

GRAND JUNCTION CITY COUNCIL
MINUTES OF THE REGULAR MEETING

April 20, 2016

The City Council of the City of Grand Junction convened into regular session on the 20th day of April, 2016 at 7:00 p.m. Those present were Councilmembers Bennett Boeschstein, Chris Kennedy, Duncan McArthur, Rick Taggart, Barbara Traylor Smith, Martin Chazen, 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. Councilmember Chazen led the Pledge of Allegiance which was followed by a moment of silence.

Council President Norris welcomed Colorado Mesa University students from the Political Government and the American Government classes.

Proclamations

Proclaiming April 23, 2016 as “Arbor Day” in the City of Grand Junction

Councilmember Boeschstein read the proclamation. Randy Coleman, Forestry Supervisor, and Kamie Long, Forestry Board Chair, were present to receive the proclamation. Ms. Long distributed Arbor Day hats to City Council. Mr. Coleman said that April has been Arbor Month because the Forestry crews and board have been so active. They had the first annual tree planting day in the Ridges and had over 100 volunteers from the Ridges participate. They have received nine other applications for other neighborhoods to plant trees. They also did a poster contest and went to schools to get kids excited about trees. Saturday, April 23rd is Southwest Arbor Fest and there will be 1,500 trees of nine varieties that will be handed out during the festival. Mr. Coleman thanked the City Council.

Proclaiming May 1-7, 2016 “National Small Business Week” in the City of Grand Junction

Councilmember McArthur read the proclamation. Grand Junction Chamber of Commerce Chief Executive Officer Diane Schwenke and Grand Junction Business Incubator Board Chair Michael Burke were present to receive the proclamation. Ms. Schwenke thanked the City Council for the proclamation as Grand Junction is indeed a community of small businesses, over 90% of businesses in the City have ten or fewer employees. Most jobs come from that small business sector. Also May 8th through the 14th is Economic Development Week and the Chamber and the Business Incubator will be reaching out to small businesses that week. Mr. Burke said he was present to

represent the Business Incubator because the Director was traveling for business. He described the growth of the Incubator and how the Incubator touches so many businesses.

Proclaiming May 1-8, 2016 as “Days of Remembrance” in the City of Grand Junction

Councilmember Chazen read the proclamation. David Eisner, Lay Leader of Congregation Ohr Shalom, was present to receive the proclamation. Mr. Eisner thanked the City Council and said this is the 7th year he has received this proclamation from the City and noted the importance of ensuring the dignity of human beings. He reflected how things have changed in the last seven years and how genocide is still happening. He read a quote from a Rabbi indicating that everyone has an obligation to work towards the goal of ensuring dignity within the world.

Citizens Comments

Bruce Lohmiller, 536 29 Road, addressed the Council regarding "Exposé" and a letter of intent. He commented about what Mr. Eisner said. He thought the new City Manager would be in attendance and he wanted to provide a letter from Alan Story and his intent to be his running mate. He then addressed homelessness. He mentioned the Global Warming Conference.

Mikkel Kelly, 2491 Fountain Greens Place, introduced himself as he is the new Executive Director for the Western Colorado Center for the Arts. He has been here since July and he thanked the City for being so generous and hospitable and said he has enjoyed working with the City's Arts Commission. The Center for the Arts is currently assessing their building and the future for the Center. He described upcoming events: the James Surls exhibition in July with the Colorado Mesa University Art Gallery also participating and the US Bank Fine Art Auction on May 6th which is their big fundraiser. Included in that event is a raffle. He then passed out the Center for the Arts magazine listing exhibitions and classes to the City Council.

Council Comments

Councilmember McArthur said he was in Denver and toured a 13 Steps program (a homeless project) with Councilmember Chazen. He attended the Colorado Water Congress State Affairs meeting where current legislation was reviewed. He met with Horizon Drive hotel owners and managers and talked about concerns they have. The 521 Drainage Authority Annual Meeting was that day and the Authority has obtained a drainage discharge permit from the State of Colorado. It will go into effect on July 1, 2016. The Authority also has an obligation to educate the public on drainage.

Councilmember Boeschstein said that on April 11th, he went to the North Avenue Groundbreaking and also met with the Municipal Judge to resolve issues. He went to the Urban Trails Committee meeting on April 12th, the Downtown Development Authority (DDA) meeting, the Joint Persigo Board meeting on April 14th, and the City Council Workshop on April 18th where the Community Development Block Grant funding was discussed. He attended the symphony concert on April 19th and read a proclamation for Conductor Kirk Gustafson as it was his final concert. He attended the Horizon Drive Association Business Improvement District (HDABID) meeting and the 5-2-1 Drainage Authority meeting earlier that day.

Councilmember Chazen reported that on April 7th, as mentioned by Councilmember McArthur, he visited Step 13 which is a men's residential recovery program in downtown Denver that offers its residents the opportunity to recover from the disease of addiction and become productive members of their communities through a program that focuses on the facets of sobriety, work, and personal accountability. The Executive Director has been invited to Grand Junction to talk to the Homeless Coalition. He also attended the April 11th North Avenue Groundbreaking. He participated in the Chamber of Commerce Leadership Academy on April 14th. On April 15th there was an Associated Governments of Northwest Colorado (AGNC) meeting and a Department of Local Affairs (DOLA) mini grant program was discussed that AGNC administers. On April 16th he attended the Court Appointed Special Advocate (CASA) fundraiser at the Trap Shoot Range and he thanked the City employees who helped pull the event together. He attended a Jordan Cove meeting on April 19th and deferred to the Mayor for information on that meeting.

Councilmember Kennedy said he attended three community meetings regarding the next steps towards a Community and Recreation Center. He attended the Joint Persigo meeting on April 14th, the Western Colorado Latino Chamber of Commerce meeting earlier that week, and the symphony concert mentioned previously where there were four featured soloists from Atlanta, Washington D.C., New York, and Russia by way of Greece.

Councilmember Taggart stated that earlier that week he attended the Colorado Department of Transportation (CDOT) open house for the potential new roundabout on the Redlands Parkway and Broadway. As an Airport Authority Board Member, he has spent a lot of time at the airport and there are very positive things emerging including a finalist for a new Director, Kip Turner from Durango; the airport has received news from Federal Aviation Administration (FAA) that the Environmental Impact Study for the new runway has been accepted; the Airport Task Committee has been working on bringing additional service to the Airport; and the FAA has approved an Airport Improvement Project for the refurbishing of the taxiways and some new lighting.

Council President Norris said that she attended North Avenue Groundbreaking, she attended the Leadership Academy on April 14th, the Fire Department Academy graduation on April 15th and she welcomed five new firefighters. She attended the Jordan Cove presentation and they presented a project where they will be selling natural gas to Japan and could have a 20 year potential of job security. She also went to the 5-2-1 Drainage Authority meeting earlier that day.

Consent Agenda

Councilmember Kennedy read the Consent Calendar items #1 through #6 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 April 4, 2016 Workshop, the Minutes of the April 6, 2016 Regular Meeting, and the Summary of the April 11, 2016 Special Workshop

2. **Setting a Hearing for the Studt Annexation, Located at 227 29 Road**

This is a request to annex 0.9 acres, located at 227 29 Road. The Studt Annexation consists of 1 parcel.

Resolution No. 12-16 - A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on such Annexation, and Exercising Land Use Control Studt Annexation, Located at 227 29 Road

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Studt Annexation, Approximately 0.9 Acres, Located at 227 29 Road

Action: Adopt Resolution No. 12-16, Introduce a Proposed Annexation Ordinance, and Set a Hearing for June 1, 2016

3. **Setting a Hearing for Colorado Mesa University (CMU) Alley Right-of-Way Vacation, Located within the CMU Area between Elm and Kennedy Avenues**

The applicant, CMU, requests approval to vacate a portion of public alley right-of-way between Elm and Kennedy Avenues. This right-of-way is adjacent to properties owned by CMU or currently under contract with CMU. The vacation will facilitate the construction of a new engineering building on campus.

Proposed Ordinance Vacating a Portion of Alley Right-of-Way Located Between Elm and Kennedy Avenues, Located in the Colorado Mesa University Area

Action: Introduce a Proposed Ordinance and Set a Public Hearing for May 4, 2016

4. **Setting a Hearing for Marquis Zone of Annexation and Comprehensive Plan Future Land Use Map Amendment, Located at 2245 ½ Broadway**

A request to zone 0.54 acres from County RSF-4 (Residential Single-Family - 4 du/ac) to a City B-1 (Neighborhood Business) zone district along with a Comprehensive Plan Amendment to change the Future Land Use Map designation from "Residential Low" (0.5 - 2 du/ac) to "Neighborhood Center". The proposed resolution to amend the Comprehensive Plan will be considered with the second reading of the zoning ordinance.

Proposed Ordinance Zoning the Marquis Annexation to B-1 (Neighborhood Business), Located at 2245 ½ Broadway

Action: Introduce a Proposed Ordinance and Set a Public Hearing for May 4, 2016

5. **Purchase a Backhoe for Cemetery Operations**

This backhoe is a needed resource to provide ongoing operation and maintenance of the City Municipal Cemeteries. This equipment is used for excavation of graves, disinterment's, facility/road maintenance, irrigation repairs, and offloading of vaults and equipment delivered to both the Orchard Mesa and Crown Point Cemeteries.

Action: Authorize the City Purchasing Division to Purchase a Backhoe for \$83,850 from Flaska JCB, Denver, CO

6. **Prohibition of Parking along Main Street during Grand Junction Off-Road and Downtown Music Festival May 20-22, 2016**

The Downtown Grand Junction Business Improvement District (DGJBID) is requesting the prohibition of parking along Main Street during the 2016 Grand Junction Off-Road and Downtown Music Festival May 20-22, 2016, and the authorization for towing vehicles violating the prohibition.

Action: Prohibit Parking along Main Street from 1st to 7th Streets during the Grand Junction Off-Road and Downtown Music Festival May 20-22, 2016 and Authorize the Towing of Vehicles Violating the Prohibition

ITEMS NEEDING INDIVIDUAL CONSIDERATION**Appointment of Municipal Judge**

The last formal appointment of Judge McInnis was August 2006 for a four year term.

John Shaver, City Attorney, presented this item. He explained the item and noted it was requested by City Council at a Council Workshop. He noted Judge McInnis is present if Council has any questions for her.

Councilmember Kennedy said they have had multiple meetings with Judge McInnis and it is his opinion that she has done an exceptional job and he will support the resolution.

Councilmember Boeschstein agreed with Councilmember Kennedy and said he has observed Judge McInnis in action and noted that judges need to be very independent and non-political. Municipal Court is valuable for zoning cases and Judge McInnis is doing a great job. He is definitely in favor of the resolution.

Councilmember Chazen stated that the resolution puts the City in compliance with State law. He has also observed Judge McInnis in court and feels she does a very good job. He looks forward to her continuing the very good work that she does.

Councilmember Kennedy said he has also observed Judge McInnis and has been a defendant for a traffic ticket in her court to which she recused herself to follow proper court procedures.

Council President Norris stated that the State Statute provides for a two year appointment and other City appointed employees do not have set appointments. Evaluations do take place annually and she feels a two year term would be better. She has very high regard for Judge McInnis and feels she does a very good job, however, she will be voting no because she would prefer to see a two year term instead of a four year term.

Councilmember Kennedy said he respects the Mayor's opinion but the difference for him advocating for a four year term is the court is a separate standalone pillar of the City government and having a four year term provides that position independence.

Council President Norris stated that she disagrees because she feels that the term has no effect on that.

Councilmember Boeschstein said that the term for the Municipal Judge was debated in a workshop and the majority of Council felt that four years was the appropriate term. The Judge needs to be above the politics and the change in City Councils.

Councilmember McArthur said that Judge McInnis has a long tenure with the City and there haven't been any questions with her performance or the operations of Municipal

Court. Even though he missed the workshop, he read through the notes and he supports a four year term.

Councilmember Chazen stated that there was quite a bit of discussion regarding the term. Part of the problem was how would the term affect the removal of the Judge if need be. He feels that the removal and terms are separate issues and there is enough provisions in the Statute to support removal if necessary and he supports a four year term.

Councilmember Taggart said that there is a strong precedent from prior Councils that gave the Judge a four year term and he feels this Council should demonstrate that same type of faith.

Resolution No. 13-16 - A Resolution Appointing Care` McInnis as Municipal Court Judge

Councilmember Taggart moved to adopt Resolution No. 13-16. Councilmember Chazen seconded the motion. Motion carried by roll call vote with Council President Norris voting NO.

Public Hearing – Amend the Grand Junction Municipal Code to Allow for an additional Alternate on the Forestry Board and Adopt the Proposed Forestry Board Bylaws

The request is to amend the Grand Junction Municipal Code to be consistent with the proposed Forestry Board bylaws and then to adopt the bylaws by resolution.

The public hearing was opened at 7:52 p.m.

Kamie Long, Forestry Board Chair, presented this item. She said that the proposed bylaws were presented at a workshop and she is happy to answer any questions that Council may have.

Councilmember Chazen stated that there was discussion regarding the wording for the replacement of board members and the proposal also increases the alternates from one to two. He feels that the original wording could have been construed as an automatic promotion of one of the alternates and he doesn't feel that was the intent of the board. He wanted to make sure that the board reviewed the new wording and supports it.

Ms. Long said that the word "may" allows the board the flexibility as suggested by Councilmember Chazen.

Councilmember McArthur asked for clarification where that wording is. City Attorney Shaver said it is on the second page of the ordinance and the amending document is the ordinance.

Councilmember Boeschstein said he believes this is a good move and he would like to see alternates for more of the boards.

Council President Norris thanked Ms. Long and the board for the rewriting of the bylaws as it is not an easy task. The City is fortunate to have such a strong board.

There were no public comments.

The hearing was closed at 7:56 p.m.

Councilmember Taggart asked if an alternate can vote in the absence of a board member. City Attorney Shaver said yes, it is the typical role of the alternates.

Councilmember McArthur said the ordinance also said that an alternate can vote in the case of a recusal of a board member.

Ordinance No. 4694 – An 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

Resolution No. 14-16 – A Resolution Adopting the Grand Junction Forestry Board Bylaws

Councilmember Chazen moved to adopt Ordinance No. 4694 on final passage and ordered final publication in pamphlet form and to adopt Resolution No. 14-16.

Councilmember Boeschstein seconded the motion. Motion carried by roll call vote.

Ms. Long thanked the Council and also acknowledged City Clerk Stephanie Tuin for all of her help working with the Forestry Board to put all of this together.

Mr. Coleman also thanked Council for helping them through the process and providing the feedback for the Board.

Federal Lands Access Program (FLAP) Funding Application for the Monument Road Trail

In 2007, the City of Grand Junction and Great Outdoors Colorado (GOCO) extended a trail from the existing Riverfront Trail just west of the Broadway Colorado River Bridge along No Thoroughfare Wash to just north of D Road. This federal FLAP request for \$4.79 million would extend a ten-foot concrete bike path south along Monument Road connecting to the South Camp Road Trail, providing a non-motorized alternative access from the Riverfront Trail past one of the region's most popular trailheads for access to a vast network of Bureau of Land Management (BLM) trails as well as expand and pave the trailhead parking lot, add trailhead amenities, and provide for bypass lanes at the east entrance to the Colorado National Monument (CNM).

Trent Prall, Engineering Manager, presented this item. He described the grant program and how the City is eligible. There is no minimum request and there is a 17.21% match. Mr. Prall detailed the location and the project. Part of the application process included touring the project with the grant administrators who encouraged the City to widen the scope of the project. The trailhead is well utilized so enlargement and paving of the parking lot was suggested. Another element added is improvement to the Colorado Monument entrance. Mr. Prall felt the application had a good chance of being awarded as it met a lot of criteria for the funding including access, mobility, preservation, safety, environmental quality, funding, and coordination. He noted that there are representatives from the Mesa Land Trust in attendance. He related the project to the Comprehensive Plan and the Economic Development Plan. Final Applications are due May 21, 2016 and the City will likely hear back on the application in the fall. Mesa County will be hearing this item and considering participation. He listed other partners and supporters.

Mr. Prall reviewed the proposed funding and the City match. The proposal includes Phase II which would extend the trail to South Camp Road. Mr. Prall reviewed the financial breakdown and budget and said if the grant is awarded, the project would happen in 2019.

Councilmember McArthur asked if the letters of support included offering funds. Mr. Prall said that they are just letters of support at this point, no financial commitment yet. Mesa Land Trust would take the lead for finding additional funding. Councilmember McArthur said he observes that there is a lot of ongoing construction in that area and asked if construction such as that would be part of the grant. Mr. Prall said that the construction estimates do anticipate a thicker trail section because of the type of soils along Monument Road. Other items included that drive the cost up are six crossings for the No Thoroughfare Wash which would be able to weather flood waters. Councilmember McArthur asked if there are any Federal lands involved and will there be any Federal control. Mr. Prall said that the monument entrance is Federal land and the parking lots all access BLM land. Once it is complete, the City will maintain the project. The Federal Government would oversee the design of the project. Councilmember McArthur said that it his understand that the Fixing America's Surface Transportation (FAST) money goes to the State to administer and asked where the application goes for this request. Mr. Prall said the application goes directly to the Federal Highway Administration and they oversee the funds and the design. Mr. Prall said that Colorado Department of Transportation (CDOT) is also competing for these funds.

Councilmember Boeschstein thanked Mr. Prall and all of the partners. He believes this project is on the Urban Trails Master Plan, the Redlands Area Plan, and the Comprehensive Plan. In 2007, Monument Road was widened with bike lanes on both sides but this is an off road bike trail. He asked why the bike lanes on Monument Road are not sufficient. Mr. Prall said the lanes on Monument Road are only three feet and

industry standard is four feet. The lanes are not comfortable for all users because of the high speeds of cars on Monument Road. Councilmember Boeschstein asked if the local match is not needed until 2018. Mr. Prall said that is what he is proposing.

Councilmember Boeschstein said that this Council can't commit future Councils to any dollar amount, they can only commit for the current budget, but this Council can say that conceptually, they are in favor of the project. City Attorney Shaver said that if this Council authorizes the application, and if it is awarded, there is an expectation that the obligation would be fulfilled.

Councilmember Chazen noted the project increased by a million and one half dollars in one week and asked what happened that it increased that much. Mr. Prall said that they added Phase II (extending to South Camp) for Council's consideration. Councilmember Chazen asked who is responsible for the road. Mr. Prall said both the City and the County share responsibility for that road. Councilmember Chazen asked if the City has obtained all of the right-of-way (ROW) necessary for the project. Mr. Prall said that they are in discussions with the property owners of ROW's for Phase I and will be getting Memorandums of Understanding (MOA) in place prior to submitting the application.

There is one property owner who they have been working with for Phase II.

Councilmember Chazen asked if applying for the grant would commit the City. Mr. Prall said that once the grant is awarded, the City would have nine months to sign an Intergovernmental Agreement (IGA). Councilmember Chazen asked if there would be any encumbrance on the ROW's obtained because of the grant moneys being federal monies. City Attorney Shaver said that they have not seen a contract but future encumbrance of right of use of ROW would not be anticipated. Councilmember Chazen asked if permission would need to be obtained from the federal government to widen the road or move the bike path in the future because federal dollars were used for the project.

City Attorney Shaver said that, because the bike path would be detached from the roadway, it would be unlikely that the roadway would be widened in that area. In terms of the area of the parking lot, there is not usually a commitment for the project to never be changed. Councilmember Chazen asked if there have been any estimates of costs to maintain the trail and where the funding would come from. Mr. Prall said there have not been any estimates made for the maintaining of the trail and bathroom facility but it would be absorbed into the Parks Department and the Streets operating budgets. They could put estimates together for the maintenance of the parking lot prior to submitting the application if Council wants. Councilmember Chazen said that he is concerned with committing City funding because this was the third application recently brought forward and he would like to know what the incremental maintenance costs would be.

Councilmember Chazen asked if any of the partners have stepped forward and offered to commit funding for this project. Mr. Prall said that no one has stepped forward as of yet, but Mesa County Commissioners will hear this request on May 9th and it is hoped that they will participate in the project.

Councilmember Kennedy asked what the total mileage would be for the Redlands Trail. Mr. Prall said the whole Redlands Loop would be about 9.9 miles. Councilmember Kennedy said that this project fits everything that North Star Study said the City should be doing. The project would be a great addition to the Riverside Trail and would set the City up in the future for a tremendous message as to what the City is doing about trails and building a recreational tool kit. He feels that the Lunch Loop is the most used piece of park in the City. He believes that the application for this grant needs to happen; he will support the request, and urged the rest of Council to support the request.

Councilmember Chazen said that sometimes asking the hard questions are uncomfortable but for the long term asset, these questions need to be answered to keep the City from getting in trouble in the future when it comes to maintaining these projects. He is in favor of the project but Council needs to look at the details of these projects first and get answers.

Councilmember Taggart said that he probably should recuse himself as a cyclist that lives near the Lunch Loop. With it being National Parks Week, he waited for ten minutes to get onto the Monument to ride. The Lunch Loop is a favorite trail to run. The highway cannot be widened to the east as the wash is very close to the road. He agreed with Councilmember Chazen that the operating costs for this project should be determined and that should be a standard for these types of projects. He thinks this project would have a Great Outdoors Colorado (GOCO) matching grant profile under the Inspire Initiative. The inland trail would offer other uses (rollerblading, kids using, etc.) and would bring a whole new group of people. He would like to see the operating costs and find a way to minimize the City's match by involving the community to help with the match. He hopes that the County would be willing to do the section around the Monument because the residents of Glade Park really need it.

Council President Norris asked if other grants could be used for the match of the requested grant. Mr. Prall answered affirmatively and said GOCO, Energy/Mineral Impact Assistance Fund (EIAF), and other private fundraisers could help with the matching dollars. Council President Norris asked if this request is for both Phase I and Phase II. Mr. Prall said that the resolution would be worded like the prior grant requests to include the words "up to" a \$5.8 million project with "up to" a \$996,000 match. Council President Norris asked if there are turning lanes into the parking lots. Mr. Prall said there are turning lanes. Council President Norris said that a trail like this could address different people for lots of uses and she hopes that there would be Parks Funds available in 2018 and 2019. She feels Council needs to move forward on this project.

Councilmember McArthur said it is a popular corridor and it is Council's duty to evaluate and look at things to be done and move forward on these opportunities to improve what's there.

Councilmember Boeschstein said that Conservation Trust Fund (CTF) could be used as well as the possibility of Mesa County contributing. He is in favor of the request.

Councilmember Taggart said some of the comments he hears from citizens is to finish some of the things that have been started and this projects fits that comment.

Council President Norris said that projects such as this makes Grand Junction a nice place to live. It's not going to bring jobs into the community but it brings people in and promotes good infrastructure.

Resolution No. 15-16 – A Resolution Authorizing the Interim City Manager to Apply for Federal Lands Access Program (FLAP) Funding for Construction Work on the Monument Road Trail Improvement Project

Councilmember Boeschstein moved to adopt Resolution No. 15-16. Councilmember McArthur seconded the motion. Motion carried by roll call vote.

Councilmember Taggart asked that estimated operating costs be brought to a workshop. Mr. Prall said they will and they will also find out if there are federal restrictions with ROW.

Non-Scheduled Citizens & Visitors

Rob Bleiberg, Executive Director of Mesa Land Trust and resides at 1248 Ouray Avenue, thanked the City for their support and relationship with Mesa Land Trust. Mesa Land Trust is committed to partnering with the City to raise dollars to make this happen. They raised \$1.6 million to buy Three Sisters properties and raised \$800,000 for the Bookend properties. He said that GOCO does have sources that may be appropriate and he is confident that they will be able to find private donors.

Other Business

There was none.

Adjournment

The meeting was adjourned at 8:52 p.m.

Stephanie Tuin, MMC
City Clerk