

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

**September 2, 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 2<sup>nd</sup> day of September 2020 at 5:30 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, Deputy City Clerk Janet Harrell and Deputy City Clerk Selestina Sandoval.

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

**Citizen Comments**

Bruce Lohmiller spoke of the importance of veterans checking their medical records to ensure accuracy, 241-STOP, and comprehensive sex ed.

Ed Kowalski spoke of public safety.

Bruce Gregg invited Council to an event to promote pickleball.

Madeline Weickert asked about the City's financial reports, various positions and Grand Junction Police Department programs.

Matt Crowe spoke of discord in the community and his concern for the safety of local groups.

Dianne Allenger spoke of concerns with safety in areas surrounding the Homeless Shelter.

Brian Masters spoke of his displeasure with the changes in City Council meetings and citizen access to the meetings.

Council took a break at 5:56 p.m.

The meeting reconvened at 6:01 p.m.

Jeff Pacotti thanked Council for listening to citizens.

Casey Stewart spoke of the importance of the Pledge of Allegiance, the fragility of freedom in America and announced his candidacy for City Council.

**Proclamations**

**Proclaiming September 17 - 23, 2020 as Constitution Week in the City of Grand Junction**

Councilmember Andrews read the proclamation. Deanna Znamenacek, Regent of the Mount Garfield Chapter of the National Society Daughters of the American Revolution, was present to accept the proclamation.

**Certificates of Appointment**

**To the One Riverfront Commission**

Councilmember Taggart recognized the appointed members J. Fred Barbero, Rondo Beucheler, Jennifer Reyes and Joel Sholtes.

**City Manager Report**

City Manager Caton stated the new City Council meeting times were posted correctly. He addressed concerns expressed during citizens comments regarding the homeless shelter.

**Council Reports**

Councilmember Stout gave an update on the Downtown Development Authority Meeting, the Arts Commission and the Grand Valley Taskforce.

**CONSENT AGENDA**

Councilmember Andrews moved to adopt Consent Agenda items 1, 2, 3, 4b and 5, excluding item 4a to be moved to the Regular Agenda. Councilmember Norris seconded the motion. Motion carried by unanimous voice vote.

**1. Approval of Minutes**

- a. Summary of the August 6, 2020 Joint DDA Workshop
- b. Summary of the August 17, 2020 Workshop
- c. Minutes of the August 19, 2020 Regular Meeting

**2. Set Public Hearings**

- a. Quasi-judicial
  - i. Introduction of an Ordinance for a Comprehensive Plan Amendment from Residential High Mixed Use (16 – 24 du/ac) to Residential Medium (4 – 8 du/ac) and Village Center and a Rezone from R-E (Residential – Estate) to R-8 (Residential – 8 du/ac) and C-1 (Light Commercial) on a Total of 17.84-Acres, Located at 785 24 Road and Set a Public Hearing for September 16, 2020

### 3. Contracts

- a. Contract for 2020 Chipseal Thermoplastic Pavement Markings
- b. Memorandum of Understanding between the City of Grand Junction and Mesa County for the Construction of E Road Between 31 Road and 32 Road

### 4. Resolutions

- a. A Resolution Authorizing the City Manager to Sign and Submit a Grant Agreement and related Co-Sponsorship Agreement to the Federal Aviation Administration (FAA) for Improvements to the Grand Junction Regional Airport **\*\*MOVED TO REGULAR AGENDA\*\***
- b. Assignment of the City's 2020 Private Activity Bond Allocation to Colorado Housing and Finance Authority

### 5. Other Action Items

- a. 2020 Alley Improvement District No. ST-20 Proposed Resolution Approving and Accepting Improvements and the Introduction of an Ordinance Approving the Assessable Cost of the Improvements to the Real Property and Set a Public Hearing for October 7, 2020

## **REGULAR AGENDA**

**A Resolution Authorizing the City Manager to Sign and Submit a Grant Agreement and Related Co-Sponsorship Agreement to the Federal Aviation Administration (FAA) for Improvements to the Grand Junction Regional Airport **\*\*MOVED FROM CONSENT AGENDA\*\*****

Councilmember McDaniel made himself available to answer questions as the Council Representative on the Grand Junction Regional Airport Authority Board.

Councilmember Taggart addressed concerns over the potential liability to the City of this item should the airport not be able to fulfill their obligations.

Councilmember McDaniel spoke of protection of the City through a co-sponsorship agreement which has an indemnity clause for all claims except those related to zoning and land use.

The floor was opened to public comment at 6:26 p.m.

Brian Masters spoke of his concern of the financial viability of the airport due to the pandemic economic impacts.

The floor was closed to public comment at 6:29 p.m.

City Attorney Shaver clarified that this grant is for capital projects.

City Manager Caton added that this federal grant provides for one hundred percent of the funding, and does not require a match from the airport (which is typically ten percent).

Councilmember Norris moved to adopt Resolution 58-20, a resolution authorizing the City Manager to sign and submit a Grant Agreement and supplemental Co-Sponsorship agreement in support of the West Terminal Apron Construction and related improvement projects at Grand Junction Regional Airport. Councilmember Taggart seconded. Motion carried by unanimous roll call vote.

**A Resolution Accepting the Petition for Annexation of 19.020 Acres of Land and Ordinances Annexing and Zoning the Fairview Glen Annexation to R-8 (Residential - 8 du/ac), Located at 2767 C Road and Vacant Properties Located North of B 1/2 Road between Allyce Avenue and Nashua Lane/Court**

The applicants, Five Star Homes and Development Inc., requested annexation and a zone of annexation to R-8 (Residential – 8 du/ac) for the Fairview Glen Annexation. The approximately 19.020-acre parcels of land are located at 2767 C Road along with additional vacant properties located north of B ½ Road between Allyce Avenue and Nashua Lane and Court in Orchard Mesa. The properties have a Comprehensive Plan Future Land Use Map designation of Residential Medium (4 – 8 du/ac). The subject properties currently contain one single-family detached home along with various accessory structures. The applicant requested annexation into the City limits per the Persigo Agreement between Mesa County and the City of Grand Junction in anticipation of future residential subdivision development. The zone district of R-8 is consistent with the Comprehensive Plan.

Senior Planner Scott Peterson presented this item.

The public hearing opened at 6:37 p.m.

Edwin Havener, Charlayne Higginson, and Kim Willis spoke in opposition of this item.

The public hearing closed at 6:41 p.m.

Conversation ensued regarding annexation reasons (property owners right to request, Persigo Agreement, and contiguous boundaries of the City), and the current zoning.

Councilmember Andrews moved to adopt Resolution No. 56-20, 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 Fairview Glen Annexation, located at 2767 C Road and vacant properties north of B ½ Road between Allyce Avenue and Nashua Lane/Court is eligible for annexation, to adopt Ordinance No. 4951, an ordinance annexing territory to the City of Grand Junction, Colorado, Fairview Glen Annexation, approximately 19.020-acres, located at 2767 C Road and vacant properties north of B ½ Road between Allyce Avenue and Nashua Lane/Court on final passage and ordered final publication in pamphlet form and to adopt Ordinance No. 4952, an ordinance zoning the Fairview Glen Annexation to R-8 (Residential - 8 du/ac) Zone District, located at 2767 C Road and vacant properties north of B ½ Road between Allyce Avenue and Nashua Lane/Court on final passage and ordered final publication in pamphlet form. Councilmember Pe'a seconded the motion. Motion carried by unanimous roll call vote.

**A Resolution Accepting the Petition for Annexation and an Ordinance Annexing the Proposed Airport North Boundary Annexation of 187.69 Acres Located at 2828 Walker Field Drive and Including Parcels 2705-154-00-003 and 2701-113-00-002**

The applicant, Grand Junction Regional Airport, requested to annex 187.69 acres located at 2828 Walker Field Drive and vacant Parcels 2705-154-00-003 and 2701-113-00-002. A portion of 27 ¼ Road runs through the southeastern corner of one parcel for approximately 875 feet. The Grand Junction Regional Airport requested annexation of these parcels of land that were recently deeded to them from the Bureau of Land Management in order to have the entire airport environs within the city limits and under the City's land use jurisdiction. Consideration for zoning of this annexation will be heard in a future action.

Principal Planner Dave Thornton presented this item.

Councilmember Taggart commented that this annexation has been in the works for three years and is needed for the new runway.

The public hearing opened at 6:52 p.m.

There were no public comments.

The public hearing closed at 6:52 p.m.

Councilmember Stout moved to adopt Resolution 57-20, 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 Airport North Boundary Annexation, located at 2828 Walker Field Drive, along the north boundary of the airport properties that include parcels 2705-154-00-003 and 2701-113-00-002, is eligible for annexation; and to adopt Ordinance No. 4953, an ordinance annexing territory to the City of Grand Junction, Colorado, Airport North Boundary Annexation, approximately 187.69 acres, located along the north boundary of the airport properties that include parcels 2705-154-00-003 and 2701-113-00-002 on final passage and ordered final publication in pamphlet form. Councilmember Taggart seconded the motion. Motion carried by unanimous roll call vote.

**An Ordinance to Amend Chapter 8.20 and Chapter 9.04 of the Grand Junction Municipal Code by Increasing the Distance Requirements for Smoking in Entryways from 15 Feet to 25 Feet, Prohibiting Smoking in Hotels and Motels and Changing the Regulation of Tobacco Products by Amending the Term "Minor" to "Minimum Legal Sale Age", Increasing the Minimum Age for Purchase/Sale of Tobacco from 18 to 21, and Removal of the Provision that Punishes the Purchase, Use, or Possession of Tobacco Products by Persons Under the Minimum Legal Sale Age**

An ordinance to amend Chapter 8.20 of the Grand Junction Municipal Code in an effort to be consistent with House Bill 19-1076 and the amendments to the Colorado Clean Indoor Air Act by changing the definition of "entryway" from 15 feet to 25 feet and disallowing smoking in all hotel and motel rooms, Chapter 9.04 in an effort to be consistent with Public Law 116-94 and the amendments to the Federal Food, Drug, and Cosmetic Act by changing the term "minor" to "minimum legal sale age" and amending the minimum age for the sale/purchase of tobacco products from 18 to 21 and Chapter 9.04 in an effort to be consistent with HB 20-1001, HB 19-1076 and Public Law 116-94 and at the request of the Mesa County Health Department by striking Section 210(b) regarding the possession, consumption or use of tobacco products by persons under the minimum legal sale age.

City Attorney John Shaver presented this item.

Conversation ensued regarding implementing these measures to discourage underage smoking, applicability of this laws to Airbnb's, applicability locally without aligning to the State laws (the City has to follow this law because of declaration of statewide authority regardless if the Code aligns with State Law).

Brian Masters asked about Home Rule applicability in this instance. City Attorney Shaver clarified.

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

There were no public comments.

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

Councilmember Pe'a move to adopt Ordinance No. 4954, an ordinance to amend Chapter 8.20 regarding smoking in workplaces to increase the distance requirements for smoking near entryways and to prohibit smoking in hotels and motels and to amend Chapter 9.04 regarding the regulation of tobacco products by changing the term “minor” to “minimum legal sale age”, increasing the minimum legal sale age from 18 to 21 and removing terms relating to the possession, consumption and use of tobacco products by persons under the legal sale age on final passage and ordered final publication in pamphlet form. Councilmember Andrews seconded the motion. Motion carried by unanimous roll call vote.

**An Ordinance Amending the Grand Junction Municipal Code Title 21, Zoning and Development Code, to Revise Sections Related to Mini-Warehouse Uses and Use Standards**

Staff proposed amendments to various sections of the Zoning and Development Code (Title 21) to address mini-warehouse uses and use specific standards. The proposed standards will create new landscaping, architectural, and site design requirements that are intended to help mini-warehouses become more aesthetically attractive. In addition, the proposed amendments will modify the required parking for mini-warehouse uses and remove redundancies related to mini-warehouse and self-storage descriptions and standards. Staff and the Planning Commission have identified the proposed amendments as opportunities to modernize the code, provide clarity, and refine processes to provide regulations that foster compatible land uses while maintaining logical and orderly development.

Associate Planner Jace Hochwalt presented this item.

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

There were no public comments.

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

Councilmember Pe'a moved to adopt Ordinance No. 4955, an ordinance approving a Development Code amendment to revise sections related to mini-warehouse uses and use standards on final passage and ordered final publication in pamphlet form. Councilmember Andrews seconded the motion. Motion carried by unanimous roll call vote.

**Non-Scheduled Citizens & Visitors**

Caleb Ferganchick encouraged Council to research options to the homeless concerns addressed during citizen comments by discussing the concerns with professionals (caseworkers and/or Homeless Coalition) before moving forward.

Tonya Wren spoke of the time change and the communication to the public and concerns with comments made during the council meeting.

Brian Masters shared his experience with the Grand Valley Task Force.

Casey Stewart spoke of an incident in Portland.

Madeline Weickert asked Councilmember Stout how the general public can follow the Task Force's progress. Councilmember Stout responded that there is a Facebook Page, a mailing list and outlined the meeting times.

Sonia Gutierrez clarified that she was not against the Dos Rios project, but against how it was communicated to the residents. She also stated that communication is improving and thanked staff for the Riverside Neighborhood Meeting.

**Other Business**

There was none.

**Adjournment**

The meeting adjourned at 7:23 p.m.

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Selestina Sandoval, Deputy City Clerk