

GRAND JUNCITON CITY COUNCIL
MINUTES OF THE REGULAR MEETING

November 16, 2016

The City Council of the City of Grand Junction convened into regular session on the 16th day of November, 2016 at 7:00 p.m. Those present were Councilmembers Bennett Boeschstein, Chris Kennedy, Barbara Traylor Smith, Rick Taggart, and Council President Phyllis Norris. Councilmembers Martin Chazen and Duncan McArthur 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. Students from Orchard Avenue Elementary School led the Pledge of Allegiance, followed by a moment of silence.

Proclamations

Proclaiming November 17, 2016 as “March of Dimes World Prematurity Day” in the City of Grand Junction

Councilmember Kennedy read the proclamation. March of Dimes Student Intern George Byrne was present to accept the proclamation. Mr. Byrne said Prematurity Day is November 17th and they want to bring awareness of premature births in Colorado.

Proclaiming November 26, 2016 as “Small Business Saturday” in the City of Grand Junction

Councilmember Taggart read the proclamation. Allison Blevins, Downtown Grand Junction Business Improvement District (DGJBID) Executive Director, and Diane Schwenke, President and Chief Executive Officer of the Grand Junction Chamber of Commerce, were present to accept the proclamation. Ms. Blevins thanked Council and said they are looking forward to Small Business Saturday. Ms. Schwenke said approximately 85% of local businesses have ten employees or less; these small businesses are the drivers of the economy in the Grand Valley.

Proclaiming November 2016 as “Hospice and Palliative Care Month” in the City of Grand Junction

Councilmember Traylor Smith read the proclamation. Christy Whitney Borchard, HopeWest President and Chief Executive Officer, and Kathy O'Shea, Director of Services, accepted the proclamation and thanked Council. Ms. Whitney Borchard noted they started out as a small business and are proud to be here. She spoke about the

importance of Hospice care and that it is a community effort that has served over 20,000 patients.

Proclaiming December 6, 2016 as “Grand Valley Gives Day” in the City of Grand Junction

Councilmember Boeschstein read the proclamation. Miffie Blozovich, Development Director for Habitat for Humanity of Mesa County, was present to accept the proclamation. Ms. Blozovich thanked Council for the proclamation which she hopes will create more awareness. She lauded what a wonderful community it is in which we live and recognized the fourth grade students in attendance for their fundraising efforts. She explained the Grand Valley Gives Day project will occur on December 6th and encouraged everyone to contribute to any local charitable organization online which is the purpose of the local collaboration. She introduced Katie Bowman and Marcia Felix-Kimball. Ms. Bowman expressed her appreciation and stressed the importance of contributing.

Appointment

To the Grand Junction Housing Authority Board

Councilmember Traylor Smith moved to appoint Ivan Geer to the Grand Junction Housing Authority (GJHA) Board for a five-year term expiring October 2021. Councilmember Kennedy seconded the motion. Motion carried by roll call vote.

Citizens Comments

Bruce Lohmiller, 3032 North 15th Street, #208, spoke about child abuse and reporting abuse. He said he sent a note from City Attorney Shaver to the Colorado Governor and received a response from Mr. John Salazar. He mentioned a Columbia Broadcasting System (CBS) nightly news broadcast, Night Patrols at Whitman Park, and that a warm-up tent may be provided at the park.

Richard Swingle, 443 Mediterranean Way, spoke on broadband. He stated Grand Junction only has one private provider. He reviewed his interest in the government, provided a presentation titled "Connecting the Dots", and reviewed parts of his previous presentations. He referred to an editorial in the Daily Sentinel on October 30th which suggested the next generation of internet service would be a wireless system. He noted that wire will still be needed to make a wireless network function and reviewed some of the points from the City's Wireless Master Plan. Mr. Swingle stated the company being considered, Nokia/SiFi, came to the City and made a presentation where the Mayor and Mayor Pro Tem were present. He said the Nokia/SiFi presentation was full of hard to understand jargon and he listed the four recommendations from the June 17, 2015

meeting. Mr. Swingle stated he thought the business model had not been properly addressed and that internet service should be considered a community service.

Council Reports

Councilmember Boeschstein listed the meetings and events he attended from November 2nd through November 16th: the Colorado Riverfront Commission meeting; Horizon Drive Association Business Improvement District Board meeting; the El Salvador Art exhibit at the Art Center; the Western Colorado Congress meeting at the Avalon Theatre; the Peace Corps Volunteer presentation; and the groundbreaking ceremony for Las Colonias Amphitheater at Las Colonias Park.

Councilmember Kennedy said he disagreed with certain points in Mr. Swingle's presentation but he does agree it is all about fiber. Councilmember Kennedy said he attended the Colorado Communications and Utilities Alliance (CCUA) meeting, the Broadband Conference held in Denver regarding fiber deployments on the Western Slope, and said he will submit a report on the Conference to City staff with suggestions for direction the of broadband.

Councilmember Traylor Smith said she attended a Grand Junction Economic Partnership meeting (GJEP) and is encouraged by new business prospects and possible expansion of existing businesses. She also attended a community forum on child abuse which was presented by Court Appointed Special Advocates (CASA) for children and she provided contact information for interested volunteers.

Councilmember Taggart said he attended the Grand Junction Regional Airport Authority Board meeting and is pleased with the progress of Kip Turner, Grand Junction Regional Airport Director, and his accomplishments, some of which include an 11.5% increase in enplanements, terminal improvements, and runway upgrades.

Council President Norris listed the events she attended between November 2nd and November 16th: the Colorado Government Finance Officers Association (CGFOA)/Colorado Municipal Clerks Association (CMCA) Conference held at Two Rivers Convention Center; the Nokia/SiFi presentation; and the groundbreaking ceremony for Las Colonias Amphitheater at Las Colonias Park. Council President Norris mentioned the retirement on November 4th of Emergency Medical Services Chief John Hall.

Consent Agenda

Councilmember Kennedy moved to adopt the Consent Agenda items #1 through #4. Councilmember Boeschstein seconded the motion. Motion carried by roll call vote.

1. Approval of Minutes

- a. Minutes of the October 19, 2016 Regular Meeting

2. Set Public Hearings

- a. Legislative

- i. Proposed Ordinance Appropriating Certain Sums of Money to Defray the Necessary Expenses and Liabilities of the City of Grand Junction, Colorado and the Downtown Development Authority for the Year Beginning January 1, 2017 and Ending December 31, 2017 (Set Hearing for December 7, 2016)
- ii. Proposed Ordinance Amending and Reinstating Section 3.12.070 of Title 3 of the Grand Junction Municipal Code Concerning the Exemption from Sales Tax of Seller Installed Aircraft Parts (Set Hearing for December 7, 2016)
- iii. Proposed Ordinance Amending Title 3, Section 3.12, Sales and Use Tax, of the Grand Junction Municipal Code Concerning Sales Tax Exemption for Sales Made by Schools, School Activity Booster Organizations, and Student Classes or Organizations (Set Hearing for December 7, 2016)

- b. Quasi-judicial

- i. Proposed Ordinance Zoning the Connor Annexation to R-5 (Residential - 5 du/ac), Located at 2839 Riverside Parkway (Set Hearing for December 7, 2016)
- ii. Proposed Ordinance Expanding the Boundaries of and Including Property Located at 401 Colorado Ave into the Downtown Grand Junction Business Improvement District (Set Hearing for December 7, 2016)

3. Resolutions

- a. Resolution No. 47-16 – A Resolution for Allocation of Certain Property Tax Revenues for the Grand Junction Downtown Development Authority and for Certification of Property Tax Distribution Percentages to the County Assessor
- b. Resolution No. 48-16 – A Resolution for Allocation of Certain Sales Tax Revenues for the Grand Junction Downtown Development Authority
- c. Resolution No. 49-16 – A Resolution Authorizing the City Manager to Submit a Grant Request to the Colorado Department of Local Affairs Energy and Mineral Impact Assistance Program for the 1st Street Reconstruction Project

4. Other Action Items

- a. Horizon Drive Association Business Improvement District's 2017 Operating Plan and Budget
- b. Downtown Grand Junction Business Improvement District's 2016 Budget Report and 2017 Summary and Budget

Resolution No. 50-16 – A Resolution Supporting the Grant Application for a School Yard Grant from the State Board of the Great Outdoors Colorado (GOCO) Trust Fund for Orchard Avenue Elementary School

Traci Wieland, Parks and Recreation Superintendent, introduced this topic. She introduced Vicki Woods, Orchard Avenue Elementary Principal, and Student Council members that were present. Ms. Wieland explained GOCO's various grant and funding opportunities that are available and stated each category is separate and does not compete with the other categories. She noted the mission of the School Yard Grants and said connecting youth with the outdoors is one of Coloradoan's greatest concerns. Ms. Wieland stated the GOCO goal is to bring nature to youth and families by providing opportunities to access outdoor activities. She noted the GOCO School Yard Initiative can revitalize school playgrounds and outdoor learning across Colorado. Ms. Wieland provided overviews and details of GOCO funding and its School Yard Initiative Grant program. Principal Woods introduced the Orchard Avenue Elementary Student Council members, one student's parent, and a community member.

Orchard Avenue Elementary Student Council members, Max Brownell, Khalil Schantz, and Jackson Corbin provided an overview, details of the playground's condition, and the need for funding to update the equipment and landscaping. They also provided details of design suggestions from meetings with students, parents, and the senior citizen residents of Walnut Park Apartments (located near the school campus). They described the need for funding these designs which will improve the school playground.

Principal Woods said the project has helped them get a feel of community collaboration. She listed their fundraising efforts for their matched portion and what their next steps and responsibilities will be under the grant.

Councilmembers Taggart, Traylor Smith, Boeschenstein, Kennedy, and Council President Norris all positively expressed their support for this resolution.

Councilmember Traylor Smith moved to adopt Resolution No. 50 -16 – A Resolution Supporting the Grant Application for a School Yard Grant from the State Board of the Great Outdoors Colorado Trust Fund for Orchard Avenue Elementary School. Councilmember Kennedy seconded the motion. Motion carried by roll call vote.

Math and Science Center Letter of Support for Great Outdoors Colorado Grant Application

Traci Wieland introduced Jenn Moore, Math and Science Center Executive Director, John Hopkins, Math and Science Center Board Chair, and John McConnell, who started the Center. Mr. Hopkins provided history and an overview noting that ten years ago the Center split from School District 51 and became a 501(c)(3). Mr. Hopkins spoke of the partnership with Colorado Mesa University (CMU) and the co-location of the new Center. Ms. Moore explained the Center is requesting \$259,692 from Great Outdoors Colorado for a Local Park and Outdoor Recreation Grant. She said the Center needs public access, an outdoor classroom, a native plant trail, and a bus turn-out. She explained the different features planned and why they are seeking a resolution and letter of support for the grant application from Council which will pose no cost to the City and added that they already have the matching funds.

Council President Norris asked Ms. Wieland if this grant application competes with the grant application for the Orchard Avenue Elementary School playground. Ms. Wieland said it does not.

Councilmembers Kennedy, Traylor Smith, Boeschenstein, Taggart, and Council President Norris expressed enthusiasm over the new Center and commended the Center for its contribution to the City and County.

Councilmember Kennedy moved to authorize a letter of support supporting the grant application for the Local Park and Outdoor Recreation Grant from the State Board of the Great Outdoors Colorado Trust Fund for the Math and Science Center. Councilmember Boeschenstein seconded the motion. Motion carried by roll call vote.

Public Hearing Ordinance No. 4724 – An Ordinance Making a Supplemental Appropriation to the 2016 Budget of the City of Grand Junction, Colorado

The public hearing was opened at 8:32 p.m.

Jodi Romero, Financial Operations Director, said this specific supplemental appropriation request is necessary to transfer the portion of the refunds received from the City's healthcare provider, based on employee contribution rates, in the amount of \$761,613, to the Employee Retiree Health Trust Board. She said this was discussed and presented to Council in May 2016 and the transfer amount of health refunds is attributed to the employees.

Councilmember Taggart said he appreciates this is the City employees' money and commented it will be the responsibility of the Employee Retiree Health Trust Board to make sure these funds are sustainable and that there will not be a City bail out in the future.

Councilmember Traylor Smith said she was involved in extensive discussions with staff regarding the Employee Retiree Health Trust Board and researched several different scenarios for sustainability. She said the reason for the change is due to the new Government Accounting Standards Board (GASB) rules. She stated the employees have requested this Trust, have been paying into the Fund, and are willing to take responsibility. Councilmember Traylor Smith commented on health care being challenging and that this is bridging the gap between retirement benefits and Medicare.

Councilmember Kennedy asked who will be the trustees of this board and what qualifications trustees will need. Ms. Romero stated the City Manager, the Financial Operations Director, the Human Resource Director, and members of the financial community will be assigned to the Board, as well as a member from each of the existing retirement boards: Fire; Police; and General Employee. Councilmember Kennedy asked if Council would be involved with the Board selection process and overseeing the Board. City Attorney Shaver said Council would not be involved with the Board selection process.

Council President Norris said this has been coming forward every year and Council needs to authorize the monies to be moved as requested.

Councilmember Taggart asked if an employee poll had been conducted to make sure this is what the employees want.

Claudia Hazelhurst, Human Resources Director, said a vote was taken four years ago in which the majority supported an increase in contributions as well as increasing retirement payment toward the premium.

City Manager Caton stated the board members have discussed this issue and received supporting input from employees.

Dennis Simpson, 2306 E. Piazza Place, distributed a balance sheet and said the Employee Health Trust Fund is an unfunded liability in which no big assets are included. He said this transfer will add liability to the balance sheet and affect the City's borrowing ability. He questioned how the Trust Board can be liable and the City will still be responsible. Mr. Simpson said no other City in the State has a fund similar to this because it is too expensive and Council should not approve the Trust agreement. He encouraged Council to table this item.

There were no other comments.

The public hearing was closed at 8:55 p.m.

Council President Norris stated she has been involved with benefit trusts and there is another way to balance the trust which is to change the benefits, however, it is a serious commitment.

Ms. Romero stated the \$3 million mentioned in the pre-meeting is the calculation of a long term liability over a term of several years. Councilmember Traylor Smith asked where the liability will be recorded. Ms. Romero said it will be recorded on a combined statement for Government-wide Statement of Activities.

Councilmember Taggart asked where is the \$1.3 million. Ms. Romero said they are mixing existing funds with a calculation of a long term liability. The \$1.3 million is the difference in the long term liability calculation.

City Manager Caton said the \$1.3 million gap is the long term anticipated revenue. Ms. Romero said that is correct, taking the liability and applying the net assets equal the net liability of \$1.3 million.

Councilmember Taggart expressed concern that this fund transfer may negatively affect the borrowing power of the City.

City Attorney Shaver said the City's position should be compared with the long term liability as opposed to the Trust not being created and this liability continues to be a general liability instead of shifting the liability to the Employee Retiree Health Trust Board. He said this was prudent relative to the financial model of the City. City Attorney Shaver said in terms of rating, borrowing companies would look for ability to service the debt. He said the City would likely be looking for a new revenue source to fund any additional debt.

Councilmember Taggart asked if the assets on the balance sheet are based on \$600 million or \$31 million. Ms. Romero said it is based on \$600 million in assets.

Councilmember Traylor Smith asked if the Board will be responsible if the Trust is unsustainable. City Attorney Shaver said the Board has been informed of their fiduciary obligations and responsibility to make sound decisions regarding benefits. She asked if the City will be responsible to bail out the Trust if it proves unsustainable. City Attorney Shaver said legally no, that is why it would be separate. He said Trust documents stating additional funding is not a general obligation of the City, can be included.

Councilmember Kennedy stated the account is employee funded and the employees have the right to manage these funds. He failed to see any objections to approving this Trust.

Councilmember Taggart asked if Council will receive an annual year-end engagement letter from the CPA with an assessment of the Trust's sustainability. Ms. Romero said the auditors will review the Board's calculations and rely on the actuarial.

Councilmember Boeschstein said he would like to see the City move to International City Management Association Retirement Corporation (ICMA-RC) to manage retirement

benefits and phase out the Trust, which is a defined benefit program as compared with the current defined contribution program.

Councilmember Taggart stated he wants to make sure the auditors comment on the health of the program and its sustainability.

Councilmember Kennedy moved to approve Ordinance No. 4724 – An Ordinance Making a Supplemental Appropriation to the 2016 Budget of the City of Grand Junction, Colorado on final passage and order final publication in pamphlet form. Councilmember Traylor Smith seconded the motion. Motion carried by roll call vote.

The Council took a break at 9:22 p.m.

The meeting reconvened at 9:30 p.m.

Public Hearing Ordinance No. 4725 – An Ordinance Amending Sections of the Zoning and Development Code (Title 21 of the Grand Junction Municipal Code) Regarding Signage

The public hearing was opened at 9:30 p.m.

David Thornton, Principal Planner, explained the proposed ordinance would amend the existing sign code regulations to be content neutral by clarifying and defining sign types, number of signs, location, and height of signs allowed by zone district, and establishing four categories of signs: (1) signs that do not require a permit, (2) signs that do require a permit, (3) temporary wind driven/banner signs and (4) governmental exempt signs. Due to recent court cases, the City can no longer regulate signs based on content, location, hours, days, or regulate flash or scroll. Many regulations in the current Code do regulate signs based on content and he gave a number of examples. The proposal will also establish standards for brightness, animation, and changeable copy for digital and electronic signs to mitigate impacts to surrounding properties, and for traffic safety. Mr. Thornton reviewed all of the new provisions.

Councilmember Boeschstein asked why off premise signs would no longer be regulated. Mr. Thornton said with a content neutral Sign Code, anybody can advertise for anybody which then changes the regulations for off premise signs. Councilmember Boeschstein said he is pleased the City is using the Colorado Department of Transportation (CDOT) sign specifications standards.

Councilmember Traylor Smith asked if the questions from the Planning Commission meetings were answered. Mr. Thornton stated the concerns of the first meeting dealt with residential zones and projecting signage on a wall. He said it was determined a sign can only be up to six feet square but with the restriction not conflicting with holiday decorations. Councilmember Traylor Smith asked if this ordinance were adopted would any signs be out of compliance. Mr. Thornton said yes, but they are trying to be more

united with CDOT regarding enforcement. He said there are currently 36 billboards that are not in compliance and are not able to be upgraded. He stated those are not in compliance and not unable to be upgraded so will be “grandfathered in”.

Councilmember Kennedy stated the Planning Commission unanimously approved eliminating the flashy, digital, lighted signs and asked if the business community sees this as an impairment to advertising. Mr. Thornton said there was not a lot of feedback from the business community regarding animation and digital-type of signs. Councilmember Kennedy asked if there are no streetlights in an area, could a monument subdivision entrance sign be illuminated between 11 p.m. and 5 a.m. under this ordinance. Mr. Thornton said no, unfortunately it would be an unintended consequence of the ordinance. Councilmember Kennedy said there should be provisions for residential zones in this ordinance. He supports the intent but not in its current form.

Councilmember Taggart felt the Planning Commission should have asked the Chamber of Commerce to encourage the community to give feedback regarding digital and lighted sign regulations.

Councilmember Traylor Smith asked if the proposed ordinance is consistent with CDOT’s sign regulations. Mr. Thornton said for the digital signs, yes. City Attorney Shaver said the CDOT regulations only apply to the State Highways.

Council President Norris asked how many businesses have the type of sign that will be in violation if the proposed ordinance is adopted. She expressed concern regarding the cost to small businesses and subdivisions if the current sign code is enforced.

City Manager Caton said the City is in a precarious situation because of case law, noncompliance of the Sign Code, enforcement of the Sign Code, sign features that need to be restricted, and safety for motorists, while being sensitive to the investments of businesses.

Councilmember Boeschstein asked if a scrolling marquee sign at the Avalon Theatre would be deemed illegal or if it would be “grandfathered in” as nonconforming. Mr. Thornton said the ordinance would apply to the animation portion of the sign only.

Councilmember Kennedy suggested that this ordinance be implemented in sections.

Council President Norris asked for public comment.

Mark Gamble, Colorado West Outdoor Advertising (CWOA), 2475 Commerce Boulevard, stated the changes to the on-premise signs are minor so maybe that is why others aren't here, however, his signs are off-premise and this ordinance applies directly to his advertising sign business. He described a recent Supreme Court ruling on roadside signs and how it pertains to non-commercial speech. Mr. Gamble reviewed

how the on-premise signs are currently regulated with many new zone districts, but off-premise signs are only allowed in three of the zone districts.

He stated the overlay zone districts prohibited billboards but made accommodations allowing signs to be placed on properties that have at least a 600-foot frontage area. However, most properties do not have this much frontage space. Mr. Gamble stated the Riverside Parkway Overlay Zone District does not allow off-premise signs which affects his business negatively. He sees the regulation relative to updating the signs to digital as a limiting the growth for his business. He thanked the staff.

There were no public comments.

The public hearing was closed at 10:29 p.m.

City Attorney Shaver said the two sections of the ordinance can be separated for consideration.

Councilmember Traylor Smith asked City Attorney Shaver if only part A could be adopted.

Council President Norris said there appears to be a need for more research.

City Attorney Shaver said the research has been well conducted but there are some things that are certain such as content neutrality and the need to eliminate the distinction between on and off-premises signs.

Councilmember Kennedy said he would like to see the language revised to clarify the content neutrality section. He asked if the item can be tabled. City Attorney Shaver said Council can continue the hearing, but Council would need to give direction to staff and specify the additional information they would require.

Councilmember Kennedy suggested the content neutrality issue be separate and possibly exempt illuminated subdivision signs. He felt more research is needed in order to clarify the wording.

Council President Norris asked that zoning overlays be reduced as they complicate the zoning and possibly hinder businesses. City Manager Caton said staff has heard the concerns and will bring the ordinance back to Council in January.

Councilmember Boeschstein moved to table Ordinance No. 4725 – An Ordinance Amending Sections of the Zoning and Development Code (Title 21 of the Grand Junction Municipal Code) Regarding Signage in order to address issues discussed including subdivision signs, preexisting nonconforming signs, and on and off premise signs.

Councilmember Taggart asked that the details of the ordinance be discussed in a January workshop and to invite the business community for feedback.

Councilmember Traylor Smith said it is staff's job to see if these changes make a difference to the community and businesses.

Councilmember Traylor Smith seconded the motion. Motion carried by roll call vote.

City Attorney Shaver clarified the notion of the tabling is that the hearing will remain open and be supplemented with additional testimony with the possibility of the ordinance being bifurcated.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

There was none.

Adjournment

The meeting was adjourned at 10:45 p.m.

Stephanie Tuin, MMC
City Clerk