

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

November 6, 2019

Call to Order, Pledge of Allegiance, Invocation

The City Council of the City of Grand Junction convened into regular session on the 6th day of November, 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. Ethan Alfaro led the Pledge of Allegiance which was followed by an invocation given by Collbran Congregational Church Pastor Anne Djokic.

Presentations

Summary of November Election Results: Ballot Questions Related to Funding Transportation Projects and a Charter Amendment Regarding Leases

City Clerk Wanda Winkelmann reviewed the City's November 5, 2019 election results on the City's Transportation Funding and Charter Amendment ballot questions. Both measures passed.

Proclamations

Proclaiming November 11, 2019 as A Salute to All Veterans

Councilmember McDaniel read the proclamation. Lieutenant Colonel Rick Peterson, United States Air Force (retired) and the President of the Veterans Committee of the Western Slope accepted the proclamation.

Council President Taggart announced Homeless Runaway Youth Awareness, Hospice and Palliative Care and Random Acts of Kindness are also recognized in November.

Appointments

To the Grand Junction Housing Authority

Councilmember Andrews moved to appoint William L. Johnson to the Grand Junction Housing Authority for a five-year term ending October 2024. Councilmember McDaniel

seconded the motion. Motion carried by unanimous voice vote.

Citizen Comments

Bruce Lohmiller spoke about poverty issues.

Randy Spydell spoke on ranked choice voting.

Carl Zimmerman apologized for a letter he wrote to the *Daily Sentinel* Editor.

City Manager Report

City Manager Caton noted the City's Strategic Plan encourages leadership and recognized City Police Chief Doug Shoemaker (International Association of Chiefs of Police) and City Clerk Wanda Winkelmann (Colorado Municipal Clerks Association) for accepting leadership roles in these professional organizations.

Council Reports

Councilmember Norris attended a community Comprehensive Plan meeting and said she appreciates and values citizen comments. She asked City Council to be aware of continuing facility needs as more public safety employees are hired.

Councilmember McDaniel encouraged citizens to attend The House's "Home for the Holidays" fundraiser and said the Grand Junction Airport Authority Board approved a contract to demolish the administration building.

Councilmember Stout said Grand Junction's Sister City is being celebrated and she appreciates Mr. Zimmerman's courageous apology. She also noted a public meeting will be held to get community input on the art to be installed in the Redlands roundabout and the Downtown Development Authority reviewed and approved it's 2020 budget.

Council President Taggart appreciates the trust shown in the City and City Council by the community through the passage of the two November 5th ballot measures.

CONSENT AGENDA

Councilmember Andrews moved to adopt Consent Agenda items #1 - #4.

Councilmember Norris seconded the motion. Motion carried by unanimous voice vote.

1. Approval of Minutes

- a. Summary of the October 14, 2019 Workshop

- b. Minutes of the October 16, 2019 Regular Meeting
- c. Minutes of the October 16, 2019 Special Session
- d. Summary of the October 28, 2019 Workshop

2. Set Public Hearings

- a. Quasi-judicial
 - i. Introduction of an Ordinance Amending the Comprehensive Plan to Residential Low 0.5 to 2 Units Per Acre and Rezoning to R-1 (Residential 1 Unit Per Acre) a 23.16-Acre Portion of a Property Located at 400 23 Road, More Particularly Described as a Site at the East End of Canyon Rim Drive and Set a Public Hearing for November 20, 2019
 - ii. Introduction of an Ordinance Amending Various Sections of the Zoning and Development Code (Title 21), Greater Downtown Overlay (Title 24), 24 Road Corridor Design Standards (Title 25), and Transportation Engineering Design Standards (Title 29) to Clarify Administrative Procedures, Remove Inconsistencies and Modify Standards and Set a Public Hearing for November 20, 2019
- b. Legislative
 - i. Introduction of an Ordinance Making Supplemental Appropriation for Grand Valley Catholic Outreach Property Acquisition and Set a Public Hearing for November 20, 2019

3. Contracts

- a. An Amendment to an Agreement Between the City of Grand Junction, the Grand Junction Rural Fire Protection District and the Redlands Subdistrict

4. Resolutions

- a. A Resolution Supporting the Application for a Bureau of Reclamation Grant for Pressure Control Tank Project

- b. Resolution Vacating a Portion of a 20-Foot Wide Public Sanitary Sewer Easement Located at 2424 Hwy 6 & 50
- c. Resolution Authorizing the City Manager to Submit a Grant Application for CDOT's Transportation Alternatives Program for the Riverfront at Dos Rios to Downtown Pedestrian Bridge
- d. Resolution Adopting the Strategic Plan

REGULAR AGENDA

Contract Approval for Construction Management/General Contractor for the City of Grand Junction Fire Station #6

The City is funding approximately \$3,200,000 for the design and construction of a new Fire Station #6 on 27 Road north of G Road. The chosen Construction Manager/General Contractor (CM/GC) will work with the project team, which is comprised of staff from the City (Fire Department, Engineering and Facilities) and Chamberlin Architects, to design and construct Fire Station #6.

Fire Chief Ken Watkins and General Services Director Jay Valentine presented the item and explained the advantages of using the CM/GC design process for complex projects like this.

There was discussion about the selection process procedure.

Councilmember Wortmann moved to authorize the Purchasing Division to enter into a contract with FCI Constructors, Inc. to provide Construction Management/General Contractor services for the Fire Station #6 construction project on negotiated terms approved by the City Manager and in a form approved by the City Attorney. Councilmember Stout seconded the motion. Motion carried by unanimous roll call vote.

An Ordinance Amending Industrial Pretreatment Regulations (Title 13) of the Grand Junction Municipal Code Section 13.04.370 Regarding Limits for Metals in Industrial Wastewater Discharge

Revisions in metals discharged to the Persigo Wastewater Treatment Facility are necessary to meet State and Federal wastewater discharge permit requirements. Federal regulations require a City Council reading of the proposed changes to the Code, public notice by the US Environmental Protection Agency (USEPA) and final

approval in a hearing. The City adoption of the final ordinance is contingent on USEPA final approval, anticipated in the near future.

Utilities Director Randi Kim reviewed the item.

The public hearing opened at 7:02 p.m.

There were no public comments.

The public hearing closed at 7:03 p.m.

Discussion included who are the largest industrial users, the benefits of being able to accommodate more industrial users, the difference between the discharge systems and if the new process would allow more discharge into the river.

Councilmember Wortmann moved to adopt Ordinance No. 4880, an ordinance amending Ordinances 4640 and 4574 relating to Chapter 13, Article 4 of the Grand Junction Municipal Code pertaining to pretreatment regulations on final passage and ordered final publication in pamphlet form following and subsequent to final approval by the US Environmental Protection Agency. Councilmember Norris seconded the motion. Motion carried by roll call vote with Mayor Taggart voting NO.

Council took a break at 7:17 p.m.

The meeting resumed at 7:22 p.m.

An Ordinance to Adopt the 2019 Grand Junction, Colorado, Downtown Development Authority Plan of Development Entitled “Vibrant Together”

The Plan of Development (POD) for the Grand Junction, Colorado, Downtown Development Authority (DDA) was originally adopted in 1981 and needs to be updated to address evolving conditions Downtown. The POD is the product of public outreach, stakeholder discussions, design workshops, and the cooperation of agencies, consultants, and the City of Grand Junction. The POD identifies conditions in the Downtown area that pose negative effects on property values and the quality of residents’ experiences within Downtown. The POD also identifies means of improving the Downtown area, particularly the area within the boundary of the Downtown Partnership, which is comprised of the Grand Junction, Colorado, DDA and the Downtown Grand Junction Business Improvement District. The Plan identifies three core aims for improving Downtown: Connectivity; Place-making; and Infill Development.

The plan specifies strategies for achievement of these aims, and includes actions, policies, and programs comprising each strategy.

Associate Planner Lance Gloss reviewed the item.

Downtown Development Authority Executive Director Brandon Stam reviewed the study for the proposed plan.

The public hearing opened at 7:46 p.m.

Bruce Bengé spoke in favor of the proposed POD.

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

Council commented favorably of the proposed POD.

Councilmember Stout moved to adopt Ordinance No. 4881, an ordinance adopting the Downtown Development Authority 2019 Plan of Development entitled "Vibrant Together" on final passage and ordered final publication in pamphlet form.

Councilmember Wortmann seconded the motion. Motion carried by unanimous roll call vote.

A Resolution Accepting the Petition for Annexation of 1.999-Acres of Land and Ordinances Annexing and Zoning the Adams II Annexation to R-8 (Residential - 8 du/ac), Located at 216 27 ½ Road

The applicant, Paul Adams, requested property at 216 27 ½ Road (1.999 acres and just west of the Mesa County Fairgrounds at the intersection of B ¼ Road and 27 ½ Road, south of Highway 50) be annexed and have a Comprehensive Plan Future Land Use Map designation of Residential Medium (4 – 8 du/ac). There is no publicly dedicated right-of-way proposed with this request, however the applicant's property does extend to the centerline of B ¼ and 27 ½ Roads through the use of a road easement. Upon further development of the property, the applicable rights-of-way would be dedicated. As part of this annexation, the City would take ownership and maintenance responsibilities of this combined 6400 square feet of roadway. The subject property currently contains a single-family detached house and various accessory structures. The owner requested annexation in anticipation of future residential subdivision development in order to market and sell the property in conjunction with the 13.31 acre neighboring property to the west, which is also owned by the applicant and was previously annexed and zoned R-8 (Residential – 8 du/ac) (Adams Annexation) in 2018, which constitutes "annexable

development" and as such is required to annex in accordance with the Persigo Agreement.

Senior Planner Scott Peterson reviewed the details of the item.

The public hearing opened at 7:59 p.m.

There were no public comments.

The public hearing closed at 7:59 p.m.

Councilmember Andrews moved to adopt Resolution No. 73-19, 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 Adams II Annexation, located at 216 27 ½ Road, is eligible for annexation, Ordinance No. 4882, an ordinance annexing territory to the City of Grand Junction, Colorado, Adams II Annexation, approximately 1.999-acres, located at 216 27 ½ Road on final passage and ordered final publication in pamphlet form and Ordinance No. 4883, an ordinance zoning the Adams II Annexation to R-8 (Residential - 8 du/ac), located at 216 27 ½ Road on final passage and ordered final publication in pamphlet form. Councilmember Norris seconded the motion. Motion carried by unanimous roll call vote.

A Resolution Accepting the Petition for Annexation of 2.00 Acres of Land and Ordinances Annexing and Zoning Zona's Annexation to C-1 (Light Commercial), Located at 408 29 Road

Applicants Roy and Marilyn Anderson requested annexation and zoning of one parcel of land containing 1.82 acres located at 408 29 Road to C-1 (Light Commercial) for Zona's Annexation. The proposed annexation includes 7682 square feet of the 29 Road right-of-way for a total annexation area of 2.00 acres. The property currently has a single family house and an auto repair shop. The Applicant requested annexation into the City limits consistent with the requirements of the Persigo Agreement between Mesa County and the City of Grand Junction to be able to continue to operate an auto repair business with a business residence on the property, currently under city review, which would require a rezone. The Comprehensive Plan Future Land Use Map designates this property as Village Center and this request conforms with this designation.

Associate Planner Senta Costello reviewed the item.

The public hearing opened at 8:06 p.m.

There were no public comments.

The public hearing closed at 8:07 p.m.

Council commented how well the property is kept.

Councilmember Pe'a moved to adopt Resolution No. 74-19, 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 Zona's Annexation, located at 408 29 Road, is eligible for annexation, Ordinance No. 4884, an ordinance annexing territory to the City of Grand Junction, Colorado, Zona's Annexation, approximately 2.00 acres, located at 408 29 Road on final passage and ordered final publication in pamphlet form and Ordinance No. 4885, an ordinance zoning Zona's Annexation to C-1 (Light Commercial), located at 408 29 Road on final passage and ordered final publication in pamphlet form. Councilmember Stout seconded the motion. Motion carried by unanimous roll call vote.

An Ordinance Amending Title 3, Chapter 8 of the Grand Junction Municipal Code Pertaining to Lodging Tax for Online Travel Companies and Short Term Rentals and the Three Percent Lodging Tax Increase as Approved by the Voters in the November 6, 2018 Election

On May 28, 2019, the Supreme Court of Colorado held that Expedia and other online travel companies were exempt from remitting accommodation (lodging) taxes to the Town of Breckenridge. The Supreme Court found that online travel companies were not lessors or renters with a possessory interest in renting hotel rooms for the purpose of the hotel accommodation tax ordinance. The Court held that the ruling is not dispositive; meaning, it depends upon whether or not the language of the accommodation laws of each jurisdiction exempt online travel companies from remitting accommodation taxes to the jurisdiction.

City Attorney Shaver reviewed the item.

The public hearing opened at 8:14 p.m.

There were no public comments.

The public hearing closed at 8:14 p.m.

There was discussion about all the business types subject to the tax.

Councilmember Wortmann moved to adopt Ordinance No. 4886, an ordinance amending Title 3, Chapter 8 of the Grand Junction Municipal Code pertaining to lodging tax for online travel companies and short term rentals and the three percent lodging tax increase as approved by the voters in the November 6, 2018 election on final passage and ordered final publication in pamphlet form. Councilmember Norris seconded the motion. Motion carried by unanimous roll call vote.

An Ordinance Amending Section 3.12.030 of Chapter 3 of the Grand Junction Municipal Code Concerning the Imposition, Collection and Enforcement of the Sales and Use Tax and Amending the Tax Rate

In accordance with Article X, §20 of the Colorado Constitution the City submitted to the City electors at its April 2, 2019 regular election, a ballot question to increase the City sales and use tax to 3.25% beginning January 1, 2020.

City voters approved a tax increase of 0.50%, and as an exception to the revenue and spending limits of the Article X, §20 of the Colorado Constitution, to fund police, fire and emergency medical services including without limitation, building, equipping and staffing new fire stations to improve response times/delivery of emergency medical, fire and rescue services, and hiring, employing, training and equipping police officers, firefighters and emergency medical service (EMS) personnel and employees such as 9-1-1 emergency dispatch, code enforcement and forensic laboratory personnel that support first responders and delivery of first responder services.

City Attorney Shaver reviewed the item.

The public hearing opened at 8:18 p.m.

There were no public comments.

The public hearing closed at 8:18 p.m.

Council appreciated formalizing the approved ballot measures.

Councilmember Wortmann moved to adopt Ordinance No. 4887, an ordinance amending Section 3.12.030 of Chapter 3 of the Grand Junction Municipal Code concerning the imposition, collection and enforcement of the sales and use tax and amending the tax rate on final passage and ordered final publication in pamphlet form.

Councilmember Stout seconded the motion. Motion carried by unanimous roll call vote.

Non-Scheduled Citizens & Visitors

Colorado Mesa University student Aaron Lawson thanked Council and staff for the City's transparency.

Other Business

There was none.

Adjournment

The meeting adjourned at 8:23 p.m.

Wanda Winkelmann, MMC
City Clerk