

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

**August 21, 2019**

**Call to Order, Pledge of Allegiance, Moment of Silence**

The City Council of the City of Grand Junction convened into regular session on the 21<sup>st</sup> day of August, 2019 at 6:00 p.m. Those present were Councilmembers Kraig Andrews, Chuck McDaniel, Phyllis Norris, Phillip Pe'a, Anna Stout, Duke Wortmann and Council President Rick Taggart.

Also present were City Manager Greg Caton, City Attorney John Shaver, City Clerk Wanda Winkelmann and Deputy City Clerk Janet Harrell.

Council President Taggart called the meeting to order. Roca Eterna Iglesia members Karina Simental and Anaiah Guajardo led the Pledge of Allegiance which was followed by a moment of silence.

**Certificates of Appointment**

**To the Grand Junction Regional Airport Authority Board**

Councilmember McDaniel presented Linde Marshall with her Certificate of Appointment to the Grand Junction Regional Airport Authority Board for a partial term ending February 2021.

**Citizen Comments**

Karina Simental and Anaiah Guajardo spoke about deportation, shootings and suicide.

Bruce Lohmiller spoke about implementing sex education classes at District 51 and how to report school issues through 241-STOP.

Randy Spydell spoke about Ranked Choice Voting.

Dennis Simpson requested Council allow public comment on election agenda items dealing with debt.

**City Manager Report**

City Manager Caton noted school is back in session and encouraged everyone to plan ahead and obey posted speed limits in school zones.

**Council Reports**

Councilmember Stout said the Spanish speaking community does not feel engaged in City processes, and language and ethnicity based bullying has been reported.

**CONSENT AGENDA**

Councilmember Stout moved to adopt Consent Agenda items #1 - #4. Councilmember Wortmann seconded the motion. The motion carried by unanimous voice vote.

**1. Approval of Minutes**

- a. Summary of the August 5, 2019 Workshop
- b. Minutes of the August 7, 2019 Regular Meeting

**2. Set Public Hearings**

- a. Quasi-judicial
  - i. Introduction of an Ordinance Amending the Comprehensive Plan and Rezoning Two Properties with a Total of 18.433 Acres, Located at 2980 and 2982 Patterson Road (Currently Known as the Burkey Park Property) to R-8 (Residential 8 units per acre) and MXOC (Mixed Use Opportunity Corridor) and Set a Public Hearing for September 4, 2019
  - ii. Introduction of an Ordinance Zoning the Kiser Annexation R-2 (Residential - 2 du/ac), Located at 136 Vista Grande Road and Set a Public Hearing for September 4, 2019

**3. Contracts**

- a. Construction Contract for the 2019 Sewer Line Replacement Project - Phase B
- b. Design Services Contract for Improvements to the Hogchute (aka Carson)

Reservoir Dam, Spillway and Outlet Works

#### 4. Resolutions

- a. A Resolution Authorizing the City Manager to Submit a Grant Request to the Department of Local Affairs for the Gray and Black Market Marijuana Enforcement Program for the Year July 1, 2020 to June 30, 2021
- b. A Resolution Assigning City Councilmembers to Various Boards, Commissions and Authorities
- c. A Resolution Authorizing the City to Approve a Grant Offer as a Co-sponsor with the Grand Junction Regional Airport Authority for the Construction of a New Runway

### **REGULAR AGENDA**

#### **A Resolution Accepting the Petition for Annexation of 19.608 Acres of Land and Ordinances Annexing and Zoning the Maverick Estates Annexation to R-4 (Residential - 4 du/ac), Located at 2428 H Road - Continued from May 1, 2019**

GJ Maverick Investments, LLC ("Applicant") requested an annexation and zone of annexation to R-4 (Residential – 4 du/ac) for the Maverick Estates Annexation. The approximately 17.50-acre parcel ("Property") is located on the north side of H Road, between 24 and 24 ½ Roads. The property is vacant but was previously a sod farm and has a Comprehensive Plan (CP) Future Land Use Map designation of Residential Medium Low (2 – 4 du/ac), R-4 zoning is consistent with this CP designation.

The hearing for this annexation and zoning was continued from May 1, 2019 to ensure requisite noticing of the annexation for properties along the "flagpole" portion. Staff re-noticed in accordance with State Statute and City Code.

The proposed annexation is a five-part "Serial Annexation" as provided by State law and includes an additional 2.099-acres of the adjacent 24 ¼ and H Roads rights-of-way. The request is in anticipation of residential development of the property, which constitutes "annexable development" and as such is required to annex in accordance with the 1998 Persigo Agreement.

Senior Planner Scott Peterson presented the item.

Annexation discussion included staff's election to connect the annexation via the 24 ¼ Road

right-of-way since both directions are equidistant and it has more improvements than H Road, other area developments zoned R-4, that Grand Valley Irrigation Company would provide feedback when development begins, explanation of the CP vision of “urbanized for future” and projected density/growth designations, State Statute annexation criteria, statutory presumption of urbanization if contiguity is established, City annexations since 2001, how the Persigo Agreement effects annexations, the 1/6 perimeter criteria and how and by whom it is measured/substantiated.

Zoning discussion included how to balance the CP sustainable growth patterns in regard to disproportionate increases in cost of services and the Village Center focus to provide services, the Persigo Agreement, Transportation Capacity Payments incentives for in-fill areas, the Zoning Code transition buffering for different land use types, R-8 and R-4 developments to the west of the area and how this is not a tentacle annexation since it falls within the Persigo 201 boundary.

Attorney Rich Livingston represented the applicant who has followed all requirements and codes for this request since the inclusion of this area into the Persigo 201 Boundary. The applicant proposed to change the requested zoning from R-4 to R-2, reducing the density from 65 to 30 homes.

The public hearing opened at 7:08 p.m.

The following spoke against the item: Tom Harding, Bob Fuoco, Matt Rossman, Jane White, Steve Carter, Dave Zollner, Summre Steury, Paula Degroat, Edward Maurin and Linde Marshall. Diane Gallegos and Steve Hillard spoke against this item on behalf of the following individuals that elected not to provide individual comments: Nancy Miller, Daniel Johnson, Mark Vejraska, Sara Vejraska, Connie Fudge, Cathy Ball, Nancy Petty, Knute Knudson, Sandi Knudson, Anna Maria Fuoco, Carol Costopoulos, Marcus Costopoulos, Al Laase, M.J. Colvin, Kevin Davis, Brian Haut, Chance Walz, Kyle Prestangen, Brad Kiser, Zachery Putnam, Dan Duffy, Marina Young, Bruce Young, Alan Glover, Kathy Glover, Celia Eklund, Larry Eklund, Brian Sorenson, Sandra Holloway, R.J. Wilcox, S. Wilcox, Ronald Gray, Lauriel Heil, Mary Coombs, Katherine Swelstad, Mark Madsen, Patricia Beaudoin, Roger Beaudoin, Michael Johnson, Bruce Bolton, Burke Hill, Rev. Glenn Greuling, Karen Madsen, Sam Steury, Brian Witwer, Fran Sloadman, Dan Komlo, Cynthia Komlo and Missy Smith.

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

Council discussion included the Persigo Agreement’s presumption in favor of annexations and City/County road improvement responsibilities, City annexation costs, the letter submitted by the County Attorney acknowledging the City is in compliance regarding this item, purpose of

the Three Mile Plan and how it works with the Persigo Agreement (neither of which have changed for 10 and 20 years respectively), statutory requirements for the CP process, zoning criteria and eligibility requirements, current area road conditions and time line of the "D" grade and new school construction.

Councilmember Wortmann moved to adopt Resolution No. 52-19, 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 Maverick Estates Annexation, located at 2428 H Road, is eligible for annexation and Ordinance No. 4852, an ordinance annexing territory to the City of Grand Junction, Colorado, Maverick Estates Annexation approximately 19.608-acres, located at 2428 H Road, on final passage and ordered final publication in pamphlet form. Councilmember Norris seconded the motion. Motion carried with Councilmembers McDaniel, Pe'a and Council President Taggart voting NO.

Councilmember Wortmann moved to adopt Ordinance No. 4853, an ordinance zoning the Maverick Estates Annexation to R-2 (Residential - 2 du/ac), located at 2428 H Road, on final passage and ordered final publication in pamphlet form. Councilmember Stout seconded the motion. Motion failed with Councilmembers Andrews, McDaniel, Norris, Pe'a and Council President Taggart voting NO.

Councilmember Andrews moved to adopt Ordinance No. 4853, an ordinance zoning the Maverick Estates Annexation to R-1 (Residential - 1 du/ac), located at 2428 H Road, on final passage and ordered final publication in pamphlet form. Councilmember Norris seconded the motion. Motion carried by unanimous roll call vote.

Council took a break at 8:36 p.m.

The meeting resumed at 8:50 p.m.

**A Resolution Accepting the Petition for Annexation of 1.336 Acres of Lands and Ordinances Annexing and Zoning the Townhomes at River Park Annexation to R-8 (Residential - 8 du/ac), Located at 3178 D Road**

The applicant, Gato Development, LLC, requested annexation and zoning for two parcels of land containing 1.139 acres located at 3178 D Road. The proposed annexation includes 0.197 acres of the Roberts Road Right-of-Way for a total annexation area of 1.336-acres. The site is currently vacant. The owner is requesting annexation for future residential townhome development of the property, currently under city review, which constitutes "annexable development" and as such is required to annex in accordance with the Persigo Agreement.

The applicant requested an R-8 (Residential - 8 du/ac) zone district. The Comprehensive Plan Future Land Use Map designates this property as Residential Medium (4-8 du/ac) and this request conforms to this land use designation.

Principle Planner David Thornton presented the item and entered the staff report into the record.

The public hearing opened at 8:57 p.m.

There were no public comments.

The public hearing closed at 8:58 p.m.

Councilmember Wortmann moved to adopt Resolution No. 53-19, 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 Townhomes at River Park Annexation, located at 3178 D Road, is eligible for annexation, Ordinance No. 4866, an ordinance annexing territory to the City of Grand Junction, Colorado, Townhomes at River Park Annexation, approximately 1.336-acres, located at 3178 D Road, on final passage and ordered final publication in pamphlet form and Ordinance No. 4867, an ordinance zoning the Townhomes at River Park Annexation to R-8 (Residential - 8 du/ac), located at 3178 D Road on final passage and ordered final publication in pamphlet form. Councilmember Norris seconded the motion. Motion passed by unanimous roll call vote.

**A Resolution Accepting the Petition for Annexation of 16.00 Acres of Lands and Ordinances Annexing and Zoning the Two Ponies Annexation to C-1 (Light Commercial) and R-8 (Residential - 8 du/ac), Located at 3095 D ½ Road**

The applicants, Steven W. and Susan L. Miller, requested to annex and zone land located at 3095 D ½ Road. The proposed annexation is 16 acres and includes a portion of the 31 Road and D ½ Road rights-of-way and the site currently has a single family house and several outbuildings. The owner is requesting annexation for a simple subdivision and future commercial and residential development of the property, which constitutes "annexable development" and as such is required to annex in accordance with the Persigo Agreement.

The applicants requested C-1 (Light Commercial) for three acres of the site at the corner of D ½ Road and 31 Road and R-8 (Residential - 8 du/ac) for the remaining acreage.

Principle Planner David Thornton presented this item and entered the staff report into the record.

Lisa Cox of Vortex Engineering represented the applicant and requested her presentation be entered into the record.

The public hearing opened at 9:08 p.m.

There were no public comments.

The public hearing closed at 9:08 p.m.

Discussion included concerns for public safety created by “spotty” development, how annexation outcomes may differ based on public input rather than set criteria.

Councilmember Stout moved to adopt Resolution No. 54-19, 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 Two Ponies Annexation, located at 3095 D ½ Road, is eligible for annexation, Ordinance No. 4868, an ordinance annexing territory to the City of Grand Junction, Colorado, Two Ponies Annexation approximately 16.00 acres, located at 3095 D ½ Road, on final passage and ordered final publication in pamphlet form and Ordinance No. 4869, an ordinance zoning the Two Ponies Annexation to C-1 (Light Commercial) and R-8 (Residential - 8 du/ac), located at 3095 D ½ Road on final passage and ordered final publication in pamphlet form. Councilmember Wortmann seconded the motion. Motion carried by unanimous roll call vote.

### **An Ordinance for Supplemental Appropriation for the Acquisition of Real Property**

This request is to appropriate funds and authorize spending for the acquisition of real property at 1441 Winters Avenue from Winters Ave, LLC for a purchase price of \$1,800,000. The funds are available in the General Fund Reserve Balance and authorized to be used for this purpose as described in the General Fund Minimum Reserve Policy adopted by City Council.

Finance Director Jodi Romero presented this item.

Discussion included that this purchase would create a greater value for the future sale and economic development of City property in this area, that no earnest money would be lost if this item is not approved and other City projects in need of funds.

The public hearing opened at 9:13 p.m.

There were no public comments.

The public hearing closed at 9:14 p.m.

Councilmember Wortmann moved to adopt Ordinance No. 4870, an ordinance making Supplemental Appropriations to the 2019 Budget of the City of Grand Junction, Colorado for the year beginning January 1, 2019 and ending December 31, 2019. Councilmember Stout seconded the motion. Motion carried with Councilmembers Andrews, Norris and Pe'a voting NO.

**A Resolution Setting a Title and Submitting to the Electorate on November 5, 2019 a Measure Concerning the Issuance of Bonds to Finance Transportation Improvements and to Retain and Spend Revenues as Defined by Article X, Section 20 of the Colorado Constitution for Payment of Transportation Debt and Providing Other Details Relating Thereto**

The purpose of this item is to place a question on the November ballot concerning the issuance of bonds for transportation improvements.

City Attorney John Shaver presented this item. City Manager Greg Caton explained how some of the resolution ballot language changed since originally presented to Council at the August 5<sup>th</sup> Workshop and then described how these projects are proposed to be funded.

Councilmember Andrews moved to adopt Resolution No. 55-19, a resolution setting a title and submitting to the electorate on November 5, 2019 a measure concerning the issuance of bonds to finance transportation improvements and to collect, retain and spend revenues as defined by Article X, Section 20 of the Colorado Constitution for payment of transportation debt and maintenance of transportation infrastructure and providing other details relating thereto. Councilmember Wortmann seconded the motion. Motion carried by unanimous roll call vote.

**An Ordinance Placing a Charter Amendment Concerning the Authorized Length of Leases on the Election Ballot for the Regular Municipal Election and Setting a Public Hearing for September 4, 2019**

The purpose of this item is to place a Charter amendment on the November ballot concerning the leasing of property in and near Las Colonias.

City Attorney John Shaver presented this item.

Councilmember Stout moved to introduce an ordinance placing a Charter Amendment to change the authorized length of leases of certain public property from twenty-five up to ninety-nine years on the election ballot for the Special Municipal Election to be held the 5<sup>th</sup> day of November, 2019, set a public hearing for September 4, 2019 and ordered publication in



pamphlet form. Councilmember Andrews seconded the motion. Motion carried by unanimous roll call vote.

### **A Resolution Calling a Special Election for November 5, 2019**

The purpose of this item is to call a Special Municipal Election to be held in conjunction with the November 5, 2019 Mesa County Coordinated Election.

City Clerk Wanda Winkelmann presented this item.

Councilmember Andrews moved to adopt Resolution No. 56-19, a resolution calling a Special Election in the City of Grand Junction, Colorado concerning the issuance of bonds to finance transportation improvements and a Charter amendment to increase lease terms and providing other details relating thereto. Councilmember Stout seconded the motion. Motion carried by unanimous roll call vote.

### **Non-Scheduled Citizens & Visitors**

Reverend Glenn Greuling asked for Council's opinion on cannabis.

Connie Fudge stated she attended tonight's meeting for the Maverick Estate hearing and appreciated City Council listening to the neighborhood's concerns.

### **Other Business**

There was none.

### **Adjournment**

The meeting adjourned at 9:40 p.m.

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Wanda Winkelmann, MMC  
City Clerk