

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

**July 1, 2020**

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

The City Council of the City of Grand Junction convened into regular session on the 1<sup>st</sup> day of July 2020 at 6:01 p.m. Those present were Councilmembers Kraig Andrews, Chuck McDaniel, Phyllis Norris, Phillip Pe'a, Anna Stout, Rick Taggart and Council President Duke Wortmann.

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

Council President Wortmann called the meeting to order. Brooklyn Worthington led the Pledge of Allegiance which was followed by a moment of silence.

**Appointments**

**To the Urban Trails Committee**

Councilmember Andrews moved to reappoint Stephen Meyer and appoint Bob Doyle, Ross Mittelman, Diana Rooney and Alisha Wenger to the Urban Trails Committee for three-year terms ending June 2023. Councilmember Norris seconded the motion. Motion carried by unanimous voice vote.

**To the Parks and Recreation Advisory Board**

Councilmember Pe'a moved to reappoint William Findlay and appoint Nancy Strippel to the Parks and Recreation Advisory Board for three-year terms ending June 2023. Councilmember Andrews seconded the motion. Motion carried by unanimous voice vote.

**Citizen Comments**

Doug Thompson spoke about a 1788 meeting of the Founding Fathers and the desire to assimilate freed slaves into communities and suggested everyone in the U.S. be an American.

Marc R. Coutu apologized to local law enforcement for issues at the previous meeting and does not want to see racial issues divide the community.

Richard Swingle suggested City Council increase impact fees, renegotiate the Persigo Agreement regarding annexations, and reduce the number of enterprise zones, special districts and committees.

Bruce Lohmiller asked that veterans request their records to ensure accuracy and would like the former City Market building on 1<sup>st</sup> Street be used as a homeless shelter.

Vicky Thurlow expressed concerns regarding Council safety, thanked law enforcement for their support and called for mutual respect.

Gregory Merschel cautioned the use of social media by leaders and asked Councilmember Stout to resign.

Jorge Pantoja requested City Council allocate funds to the Western Colorado Latino Chamber of Commerce.

Jay Freeman noted the Council pre-meeting was held in a different location, felt social distancing restrictions are inconsistent, commented on Council safety and asked that racism be addressed.

Cindy Ficklin spoke about positive outcomes of bi-partisan opinions, talked about historical voting records, expressed safety concerns and asked for unity.

Matthew Crowe requested Council grant business tax incentives to minorities.

Tonya Wren requested City Council educate themselves about racism in Grand Junction in order to move forward and presented Council with the book *White Fragility*.

Lorinda Beckley referenced the discord of the June 3<sup>rd</sup> Council meeting and encouraged Council to communicate effectively with each other and respectfully work together for the benefit of the community.

Kevin Hejl said the “Cancel Culture” does not allow free speech and believes City Council has become a victim.

Daniel Haas said democracy is about solving issues and challenged Council to address “houselessness”.

Scott Beilfuss expressed concerns regarding metro districts as they can be expensive for those in a district if the development is not filled to capacity and asked Council to review the Redlands 360 Metro District item to make costs more equitable to future homeowners.

Geneva Smith said she only wished to inform Council that local law enforcement’s response to her calls have negatively changed and encouraged people to get to know her rather than feel threatened.

Caleb Ferganchick said many local minorities do not feel safe and challenged Council to work on discrimination issues rather than decorum.

Jesse Daniels thanked the Grand Junction Police Department for their support during a RAW and LGBTQ event on June 28<sup>th</sup> and encouraged further progress.

Eric Niederkruger voiced concerns regarding homelessness resulting from the pandemic.

John Whipple questioned Council regarding the election process, member terms and discrimination.

### **City Manager Report**

City Manager Greg Caton provided an update on City sales tax and the revised 2020 budget.

### **Council Reports**

Councilmember Stout attended the Arts and Commission meeting (reviewed grant programming changes due to COVID and the Cultural Plan which will be updated), the Downtown Development Authority/Business Improvement District meeting (accepting statement of qualifications for White Hall), addressed COVID space restrictions for food/drink service within the Downtown Shopping Park, mural micro-grants, Downtown Market to start July 9<sup>th</sup> in the Two Rivers parking lot and the yet to be named “Task Force” (decided on concept/vision and meeting schedule) addressing discrimination and inclusiveness.

Councilmember Andrews attended the “Task Force” meeting and applauded their progress and direction it is taking.

### **CONSENT AGENDA**

Councilmember Andrews moved to adopt Consent Agenda items #1 - #5. Councilmember Taggart seconded the motion. Motion carried by unanimous voice vote.

#### **1. Approval of Minutes**

- a. Minutes of the June 15, 2020 Special Meeting
- b. Minutes of the June 17, 2020 Regular Meeting
- c. Summary of the June 18, 2020 Workshop

#### **2. Set Public Hearings**

- a. Quasi-judicial
  - i. A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation, Exercising Land Use Control, and Introducing Proposed

Annexation Ordinance for the Fairview Glen Annexation of 19.259-Acres, Located at 2767 C Road and Properties Located North of B ½ Road between Allyce Avenue and Nashua Lane & Court and Set a Public Hearing for September 2, 2020

**3. Continue Public Hearings**

- a. Quasi-judicial
  - i. A Resolution Accepting the Petition for Annexation of 237.57 Acres of Land and Ordinance Annexing the Redlands 360 Annexations, Located South of the Redlands Parkway/Highway 340 Intersection - Continued to July 15, 2020

**4. Contracts**

- a. 2020 Contract Street Maintenance - Asphalt Overlays - Change Order #1

**5. Resolutions**

- a. A Resolution Concerning the Issuance of a Revocable Permit to the Lowell Village Metropolitan District for the Installation and Ongoing Maintenance of Bioswales and Landscaping in the White Avenue and North 8<sup>th</sup> Street Right-of-Way Adjacent to Lot 2 R5 Block Subdivision Amended
- b. Intergovernmental Agreement with Colorado Department of Transportation (CDOT) for Construction of Horizon Drive at G Road Roundabout

**REGULAR AGENDA**

**An Ordinance to Amend the Grand Junction Municipal Code Regarding the Grand Junction Parks and Recreation Advisory Board Membership**

The purpose of this item is to amend the Grand Junction Municipal Code to provide for the appointment of two additional members to the Grand Junction Parks and Recreation Advisory Board (PRAB).

City Attorney John Shaver presented this item.

Discussion included that no members are associated with STRIVE which runs the Botanical Gardens but is owned by the City.

City Parks and Recreation Director Ken Sherbenou noted the current PRAB members.

The public hearing opened at 7:19 p.m.

There were no public comments.

The public hearing closed at 7:19 p.m.

Councilmember Pe'a moved to adopt Ordinance No. 4942, an ordinance to amend the Grand Junction Municipal Code regarding the Grand Junction Parks and Recreation Advisory Board Membership on final passage and ordered final publication in pamphlet form. Councilmember Norris seconded the motion. Motion carried by unanimous roll call vote.

**A Request by Stericycle, Inc. for Approval of a Certificate of Designation (CD) to Establish and Operate a Solid Waste Disposal Facility on a Portion of the Property Located at 2332 I-70 Frontage Road**

Stericycle, Inc. requested approval of a CD to establish and operate a solid waste disposal/infectious waste transfer facility on a portion of property located at 2332 I-70 Frontage Road. The Colorado Solid Wastes Disposal Sites and Facilities Act (CRS 31-20-102) requires requests be reviewed by the Colorado Department of Public Health and Environment for technical merit; a recommendation of approval was made to the City, which shall make the final decision on the CD.

Principal Planner Kris Ashbeck presented this item.

Discussion included that Stericycle, Inc. is currently based in Dacono, CO.

The public hearing opened at 7:29 p.m.

There were no public comments.

The public hearing closed at 7:29 p.m.

Councilmember McDaniel moved to approve the issuance of a Certificate of Designation to Stericycle, Inc. to establish and operate a solid waste disposal/infectious waste transfer facility on a portion of a property located at 2332 I-70 Frontage Road in Grand Junction, with the conditions listed in the Certificate of Designation. Councilmember Norris seconded the motion. Motion carried by unanimous roll call vote.

**A Resolution to Create and Establish an Improvement District –Victor Drive Sanitary Sewer Improvement District SS-20**

A successful petition was submitted and signed requesting a Sanitary Sewer Improvement District be created through the Septic System Elimination Program to construct a new sewer line on Victor Drive to serve two properties not currently connected into the sewer system.

Utilities Director Randi Kim presented this item.

The public hearing opened at 7:34 p.m.

There were no public comments.

The public hearing closed at 7:34 p.m.

Councilmember Andrews moved to adopt Resolution No. 38-20, a resolution creating and establishing Victor Drive Sanitary Sewer Improvement District No. SS-20, within the corporate limits of the City of Grand Junction, Colorado, authorizing the installation of sanitary sewer facilities and adopting details, plans and specifications for the same. Councilmember Pe'a seconded the motion. Motion carried by unanimous roll call vote.

**An Ordinance Rezoning the Arcadia North Subdivision from R-4 (Residential, 4 Units/Acre) to R-5 (Residential, 5.5 Units/Acre) Located at 700 - 709 Caleb Street**

Property owners within the Arcadia North Subdivision requested rezone of the entire Arcadia North Subdivision located at 700 through 709 Caleb Street from an R-4 (Residential, 4 units/acre) to an R-5 (Residential, 5.5 units/acre) zone district which is consistent with the Comprehensive Plan Future Land Use designation of Residential Medium (4 to 8 units/acre).

Associate Planner Jace Hochwalt presented this item.

Discussion included that R-5 zoning allows multifamily units although not currently applicable since the development is completely built out. The HOA is planning to amend the covenant prohibiting multifamily units.

Applicant representative Kim Kerk of Kerk Land Consulting and Development, LLC said the homeowners have committed to amend the covenants prohibiting multifamily units.

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

There were no public comments.

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

Councilmember Taggart moved to adopt Ordinance No. 4943, an ordinance rezoning Arcadia North Subdivision from R-4 (Residential - 4 du/ac) to R-5 (Residential - 5.5 du/ac), located at 700 through 709 Caleb Street on final passage and ordered final publication in pamphlet form with the condition that the HOA covenant be amended to the satisfaction of City staff prior to recordation of the ordinance. Councilmember Andrews seconded the motion. Motion failed with Councilmembers Andrews, McDaniel, Norris, Pe'a and Stout voting NO.

Councilmember Stout moved to adopt Ordinance No. 4943, an ordinance rezoning Arcadia North Subdivision from R-4 (Residential - 4 du/ac) to R-5 (Residential - 5.5 du/ac), located at 700 through 709 Caleb Street on final passage and ordered final publication in pamphlet form.

Councilmember Pe'a seconded the motion. Motion carried by roll call vote with Councilmember Taggart and Council President Wortmann voting NO.

**Intergovernmental Agreement with the Lowell Village Metropolitan District (District) for Construction and Ongoing Maintenance of Improvements Associated with the Lowell Village Townhomes Development on the Southeast Corner of Grand Avenue and North 7th Street**

In March 2018, City Council approved the Lowell Village Metropolitan District (District) Service Plan with the following conditions 1) approval of a Development Plan as defined in the Service Plan; and 2) execution of an Intergovernmental Agreement (IGA) between the City and the District. The first condition was met with the approval of a Preliminary Plan for the Lowell Village Townhomes Development later in 2018. The purpose of this proposed IGA is to set forth the obligations of and benefits to the parties in relation to maintenance activities associated with public improvements located within and adjacent to the Service Area and if approved by the City would satisfy condition two.

Principal Planner Kris Ashbeck presented this item.

Applicant representative Christi Reece of The Christi Reece Group spoke in favor of this item.

Discussion included that the DDA submitted a letter of support, this IGA excludes lot 5 of the subdivision and parking access is not a condition for approval.

The public hearing opened at 7:56 p.m.

Julie Deutsch, Jesse Sheley and Diane Schwenke spoke in favor of this item.

The public hearing closed at 8:01 p.m.

Councilmember Pe'a moved to adopt Resolution No. 39-20, a resolution entering into an agreement with the Lowell Village Metropolitan District regarding construction and ongoing maintenance of improvements associated with the Lowell Village Townhomes Development. Councilmember Taggart seconded the motion. Motion carried by unanimous roll call vote.

**A Resolution Adopting a Policy Establishing Principles of Decorum for City Council**

The purpose of this resolution is to establish principles of decorum for City Council.

City Attorney John Shaver presented this item.

Council President Wortmann read the resolution.

Discussion included that the wording may not be strong enough and how comments are addressed.

The public discussion began at 8:05 p.m.

Tonya Wren encouraged Council to read *White Fragility* before making a decision; John Whipple asked Council to allow the public to weigh in; Geneva Smith suggested the public be allowed to show support and/or dissent to citizen comments; Adrian Casterello agreed with Ms. Smith, felt it important each speaker be heard and asked for more clarity in the resolution; Richard Swingle suggested a code of conduct be posted at City meeting locations, and Shawn Camp asked that everyone be respectful of others and opposing positions.

The public discussion ended closed at 8:20 p.m.

Councilmember Andrews moved to adopt Resolution No. 40-20, a resolution adopting a policy establishing principles of decorum for City Council. Councilmember Pe'a seconded the motion. Motion carried by unanimous roll call vote.

**Memorandum of Understanding with Mesa County, City of Fruita, Town of Palisade, Town of Collbran, and Town of De Beque Regarding Allocation and Disbursement of Coronavirus Aid, Relief, and Economic Security Act ("CARES Act") Funds**

The State of Colorado is appropriating \$13,200,000 of CARES Act funding ("Mesa County Allocation") to be allocated to Municipalities and County governments to reimburse necessary expenses incurred due to the public health emergency with respect to the COVID-19 pandemic. The Mesa County Allocation is distributed by and through the Department of Local Affairs ("DOLA").

City Manager Greg Caton presented this item.

Discussion included how the separate allocations were determined, that some agencies may not be able to spend their entire allocation due to restrictions and that a second review will be conducted regarding those funds.

The public hearing opened at 8:32 p.m.

There were no public comments.

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

Councilmember Pe'a moved to authorize the City Manager to sign the Memorandum of Understanding on behalf of the City of Grand Junction regarding the allocation and disbursement of CARES Act Funds. Councilmember Norris seconded the motion. Motion carried by unanimous roll call vote.

**Non-Scheduled Citizens & Visitors**

There were none.



**Other Business**

There was none.

**Adjournment**

The meeting adjourned at 8:33 p.m.

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Wanda Winkelmann, MMC  
City Clerk

