

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

**June 15, 2016**

The City Council of the City of Grand Junction convened into regular session on the 15<sup>th</sup> day of June, 2016 at 7:00 p.m. Those present were Councilmembers Bennett Boeschstein, Chris Kennedy, Duncan McArthur, Martin Chazen, and Council President Phyllis Norris. Councilmembers Barbara Traylor Smith and Rick Taggart were absent. Also present were City Manager Greg Caton, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Norris called the meeting to order. Boy Scout Troop #357 led the Pledge of Allegiance which was followed by a moment of silence.

Council President Norris welcomed new City Manager Greg Caton and thanked Tim Moore for serving as Interim City Manager.

**Presentation**

**First Smart Yard Award Presented by Elizabeth Neubauer with the Grand Junction Forestry Board**

Elizabeth Neubauer, member of the Forestry Board, and City Forester Randy Coleman were present. Ms. Neubauer explained the new Smart Yard recognition program and said it was decided to change the program to be more in tune with the climate of Western Colorado. The First Smart Yard Award was presented to the Labyrinth Gardens at First Congregational Church located at 5<sup>th</sup> Street and Kennedy Avenue; Martha Jones and Betty Hall, the designers, were present to receive the award.

**Proclamations**

**Proclaiming June 17, 2016 as “Rex Howell and the Legends of the Grand Valley Day” in the City of Grand Junction**

Legends of the Grand Valley Chair Tilman Bishop and Co-chair Jacquie Chappell-Reid were present to receive the proclamation. Councilmember Boeschstein read the proclamation. Mr. Bishop thanked City Council for the proclamation and said the Legends Project started 14 years ago and the sculptures draw many people to Grand Junction. Ms. Chappell-Reid also thanked Council and everyone involved in the Legends Project. She invited everyone to the final unveiling for the Legends of the Grand Valley sculptures on June 17<sup>th</sup>.

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**Proclaiming the Week of June 19<sup>th</sup> as "St. Baldrick's Foundation Week" in the City of Grand Junction**

Robyn Carmine, the local St. Baldrick's Foundation Volunteer Event Coordinator, was present to accept the proclamation. Councilmember McArthur read the proclamation. He said he participated in last year's head shaving event and noted the recent loss of Delaney Clements. Ms. Carmine thanked Council for the proclamation and said St. Baldrick's is one of the largest international organizations and most of the funds raised go toward cancer research. This year's local campaign will be in honor of Delaney; it will be difficult without her. She listed some of this year's fundraising events with the highlight being the head shaving event on June 25<sup>th</sup>.

**Proclaiming the Month of June as "Adult Protection Awareness Month" in the City of Grand Junction**

Mesa County Adult Protection Supervisor, Candace McGuire, was present to receive the proclamation. Councilmember Chazen read the proclamation. Ms. McGuire thanked City Council for helping raise awareness of these at-risk adults and shared some local statistics. It is an issue in the community; locally, in 2013, 733 cases were investigated and in 2015, the number jumped to 1,113. The County now has seven case managers, a lead worker, a case service aid, and a case supervisor to handle the increased case load and reporting requirements.

**Certificates of Appointment****To the Forestry Board**

Councilmember Kennedy presented a certificate of appointment to Mollie Higginbotham to the Forestry Board. Ms. Higginbotham thanked City Council for the appointment.

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

Councilmember Chazen presented a certificate of appointment to Tom LaCroix to the Downtown Development Authority/Downtown Grand Junction Business Improvement District. Mr. LaCroix thanked City Council for the appointment.

**Citizens Comments**

Bruce Lohmiller, 536 29 Road, #4, mentioned uses of Whitman Park and night patrols to City Council and said he spoke to City Attorney Shaver about some issues at the Police Department. He said City Attorney Shaver would write a letter on the stipulations and grounds of those issues. He also wanted to remind Mr. Rubenstein about the

harassment of young people and he said sex education classes need to be part of School District 51's curriculum.

Richard Swingle, 443 Mediterranean Way, reviewed his involvement with meeting attendance and noted it was the one year anniversary of Grand Junction becoming a Next Century City. He attended the Mountain Connect Conference in Keystone, reviewed the topics discussed, and listed the City representatives that attended. He said he had an epiphany at the conference that the issue is not about broadband, it's about fiber optic cable. He then presented Happy Anniversary and Insights reviewing the history of communication infrastructure, specifically on the evolution of wire types. He said Grand Junction's wiring infrastructure is behind the times and listed cities and counties that are more advanced.

### **Council Comments**

Councilmember Kennedy expressed his thoughts about current events in Orlando, FL and how Grand Junction is affected by them. He has a gay adult child and said there is always fear in how a community may respond to LGBTQ (lesbian, gay, bi-sexual, transvestite, and queer) community members. He recognized members of the LGBTQ community who were present and commented that the City recently celebrated local diversity by proclaiming Pride Fest Week. He encouraged other elected officials to articulate their feelings about events such as these and encouraged communication among groups. He has gone through all the emotions of grief and made a commitment to do everything he can to start a dialog about respect, honor, and understanding.

Councilmember McArthur attended the Special Olympics reception.

Councilmember Boeschstein echoed Councilmember Kennedy's comments.

Councilmember Chazen said at the June 9<sup>th</sup> meeting of the Downtown Development Authority/Downtown Grand Junction Business Improvement District (DDA/DGJBID) Board the job description for the Director position was finalized, a recruitment timeline was presented, wording was finalized for the R-5 RFP (request for proposal), and the letter of intent was approved for the Rood Avenue Parking Garage End Cap Project. He then spoke about the last DDA/DGJBID Board member interview process, read the applicant solicitation, and noted the Interview Committee has reopened the application process with a deadline of June 30<sup>th</sup>; candidates are encouraged to apply or reapply. He also encouraged public involvement regarding a proposed roundabout at the Redlands Parkway/Hwy 340 intersection. He attended the Grand Junction Visitor and Convention Bureau meeting where they reported the lodging tax is up 6.7% for 2016 and discussed ideas brought forward at their retreat.

Council President Norris stated her grandsons have been told not to travel in their military uniforms because they would be a terrorist target; she stressed that everyone must be vigilant. She then said she presented the welcome at the Special Olympics reception and over 3,000 people accompanied the athletes to Grand Junction. She described how excited the kids were and said the torch was carried across the State by members of law enforcement from around the State.

### **Consent Agenda**

Councilmember McArthur read the Consent Calendar items #1 through #3 and moved to adopt the Consent Calendar. Councilmember Boeschenstein seconded the motion. Motion carried by roll call vote.

1. **Minutes of Previous Meetings**

*Action:* Approve the Summary of the May 16, 2016 Workshop and the Minutes of the June 1, 2016 Regular Meeting

2. **Amending Sections of the Zoning and Development Code to Add a New Category for Stand-Alone Crematories - ITEM TABLED FOR RECONSIDERATION**

The proposed ordinance amends the Zoning and Development Code, Title 21, of the Grand Junction Municipal Code (GJMC) by adding a new category for stand-alone crematories.

*Action:* Table for Reconsideration

3. **Outdoor Dining Lease for GJBlues LLC dba Ella's Blues Room, Located at 336 Main Street**

Ella's Blues Room, located at 336 Main Street, is requesting an Outdoor Dining Lease for an area measuring approximately 250 square feet directly in front of the building. The lease would permit the business to include the leased area in their licensed premise for alcohol sales.

Resolution No. 27-16 – A Resolution Authorizing the Lease of Sidewalk Right-of-Way to GJBlues LLC dba Ella's Blues Room, Located at 336 Main Street

*Action:* Adopt Resolution No. 27-16

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**ITEMS FOR INDIVIDUAL CONSIDERATION****Public Hearing – PIA Annexation and Zoning, Located at 2757 Highway 50**

A request to annex 3.954 acres, including 1.17 acres of 27½ Road and B½ Road right-of-way, and zone 2.784 acres located at 2757 Hwy 50 from a County C-2 to a City C-2 (General Commercial) zone district in conjunction with the property being annexed into the City.

The public hearing opened at 7:58 p.m.

Senta Costello, Senior Planner, presented this item. She described the site, the location, the surrounding zoning and uses, the request, and the future land use designation. At the neighborhood meeting no concerns were expressed. The Planning Commission recommended approval of the zoning.

Councilmember Boeschstein asked if this was an enclave. Ms. Costello said no.

Councilmember McArthur asked why an annexation was requested. Ms. Costello said the applicant will be leasing a building on this property for use as a towing company which requires a CUP (conditional use permit) which triggered the annexation process.

Councilmember McArthur asked, since part of the annexation is a right-of-way, was the road inspected. Ms. Costello said City engineers were on the Review Team, but did not indicate any additional improvements were needed.

There were no public comments.

The public hearing closed at 8:02 p.m.

Resolution No. 28-16 – A Resolution Accepting a Petition for the Annexation of Lands to the City of Grand Junction, Colorado, Making Certain Findings, and Determining that Property Known as the PIA Annexation, Located at 2757 Highway 50, is Eligible for Annexation

Ordinance No. 4705 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, PIA Annexation, Approximately 3.954 Acres, Located at 2757 Highway 50 and Includes 27½ Road and B½ Road Right-of-Way

Ordinance No. 4706 – An Ordinance Zoning the PIA Annexation to C-2 (General Commercial), Located at 2757 Highway 50

Councilmember Kennedy moved to adopt Resolution No. 28-16 and Ordinance Nos. 4705 and 4706 on final passage and ordered final publication in pamphlet form. Councilmember Boeschstein seconded the motion. Motion carried by roll call vote.

**Public Hearing – 2016-2020 Five Year Community Development Block Grant (CDBG) Program Consolidated Plan; Analysis of Impediments to Fair Housing Choice Study; and 2016 Annual Action Plan**

City Council will conduct a public hearing and consider adoption of the 2016-2020 CDBG Program Five Year Consolidated Plan; Analysis of Impediments to Fair Housing Choice Study; and the 2016 Annual Action Plan included in the Five Year Plan.

The public hearing was opened at 8:03 p.m.

Kristen Ashbeck, CDBG Administrator, presented this item. She described the purpose of this item, recapped the CDBG program, and said the City has received funding since 1996 to meet the program's objectives. She reviewed the 2016 process and the Five Year Action Plan goals which serve as an outline and commitment by the City on how funds will be allocated during the five year period. The City is tasked with planning projects to meet the goals and she listed some of the planned action items. Ms. Ashbeck then described the Analysis of Impediments to Fair Housing Choice Study and said the Grand Valley Housing Needs Assessment utilized data from this study. She went on to describe the 2016 Action Plan which includes 15 projects and how they relate to the Plan's goals and objectives. Although there were no specific economic development (ED) projects, all projects help stabilize families which pursue that goal. After the Plan's review period, it will be submitted to HUD (Department of Housing and Urban Development).

Councilmember Kennedy commended Ms. Ashbeck for her work and believes the Plan pursues the true tenets of the program. He will support the request.

Councilmember Chazen noted a lot of thought and hard work goes into this program and he also commended Ms. Ashbeck for her work on the study, plans, and administration of the program. He referred to creative economic opportunities and how the City could address this by funding projects that create jobs. Ms. Ashbeck said ED is a small portion of the program and these type of projects come with a lot of strings. However, the City did fund an ED project (a revolving loan fund) in 2011 through the Business Incubator Center (BIC) and HUD was excited. HUD feels it takes \$35,000 to create a job. Councilmember Chazen asked to be updated on the guidelines.

City Manager Greg Caton said he is familiar with CDBG and will work with Staff. He appreciated Council's opinions and thoughts and will look at some ideas and bring them back to Council.

Councilmember Boeschstein thanked Ms. Ashbeck and asked if the County designates funds to the BIC through CDBG grants. Ms. Ashbeck said they do. Councilmember Boeschstein said the BIC has projects the City could designate funds to, but is glad to see funds going toward Safe Routes to Schools and low income

housing. He regretted Whitman Park and the wood burning stove programs were not able to be funded this year.

Councilmember McArthur asked if Grand Junction receives less CDBG funding than other comparably sized communities. Ms. Ashbeck said Grand Junction actually receives more than some larger communities; she listed the funding criteria and said the amount varies annually.

Council President Norris said she attended some of the public meetings and appreciates all the work that goes into this program. She noted some General Fund money also goes toward some of these projects.

There were no public comments.

The public hearing was closed at 8:35 p.m.

Resolution No. 29-16 – A Resolution Adopting the 2016-2020 Five Year Consolidated Plan for the Grand Junction Community Development Block Grant (CDBG) Program

Resolution No. 30-16 – A Resolution Adopting the 2016 Analysis of Impediments to Fair Housing Choice Study for the Grand Junction Community Development Block Grant (CDBG) Program

Resolution No. 31-16 – A Resolution Adopting the 2016 Program Year Annual Action Plan as a Part of the City of Grand Junction 2016 Five Year Consolidated Plan for the Grand Junction Community Development Block Grant (CDBG) Program

Councilmember Boeschstein moved to adopt Resolution Nos. 29-16, 30-16, and 31-16. Councilmember Kennedy noted some clarifications to the motion. Councilmember Boeschstein accepted the amendment. Councilmember Chazen seconded the motion. Motion carried by roll call vote.

**Public Hearing – Approval of Loan Contract with the Colorado Water Conservation Board for the Hallenbeck No.1 Downstream Slope Repair, Relating to a Loan in the Maximum Principal Amount of \$1,010,000 Payable from Net Revenues of the City's Water Activity Enterprise**

The City Water Department has applied for a loan from the Colorado Water Conservation Board to facilitate repair of the Hallenbeck No. 1 Dam (Purdy Mesa). The Dam experienced a structural failure in June of 2014 and has been drained since that time. City Council approved debt funding for this project during the 2016 budget review process.

The public hearing opened at 8:36 p.m.

Greg Lanning, Public Works Director, presented this item and explained the need for funding. He noted the full report on the project was presented at the May 4<sup>th</sup> regular meeting and explained why this item is before the City Council again. He briefly reviewed the repair project, the importance of the Purdy Mesa Reservoir, and last year's budget consideration. He noted there is a great deal of interest in the project and construction is ready to begin.

Councilmember Chazen asked if this loan would include the filter project. Mr. Lanning said the filter project is not included in this item. An application for a loan to the same organization for the filter project will come before Council at a later time. Councilmember Chazen said some assumptions were made about the loan term and interest rate; he asked if this loan will comport with the rate study presentation and if there will be a rate increase to cover this loan. Mr. Lanning said yes.

There were no public comments.

The public hearing closed at 8:42 p.m.

City Attorney Shaver suggested a change to the bottom of page 4 explaining the engineers are confident this project will be completed no later than 2017 and recommended amending the date established by the loan documents.

Councilmember Chazen moved to adopt Ordinance No. 4707 on final passage and ordered final publication in pamphlet form and authorized the President of the Council to enter into the contract for a loan up to \$1,010,000 as amended and stated by the City Attorney. Councilmember Boeschenstein seconded the motion. Motion carried by roll call vote.

### **3rd Party Natural Gas Services for City Facilities**

Request to enter into a contract with A M Gas Marketing, Corp., Aspen, CO to provide 3<sup>rd</sup> party natural gas services to approximately fourteen City facilities for building and water heating.

Jay Valentine, Internal Services Manager, presented this item noting that it will achieve about \$32,000 in savings.

Councilmember McArthur asked how this program will work without new infrastructure. Mr. Valentine explained that a third party can now bulk purchase, in advance, the same gas as XCEL, which is a risk to the provider because there are penalties and fines if the gas is under or over utilized. This company also has a storage facility to store excess gas and is able to purchase gas from the Western Slope which is cheaper than what XCEL charges. Councilmember McArthur asked if the worst case scenario is purchasing gas from XCEL at the higher price. Mr. Valentine said that is correct.

Councilmember Kennedy asked if this company is the same one the City used before. Mr. Valentine said yes, the City has contracted with this company since 2002.

Councilmember Kennedy asked if any additional savings would be realized since more City facilities were added to use this gas in 2016. Mr. Valentine said six facilities were added which will result in an additional \$11,000 in annual savings.

Council President Norris said electricity used to be able to be purchased in advance and asked if there would be a risk to the City regarding the price. Mr. Valentine said not with A M Gas Marketing, Corp.

Councilmember Chazen asked if this is a “take or pay” or will the City pay only for what is used. Mr. Valentine said the City will only be charged for what is used; the billing statements will list the cost difference from XCEL and monthly savings.

Councilmember Chazen moved to authorize the Purchasing Division to enter into a contract with A M Gas Marketing Corp. of Aspen, CO to provide 3<sup>rd</sup> party natural gas services for approximately fourteen City facilities. Councilmember Kennedy seconded the motion. Motion carried by roll call vote.

### **City of Grand Junction Fire Department and Grand Junction Regional Airport Authority – Fire Station Partnership Feasibility Study**

The intent of this award is to hire a professional consulting firm to provide a feasibility study for determining the viability of establishing a fully functional and operational fire station to be located on Grand Junction Regional Airport Authority (GJRAA) property for the City of Grand Junction, in conjunction with the GJRAA, to not only provide services to the airport, but to the surrounding area for citizens as well.

Grand Junction Fire Chief Ken Watkins presented this item noting a City fire station is needed in the north area of the community and the GJRAA will also need a new station after runway upgrades are completed; the possibility of a joint project has been discussed many times. In August 2015 Staff asked for authorization to apply to DOLA (Department of Local Affairs) for a planning grant which was awarded. This request is for authorization to enter into a contract for a feasibility study. He reviewed the solicitation process and noted the contract is not to exceed \$50,000. The City and GJRAA are supplying matching grant funds. This study is to make sure this would be the right move for the City. The Grand Junction Fire Department responds to Airport calls and the GJRAA would also like the City to take over all firefighting and rescue operations at the Airport. The first question is the location and the second is, should the City take over full support, including rescue operations, at the Airport.

Councilmember Kennedy expressed appreciation for the process; a new fire station to the north is one of Council’s top three priorities and noted the \$12,500 match is to come from

the City Manager's contingency fund. He then asked what the study timeline is. Chief Watkins said if they are able to start in July, the study should be completed by October.

Councilmember Chazen asked if City funding for this is contingent on approval by the GJRAA Board. Chief Watkins said yes. Councilmember Chazen then asked if DOLA committed to the \$25,000 grant. Chief Watkins said the City had received their acceptance letter. City Manager Caton added the funds are confirmed from DOLA.

Councilmember Boeschstein asked if this firm had experience with joint municipal and airport fire stations. Chief Watkins said Roth Sheppard will team with TCI Architects Engineers Contractor, Inc. who has experience with many types of fire related facilities, but Roth Sheppard will be the lead since they have experience with public safety buildings including airports. Councilmember Boeschstein asked if north area is a priority. Chief Watkins said it is the Fire Department's number one priority due to the area's large size, it continues to grow, and currently has longer response times.

Councilmember Kennedy moved to authorize the Purchasing Division to enter into a contract with Roth Sheppard Architects, LLP of Denver, CO to provide a feasibility study for a potential joint partnership with the Grand Junction Regional Airport Authority for the location and operation of a fire department located within the Airport Operating Area in an amount not to exceed \$50,000. Councilmember Boeschstein seconded the motion. Motion carried by roll call vote.

### **Purchase 14.24± Acres of Land from School District 51, Adjacent to Matchett Park**

The School Board has decided to sell approximately 14.24± acres of property adjacent to Matchett Park and has given first right of purchase to the City of Grand Junction. A recent appraisal of the property placed value of this site at approximately \$355,000 of which the School District has agreed to accept.

Councilmember Chazen disclosed he lives adjacent to Matchett Park, but said his judgement would not be influenced. The Council had no issue with him participating on this item.

Rob Schoeber, Parks and Recreation Director, presented this item. He reviewed the history of the property and that the School District decided not to build a school on this property and gave the City first right of purchase. The price is the appraised value.

Councilmember Kennedy described the events that have forced the City Council into this purchase. He supports the purchase but has concerns on where the funds will come, i.e. from the Las Colonias Amphitheatre funding.

Councilmember Boeschstein said he served on School District 51's Long Range Planning Committee when this site was selected; the public expects this to be a future school site. He will vote no.

Council President Norris said the School District needs to decide where schools will be built; they felt this site is no longer needed and will use the proceeds to pay for other projects. She felt the City also has land it should sell to help finance undeveloped park properties. She agreed the City should buy this land as the Master Plan would have to be reconfigured if this property was sold to someone else.

City Manager Caton anticipated Parkland Expansion Funds may exceed projections and could be used to fund the Las Colonias Amphitheater Project in 2017.

Councilmember McArthur said there is no other choice but to purchase it; the City needs to control its own destiny, not try to change the School District's.

Councilmember Chazen was involved in the Master Planning for Matchett Park and at that time the School District had a floating 14 acre site; now it has a specific location and it is critical to the Park. Although he has concerns on how to pay for it, it was good to hear the Parkland Expansion Fund is exceeding expectations. He will support this.

Councilmember Kennedy moved to adopt Resolution No. 32-16. Councilmember McArthur seconded the motion. Motion carried by roll call vote with Councilmember Boeschstein voting NO.

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

Richard Swingle, 443 Mediterranean Way, was particularly interested in the June 13<sup>th</sup> workshop regarding the City's financial status. He felt the community is being "Amazoned" and is losing out on sales tax revenue due to increase in online purchasing. He read a portion of an article about the continued growth of online shopping and estimated about \$150,000 in City sales tax revenue is lost if 1% of the City's population buys general merchandise online annually. He said the Epic Rides event was very well attended and suggested more of these events to make up for lost revenue due to online purchases. He also felt online shopping reduces the City's importance as a regional hub factor and is analogous to the gasoline tax (diminishing) since Amazon now collects sales taxes for states, but not cities.

### **Other Business**

There was none.

**Adjournment**

The meeting was adjourned at 9:24 p.m.

Stephanie Tuin, MMC  
City Clerk