

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

December 5, 2012

The City Council of the City of Grand Junction convened into regular session on the 5th day of December, 2012 at 7:00 p.m. 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 then led the Pledge of Allegiance, followed by an invocation by Pastor Mike MacFarlane, New Day Ministries.

Proclamation

Proclaiming December 18th as “International Day of the Migrant” in the City of Grand Junction

Councilmember Coons read the proclamation. Tom Aker, along with a number of others who were in attendance representing International Day of the Migrant, thanked the Council for their support and shared some of their stories. The City Council was invited to a cultural celebration on December 15, 2012 from 3:00 p.m. to 7:00 p.m. at the Dual Emersion Academy.

Appointments

Councilmember Susuras said he, along with Councilmembers Luke and Boeschstein, interviewed seven highly qualified candidates for the open positions on the Commission on Arts and Culture Board and he encouraged those not selected to continue to apply.

Councilmember Susuras moved to appoint Jennifer Hancock for a partial term expiring February 2015, and appoint Randall Gray, Jeremy Franklin, and Emily Pfeifer to full terms expiring February 2016 to the Commission on Arts and Culture. Councilmember Coons seconded. Motion carried.

Councilmember Kenyon said that he, along with Mayor Bill Pitts and Councilmember Coons, interviewed seven very qualified candidates for the open positions on the Visitor and Convention Bureau Board of Directors and they wished they could pick them all. He then moved to appoint Daren Cole for a partial term expiring December 2013, appoint Kate Graham and Brad Taylor to three year terms expiring December 2015, and re-appoint Per Nilsson and Glen Gallegos to three year terms expiring December 2015 to the Visitor and Convention Bureau Board of Directors. Councilmember Coons seconded. Motion carried.

Council Comments

Councilmember Boeschstein said he attended the Western Colorado Incubator meeting that morning. He lauded this institution for fostering economic development. He also attended the Riverfront Commission meeting. This is the 25th anniversary of the Commission and he listed some of their accomplishments. He attended the Municipalities Dinner being hosted by the County Commissioners for a few minutes prior to the meeting.

Citizen Comments

Duncan MacArthur, 2837 Kelso Mesa Drive, addressed the City Council on an issue brought forward by the Grand Junction Realtors Association regarding rezoning the vicinity of 5th Street to 4th Street, North Avenue, to Kennedy Avenue. This neighborhood is asking that the zoning not be changed simply to be in compliance with the Comprehensive Plan.

CONSENT CALENDAR

Councilmember Boeschstein read Consent Calendar items #1-4 and then moved to adopt the Consent Calendar. While reading item # 2 he read the summary and explained that the property taxes are staying the same in the City and the DDA, and being reduced in the Ridges Metropolitan District. Councilmember Doody seconded the motion. Motion carried.

1. Minutes of Previous Meeting

Action: Approve the Minutes of the November 19, 2012 Regular Meeting

2. Property Tax Mill Levies for the Year 2012

The resolutions set the mill levies of the City of Grand Junction (City), Ridges Metropolitan District, and the Downtown Development Authority (DDA). The City and DDA mill levies are for operations; the Ridges levy is for the final payment of the debt service. Since this is the final year of the Ridges debt service and there is fund balance from prior years, the mill levy has actually been reduced by almost 2 mills to cover the final payment.

Resolution No. 45-12—A Resolution Levying Taxes for the Year 2012 in the City of Grand Junction, Colorado

Resolution No. 46-12—A Resolution Levying Taxes for the Year 2012 in the Downtown Development Authority

Resolution No. 47-12—A Resolution Levying Taxes for the Year 2012 in the Ridges Metropolitan District

Action: Adopt Resolution Nos. 45-12, 46-12, and 47-12

3. **Setting a Hearing of the Vacation of Plat and Portions of Right-of-Way/Easements in Kirby Subdivision, Located at 2856 B ¾ Road** [File # VAC-2012-453]

A City initiated request to vacate the Kirby Subdivision plat and right-of-way and easements dedicated thereon with the exception of the southern 5' of right-of-way adjacent to B ¾ Road and the outer subdivision boundary Utility, Irrigation and Drainage Easements adjacent to the north, west and east property lines. Vacating the subdivision will allow the agricultural land uses to continue and provide an opportunity for future subdivision.

Proposed Ordinance Vacating the Kirby Subdivision Plat, Right-of-Way for Claire Drive, and Portions of Utility, Irrigation and Drainage Easements Located 2856 B ¾ Road

Action: Introduction of a Proposed Ordinance and Set a Hearing for December 19, 2012

4. **Sole Source Contract for the Purpose of Structured Cable System for the New Fire Administration Building**

The Information Technology Division is recommending that a sole source purchase be approved for the acquisition of a Seimon Category 6A Structured Cable System for the new Fire Administration building. The purchase includes all materials, installation, termination, test, and certification of the system. The vendor will provide a Siemon 20 year certified installer warranty at the completion of the project.

Action: Authorize the City Purchasing Division to Enter into a Sole Source Contract with Rocky Mountain Telecom and Data Inc. (RMTD) in the Amount up to \$105,000

ITEMS NEEDING INDIVIDUAL CONSIDERATION**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. The recommendation is for both trucks to be equipped with compressed natural gas (CNG) engines.

Jay Valentine, Internal Services Manager, presented this item. He noted that on August 1, 2012 he came before the City Council to purchase two dump trucks and the City Council approved the purchase with the Compressed Natural Gas option. Prior to the contract being executed, the vendor approached the City and said the manufacturer was possibly going out of business and the City should not go forward. The trucks were rebid and a new manufacturer with the CNG option is being brought forward.

Councilmember Kenyon asked about the comparison between diesel and the CNG option. Mr. Valentine said CNG is 70% cheaper than diesel right now so for any vehicle that uses a lot of fuel the payback is quicker than with the trucks that are used point to point. Therefore the payback won't be as quick with these trucks but Grand Junction has been on the leading edge of this conversion. The maintenance savings is yet to be known. Also, new emission equipment is required on diesel trucks: a high temperature regeneration process requires the truck go at high speed on the highway at certain intervals or else the vehicle will shut down.

Councilmember Kenyon thanked Mr. Valentine for the explanation. He said he would not want to see City of Grand Junction trucks running out to Fruita or Palisade in order to clean out the particulate filter.

Councilmember Coons was grateful for the Council's attention being paid to air quality. She recently heard the Governor is developing agreements with other states to go to Compressed Natural Gas with the understanding that as vehicles are ready to be replaced that they will be switched to CNG.

Councilmember Susuras asked about the one inoperable CNG truck the City owns. Mr. Valentine said it is the truck brand he talked about earlier, hence the cancelation of the other contract. The other CNG vehicles the City purchased have had no problems. They are still working with the company to resolve the situation regarding the inoperable CNG truck. There have been no problems with the Cummins engine.

Councilmember Doody expressed support for the proposal and referred to the CORE group that was formed and partnered with Alpine Bank in an effort to do all they can do to use resources efficiently. That includes moving to CNG vehicle fuel.

Councilmember Susuras thanked Mr. Valentine but in his opinion it is a waste of \$102,737 in taxpayer dollars to go with the CNG option. The diesel option was budgeted for. With the CNG option, the additional cost will have to be recaptured from user fees in the future. He described a conversation he had with the Mack truck dealer regarding the advanced engineering of the new diesel engines; the air going in to the diesel engine is dirtier than the exhaust coming out of the engine. He then read the last sentence of the CORE resolution which includes saving money for the City and the citizens. He said he has no problem acquiring CNG vehicles but only if the cost difference can be justified through fuel savings.

Councilmember Boeschstein said there are other costs associated with using diesel trucks and some of that is pollution. He supports the proposal for CNG.

Councilmember Susuras moved to authorize the City Purchasing Division to purchase a Single Axle 5 Yard Diesel Dump Truck from Hanson International in the amount of \$119,918 and a Tandem Axle 10 Yard Diesel Dump Truck from Transwest Truck Grand Junction in the amount of \$127,123. The motion died for lack of a second.

Councilmember Luke 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 Grand Junction Peterbuilt in the amount of \$349,770. Councilmember Doody seconded the motion. Motion carried by roll call vote with Councilmember Susuras voting NO.

Public Hearing—2012 Supplemental Appropriation Ordinance and the 2013 Budget Appropriation Ordinance

This request is to appropriate certain sums of money to defray the necessary expenses and liabilities of the accounting funds of the City of Grand Junction based on the 2012 amended and 2013 proposed budgets.

The public hearing was opened at 7:40 p.m.

Jodi Romero, Financial Operations Director, introduced this item. She explained that these two ordinances are to legally authorize the budget for 2013 and a supplemental appropriation for 2012.

Councilmember Susuras said he was not present at the Council meeting where this was discussed but he did review the PowerPoint presentation and wanted more detail and numbers. Councilmember Susuras asked how much has been budgeted for the Avalon Theatre. Ms. Romero responded that \$4.45 million has been budgeted in 2013 for this project. The funding comes from \$1.5 million from the City and \$1.35 million from the

DDA. Private funding from the Foundation is \$1.6 million. Councilmember Susuras then asked how much has been budgeted for Colorado Mesa University (CMU). Ms. Romero responded that there has been \$1 million budgeted; \$500,000 for the continued campus expansion project and \$500,000 for the new campus building.

Councilmember Susuras asked if funds were budgeted for the White Hall clean up. Ms. Romero said there was money from the expense side and there would also be a transfer from the DDA to cover half of the costs. Councilmember Susuras asked for the total cost to the City. Ms. Romero said it was about \$380,000 with a portion in the 2012 budget. Councilmember Susuras then asked about the 13 new employees and the plan to increase salaries. Ms. Romero said the amount budgeted is \$1.2 million; the majority is the partial market implementation and the remainder is for the 13 new positions.

Lena Elliott, Chair of the Board of CMU, was present to encourage approval of the budget and expressed appreciation of the CMU support. She recalled that she and Terry Farina presented to the City Council many years ago and asked for help buying properties for their vision of expansion. They have returned through the years and continued to ask, and the City Council continues to support the University. She was very appreciative of the partnership with the City Council. Spreading the word about their appreciation for the City and community helps when it comes time to asking others for support. She introduced current and past board members in attendance.

Jon Marachin, Executive Director of the Business Incubator, acknowledged the Council's support of the Incubator and noted how many companies they have helped. He also thanked City Council and City management for the support of CMU.

There were no other public comments.

The public hearing was closed at 7:47 p.m.

Councilmember Boeschstein complimented the City Manager and Staff for their work on the budget and stated he was pleased with the budget and the items included in the budget.

Councilmember Doody agreed with Councilmember Boeschstein noting he felt really engaged in the budget process and he thanked the City Council for their hard work. There was some give and take. He said he is proud of CMU. He is pleased with the overall budget.

Councilmember Coons reinforced the previous comments. She is proud of the budget because the City reinforces its partnerships with the rest of the community, making it a more livable community. The budget reflects that the City has lots of partners. A big chunk, 30% or more, is going toward transportation spending and capital projects that put

people to work. Regarding the new positions, these are positions that were lost in basic services to keep the community safe. Twenty-one percent of the budget is water and sewer systems. The budget contributes to public safety, basic services, and the culture and recreation of the community.

Councilmember Kenyon pointed out that the budget is less than the 2012 budget and still includes a long list of capital investments in the community. CMU is one of the investments and it is a sound business decision to invest in CMU. White Hall will require funds to clean it up but then it will be put up for sale. The City got it free, and received a grant for the asbestos clean-up. The list is long and he encouraged the citizens to visit the website for more details on the budget. He thinks it is a very strong budget.

Councilmember Susuras commended the City Manager and the Finance Department for the budget process. However, he did not agree with all the items in the budget. He read some opinions of economic experts on the economy. He questioned whether the economy is moving toward a sound economy. He listed items that he believes should not be in the budget and some that should have more funding. He thinks the White Hall clean-up should have been the insurance company's responsibility. Number one item that should have more funds is the overlay projects. He believes in CMU but felt the City has needs of its own, and now is not the time to increase the City's commitment. He questioned the commitment of \$3 million to the Avalon Theatre project. He questioned if now is the right time to hire 13 more employees, and raise salaries. He felt the street overlays were being shorted. He did not agree with reducing the fund balance. He cautioned against continuing to use the rainy day reserve fund. It should be reserved for dire economic circumstances. There are many capital improvements that he supports. He will vote yes but he felt it necessary to lodge his objections to some of the items.

Councilmember Luke said she and Councilmember Susuras sat in on quarterly budget review sessions as well as annual reviews, and were able to get an in depth view of the budget. Staff made sure they saved money whenever they could. Some of the positions proposed to be filled are out of necessity, particularly in the Police Department. Through a grant, new officers were hired and the grant requires that those officers' salaries continue to be paid. She felt there is good logic to add those positions. She felt comparing the budget to 2007 and 2008 is wrong as that was a bubble. Comparisons should be made over thirty years. She appreciated her experience with the budget reviews.

Council President Pitts said the Council spent nine months in Readiness meetings meeting with Department Heads and representatives from outside organizations as requests were made. The Council scrutinized all these requests and he is proud of the City budget and the City management.

Ordinance No. 4559—An Ordinance Making Supplemental Appropriations to the 2012 Budget of the City of Grand Junction

Ordinance No. 4560—An Ordinance Appropriating Certain Sums of Money to Defray the Necessary Expenses and Liabilities of the City of Grand Junction, Colorado, the Downtown Development Authority, and the Ridges Metropolitan District for the Year Beginning January 1, 2013, and Ending December 31, 2013

Councilmember Kenyon moved to adopt Ordinance Nos. 4559 and 4560 and ordered them published in pamphlet form. Councilmember Coons seconded the motion. Motion carried by roll call vote.

Public Hearing—Amendment to Title 6, Animals, of the Grand Junction Municipal Code Adopting Changes to the Rules and Regulations Regarding Animals within the City

The proposed ordinance amends Title 6 of the Grand Junction Municipal Code. The amendments more effectively deal with concerns regarding public safety and public nuisances created because of animals.

The public hearing was opened at 8:10 p.m.

John Shaver, City Attorney, introduced this item. The proposal is the second reading on an ordinance amending the Grand Junction Municipal Code pertaining to animals. Assistant City Attorney Jamie Beard has been working with Mesa County Animal Services on the changes. The proposal is a comprehensive look at the City's Ordinance. The goal was to make the rules in the City the same in the unincorporated part of the County but there are some areas that need to be addressed differently in the City. This proposal will also address concerns regarding dangerous dogs.

Jamie Beard, Assistant City Attorney, responded to questions. Councilmember Kenyon said the media has reported dogs coming off the river and attacking humans, and also dogs being sold that weren't well taken care of.

Ms. Beard said the ordinance before them specifically addresses dangerous dogs. Mesa County Animal Services requested these changes in regards to dangerous dogs. Many times the dogs were deemed dangerous dogs by a court but there was nothing in the Code that allowed continued confinement, specified how control could be monitored, and whether the court orders could be continued like a requirement for muzzling the dog when out in public. The purpose of the proposed change is to prevent a second incident with a dangerous dog.

Councilmember Kenyon asked if the City is in contract with the Mesa County Animal Services. Ms. Beard said the City has a contract with Animal Services. He asked if the County has the same provisions. Ms. Beard said the City is the first to consider these proposed changes but they will be considered by the County as well. City Attorney Shaver added that the amendment ordinance also allows some restrictions based on tendencies some dogs have for being dangerous.

Councilmember Coons inquired how the City encourages adoption of unwanted or stray animals and how the ordinance handles that. Ms. Beard said in some circumstances the dog can be returned to the owner but the court can also determine whether the dog should be put back up for adoption. Ms. Beard said the ordinance allows for a recommendation from the Mesa County Animal Services as to whether an animal should be adopted out or euthanized.

Councilmember Coons asked how the City works with Mesa County Animal Services. Ms. Beard said Mesa County Animal Services works with a number of rescue shelters to ensure the animal gets a second chance for adoption.

City Attorney Shaver said the ordinance doesn't address animal shelter adoption, but Ms. Beard described the operational practice used by Mesa County Animal Services. They have a preference for adoption and they work hard to get animals adopted.

Councilmember Susuras asked about the selling of animals out of the back of their trucks. Ms. Beard said that is not in this ordinance. More information is being gathered and the hope is to bring that back to the City Council in the next month.

Milton "Tony" Long, 237 White Avenue, Apt. B, said recently he was leaving a store and he felt something soft against his leg. It was a dog which was afraid but not hostile. He asked why such an animal should be kept under house arrest.

There were no other public comments.

The public hearing was closed at 8:25 p.m.

Ordinance No. 4561—An Ordinance Amending Parts of Title 6 of the City of Grand Junction Code of Ordinances Relating to Public Safety Risks Regarding Animals

Councilmember Susuras moved to adopt Ordinance No. 4561 and ordered it published in pamphlet form. Councilmember Luke seconded the motion. Motion carried by roll call vote.

Public Hearing—Vacating a Portion of Right-of-Way that Traverses the Property Owned by Weigh Station, LLC at 2195 Hwy 6 and 50 [File #VAC-2012-484]

Request to vacate a portion of right-of-way that traverses the property owned by Weigh Station, LLC at 2195 Hwy 6 and 50. The City does not intend to use this right-of-way; subsequent road development and/or realignment make the right-of-way surplus.

The public hearing was opened at 8:26 p.m.

Senta Costello, Senior Planner, presented this item. She described the site, the location, and the request. The right-of-ways to be vacated only recently came to light. Some are still appropriate to retain but the ones before the City Council are no longer needed. The zoning is C-2 in a Commercial/Industrial designation in the Comprehensive Plan.

Councilmember Kenyon asked if this vacation is essential for the development of the new truck stop. Ms. Costello said if the right-of-way is not vacated they will have to redesign their site. He then asked if this is the proper time in regards to negotiations. City Attorney Shaver said there is no timing problem with this, it is perfectly appropriate if the Council deems it so.

Councilmember Boeschstein asked if by vacating, will this accrue to the adjoining land owner at no charge. Ms. Costello said it actually overlays their property so there is no plan to exchange money for this vacation. City Attorney Shaver clarified there is no consideration, it will be at no cost.

Councilmember Kenyon asked for confirmation that the City will not have to repurchase the property for future roadway development. Mr. Shaver said no, not in the foreseeable future.

There were no public comments.

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

Ordinance No. 4562—An Ordinance Vacating Right-of-Way Received Through Mesa County Road Petitions on Property Located at 2195 Highway 6 and 50

Councilmember Susuras moved to adopt Ordinance No. 4562 and ordered it published in pamphlet form. Councilmember Luke seconded the motion. Motion carried by roll call vote.

Non-Scheduled Citizens & Visitors

Milton "Tony" Long, 237 White Avenue, Apt. B, voiced concern about a truck stop; he has slept there a few times. He hopes the truck drivers will not be sleeping there. It would be bad for Grand Junction.

Other Business

There was none.

Adjournment

The meeting was adjourned at 8:35 p.m.

Stephanie Tuin, MMC
City Clerk