

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

December 5, 2018

Call to Order, Pledge of Allegiance, Invocation

Reverend Patrick Lewis, Palisade and Fruita United Methodist Churches

The invocation is offered for the use and benefit of the City Council. The invocation is intended to solemnize the occasion of the meeting, express confidence in the future, and encourage recognition of what is worthy of appreciation in our society. During the invocation you may choose to sit, stand, or leave the room.

The City Council of the City of Grand Junction convened into regular session on the 5th day of December, 2018 at 6:00 p.m. Those present were Councilmembers Bennett Boeschenstein, Chris Kennedy, Duncan McArthur, Phyllis Norris, Rick Taggart, Duke Wortmann and Council President Barbara Traylor Smith. Also present were City Manager Greg Caton, City Attorney John Shaver, City Clerk Wanda Winkelmann and Deputy City Clerk Janet Harrell.

Council President Traylor Smith called the meeting to order. Councilmember Taggart led the Pledge of Allegiance which was followed by an invocation by Reverend Patrick Lewis, Palisade and Fruita United Methodist Churches.

Proclamations

Proclaiming December 7, 2018 as National Pearl Harbor Remembrance Day in the City of Grand Junction

Councilmember Wortmann read the proclamation. Grand Junction Veterans Health Care System Public Affairs Officer Shawn Montgomery accepted the proclamation.

Proclaiming December 15, 2018 as Bill of Rights Day in the City of Grand Junction

Councilmember McArthur read and accepted the proclamation.

Proclaiming December 18, 2018 as International Day of the Migrant in the City of Grand Junction

Councilmember Boeschenstein read the proclamation. Tom Acker, Mario Teyes and Katia Curbelo, from Hispanic Affairs Project, accepted the proclamation.

Certificates of Appointment

To the Forestry Board

Susan Carter, Mollie Higginbotham, Paul Morency, Vince Urbina and Tom Ziola accepted their Certificates of Appointment.

Citizen Comments

Individuals may comment regarding items scheduled on the Consent Agenda and items not specifically scheduled on the agenda. This time may be used to address City Council about items that were discussed at a previous City Council Workshop.

Lewis Baker spoke regarding his company Adrenaline Driven Adventure.

Bruce Lohmiller spoke about the Veteran's Art Center and funding for night patrols.

- a. Supplemental Documents

City Manager Report

City Manager Caton noted grants the City recently received for Las Colonias Business Park and River Recreation area, the Comprehensive Plan, Fire Training Facility, Dos Rios Riverside Park and Playground, Horizon Drive crosswalks and Two Rivers Convention Center.

Council Reports

Councilmember McArthur attended the National League of Cities Conference, a Homeless Coalition meeting and a 5-2-1 Drainage Authority meeting which is reviewing the feasibility of merging with the Grand Valley Drainage District.

Councilmember Wortmann went to the opening of the new West Springs Hospital.

Councilmember Boeschenstein attended a Visit Grand Junction meeting, a Historic Preservation Board meeting, and an Avalon Theatre Foundation Board meeting.

Councilmember Norris attended several meetings and the West Springs Hospital opening.

Councilmember Kennedy hoped everyone had a good Thanksgiving.

Councilmember Taggart shared a personal story about President George H. W. and Barbara Bush.

Council President Traylor Smith also shared a personal story about the Bush's and congratulated City Manager Caton on his Advisory Report.

CONSENT AGENDA

The Consent Agenda includes items that are considered routine and will be approved by a single motion. Items on the Consent Agenda will not be discussed by City Council, unless an item is removed for individual consideration.

Councilmember Boeschenstein moved to adopt Consent Agenda items #1 through #5. Councilmember Wortmann seconded the motion. Motion carried by roll call vote.

1. Approval of Minutes

- a. Summary of the November 5, 2018 Workshop
- b. Minutes of the November 7, 2018 Regular Meeting

2. Set Public Hearings

All ordinances require two readings. The first reading is the introduction of an ordinance and generally not discussed by City Council. Those are listed in Section 2 of the agenda. The second reading of the ordinance is a Public Hearing where public comment is taken. Those are listed below.

a. Legislative

- i. Introduce an Ordinance to Adopt the 2018 International Building Codes including the Building, Plumbing, Mechanical, Fuel Gas, Existing Building, Residential, the 2009 Energy Conservation, and the National Electrical Code and Amendments thereto, Repealing All Other Ordinances and Parts of Ordinances in Conflict Therewith, and Set a Public Hearing for January 16, 2019
- ii. Introduce an Ordinance Adopting the 2018 International Fire Code and Amendments thereto, Repealing All Other Ordinances and Parts of Ordinances in Conflict Therewith, and Set a Public Hearing for January 16, 2019

3. Contracts

- a. Purdy Mesa Flowline Replacement at Sullivan Draw
- b. 2018 CDBG Subrecipient Agreements between Hilltop Community Resources, Inc., HomewardBound of the Grand Valley, and Karis, Inc. and the City of Grand Junction

4. Resolutions

- a. A Resolution Adopting Rates, Fees, and Charges for Water, Wastewater, and Solid Waste
- b. Resolutions Levying Taxes for the Year 2018 in the City of Grand Junction, Colorado and the Downtown Development Authority
- c. A Resolution for Allocation of Certain Property Tax and Sales Tax Revenues for the Grand Junction Downtown Development Authority and for Certification of Property Tax Distribution Percentages to the County Assessor
- d. A Resolution Authorizing the City Manager to Submit a Grant Request to the State Board of the Great Outdoors Colorado Trust Fund for Sponsorship of a School Yard Initiative Grant for Nisley Elementary School
- e. A Resolution Concerning the Issuance of a Revocable Permit to Downtown Grand Junction REgeneration LLC to Allow for Construction of a Sanitary Sewer Line within the Right-of-Way of the North-South Alley in Block 84, Plat of the Town of Grand Junction

- f. A Resolution Renaming Devils Thumb Drive to Zenith Lane
- g. A Resolution Renaming Jarvis Way to Dos Rios Drive, Located in Jarvis Subdivision, Filing Three
- h. Intergovernmental Agreement with Colorado Department of Transportation (CDOT) for the Installation of Automated License Plate Readers on CDOT Intelligent Transportation Systems
- i. A Resolution Consenting to Assignment of the Cable Television Franchise Agreement

5. Other Action Items

- a. Cancellation of the January 2, 2019 City Council Meeting

REGULAR AGENDA

If any item is removed from the Consent Agenda by City Council, it will be considered here.

6. Public Hearings

- a. Legislative

- i. An Ordinance Appropriating Certain Sums of Money to Defray the Necessary Expenses and Liabilities of the City of Grand Junction, Colorado and the Downtown Development Authority for the Year Beginning January 1, 2019 and Ending December 31, 2019

The budget represents the allocation of resources to achieve the goals identified in the City of Grand Junction's Strategic Plan. The budget is developed over the course of several months and includes the projection of revenues as well as planned expenses. The 2019 recommended budget has been discussed with City Council during three budget workshops and was reviewed with a public hearing at the November 7, 2018 regular meeting.

City Manager Caton reviewed the City's 2019 proposed budget which included the newly adopted Lodging Tax increase.

The public hearing opened at 7:05 p.m.

Dennis Simpson spoke about the budget review process, the budgeted pay increase and the Retiree Health Plan.

Avalon Theatre Foundation Board member Steve Doyle requested additional funds for the Avalon Theatre.

Svetio Djokovic commented that a section of North Avenue should be repaired soon.

Alan Story asked if any development is planned at Matchett Park.

Lewis Baker asked in what ways the Lodging Tax will be used for tourism.

The public hearing closed at 7:18 p.m.

City Manager Caton addressed the public hearing questions and comments.

Council thanked staff and commented on grant opportunities for the Avalon Theatre Foundation, the budgeted City employee pay increase, the public safety budget, scholarships funds and the improved budget process.

Councilmember Kennedy moved to adopt Ordinance No. 4824, an ordinance, together with the documentation of revenue and expenses prepared in support of the budget, all as if fully set forth, appropriating certain sums of money to defray the necessary expenses and liabilities of the City of Grand Junction, Colorado, and the Downtown Development Authority for the year beginning January 1, 2019 and ending December 31, 2019, also known as the Annual Appropriation Ordinance, on final passage and ordered final publication in pamphlet form. Councilmember Taggart seconded the motion. Motion

ii. An Ordinance Describing the Functions of the Municipal Court

As a home rule municipality and in accordance with the City Charter and the Colorado Constitution, the City of Grand Junction may adopt an ordinance(s) setting forth the roles, responsibilities and duties of staff associated with the operation and administration of the Municipal Court. In the interest of good governance and fully utilizing the authority of local control, staff has drafted an ordinance that describes the functions of the Municipal Court and defines the relationship between the other branches of the City government and the Court.

City Attorney Shaver thanked the Municipal Court Committee and reviewed the proposed ordinance and legal authority for the proposed changes.

The public hearing opened at 8:11 p.m.

Alan Story spoke in favor of Interim Judge Dan Robinson.

Dennis Kiefer, Mark Harris, Abby Palmer, Aaron Lawson, Parker Borzac, Michael Blackburn, Mike Blackburn and Carol Acuff spoke in favor of the Teen Court program and asked for continued support.

Sarah Hermundstad and Mark Hermundstad spoke against the proposed ordinance.

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

City Attorney Shaver responded to the public hearing comments.

Council discussion included separation of powers, judicial independence, ordinance language, the consultant review, continuation of Teen Court, municipal court penalties and other jurisdiction processes.

City Attorney Shaver addressed Council's comments.

Councilmember Boeschstein moved to adopt Ordinance No. 4818, an ordinance to repeal Chapter 2.28 of the City of Grand Junction Municipal Code and to reenact Chapter 2.28 describing the functions of the Municipal Court on final passage and ordered final publication in pamphlet form. Councilmember Norris seconded the motion. Motion carried by roll call vote.

b. Quasi-judicial

- i. A Resolution Accepting a Petition for the Annexation and Ordinances Annexing and Zoning the Frog Pond Annexation Planned Development (PD) with R-5 (Residential, 5 du/ac) and CSR (Community Services and Recreation, Located at 2501 Monument Road

The Applicant, Frog Pond, LLC, requested annexation of 4.49 acres, a zone of annexation to Planned Development (PD) with R-5 (Residential, 5 du/ac) and CSR (Community Services and Recreation) default zone districts, and approval of an Outline Development Plan (ODP) for the Frog Pond development located at 2501 Monument Road. The proposed annexation also includes 1.177 acres of the adjacent Monument Road Right-of-Way and the approximately 3.5 acre parcel is bisected by Monument Road, with 2.5 acres on the east side and 1 acre on the west side. The property currently has two duplex buildings with a total of 4 residential dwelling units. The owner is requesting annexation for future development of the property, which is anticipated to constitute "annexable development" and as such is required to annex in accordance with the Persigo Agreement. The proposed plan includes mixed use development of the east parcel, including residential and limited commercial, and preservation of the west parcel as open space along No Thoroughfare Wash. The Outline Development Plan establishes specific performance standards that the development will be required to meet and conform with, as authorized by Section 21.02.150 (b) of the Zoning and Development Code.

Community Services Manager Kathy Portner reviewed the annexation and zoning requests.

Applicant Kevin Bray and Ted Ciavonne, Ciavonne & Associates, reviewed the proposed project.

The public hearing opened at 9:51 p.m.

There were no public comments.

The public hearing closed at 9:52 p.m.

Council discussion included the 10 foot set backs, emergency access, flood plain study, utility service, county and city limits and the applicants involvement.

Councilmember Boeschstein moved to approve Resolution No. 85-18, a resolution accepting a petition for the annexation of lands to the City of Grand Junction, Colorado, making certain findings and determining that property known as the Frog Pond Annexation, located at 2501 Monument Road is eligible for annexation, Ordinance No. 4825, an ordinance annexing territory to the City of Grand Junction, Colorado, Frog Pond Annexation, approximately 4.49 acres, located at 2501 Monument Road, and Ordinance No. 4826, an ordinance zoning the Frog Pond Annexation to Planned Development (PD) with R-5 (Residential 5 du/ac) and CSR (Community Services and Recreation) Default

7. Non-Scheduled Citizens & Visitors

This is the opportunity for individuals to speak to City Council about items on tonight's agenda and time may be used to address City Council about items that were discussed at a previous City Council Workshop.

Alan Story suggested the City sell some of the Matchett Park property.

8. Other Business

There was none.

9. Adjournment

The meeting adjourned at 10:00 p.m.