

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

**October 5, 2016**

The City Council of the City of Grand Junction convened into regular session on the 5<sup>th</sup> day of October, 2016 at 7:00 p.m. Those present were Councilmembers Bennett Boeschstein, Chris Kennedy, Rick Taggart, Barbara Traylor Smith, and Mayor Pro Tem Martin Chazen. Council President Phyllis Norris and Councilmember Duncan McArthur were absent. Also present were City Manager Greg Caton, City Attorney John Shaver, and Acting Deputy City Clerk Janet Harrell.

Mayor Pro Tem Chazen called the meeting to order. Councilmember Taggart led the Pledge of Allegiance which was followed by an invocation by Pastor Doug Sikes, Grace Point Church.

Mayor Pro Tem Chazen recognized Colorado Mesa University (CMU) students in attendance.

### **Presentation**

Mayor Pro Tem Chazen said the Smart Yard Award would not be presented but will be scheduled for a future date.

### **Proclamations**

#### **Proclaiming October 17 - 21, 2016 as Irlen Syndrome Awareness Week in the City of Grand Junction**

Councilmember Traylor Smith read the proclamation. Jeannie Dunn, Irlen Clinic Director at Learning Associates of the Grand Valley, and Dylan Ceasar, a victim of Irlen Syndrome, were present to accept the proclamation. Ms. Dunn thanked the City Council and provided a packet of information about Irlen Syndrome and upcoming activities. Mr. Ceasar also thanked the City Council and added details of his personal experience, diagnosis, and treatment of Irlen Syndrome.

#### **Proclaiming October 9 - 15, 2016 as Fire Prevention Week in the City of Grand Junction**

Councilmember Kennedy read the proclamation. Fire Chief Ken Watkins and Community Outreach Specialists Dirk Clingman and Ellis Thompson-Ellis were present

to accept the proclamation. Chief Watkins thanked the City for its support of the Fire Department. Chief Watkins said, due to efficient alert systems and smoke detectors, fire calls have decreased. Mr. Clingman said the theme for this year's Fire Prevention Week is "Don't Wait-Check the Date!" which encourages the public to monitor the expiration date of smoke detectors. Ms. Thompson-Ellis provided various activities related to Fire Prevention Week.

### **Citizens Comments**

Bruce Lohmiller, 536 29 Road #4, spoke regarding overnight camping at Whitman Park and Night Patrols. Mr. Lohmiller said his church newsletter recognized City Attorney Shaver for his help and then Mr. Lohmiller spoke on the importance of OWL (Our Whole Lives) sexual education classes.

### **Council Reports**

Councilmember Taggart had no comments.

Councilmember Traylor Smith attended the annual volunteer celebration on September 29<sup>th</sup>, for the Grand Junction Visitor and Convention Bureau (GJVCB) and commented that 8,808 volunteer hours were donated through the GJVCB which is a substantial savings to the City. On September 27<sup>th</sup>, Fields of Faith held an event at Stocker Stadium and she thanked them for praying for City Council. During the past week Councilmember Traylor Smith attended a meeting with Grand Junction Economic Partners (GJEP) and lauded the jobs that will be created out of the Jump Start Program.

Councilmember Kennedy asked everyone to consider sending donations to Florida to aid its recovery from the destruction of Hurricane Matthew.

Councilmember Boeschenstein attended the following meetings between September 22<sup>nd</sup> and October 5<sup>th</sup>: the Downtown Development Authority (DDA) meeting which reaffirmed its support for the Las Colonias Amphitheater; the Air Quality Forum organized by Citizens for Clean Air; the Avalon Theatre Foundation (ATF) Board meeting; the Arts and Culture Commission meeting; and the Business Incubator meeting. Councilmember Boeschenstein thanked City Attorney Shaver for helping with some property boundary issues with the Business Incubator.

Mayor Pro Tem Chazen attended the following meetings between September 22<sup>nd</sup> and October 5<sup>th</sup>: the DDA meeting where they welcomed the new DDA Director Brandon Stam who will start this week. He commended City Manager Caton for his presentation at that meeting; a ribbon cutting ceremony at the Horizon Drive Wendy's which was recently remodeled; a phone meeting with Associated Governments of Northwest Colorado (AGNC) discussing the Sage Grouse Project that has Department of Local

Affairs (DOLA) funding for sage grouse habitat research; the Vagrancy and Homelessness Committee meeting where next steps were discussed based on Council's Workshop recommendation; a CMU Public Affairs class discussion with City Manager Caton and City Public Information Manager Sam Rainguet; and the Rotary Club of Grand Junction meeting with City Manager Caton.

## **Consent Agenda**

Councilmember Kennedy asked to move Item #5 to the Consent Agenda and moved to adopt the Consent Agenda items #1 through #3 and Continue Item #5 to October 10th at 6 p.m. Mayor Pro Tem Chazen clarified the motion. Councilmember Boeschenstein seconded the motion. Motion carried by roll call vote.

### **1. Approval of Minutes**

- a. Summary of the September 19, 2016 Workshop
- b. Minutes of the September 21, 2016 Regular Meeting

### **2. Set Public Hearings**

- a. Legislative
  - i. An Ordinance Amending the Grand Junction Municipal Code, Greater Downtown Residential Standards, by Deleting Section 24.12.130(b) Residential Standards and Guidelines, Accessory Structures (Set Hearing for October 19, 2016)
  - ii. An Ordinance Adopting Amendments to the 2012 Edition of the International Fire Code and Prescribing Regulations Governing Outdoor Burning, Restricted and Unrestricted Burning; Providing for the Issuance of Permits for Certain Burning Activities and Defining Extinguishment Authority (Set Hearing for November 2, 2016)

### **3. Continue Public Hearing**

- a. Legislative
  - i. An Ordinance Amending Ordinance No. 4599 and Section 21.04.010 of the Municipal Code to Allow Marijuana Testing Facilities in the City of Grand Junction (Continue Hearing to October 19, 2016)

### **5. Continue Contracts to October 10, 2016**

- a. Three contracts for the construction of the Las Colonias Amphitheater to include: slough excavation, trail work and access, and site, building, and civil work.

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## **Regular Agenda**

### **Public Hearing - Ordinance No. 4720 – An Ordinance Vacating Portions of Alley Rights-of-Way Located Between Elm and Kennedy and Mesa and Texas Avenues and a Portion of Texas Avenue Right-of-Way Subject to a Utility Easement and Maintenance Agreement, Located in the Colorado Mesa University Area**

The applicant, Colorado Mesa University (CMU), requests the City vacate portions of public alley right-of-way between Elm and Kennedy and Mesa and Texas Avenues along with a portion of public street right-of-way of Texas Avenue. These right-of-ways are adjacent to properties owned by CMU with the exception of one property which CMU is negotiating to purchase. The vacations will facilitate the construction of a new engineering building on campus and add additional parking.

The public hearing was opened at 7:33 p.m.

Scott D. Peterson, Senior Planner, presented this item. Mr. Peterson described the site, location, request, and explained why these easements are no longer needed and the relationship with the Utility Easement and Maintenance Agreement. Mr. Peterson presented maps, diagrams, and sketches with overviews of the CMU expansion area, he indicated CMU owned properties, the requested vacation areas, and parcels not owned by CMU but in close proximity.

CMU President Tim Foster presented a diagram of this property and the plans for the new engineering building which will accommodate CMU's expanding engineering program. President Foster showed the City's financial contributions to CMU since 2007, thanked the City for participating in CMU's continuing growth, and concluded his presentation with a diagram featuring the evolution of CMU's campus from past to future.

Councilmember Traylor Smith thanked Mr. Peterson for the detailed presentations and President Foster for the continued growth of CMU.

Councilmember Kennedy thanked Mr. Peterson and Development Services Manager Greg Moberg for the provided comprehensive staff reports. Councilmember Kennedy asked Mr. Peterson for clarification of the report regarding fiscal impact, why the fees were waived for the vacated rights-of-way, and what the value of these rights-of-way are.

Senior Planner Peterson explained in the past the City has not asked to be compensated for vacated property due to the economic stimulus and development potential.

Councilmember Kennedy said that a reevaluation into the waiving of compensation for the City's rights-of-way should be a topic for a future workshop discussion.

City Manager Caton said the past value was estimated at one dollar per square foot, but a more current estimation of value is higher. City Manager Caton said he would provide the history and details if there were to be a Council Workshop discussion of this policy and include the current estimate value for rights-of-way.

Councilmember Boeschstein asked if any remaining private properties will be cut off from street or utility access due to this development.

Mr. Peterson said no private properties would be without street access.

Councilmember Boeschstein thanked President Foster for his vision and the asset of an urban university campus within the City.

John McConnell, 338 Quail Drive, thanked Council for the opportunity to expand the Math and Science Center on the CMU campus.

Jennifer Moore, Director of the Math and Science Center, said the Center is looking forward to being a part of the campus at CMU. Ms. Moore said that the Center employs CMU students who work with youth from Mesa County and expressed what a great opportunity this is to give back to the community.

There were no other public comments.

The public hearing was closed at 7:57 p.m.

Councilmember Traylor Smith moved to approve Ordinance No. 4720, An Ordinance Vacating Portions of Alley Rights-of-Way, Located between Elm and Kennedy and Mesa and Texas Avenues and a Portion of Texas Avenue Right-of-Way Subject to a Utility Easement and Maintenance Agreement, Located in the Colorado Mesa University Area on final passage and ordered final publication in pamphlet form. Councilmember Boeschstein seconded the motion. Motion carried by roll call vote.

**Ordinance No. 4721 – An Ordinance Vacating Right-of-Way for Noland Avenue, Located West of S. 7th Street**

A request to vacate a portion of public right-of-way, also known as Noland Avenue, which is no longer needed, adjacent to 1111 S. 7<sup>th</sup> Street in a C-2 (General Commercial) zone district.

The public hearing was opened at 7:59 p.m.

Brian Rusche, Senior Planner, presented this item. He described the site, location, request, and explained how the adjacent landowner plans to develop the site. Mr. Rusche presented maps, diagrams, a property overview, and a list of benefits to the City provided by the vacation.

Louie Valare, co-owner of Alasta Solar Store, said the vacation is needed for the expansion of the business to provide additional parking and the relocation of the company's carport.

Councilmember Traylor Smith said it is exciting to hear of their expansion and asked if they would also be hiring additional staff.

Mr. Valare said that they currently have two interns from the CMU Engineering Program with future plans to add more.

Councilmember Boeschstein thanked Mr. Valare for expanding his solar energy company.

Councilmember Kennedy referred to his previous comments regarding rights-of-way compensation and again asked that this be a future topic of discussion.

Councilmember Taggart said he supports both of these expansions but would also like to review the criteria for payment regarding rights-of-way vacations.

There were no public comments.

The public hearing was closed at 8:07 p.m.

Councilmember Boeschstein moved to approve Ordinance No. 4721 – An Ordinance Vacating Right-of-Way for Noland Avenue, located west of S. 7<sup>th</sup> Street, on final passage and ordered final publication in pamphlet form. Councilmember Traylor Smith seconded the motion. Motion carried by roll call vote.

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

Kristin Winn, 713 Ivanhoe Way, representing Citizens for Clean Air, thanked City Council for all the work going into the Open Burning Ordinance. Ms. Winn expressed concern regarding backyard fire pits and recreational burning causing smoke throughout City neighborhoods.

Mayor Pro Tem Chazen suggested Ms. Winn contact City Manager Caton regarding her concerns.

**Other Business**

There was none.

**Adjournment**

The meeting was adjourned at 8:11 p.m.

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Janet Harrell  
Acting Deputy City Clerk