

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

December 20, 2017

The City Council of the City of Grand Junction convened into regular session on the 20th day of December 2017 at 6:00 p.m. Those present were Councilmembers Phyllis Norris, Duncan McArthur, Barbara Traylor Smith, Duke Wortmann, and Council President Pro Tem Bennett Boeschstein. Councilmember Chris Kennedy and Council President Rick Taggart were absent. Also present were City Manager Greg Caton, City Attorney John Shaver, and City Clerk Wanda Winkelmann.

Council President Pro Tem Boeschstein called the meeting to order and led the Pledge of Alliance which was followed by the invocation by Sherry Cole, Global Heart Spiritual Center.

Appointment

Councilmember Wortmann moved to appoint Jeffery Fleming to the Riverfront Commission for a partial term ending July 2018. Councilmember Traylor Smith seconded. Motion carried unanimously.

Certificate of Appointments

To the Historic Preservation Board

Greg Gnesios was present to receive his certificate of appointment to the Historic Preservation Board. He thanked Council for his appointment and mentioned he spent most of his career in historic preservation.

To the Horizon Drive Association Business Improvement District Board

Fonda Delcamp was present to receive her certificate of appointment to the Horizon Drive Association Business Improvement District Board. She thanked Council for her appointment and looks forward to working on the Board.

To the Visit Grand Junction Board

Susan Kiger, Tammy Anderson, Elizabeth Hallgren, and Paul Petersen were present to receive their certificates of appointment to the Visit Grand Junction Board. They thanked Council for their appointments and all are looking forward to serving on the Board.

Citizens Comments

Bruce Lohmiller spoke on the recent bullying video involving two Grand Junction High School students and encouraged citizens to call 911 regarding violence reports and M-1 holds. He asked for assistance for Cindy Steele through night patrols. He spoke about sex education classes and how the district said they are lawful. He spoke about appropriate action for assault cases.

Council Reports

Councilmember Norris attended the Colorado Mesa University graduation that had 600 graduates in the ceremony, which included her grandson. It was a very nice presentation and she hopes the students will stay in Grand Junction.

Councilmember Traylor Smith said the Parks & Recreation Board had a long meeting regarding park opportunities and she looks forward to the outcomes.

Councilmember McArthur went to the Colorado Municipal League policy meeting in Denver on December 8th and discussed the legislative session that starts in January. On December 18th he attended the Chamber of Commerce quarterly luncheon which featured a speaker from the Leeds School of Business who gave a business outlook on 2018. On December 20th Councilmember McArthur attended a presentation by Senators Scott and Senator Donovan regarding the 811 location legislation and the amendments to adhere to federal statues to make it a one-call system.

Councilmember Wortmann attended the Chamber of Commerce's presentation regarding the Foreign Trade Zone.

Mayor Pro Tem Boeschstein attended the Regional Transportation meeting on December 18th, The Creative District meeting on December 13th, the Urban Trails Committee meeting on December 12th, the Museum of Western Colorado meeting on December 8th, the Historic Preservation Board meeting on December 5th, and Save the Bears Ears meeting on December 3rd.

Consent Agenda

Councilmember Wortmann moved to approve adoption of the Consent Agenda items #1 through #4. Councilmember Traylor Smith seconded. Motion carried by roll call vote.

1. Approval of Minutes

- a. Summary of the December 4, 2017 Workshop
- b. Minutes of the December 6, 2017 Regular Meeting

2. Set Public Hearings

- a. Legislative
 - i. An Ordinance Amending Various Sections of the Zoning and Development Code Regarding Administration and Procedures, Setbacks, Cluster Development, Fences and Flood Damage Prevention and Set a Public Hearing for January 3, 2018
- b. Quasi-judicial
 - i. An Ordinance Rezoning Property Located at 2802 Patterson Road From R-4 (Residential, 4 DU/AC) to MXOC (Mixed Use Opportunity Corridor) and Set a Public Hearing for January 3, 2018
 - ii. An Ordinance Zoning Properties to I-O (Industrial/Office Park), Located at 2202 and 2202 ½ H Road, and Set a Public Hearing for January 3, 2018
 - iii. An Ordinance Vacating the East-West Alley Right-of-Way Between 2nd and 3rd Streets, South of Colorado Avenue, and Set a Public Hearing for January 3, 2018

3. Contracts

- a. Purchase of Three Medium-Duty Ambulance Vehicles from Braun Northwest
- b. Contracts for Visit Grand Junction Advertising Services and Website Development/Internet Marketing Services
- c. 2018 Agreement with Mesa County for Animal Control Services

4. Other Action Items

- a. Sole Source Purchase of a Portable X-Ray System

Regular Agenda

Public Hearing - An Ordinance Amending Chapter 12 of the Grand Junction Municipal Code Concerning Riverfront and Other Trail Regulations Concerning the Operation of Electrical Assisted Bicycles

During a City Council workshop on June 5, 2017, this topic was discussed with members of the Riverfront Commission. The Commission stated that they continue to support the ban of motorized equipment on the Riverfront Trail, with the exception of ADA (Americans with Disabilities Act) compliant devices. They also stated that while they support the ban, they would not oppose the exception of E-bikes if the City chose to allow them.

Parks and Recreation Director Rob Schoeber said he hopes this change will enable more people to enjoy the trails. He briefly described the City's public trail systems and then described what E-bikes are, how they look, and the differences between E-bikes according to how they are legally classified.

Class I Electrical Assisted Bicycle - An electrical assisted bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of twenty miles per hour.

Class II Electrical Assisted Bicycle - An electrical assisted bicycle equipped with a motor that provides assistance regardless of whether the rider is pedaling but ceases to provide assistance when the bicycle reaches a speed of twenty miles per hour.

Class III Electrical Assisted Bicycle – Provide assistance up to 28 mph

Mr. Shoeber said the discussion before City Council focused on Class I and II only. Great Outdoors Colorado (GOCO) also supports the ban, but allows municipalities to make their own decisions.

The proposed ordinance revision would continue to ban all OPDMDs (Other Power Driven Mobility Devices) on City trails with the exception of ADA approved devices, but would allow Class I and Class II E-bikes as they would be excluded from the definition of motorized devices.

Councilmember Traylor Smith asked if pedaling is necessary to go up to 20 mph on an E-bike. Mr. Schoeber said, in his experience, he had to pedal to engage the motor.

City Attorney Shaver said the legal requirement is that it be an assist, and not have a throttle.

Scott Manuppella, owner of Colorado Electric Bikes, explained that a Class I E-bike is a pedal assisted electric bike; it has to be pedaled for it to work because it is only

designed to provide help. A Class II E-Bike has a throttle, but still has to be pedaled and it can't go over 20 mph either. These are intended for more difficult trails where individuals need a little more assistance. Both Class I and Class II E-bikes can be used without the motor.

Councilmember Wortmann asked if they can go faster than 20 mph. Mr. Manuppella said no, the motor will shut off automatically over that speed. Councilmember Wortmann asked if this is a bike to get people riding. Mr. Manuppella said people would like to be more "green" and not use their cars as much while staying fit; this option provides them with something to fill this need. Councilmember Wortmann asked how long the engine charge will last. Mr. Manuppella said about 25 to 30 miles, although there are bikes that will last 100 miles. The E-Bikes have to be plugged in after they are utilized.

Mayor Pro Tem Boeschenstein asked which local governments allow E-bikes in the Grand Valley. Mr. Manuppella said the reason why the discussion was before Council was because not a lot of places have addressed the allowance of E-bikes. The State decided to deal with E-bikes by classifying them and then allowing local municipalities to decide.

Councilmember Traylor Smith asked what the most common age demographic is that buys E-bikes. Mr. Manuppella said there is a wide age range who buy them and for different reasons: baby boomers for health, younger generations for sport, and commuters to help get more cars off the road. Councilmember Traylor Smith asked if Mr. Manuppella rides one and if the E-bike riders are passing or having a different experience than non-motorized bike riders. He responded that he did ride an E-bike and in his opinion, there are no problems or conflicts with traditional bike riders and E-bike riders.

Councilmember McArthur asked if this is something seniors could use to ride trails. Mr. Manuppella said absolutely.

Councilmember Norris asked City Attorney Shaver if people can ride the E-Bikes legally on County roads and highways. City Attorney Shaver said they are not illegal since the State passed House Bill 17-1151, and therefore what the City of Grand Junction is proposing is to take away any questions relative to the use of E-Bikes. Councilmember Norris said other municipalities could said no. City Attorney Shaver said that was correct and clarified that previously GOCO would not grant funds if E-bikes were allowed, but that has changed. Councilmember Norris noted the Mayor's comments that E-Bikes allow his wife to ride with him because otherwise she would not be able to keep up with him as he is an avid bike rider. She likes this option because it allows many to ride the trails.

Mr. Schoeber noted the City has partnerships with the other four municipalities that are tied into the Riverfront Trail and most are moving forward in favor of E-bikes. Palisade is the exception.

The public hearing opened at 6:39 p.m.

Marion Brosig said E-Bikes changed her husband's life because he could not ride as far as she could, but with the assistance of the E-Bike he is able to ride longer and see more things which allows him better exercise.

Ryan Cranston, Ruby Canyon Cycles, said he supports E-Bikes because they help those with disabilities and couples to ride together. He pointed out that since last year his sales of E-bikes has tripled.

Diane Manuppella, co-owner of Colorado Electric Bikes, said she has heard so many stories from customers who ride them and are pleased with them. Many of them had preconceived misunderstandings, but once they rode them, they enjoyed them. She told of a woman in Palisade who has used one and lost over 100 pounds. She said the motor backup allows riders to challenge themselves and try more trails.

The public hearing closed at 6:43 p.m.

Mayor Pro Tem Boeschenstein said he is one of the people who started the Riverfront Commission. He called the President of the Audubon Society to see if they would allow E-Bikes on the Audubon Trail and they are opposed to it. He loves cycling and rides all over town because it keeps him healthy. He is concerned for the slower riders on the trails and is worried about possible conflicts. The Riverfront Commission and the Town of Palisade are in opposition. Mayor Pro Tem Boeschenstein feels that all in the valley should be on the same page and will therefore not support this item.

Councilmember McArthur used to ride bikes and said he sees this as a way for seniors to maintain an active lifestyle. Most will not go 20 mph, but rather will have the ability to get out. This will open the trails to all ages and abilities and for this reason he will support it.

Councilmember Norris moved to adopt Ordinance No. 4778 - An ordinance amending Chapter 12 of the Grand Junction Municipal Code concerning Riverfront and other trail regulations concerning the operation of electrical assisted bicycles on final passage and order publication in pamphlet form. Councilmember Traylor Smith seconded the motion. Motion did not pass. Mayor Pro Tem Boeschenstein and Councilmember Wortmann voted NO.

Public Hearing - A Resolution Regarding the Las Colonias Park Plan of Development Amendment

In order to confirm the direction of the POD (Plan of Development) amendment, and to ensure that the public and the City Council has had every opportunity to understand the POD amendment and the general scope of the project under consideration for development, prior to the closing of the financing for the project, the

City Council is considering this resolution. If adopted, the resolution will affirm, confirm, and ratify the POD amendment and all actions taken in support of and conformance, including but not limited to the direction to the City staff to execute the financing agreements.

City Attorney Shaver introduced the item and Brandon Stam, Executive Director of the Downtown Development Authority and pointed out that the closing and financing was scheduled the next day.

Mr. Stam briefly stated the purpose of the Downtown Development Authority (DDA) and detailed Section V of the Plan of Development adopted in 1981:

- Prevent the decline of property values
- Prevent the deterioration of existing structures
- Promote the efficient and economical use of costly land
- Maintain an intensity of activity at a pedestrian scale
- Conserve the historical character of the City of Grand Junction
- Promote appropriate development
- Maximize the return on public investments made in the downtown over the year
- Prevent the social problems associated with declining commercial assets

He went on to explain that Section VII of the POD identifies public facilities and improvements that can be used to support and encourage private redevelopment activities. This includes a list of 18 projects of varying specificity. This amendment would add the Las Colonias Business and Recreation Park as a project under this section of the POD. The Las Colonias Business and Recreation Park will provide public improvements to the Riverfront Corridor and help spur private investment in the area which aligns with the goals and objectives of the POD. The Las Colonias Business Park will be added to page 38 of Section VII of the POD as project number 19.

Councilmember Norris said the DDA has really stepped up to finance this and the park would not be able to be completed this quickly without their support.

Councilmember Traylor Smith thanked the DDA for their creative and innovative ideas. She is very excited about the project.

Councilmember McArthur asked City Attorney Shaver about the agreement between the City and the DDA. City Attorney Shaver said it had been a function of the approved 2018 budget and annual appropriation.

The public hearing opened at 6:54 p.m.

Harry Griff, resident, has been heavily involved in the Las Colonias development for the last 20 years. He said he has concerns with current plan, but believes that anything is better than what is available now. He doesn't think this plan is the best use of the park. He spoke of the dog leg area in the far east end of park, where it is planned to place three irrigation ponds and will have the same water as Butterfly Lake. These ponds will not be swimmable, but able to be used for paddle boarding. Mr. Griff asked if this development of the Butterfly Lake is the best use of that ground if it is not swimmable. His concern is that there would no longer be a green belt in the park, which was one of the original intentions, and too many elements are being added to Las Colonias that it will no longer be a park. Mr. Griff asked Council to give thought to eliminating Butterfly Lake. He then said a restaurant in the park takes away from the park greenbelt. There are so many other things that could be developed for recreation. Mr. Griff believes the restaurant and other retail developments would be better at the edge of park and not in it. He noted the park is the only place that Grand Junction could maintain a greenbelt on the river and making the noted developments would not allow for it to be a greenbelt any longer.

Councilmember Norris asked City Manager Caton how many acres are in Las Colonias Park and what percent will be used for this development. City Manager Caton responded that 15 acres in the business park (out of 147 acres total) would be developed. Councilmember Norris noted there is a restaurant near the park now on private property, and asked if there are other areas that such developments could go. City Manager Caton said residential developments are going in as well as some other private development to the west and the City owns property on the far east that could potentially allow for developments in the future.

City Attorney Shaver said Mr. Griff's history and comments are appreciated, but this item is to confirm the Plan of Development and the DDA's authority with respect to the POD for purposes of financing.

Mayor Pro Tem Boeschenstein said he asked the same questions as Mr. Griff and learned that 90% of the park will be green and developed as a park.

Mr. Griff clarified that his question is how much green space will be developed, not how much of the total acreage.

Mr. Stam said although the lake will not be swimmable, it is still a park element that could be used for recreation.

Mayor Pro Tem Boeschenstein listed other park elements.

The public hearing closed at 7:06 p.m.

Councilmember Wortmann moved to adopt Resolution No. 77- 17 - A resolution

confirming the amendment of the Downtown Development Authority Plan of Development to include the Las Colonias Business Park as the area covered by the Plan amendment and describing the general scope of the development project under consideration all as more particularly described in Ordinance 4765 and this Resolution. Councilmember Traylor Smith seconded. Motion carried unanimously by roll call vote.

Public Hearing - Consider a Request to Vacate Alley Right-of-way in Block 84, Original City Plat, also known as the R-5 High School Block

Kris Ashbeck, Senior Planner, stated the Applicant, and the Grand Junction Downtown Development Authority (DDA), are requesting a vacation of a portion of the east-west alley of Block 84, Original City Plat, on the southeast corner of 7th Street and Grand Avenue. The DDA currently owns the entire Block 84 of the Original City Plat known as the R-5 High School Block and is in the process of working with a developer to redevelop this site. The existing historic high school building sits on top of a portion of the platted east-west alley right-of-way. The proposed vacation will vacate a portion approximately 143.49 feet long by 20 feet wide (2,870 square feet) of the right-of-way that currently runs through the middle of the building. The alley rights-of-way on the remainder of the block are not being vacated at this time because the developer will retain them for circulation within the proposed development.

The vacation of this segment of the alley right-of-way will remove encumbrances from the historic school site, thereby making the property more attractive for redevelopment. This request conforms with the Comprehensive Plan, the Grand Valley Circulation Plan and other adopted plans of the City. Staff therefore finds this request conforms with this criterion, and Planning Commission concurred with this finding.

Councilmember McArthur asked if the alley Right-Of-Way will be used on the East side. Ms. Ashbeck say it will be used as driveways by the developer.

The public hearing opened at 7:10 p.m.

There were no comments.

The public hearing closed at 7:11 p.m.

Councilmember Traylor Smith moved to adopt Ordinance No. 4779 - An ordinance vacating right-of-way within Block 84 City of Grand Junction located at 310 North 7th Street on final passage and order final publication in pamphlet form. Councilmember McArthur seconded. Motion carried unanimously by roll call vote.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

There was none.

Adjournment

The meeting adjourned at 7:12 p.m.

Wanda Winkelmann, MMC
City Clerk