

**GRAND JUNCTION CITY COUNCIL
MINUTES OF THE REGULAR MEETING
FEBRUARY 1, 2017**

The City Council of the City of Grand Junction convened into regular session on the 1st day of February, 2017 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 City Manager Greg Caton, City Attorney John Shaver, and City Clerk Stephanie Tuin.

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

Certificate of Appointments

To the Visitor and Convention Bureau Board of Directors

Councilmember Chazen presented Britt Mathwich and Tim Pollard with their certificates of appointment and Kevin Reimer with his certificate of re-appointment to the Visitor and Convention Bureau Board of Directors for three year terms expiring December 2019.

Mr. Reimer apologized for having to reschedule his interview and thanked the Council for his reappointment. Both Mr. Pollard and Mr. Mathwich thanked Council for their appointments.

Council President Norris announced the broadband issue has been taken off the agenda and will be placed on a future Council meeting agenda.

To the Parks and Recreation Advisory Board

Councilmember Kennedy presented Gary Schroen with his certificate of appointment to the Parks and Recreation Advisory Board. Mr. Schroen thanked Council for the appointment.

Citizens Comments

Bruce Lohmiller, 3032 North 15th Street, #208, said the Veteran's Art Show was nice and there will be another one February 4th at the Mesa County Library. He mentioned community night patrols, that he attended the Martin Luther King, (MLK) Jr., Day celebration at Colorado Mesa University (CMU), and stated Mesa County School District 51 would be a better investment than an events center.

Richard Swingle, 443 Mediterranean Way, presented a broadband overview. He reviewed his interest in City government and wanted to make sure the community has a shared base of information. He reviewed the definition of broadband and expanded different types of wiring, business models, the Nokia/SiFi presentation, the financing mechanism, and concluded with a number of other points including the necessity of fiber, questions on the Sifi/Nokia proposal, and the risk to the City.

Council Reports

Councilmember Kennedy thanked constituents that have communicated with him regarding the broadband issue. He has responded to several comments and is pleased the community is getting involved. Councilmember Kennedy encouraged community members to continue to express their viewpoints.

Councilmember Traylor Smith said she attended the Grand Junction Housing Authority Annual Meeting on January 25th and the Grand Junction Area Chamber of Commerce (GJACC) banquet on January 27th. She stated she has received feedback on the broadband issue and believes a high speed quality broadband system is needed.

Councilmember Taggart said he attended the (GJACC) banquet on January 27th and then took a two-week break.

Councilmember Boeschstein said he attended the Business Incubator Center meeting and participated in the Women's March in downtown Grand Junction. He thanked the broadband committee and Councilmember Kennedy for their participation in the broadband project.

Councilmember McArthur clarified the Taxpayers Bill of Rights (TABOR) comment mentioned previously during the citizen's comments portion of the meeting. He said the citizens vote on taxes and debt and the City of Grand Junction Police Department building is leased, not financed with bonds. Between January 19th and January 27th he said he attended the Homeless and Vagrancy Committee meeting, the Grand Junction Housing Authority Annual Meeting, and the Colorado Water Congress (CWC) Annual Meeting.

Councilmember Chazen said between January 19th and February 1st he attended the Homeless and Vagrancy Committee meeting, the Grand Junction Housing Authority Annual Meeting, the Visitor Convention Board (VCB) Annual Meeting, DDA/DGJBID Annual Retreat and the Western Colorado Latino Chamber of Commerce Board election.

Council President Norris said between January 19th and February 1st she attended the VCB Annual Meeting, the Hispanic Affairs panel forum, the Grand Valley Momentum Initiative, the GJACC banquet, and the Grand Junction Housing Authority Annual Meeting where the City received recognition. She mentioned that February is Heart Month.

Council President Norris announced again the broadband issue has been taken off the agenda.

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 January 4, 2017 Regular Meeting
- b. Minutes of the January 18, 2017 Special Meeting

2. Set Public Hearing

- a. Quasi-judicial
 - i. Proposed Ordinance Vacating Alley Public Rights-of-Way in Block 84 City of Grand Junction at 310 North 7th Street (R5-High School Block) and Set a Hearing for February 15, 2017

3. Contract

- a. 2017 Contract Street Maintenance

4. Resolution

- a. Resolution No. 12-17 – A Resolution Accepting a \$29,400 Habitat Restoration Grant from the State Board of the Great Outdoors Colorado Trust

Regular Agenda

Public Hearing – Ordinance No. 4737 – An Ordinance Amending Sections of the Zoning and Development Code (Title 21 of the Grand Junction Municipal Code) Regarding Signage

A proposed ordinance addressing both content neutrality and electronic and digital signage was tabled by City Council at their November 16, 2016 meeting with direction to get business input on the proposed changes, specifically to the electronic and digital sign regulations. The staff is working with the Chamber of Commerce to garner input and will be bringing the electronic sign regulations portion of the ordinance back to the City Council during the first quarter of 2017.

The public hearing was opened at 7:39 p.m.

David Thornton, Principal Planner with Community Development, presented the proposed ordinance addressing content neutrality. Mr. Thornton said the electronic and digital signage was tabled by Council at their November 16, 2016 meeting with direction to get business input on the proposed changes to the electronic and digital sign regulations. Mr. Thornton said staff worked with the Grand Junction Area Chamber of Commerce to garner input and will bring the electronic sign regulations portion of the ordinance back to Council during the first quarter of 2017.

Mr. Thornton provided a brief review of what has taken place. He stated this proposal is specific to the content neutrality portion only. He reviewed the changes to the proposal as well as highlighting the significant provisions. Mr. Thornton stated the Planning Commission has recommended approval.

Councilmember Boeschstein asked if the City can legally have zone specific sign codes. Mr. Thornton said the allowances of specific sign codes are based on residential zoning as opposed to nonresidential zoning.

Councilmember Boeschstein expressed concern for the aesthetics of over signage in residentially zoned areas and asked if a homeowner association (HOA) covenant would supersede the City's Sign Code limit. Mr. Thornton said yes, HOA covenants would supersede the Sign Code, however, it would then become a civil matter.

Councilmember McArthur asked if the ruling would impact flag and banner displays which are currently prohibited by some HOA's. City Attorney Shaver said that issue was not addressed because this ordinance addresses signage for advertising and commercial use, not state and national flags.

Councilmember Chazen asked what the zoning parameters are for displaying wind driven signs. Mr. Thornton said currently a sign permit is required for wind driven banners which allows display for 14 consecutive days. Mr. Thornton stated the permits for banners attached by all four corners to a building can be issued for 30 days. He said for consistency, they are attempting to increase the display days of wind driven signs to match that of banners and allow displays for up to four months per calendar year.

Councilmember Chazen asked what the permit fee is and if banners are required to be commercially made. Mr. Thornton said the fee is \$25 per permit with each permit good for one month and the signs need to be professionally made for safety reasons.

Councilmember Chazen read section C-2, subsection i and ii of the ordinance and asked if there is a limit of political signs per property. Mr. Thornton said, because of content neutrality, there are no specific limits relative to the content of signs, only on the number of signs per property. Councilmember Chazen asked if there is consideration for provisions during elections with an increase of political signs per property. City Attorney Shaver said that would not follow the content neutrality laws and could not be implemented.

Councilmember Kennedy asked if sign companies were involved in the discussion regarding this ordinance at the Planning Commission hearings. Mr. Thornton said yes and most of their concerns were regarding outdoor advertising and digital signs. Councilmember Kennedy asked if any community members were present solely for the content neutrality issue. Mr. Thornton said there were none that spoke. Councilmember Kennedy asked if any of those who contributed to the discussion were comfortable with the content neutrality portion of the ordinance. Mr. Thornton said yes, the Planning Commission took time to study and address the content neutrality issue. Councilmember Kennedy said he was pleased with the Planning Commission and all their work regarding content neutrality in this ordinance.

City Manager Caton described the workshops, studies, and discussions regarding this ordinance. He said they reached out to a variety of groups, worked with the GJACC and concerned individuals in the off-premise sign industry for input, and addressed their concerns.

Tom Ross, 6333 27 ½ Road, asked if there is a fee for posting political signs within City limits. Council President Norris said no.

Mark Gamble, 2475 Commerce Blvd., thanked Council and staff for working with the outdoor advertising industry on this complex issue.

C.J. Rhyne, Retention/Expansion Specialist for GJACC, said he echoed Mr. Gamble's comments and appreciated staff and their hard work. He said 25 business community members were at the open house and most of them are in support of digital signs. He said he is pleased with this ordinance.

There were no other public comments

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

Councilmember Kennedy asked if it is in the interest of public safety that wind driven banners are required to be professionally manufactured rather than homemade. Mr. Thornton said yes.

Councilmember Boeschstein asked how the Planning Commission came up with a limit of six posted signs per property. Mr. Thornton said through study and research but that number can be reevaluated as more input from the community is received.

Councilmember Chazen asked how two sided signs are counted. Mr. Thornton said if the two sided sign is at an angle of 60 degrees or less it counts as one sign. Councilmember Chazen asked about the limit of signs for construction areas. Mr. Thornton stated they cannot regulate what a sign says, but they can try to minimize the sign impact of those that would take advantage, by regulating size and limit.

Councilmember McArthur stated that it is difficult to cover every circumstance and asked if it would be appropriate to put in the ordinance the ability to apply to post more than the usual limit. However, he withdrew the question noting that it would not be content neutral.

Council President Norris expressed appreciation for community involvement in discussions regarding this issue.

Councilmember Traylor Smith moved to adopt Ordinance No. 4737 – An Ordinance Amending Sections of the Zoning and Development Code (Title 21 of the Grand Junction Municipal Code) Regarding Signage on final passage and order final publication in pamphlet form. Councilmember Taggart seconded the motion. Motion carried by roll call vote with Councilmembers Boeschstein and Chazen voting NO.

Authorization of the City Manager to Sell a Portion of the Jarvis Property

Grand Junction Economic Partnership (GJEP) has successfully negotiated with Sunshine Polishing Technology to relocate its operations to Grand Junction with a new facility proposed to be located on a two-acre portion of the Jarvis property. Council will consider the sale of the property and an incentive package.

Kathy Portner, Planning Manager, presented this item and mentioned Kristi Pollard of GJEP will also be presenting. Ms. Portner reviewed the history of the property and how it was acquired. She provided details of the property clean up, and stated the property now has the Riverfront Trail going through it along with a backwater pond for endangered fish. She identified the two-acre parcel proposed for sale and described how the property and the remainder of the property will be accessed. Ms. Portner stated the proposed incentives include the sale of the \$20,000 parcel, construction of an

access road and water line, waiver of development fees, and four years of property tax rebate.

Kristi Pollard, GJEP Director, thanked Ms. Portner, City Manager Caton, and City Attorney Shaver for their work on this project which will create jobs and utilize a portion of the Jarvis property. Ms. Pollard stated Sunshine Polishing Technology was originally based in Canada, is a pioneer in the plastic polishing field, and is expanding to gondola refurbishing. Ms. Pollard said with the approval of this project, Sunshine Polishing Technology will expand and bring their company to Grand Junction. She stated this is their first franchise in the United States and will bring 15 fulltime jobs to Grand Junction. Ms. Pollard said the GJEP Board has also agreed to provide incentive funds of \$1,000 per new employee, offer enterprise credits, and utilize the Jump Start program. Ms. Pollard said there were other location options for Sunshine Polishing Technology and she is pleased that they chose to locate in Grand Junction. Ms. Pollard said Ms. Dominic Bastion, Owner of Sunshine Polishing Technology, was in attendance.

Councilmember Taggart asked if Mesa County will be participating in offering incentives for this project. Ms. Pollard said they will be approaching Mesa County regarding participation with the Jump Start Program. Councilmember Taggart said the cost of incentives are a worthwhile short term investment and he is pleased with the company relocating to Grand Junction. He extended a welcome to those from Sunshine Polishing Technology in attendance.

Councilmember Traylor Smith stated she is the Council representative for GJEP and is pleased with the success of this project. She said the creativity and hard work of staff and growth potential will continue to revitalize the Jarvis Property.

Councilmember Kennedy asked staff if their presentations could include a cost analysis of incentives versus the benefits of a new company coming to the City. Ms. Pollard said she does have an economic impact study and has studied the direct and secondary impacts. She said she will email the results to Council. Councilmember Kennedy welcomed Sunshine Polishing and Technology and thanked staff.

Councilmember Chazen welcomed Sunshine Polishing Technology and thanked staff and Ms. Pollard. He asked if the rest of the Jarvis property has been subdivided. Ms. Portner said the entire property has been platted with the intent to embark on a design process and determine how it can best serve the City and local industries.

City Attorney Shaver said when the City acquired the property it was a junkyard. He stated the Uranium Mill Tailing Removal Project (UMTRA) was utilized to restore and unify the properties which took a significant effort. City Attorney Shaver said the City is positioned for next step in development of this property.

Councilmember Boeschstein thanked staff and welcomed Sunshine Polishing Technology. He asked if the City has certification for the site clean-up. Ms. Portner said yes. City Attorney Shaver said by utilizing the UMTRA process, there is no other known contamination on the property. Councilmember Boeschstein asked if the new business will create any hazardous waste.

Ms. Pollard stated there will be a site plan review and Persigo Wastewater Treatment Facility will also be involved in the review process. Councilmember Boeschstein asked if the new business will create any air pollution. Ms. Portner said the business will be required to comply with all regulations. Councilmember Boeschstein said he was glad to see this new business.

Council President Norris said she is glad the City has platted the Jarvis property and she believes this company fits with the community.

Councilmember Traylor Smith moved to adopt Resolution No. 13-17 – A Resolution Authorizing the City Manager to Sell a Portion of the City-owned Property, known as the Jarvis Property and approval of an incentive package for Sunshine Polishing Technology. Councilmember Kennedy seconded the motion. Motion carried by roll call vote.

North Avenue Catalyst Grant Request From Western Rockies Federal Credit Union

Western Rockies Federal Credit Union has submitted an application for consideration of \$8,328.50 from the North Avenue Catalyst Grant Program. The amount is one-half of the cost for a proposed monument sign to replace the existing pole sign at 2302 North Avenue. This is the first 2017 application for the North Avenue Catalyst Grant program to come before Council.

Kathy Portner, Planning Manager, presented this item. She described the request and the location. She said two other grant recipients are just west of this property. Ms. Portner showed the existing sign to be removed which will be replaced with the proposed monument sign. The grant program requires a 50% match from the property/business owner with grant amounts up to \$10,000 per property. The Grant Committee has recommended approval for Western Rockies Federal Credit Union's new monument sign. Ms. Portner introduced Cathy Crawford representing the Western Rockies Federal Credit Union. Ms. Crawford explained the reason for improving their location with the monument sign.

Councilmember McArthur said he believes signage is the biggest problem along North Avenue and is pleased to see this and other such applications of the grant program.

Ms. Crawford stated that the logo for Western Rockies Federal Credit Union has changed and hopes to have the new logo on the new sign.

Councilmember Boeschstein thanked Ms. Crawford for upgrading to the North Avenue design standards.

Councilmember Chazen stated improvements like this are why the program was created.

Council President Norris said she appreciates the Credit Union being considerate of their North Avenue neighbors regarding the sign's design.

Councilmember Kennedy moved to approve the North Avenue Catalyst grant request from Western Rockies Federal Credit Union, located at 2302 North Avenue, in the amount of \$8,328.50. Councilmember Boeschstein seconded the motion. Motion carried by roll call vote.

Change in Use Incentive Grant Request From Taco Corp Worldwide, LLC

Taco Party, a proposed restaurant located at 126 South 5th Street, has submitted an application for consideration of \$3,909.60 from the newly created Change in Use Incentive Grant program. The amount is 25% of the sewer wastewater Plant Investment Fee (PIF) required for the conversion of the existing building to a restaurant use.

Kathy Portner, Planning Manager, presented the first application under the new pilot program and provided background on how this incentive grant program was created. On January 4, 2017 Council established the Change in Use Incentive Grant Pilot Program to fund 25% of the sewer wastewater Plant Investment Fee (PIF), up to \$10,000 for the conversion of an existing building in the Greater Downtown Area to a restaurant use. The purpose of the program is to maintain and enhance the viability of downtown and encourage the reuse of existing buildings as restaurants. The first application is Taco Corp Worldwide, LLC. She described the location and the proposal from the owner who is requesting 25% of that fee. She then introduced the owner, Jodi Niernberg.

Jodi Niernberg, representative of Taco Corp Worldwide, LLC, thanked staff and Council for their consideration. She reviewed her company's history and said she started looking for ways to grow her business about three years ago. She provided details of expenses and investment amounts for her business and is pleased with the possible option to reduce some expenses with this grant. Ms. Niernberg thanked Council for consideration of the Change in Use Incentive Grant.

Councilmembers Kennedy, Chazen, and Boeschstein said they would support this grant application and are all looking forward to having a new restaurant in the downtown area.

Council President Norris asked if the County offers similar incentives like the Change in Use Incentive program.

City Manager Caton said he has been working with the DDA Executive Director who is planning to bring the program proposal to the DDA board. City Manager Caton said he has sent correspondence to the County Administrator and is waiting for a response.

Council President Norris is pleased with this grant program that assists businesses with expenses and promotes economic development.

Councilmember McArthur asked what the remaining balance is in the grant fund. Ms. Portner said, if the three applications are approved tonight, the remaining balance will be approximately \$11,000. Councilmember McArthur said City Manager Caton may need to add to the balance. City Manager Caton said the City is prepared to add to the balance if needed.

Councilmember Chazen moved to approve the Change in Use Incentive Grant request from Taco Corp Worldwide, LLC, located at 126 South 5th Street, in the Amount of \$3,909.60. Councilmember Traylor Smith seconded the motion. Motion carried by roll call vote.

Change in Use Incentive Grant Request From Hops Culture

Hops Culture, a proposed restaurant located at 457 Colorado Avenue, has submitted an application for consideration of \$6,760.80 from the newly created Change in Use Incentive Grant program. The amount is 25% of the sewer wastewater Plant Investment Fee (PIF) required for the conversion of the existing building to a restaurant use.

Kathy Portner, Planning Manager, presented this item. She described the request and the location. She said the total PIF for the conversion is \$27,042.20, based on the anticipated impact to the sewer system for restaurant use. She said the request meets the requirements of the Change in Use Incentive Grant Program and the request is for \$6,760.55. She then introduced Griff Chiono, Executive Chef, representing Hops Culture.

Mr. Chiono said Hops Culture has an established location in Aspen, Colorado and offers comfort food with a massive beer collection. He said he appreciates Council's consideration.

Councilmember McArthur asked if there was a structure removed from the restaurant's location. Mr. Chiono said the stucco was removed to expose the brick on the exterior wall.

Councilmembers Kennedy, Boeschstein, Chazen Traylor Smith, and Council President Norris thanked Mr. Chiono for bringing a quality locally owned restaurant to the downtown area.

Councilmember Chazen moved to approve the Change in Use Incentive Grant request from Hops Culture, located at 457 Colorado Avenue, in the Amount of \$6,760.55. Councilmember Traylor Smith seconded the motion. Motion carried by roll call vote.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

There was none.

Adjournment

The meeting adjourned at 9:02 p.m.

Stephanie Tuin, MMC
City Clerk