

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

August 1, 2012

The City Council of the City of Grand Junction convened into regular session on the 1st day of August, 2012 at 7:00 p.m. in the in the City Auditorium. Those present were Councilmembers Bennett Boeschstein, Teresa Coons, Jim Doody, Tom Kenyon, Laura Luke, Sam Susuras, and Council President Bill Pitts. Also present were City Manager Rich Englehart, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Pitts called the meeting to order. Councilmember Luke led the Pledge of Allegiance, followed by an Invocation by Pastor Rex Townsley, Victory Life Church.

Presentations/Recognitions

Ron Youngman, Chapter President, American Concrete Pavement Association (ACPA) – Colorado/Wyoming Chapter, to Present an Award of Excellence in Concrete Pavement to the City of Grand Junction for the Downtown Uplift Project

Ron Youngman, Chapter President, American Concrete Pavement Association (ACPA) – Colorado/Wyoming Chapter, presented a slide show on concrete. He said that, unfortunately, the concrete today does not last as long as the concrete used on the Coliseum in Rome or the Pantheon which has been standing since the second century and is still being used today. Main Street in Grand Junction was concrete from 1917 to the 1950's. Then it was asphalt. The City has started to go back to concrete roads. Concrete roads can save the City money because it does not require the repair that asphalt roads do. He gave praise to the City for the work that was done on Main Street. It draws people and makes people want to be downtown. He then presented plaques to Project Manager Justin Vensel and Public Works and Planning Director Tim Moore. He also presented City Council with a plaque. He suggested that the plaques be hung where they could be seen often and urged the City to hold the concrete industry accountable to get the full expected life out of the concrete.

Grand Junction Lion's Club President Jefferson Baker to make a Presentation to Recognize the Two Rivers Convention Center Staff for their Commitment to the Lion's Club Annual Carnival in February

Jefferson Baker, Grand Junction Lion's Club President, and Justin Hammer, the Lion's Carnival night Chairman, recognized Two Rivers Convention Center for all their help with the Grand Junction Lion's Club Carnival. He specifically wanted to thank Donna Redd and her Staff. Mr. Baker presented a Certificate of Appreciation plaque to Donna Redd. Mr. Hammer presented a plaque to the Staff of Two Rivers Convention Center and expressed his appreciation for their continued support as well as the City's support.

Proclamation**Proclamation to Commemorate the "Sesquicentennial of the Historic Morrill Act" in the City of Grand Junction**

Rhonda Follman, CSU Area Extension Director Tri River Area Extension, was present to receive the proclamation. She stated that the Land-Grant University System, as a whole, has graduated over twenty million students to date. She lauded that the Morrill Act did more than anything for higher education. The signing of the Act by President Lincoln made higher education more accessible to everyone.

Ratify Appointments**To the Mesa County Building Code Board of Appeals**

Councilmember Luke moved to ratify the reappointment of Dave Detwiler and Steve Peterson to the Mesa County Building Code Board of Appeals for three year terms expiring July 1, 2015. Councilmember Coons seconded the motion. Motion carried.

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

Stephan Schweissing was present to receive his certificate of appointment to the Downtown Development Authority/Downtown Grand Junction Business Improvement District.

To the Historic Preservation Board

Joseph Hatfield was present to receive his certificate of appointment to the Historic Preservation Board.

To the Riverfront Commission

Stacy Kolegas-Beaugh, Jason Bailey, Claudette Konola, and Clifton Sprinkle were present to receive their certificates of appointment to the Riverfront Commission.

Council Comments

Councilmember Boeschstein attended the Colorado River Celebration "Naming the River" last week. There was a good delegation in attendance. They plan to have the celebration every year. He also attended the Solar Energy press conference noting solar is a growing trend and there are still subsidies available for those wanting to go solar. He said it was a good presentation.

Citizen Comments

David Shepard, 230 Red Sand Road, current president of the Airport Users Association, stated that he was present to draw attention to a situation. The subject is not on fences, which they are still hopeful for a solution. The subject matter is on a new lease policy that the Association feels will be detrimental to the community, the tenants, and the City. The lease situation has caused the loss of one maintenance provider and a helicopter company that was going to move to Grand Junction. The last maintenance provider is going to purchase his property and hangar because the Airport Authority would not respond to his lease request. The proposed policy will not provide new leases and the airport will take the improvements; the lessee will not be allowed to remove the improvements. This will mean the loss of millions of tax dollars to the City. This move will end all private investment at the Airport and create resentment. Dr. Shepard said he has received over forty phone calls from tenants that said they will scrap their improvements before they allow the Airport to take their improvements. This is a critical issue.

Alan R. Story, 1831 L Road, Fruita, said he would like to purchase 8 acres at 180 Dike Road and live there. He was told that he cannot live there as it is in the 100 year floodplain. He spoke to several Staff members and was told by all of them that he cannot live in a floodplain because of safety. He invited any of the City Councilmembers to come to his home and watch two DVD's titled Agenda 21 and American Tyranny which both DVD's reflect a close relationship to the Grand Junction City Council and its tentacles.

CONSENT CALENDAR

Councilmember Doody read the Consent Calendar and then moved to adopt the Consent Calendar items #1-6 excluding item #3 which was moved to Individual Consideration. Councilmember Kenyon seconded the motion. Motion carried by roll call vote.

1. Minutes of Previous Meeting

Action: Approve the Minutes of the July 18, 2012 Regular Meeting

2. **Setting a Hearing on Repealing Title 22 of the Grand Junction Municipal Code Concerning Submittal Standards for Improvements and Development**
[File #ZCA-2012-333]

Staff recommends removal of Title 22, Submittal Standards for Improvements and Development (SSID) Manual from the Zoning and Development Code. The SSID Manual will be retained as a technical procedures manual.

Proposed Ordinance Repealing Title 22, Submittal Standards for Improvements and Development (SSID), of the Grand Junction Municipal Code

Action: Introduction of a Proposed Ordinance and Set a Public Hearing for August 15, 2012

3. **Revocable Permit for a Sign to Home Loan State Bank Located on the Corner of 4th Street and Rood Avenue** [File #RVP-2012-314] **MOVED TO INDIVIDUAL CONSIDERATION**

Home Loan State Bank is requesting a Revocable Permit to install an unlit monument sign (with the option to light the sign in the future) within the Rood Avenue right-of-way, west of N. 4th Street. The proposed sign is meant to replace the previous monument sign that was located in front of the building on private property.

4. **CDBG Subrecipient Contract with the Business Incubator Center for Previously Allocated Funds within the 2011 Community Development Block Grant (CDBG) Program Year** [File #CDBG 2011-03]

The Subrecipient Contract formalizes the City's award of \$50,000 to the Business Incubator Center allocated from the City's 2011 CDBG Program as previously approved by Council.

Action: Authorize the City Manager to Sign the Subrecipient Contract with the Business Incubator Center for the City's 2011 Program Year Funds

5. **Restoration of 1.5% of Wages and the Expenditure of Budgeted Funds for Employee Compensation**

Approval of this resolution represents the formal authorization to restore employee wages to 2009 levels. If approved the resolution will be effective July 22, 2012.

The funds are included in the original 2012 Adopted Budget and actual revenues are exceeding budgeted expectations.

Resolution No. 32-12—A Resolution Ratifying and Directing the Expenditure of Money Budgeted for the Compensation of Employees of the City of Grand Junction and Authorizing Action in Accordance Therewith

Action: Adopt Resolution No. 32-12

6. **City's Tax Increment Financing (TIF) Allocation to Downtown Development Authority and Certification of TIF Allocations to County Assessor**

The proposed Resolution confirms that the City of Grand Junction has committed 100% of both the ad valorem real property tax increment and the district sales tax increment to the DDA special revenue, and directs the City Manager to certify to the County Assessor the property tax distribution percentages of all taxing authorities contributing to the DDA special fund.

Resolution No. 34-12—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

Action: Adopt Resolution No. 34-12

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Revocable Permit for a Sign to Home Loan State Bank Located on the Corner of 4th Street and Rood Avenue [File #RVP-2012-314]

Home Loan State Bank is requesting a Revocable Permit to install an unlit monument sign (with the option to light the sign in the future) within the Rood Avenue right-of-way, west of N. 4th Street. The proposed sign is meant to replace the previous monument sign that was located in front of the building on private property.

Senta Costello, Senior Planner, presented this item. She noted that there is plenty of room for placing and maintaining the sign without damaging the plant material in the planter area. They have not designed the sign yet awaiting approval.

Councilmember Luke inquired if the sign is going to be fairly tall but won't obstruct vision for traffic. Ms. Costello responded affirmatively noting a requirement for the design will be to ensure it does not cause a problem for traffic or pedestrians.

Councilmember Coons asked the City Attorney to address the precedent of businesses using the City's rights-of-ways.

City Attorney Shaver advised that City Charter allows anyone to make application to the City for use of right-of-way and there are many instances of the City allowing for the use of public right-of-way. Each request is reviewed on its individual circumstance and merit. No legal precedence is established by the approval of any application because each situation is unique.

Councilmember Susuras asked if any other business signs have used the public-right-of-way. City Attorney Shaver said yes and deferred the question to Ms. Costello. Ms. Costello provided the example of a bank on the northeast corner of Patterson Road and 24 ½ Road.

City Attorney Shaver noted that each permit includes a contract that clearly lays out the exact terms of using that right-of-way and that the right may be revoked at any time.

Councilmember Luke asked if the sign proposed is compatible with the downtown.

City Attorney Shaver said that he believes it to be a monument sign but perhaps Ms. Costello or Mr. Weiss can describe it more particularly.

Downtown Development Authority (DDA) Director Harry Weiss advised that the request did come across his desk and the request is not out of line as to what he has seen in other communities. He does not see any issue with the request. He noted there are a number of perpendicular wall signs on businesses downtown that encroach into the right-of-way.

Councilmember Boeschstein noted that sandwich board signs are allowed in the right-of-way downtown. Mr. Weiss said they are, subject to a sign permit. City Attorney Shaver noted that those signs are not permanent.

Resolution No. 31-12—A Resolution Concerning the Issuance of a Revocable Permit to Home Loan State Bank

Councilmember Coons moved to adopt Resolution No. 31-12. Councilmember Doody seconded the motion. Motion carried by roll call vote.

Outdoor Dining Lease for Mesa Theater & Lounge, LLC, Located at 538 Main Street

Mesa Theater & Lounge, LLC, located at 538 Main Street, is requesting a first-time Outdoor Dining Lease for an area measuring 350 square feet directly in front of their

building. The Outdoor Dining Lease would permit the business to have a revocable license from the City of Grand Junction to expand their licensed premise and allow alcohol sales in this area. The dining area will be at grade on the sidewalk.

Harry M. Weiss, DDA Executive Director, presented this item. He said this is the fourth outdoor dining lease under the new lease agreement. Mesa Theater recently changed hands and the new owner would like to have an outdoor dining area. Initially, he asked for an eight foot area. Upon DDA review, to ensure ADA accessibility and snow removal along the sidewalks, a seven foot area was negotiated. Another aspect is that as new outdoor dining leases come forward, there are going to be other areas of constriction with the serpentine street and the number of planters. There are other factors to consider.

The outdoor dining lease requires a 44" clear gate but the Building Code will actually determine the gate size based on the building's occupancy. Mr. Weiss then showed an aerial photograph of the proposed patio area noting the area will leave a seven foot pathway on one end and five feet, ten inch pathway on the other end.

Rob Schoeber, Director of Parks and Recreation, said the Department strongly supports these types of things. The preferred snow removal equipment requires 74" of clearance. This area may have to be hand shoveled.

Councilmember Kenyon asked how many of the outdoor dining areas are open in the winter and are an impediment to snow removal. Mr. Schoeber advised the enclosures for the patios are permanent fixtures.

Mr. Weiss said the area can be reduced on the one end if the Council so chooses. Another option is to have the restaurateur assist with the snow removal as a condition of the lease.

Councilmember Coons said she likes to see the number of outdoor dining areas in the downtown; it has changed the character of downtown.

Councilmember Luke inquired how many facilities do require hand shoveling. Mr. Schoeber said about a half dozen. The snow removal crew also errs on the side of caution and hand shovels in tight areas to prevent any damage to the enclosures.

Councilmember Luke asked what the total would be if others apply for outdoor dining. Mr. Schoeber said about 95% of downtown can still be cleared with the equipment.

Councilmember Boeschstein noted that in the winter, many have enclosed the areas and installed heaters. He asked if that was acceptable. City Attorney Shaver noted that as long as the Building Code is complied with, it is acceptable. Il Bistro did comply with

the Building Code with considerable investment. Mr. Weiss said one other venue that proposed such an enclosure was Le Rouge but due to the size, they did not have the additional restrictions of the Building Code.

Resolution No. 33-12—A Resolution Authorizing the Lease of Sidewalk Right-of-Way to Mesa Theater & Lounge, LLC

Councilmember Kenyon moved to adopt Resolution No. 33-12. Councilmember Susuras seconded the motion. Motion carried by roll call vote.

Purchase of Dump Trucks – 4X2 5 Yard Single Axle and 4X2 10 Yard Tandem Axle

This request is for the purchase of scheduled equipment replacements for a single axle 5 yard dump truck and a tandem axle 10 yard dump truck.

Greg Trainor, Utilities, Streets, and Facilities Director, presented this item. He described the trucks and the bid process as well as the funding. Both trucks were also bid out using compressed natural gas (CNG). Mr. Trainor explained how the incremental cost difference for CNG trash trucks and street sweepers is paid back quickly due to miles driven whereas the dump trucks which have lower mileage do not have such a payback.

Jay Valentine, Financial Operations Manager, described the CNG operations and what vehicles use CNG. There are ten fueling stations in the slow fill side of the CNG station. He explained the payback for each type, the incremental costs for the CNG, and the payback is not as rapid at the current cost of diesel versus CNG. The CNG option is brought before the City Council due to the Council's commitment to CNG.

Councilmember Kenyon thanked Staff for bringing the two options forward and for Mr. Valentine's explanation of the payback.

Councilmember Coons agreed but noted there are other considerations including the investment the City has made to the CNG fueling station so the more CNG vehicles are supported, the greater the savings and the increased health benefits by preventing the air quality from getting worse. Also using a resource that is plentiful in the region shifts the reliance on other fossil fuels from other areas. To her it makes sense to spend the additional funds.

Councilmember Susuras asked if there is \$100,000 shortfall in budget for the CNG purchase. Mr. Valentine said yes but the accrual will change if the CNG trucks are purchased. Councilmember Susuras said that it is fiscally responsible to purchase the diesel trucks.

Councilmember Luke agreed with Councilmember Coons and noted that there are far more benefits financially than what they see. She said that Council needs to take into consideration that the City is moving into a new age and the City has made a considerable investment in the CNG station. She also sits on the Grand Valley Rural Transit Committee (GVRTC) which is moving toward CNG buses. She asked about a recent warranty or maintenance issue that she recalled on the buses. Tim Moore, Public Works and Planning Director, said the warranty issue has been resolved and the maintenance will be taken care of by the City's CNG maintenance shop.

Councilmember Luke supported the purchase of the CNG trucks.

Councilmember Doody agrees with Councilmember Coons. It is the vision, especially about the air quality. He will support CNG.

Councilmember Boeschstein agreed with going with CNG and noted that they may become more cost effective as diesel costs go up; plus CNG is clean burning.

Councilmember Susuras moved to authorize the City Purchasing Division to purchase a single axle 5 yard diesel dump truck and a tandem axle 10 yard diesel dump truck from Transwest Trucks in the amount of \$241,508. Councilmember Coons seconded the motion. Motion failed with Councilmembers Boeschstein, Coons, Doody, Luke, Kenyon, and Council President Pitts voting NO. (Councilmember Susuras voted yes.)

Councilmember Coons moved to authorize the City Purchasing Division to purchase a single axle 5 yard CNG dump truck and a tandem axle 10 yard CNG dump truck from Hansen International. Councilmember Luke seconded the motion. Motion carried with Councilmember Susuras voting NO.

Public Hearing—Amending the Future Land Use Map of the Comprehensive Plan for Property Located at 2259 River Road [File #CPA-2012-210]

A City initiated request to amend an area of the Comprehensive Plan Future Land Use Map, located at 2259 River Road, from Commercial/Industrial to Industrial.

The public hearing was opened at 8:15 p.m.

Tim Moore, Public Works and Planning Director, introduced this item and the next two items. He said the first two are City initiated and are items like the Department has been bringing forward to Council over the last several months. The two are for amendments to the Comprehensive Plan rather than rezones. The last item is an applicant initiated rezone for the Library.

Lori V. Bowers, Senior Planner, presented this item. She described the site including the history, the location, and the request. When the Comprehensive Plan was adopted, it did not rezone property to be consistent with the new land use designations which resulted in certain urban areas having zoning designations that did not implement the future land use designations of the Comprehensive Plan. Staff determined that the best way to resolve the conflict between the Comprehensive Plan's Future Land Use Map and the zoning of this property is to amend the Comprehensive Plan Future Land Use Map. An Open House was held on January 18, 2012 to present for discussion a proposal to downzone the property from I-2 to I-1 in order to bring the zoning into compliance with the Comprehensive Plan future land use designation of Commercial Industrial. Two representatives from the property owner, United Companies, attended the Open House. They asked about how the down zoning would constrain the future development of their property. Given the situation Staff has concluded it makes sense to leave the property zoned I-2 and change the Comprehensive Plan future land use designation to Industrial. The amendment will meet the goals and policies and the Comprehensive Plan. The Planning Commission forwards a recommendation of approval from their meeting of May 8, 2012.

Councilmember Boeschstein asked where the 100 year floodplain is shown. Ms. Bowers identified the green area and the river itself. Councilmember Boeschstein asked for a defined boundary of the floodplain and floodway. The Riverfront Trail also comes through this property. He would like more information before supporting it.

Councilmember Doody asked if this is a mining operation. He asked about the Conditional Use Permit. Ms. Bowers said it is for the mining operation. Councilmember Doody asked if mining is appropriate for I-2 zoning. Ms. Bowers said yes it is.

Councilmember Coons asked City Attorney Shaver to address the split estate and the extraction laws.

City Attorney Shaver said that since there are extraction operations at the location, industrial is the appropriate zoning category. He advised there are some preferences in the law for the use of extractive resources. He asked Ms. Bowers if the mineral resources map has been reviewed to see if that is within an area of those extractive uses. Ms. Bowers said that she has not, but she believes that, to her knowledge, it is an extractive use principally at this site. City Attorney Shaver said that, based on Ms. Bowers' testimony, it would be appropriate for the request to be considered.

Councilmember Boeschstein said the Council should have the floodplain and floodway maps, they are available. Ms. Bowers said those areas would be looked at for any future development.

Councilmember Susuras said that the request does meet Goals 6 and 12 of the Comprehensive Plan, the Planning Commission approved it unanimously, and he supported the findings.

Councilmember Luke asked if there were numbers to support Ms. Bowers' statement that a second batch plant would have a significant economic benefit. Ms. Bowers did not have those. Councilmember Luke also asked if floodplain maps could be included in future Staff Reports for areas so close to the river as she would also like to see those.

There were no public comments.

The public hearing was closed at 8:30 p.m.

Ordinance No. 4542—An Ordinance Amending the Future Land Use Map of the Grand Junction Comprehensive Plan, Located at 2259 River Road

Councilmember Susuras moved to adopt Ordinance No. 4542 and ordered it published in pamphlet form. Councilmember Doody seconded the motion. Motion carried by roll call vote with Councilmember Boeschstein voting NO.

Public Hearing—Amending the Future Land Use Designation for Eleven Properties Located between S. 12th and S. 14th Streets, South of Ute Avenue and North of the Railroad Tracks [File #CPA-2012-178]

A City initiated request to amend an area of the Comprehensive Plan's Future Land Use Map from Downtown Mixed Use to Commercial. The proposal affects eleven properties between 12th Street and 14th Street, south of Ute Avenue.

The public hearing was opened at 8:31 p.m.

Senta Costello, Senior Planner, presented this item. She described the sites, the location, and the request. She described the surrounding uses as well as other uses in the vicinity. The properties contained within this proposal are eleven such properties where Staff has determined that the zoning is appropriate and the Future Land Use designation needs to be changed. An Open House was held on March 7, 2012 to allow property owners and interested citizens to review the proposed amendments, to make comments, and to meet with Staff to discuss any concerns that they might have. Several citizen inquires were received by phone; however no written comments were submitted. The Planning Commission forwarded a recommendation of approval at its April 11, 2012 meeting.

Councilmember Boeschstein asked if the proposed zoning allows residential. Ms. Costello said it does not. The existing residential can remain as non-conforming and the Code will allow a rebuild due to a loss in some cases.

There were no public comments.

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

Ordinance No. 4548—An Ordinance Amending the Grand Junction Comprehensive Plan Future Land Use Map for Eleven Properties Located Between S. 12th and S. 14th Streets, South of Ute Avenue and North of the Railroad Tracks from Downtown Mixed Use to Commercial

Councilmember Susuras moved to adopt Ordinance No. 4548 and ordered it published in pamphlet form. Councilmember Kenyon seconded the motion. Motion carried by roll call vote.

Public Hearing—Rezoning Property Located at 502, 530, 550 Grand Avenue, and 443 N. 6th Street [File #RZN-2012-332]

A request to rezone approximately 2.69 acres, encompassing the entire block between N. 5th Street and N. 6th Street, Grand Avenue and Ouray Avenue (502, 530 and 550 Grand Avenue and 446 N. 6th Street), from B-1 (Neighborhood Business) to B-2 (Downtown Business) zone district.

The public hearing was opened at 8:37 p.m.

Senta Costello, Senior Planner, presented this item. She described the sites, the location, and the request. With the adoption of the Comprehensive Plan in 2010, the property was changed from Commercial to Downtown Mixed Use which the B-1 zone district does not implement. This creates a conflict and any development on the property requires resolution of the conflict before redevelopment can occur. The applicant and property owner, Mesa County Library, is planning on remodeling and expanding the existing building in the near future and therefore wishes to eliminate the conflict at this time. The location is in the major core of the downtown. The B-2 zone district fits in the downtown character and allows for future expansion and/or redevelopment of the property. The Planning Commission forwarded a recommendation of approval at its July 10, 2012 meeting.

There were no public comments.

The public hearing was closed at 8:39 p.m.

Councilmember Boeschstein asked if comments were received from the library supporting this change. Ms. Costello advised that the Library is the applicant in this case.

Ordinance No. 4549—An Ordinance Rezoning Mesa County Public Library Block from B-1 (Neighborhood Business) to B-2 (Downtown Business), Located at 502, 530, 550 Grand Avenue, and 443 N. 6th Street

Councilmember Susuras moved to adopt Ordinance No. 4548 and ordered it published in pamphlet form. Councilmember Luke seconded the motion. Motion carried by roll call vote.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

There was none.

Adjournment

The meeting was adjourned at 8:41 p.m.

Stephanie Tuin, MMC
City Clerk