arranged for a shorter period are not considered residential. They are considered to be a form of lodging (see the retail sales and service and community service categories). Generally, group living structures have a common eating area for residents. The residents may receive care, training, or treatment from caregivers at the site.*

(2) *Accessory Uses. Accessory uses commonly associated with group living are recreational facilities and parking of vehicles for occupants and staff.*

**Section 21.04.030(p)(8)(ii) Group Living Facility**

(2) *Group Living Facility.*

(i) *A group living facility is a residential facility or use as defined by this code that functions as a housekeeping unit comprised of unrelated persons receiving public or private supervision, care or treatment. Registration and compliance with other terms and conditions, as defined and described by this code, are required. A separate City license is not required.*

(A) *An unlimited group living facility is a group living facility shared by or the residence of 17 or more unrelated persons, exclusive of staff.*

(B) A large group living facility is a group living facility shared by or the residence of more than eight but fewer than 17 unrelated persons, exclusive of staff.

(C) A small group living facility is a group living facility shared by or the residence of more than four but up to eight unrelated persons, exclusive of staff.

(ii) For the purpose of this section only, the following definitions shall apply:

(A) Facility. A single facility is a lot, parcel or tract of land, together with the structures located thereon.

(B) Use. The purpose, mission or activity for which land or buildings are designed, arranged or buildings are occupied or maintained. The group home use is specific to an organization and mission of the group home. A change in the organization and/or mission at a specific location constitutes a new group living facility.

(C) Structure/Building. Structure/building shall be defined in Chapter 21.10 GJMC.

(D) Related. "Related" means a person's: child, stepchild, foster child that is being adopted by a foster family, or other descendant, spouse, aunt, uncle, niece, nephew, parent, grandparent, great grandparent, or stepparent. (See GJMC 21.10.020, "Group living," "family" and "household.")

(iii) Group living facilities as defined by this code may or may not be licensed by the State. A facility which is licensed by the State, regardless of category or size, is a group living facility and is required to register with the City.

(iv) A use which does not fit within the definition of a group living facility is not allowed within a residential district. It is a violation of this code for four or more unrelated persons to reside together in a structure if a use or service the same as or similar to those described below occurs therein unless permitted by the City as a group living facility.

I apologize for the lateness of this letter and that I am unable to be in person at the Council meeting. However, I felt it was important for the Council to be fully informed of the local prospective of the industry and some concerns with the current proposal.

If I could be of any further assistance please let me know.

J. Michael Stahl



Chief Executive Officer  
Hilltop Community Resources