

**Grand Junction City Council**  
**Minutes of the Regular Meeting**  
**January 3, 2024**

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

The City Council of the City of Grand Junction convened into regular session on the 3<sup>rd</sup> day of January at 5:30 p.m. Those present were Councilmembers Scott Beilfuss, Cody Kennedy, Jason Nguyen, Randall Reitz, Dennis Simpson, Council President Pro Tem Abe Herman and Council President Anna Stout.

Also present were City Manager Greg Caton, City Attorney John Shaver, Utilities Director Randi Kim, Finance Director Jennifer Tomaszewski, General Services Director Jay Valentine, Finance Director Emeritus Jodi Welch, Senior Planner Timothy Lehrbach, City Clerk Amy Phillips, and Deputy City Clerks Selestina Sandoval and Krystle Koehler.

Mayor Stout asked her Stout Student Quinn Rodriguez to lead the Pledge of Allegiance, followed by a moment of silence.

**Proclamation**

**Proclaiming January 15, 2024 as Martin Luther King Jr. Day in the City of Grand Junction.**

Councilmember Nguyen read the proclamation, and David Combs President of Black Citizens and Friends accepted the proclamation.

**Proclaiming the City of Grand Junction as an Inclusive City.**

Council President Pro Tem Abe Herman read the proclamation and Founder and Executive Director of Mutual Aid Partners Stephania Vasconez, and the Director of Homeward Bound of the Grand Valley Christopher Masters accepted the proclamation.

**Public Comments**

There were no public comments.

**City Manager Report**

City Manager Greg Caton had no report.

## **Board and Commission Liaison Reports**

Council President Stout thanked the Police and Fire Departments for her New Year's Eve "ride along" which is her holiday tradition.

## **CONSENT AGENDA**

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

- a. Summary of the December 18, 2023 Workshop
- b. Minutes of the December 20, 2023 Special Meeting
- c. Minutes of the December 20, 2023 Regular Meeting

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

- a. Legislative
  - i. Introduction of and Ordinance Approving 457 Match and Setting a Public Hearing for January 17, 2024.

### **3. Agreements**

- a. 1Authorize the City Manager to Execute a Contract Extension for Professional Services with Mesa County for Building Permitting, Inspection, and Contractor Licensing

### **4. Procurements**

- a. Dumpster Purchase for Solid Waste and Recycling
- b. Construction Contract for I-70B Waterline Replacements - 1st Street to 3rd Street

### **5. Resolutions**

- a. A Resolution Designating the Location for the Posting of the Notice of Meetings, Establishing the 2024 City Council Meeting Schedule, and Establishing the Procedure for Calling of Special Meetings for the City Council
- b. A Resolution Finding that the 2020 One Grand Junction Comprehensive Plan Together with the 3-Mile Plan Map Serves as the Annual Three-Mile Plan for the City of Grand Junction

- c. A Resolution Rescinding Resolution 116-23 and Amending the Contribution Rate to the Hybrid Component Administered by the Fire and Police Pension Association for Reentry Firefighters for the City of Grand Junction

Councilmember Nguyen moved, and Council President Pro Tem Herman seconded to adopt Consent Agenda Items 1-5. Motion carried by unanimous voice vote.

### **Regular Agenda**

#### **Authorize Guaranteed Maximum Price (GMP) Contract with Garney Construction for Construction of the Persigo Wastewater Treatment Plant Phase 1 Expansion Project**

This request is to execute a Guaranteed Maximum Price (GMP) contract with Garney Construction for Construction Management/General Contractor (CM/GC) delivery of the Persigo Wastewater Treatment Plant Phase 1 Expansion Project. The total GMP for construction, exclusive of pre-construction costs authorized to date, is \$75,934,663.50 with the project to be completed over two years. The project is scheduled to start construction in late January 2024 (This contract will authorize \$37,524,887 for work completed in 2024.)

The City's design engineer, Burns & McDonnell, completed 100 percent of the design plans and specifications in November 2023. Based on the 100 percent design, Garney Construction provided a GMP of \$75,934,663.50 for the construction of the project over two years, starting in late January 2024 with completion by February 2026. The total cost of the project (2024-2025) is \$80 million, which includes construction, engineering services during construction, quality assurance testing, and permitting fees.

Garney Construction was selected through a qualifications-based Request for Proposal (RFP) process in 2022 for CM/GC delivery of the Persigo Wastewater Treatment Plant Phase 1 Expansion Project. To date, Garney has been authorized for pre-construction services and early procurement packages for long-lead equipment items.

Utilities Director Randi Kim presented this item.

Council asked about guaranteed maximum price contracts, what isn't included in that type of contract and, what other items could come up.

The public comment opened at 5:56 pm.

There were no public comments.

The public comment closed at 5:56 pm.

Council President Pro Tem Herman moved, and Councilmember Kennedy seconded to authorize the City Purchasing Division to execute a Guaranteed Maximum Price (GMP) contract with Garney Construction for Construction Management/General Contractor (CM/GC) delivery of the Persigo Wastewater Treatment Plant Phase 1 Expansion Project

in the amount of \$37,524,887 for work to be completed in 2024. Motion carried unanimously by roll call vote.

**Authorize Change Order #4 with Burns & McDonnell Engineering Company, Inc. for the Persigo Wastewater Treatment Plant Phase 1 Expansion Project**

This request is to award Change Order #4 to Burns & McDonnell Engineering Company, Inc. (BMcD) for Construction Phase Engineering Services for the Persigo WWTP Phase 1 Expansion Project (Project) for 2024. Change Order #4 with BMcD includes additional professional engineering activities necessary for engineering services during construction and post-construction activities.

Utilities Director Randi Kim presented this item.

The public comment opened at 5:59 pm.

There were no public comments.

The public comment closed at 5:59 pm.

Councilmember Kennedy moved, and Councilmember Nguyen seconded to authorize the City Purchasing Division to execute Change Order #4 with BMcD for the Construction Phase Engineering Services in the amount of \$2,231,783.40. Motion carried unanimously by roll call vote.

**An Ordinance Amending Various Sections of the Grand Junction Municipal Code (GJMC) on Sales and Use Tax by Adding Terms and Definitions to the GJMC Related to Economic Nexus and Authorize an Intergovernmental Agreement with the Colorado Department of Revenue (CDOR) to Participate in the Sales Use Tax Software (SUTS) System**

On January 4, 2023, City Council approved Ordinance No. 5118 amending the GJMC on Sales and Use Tax related to marketplace facilitators and marketplace sellers. This was the first of two phases necessary to join with the State of Colorado's simplification efforts related to sales tax collections. This resulted from the United States Supreme Court decision in South Dakota v. Wayfair. That ruling provided that states may charge tax on purchases made from out-of-state sellers without a physical presence in the state. The Colorado Municipal League has facilitated a model ordinance and reporting process to effect uniformity for cities in Colorado. The City's proposed ordinance and SUTS agreement relate to the second phase necessary to fully engage in the state's tax simplification efforts. The ordinance defines "economic nexus" and updates the definition of businesses engaged in business in the City to include economic nexus, while the SUTS agreement allows the City to join the state single point of remittance system for out-of-state vendors.

Finance Director Jennifer Tomaszewski presented this item.

Council asked what the estimated tax revenue would be for 2023, and how it would be tracked, if anything was set up to help Colorado companies with taxes, and if any back taxes be collected.

The public hearing opened at 6:09 pm.

There were no public comments.

The public hearing closed at 6:09 pm.

Councilmember Reitz moved, and Councilmember Nguyen seconded to adopt Ordinance No. 5195, an ordinance amending various sections of the Grand Junction Municipal Code (GJMC) on sales and use tax by adding terms and definitions to the GJMC related to economic nexus and authorize City staff to enter into an intergovernmental agreement with CDOR to participate in the SUTS System on final passage and order final publication in pamphlet form. Motion was carried unanimously by roll call vote.

Council took a break at 6:09 pm and resumed at 6:20 pm.

### **An Ordinance Regarding the Community Recreation Center Bonds**

On April 4, 2023, City voters authorized the City to issue debt to finance the construction of a Community Recreation Center (CRC) at Matchett Park. D.A. Davidson, the City's underwriter, in coordination with staff, developed a financing and debt issuance plan.

Through the voters' approval, the City has authorization to issue up to \$70,000,000 in debt with total debt service costs not exceeding \$148,500,000. If the market conditions are favorable, it is estimated that bonds will be issued by the end of February 2024.

City Manager Greg Caton presented this item.

Conservation ensued regarding the dedicated tax revenues, premium of bonds and that this is an opportunity to provide a great product with better features for the community.

The public hearing opened at 6:55 pm.

There were no public comments.

The public hearing closed at 6:55 pm.

Council President Pro Tem Herman moved, and Councilmember Reitz seconded to adopt Ordinance No. 5193 an ordinance approving the issuance of \$70,000,000 in General Fund Revenue Bonds and the execution of related documents on final passage and order final publication in pamphlet form. Motion was carried by, 6-1 roll call vote, with Councilmember Simpson opposing.

### **An Ordinance Regarding Joint Sewer System Revenue Bonds**

The Persigo Wastewater Treatment Plant (Persigo) is co-owned by the City of Grand Junction and Mesa County. Staff has been planning the rehabilitation and expansion of

Persigo since 2019. Following the development of a master plan, engineering design, and contracting with a construction manager/general contractor, the project is ready to proceed, and the cost estimate for Phase 1 is estimated at \$80.5 million.

D.A. Davidson, the City's underwriter, in coordination with staff, developed a financing and debt issuance plan. \$15 million in Preserves to be used on the project and is expected to be issued up to \$62 million in debt with premium for this phase.

The City and County, acting through the Joint Sewer System, will authorize the issuance of revenue bonds which will be secured by Joint Sewer System Revenues. The County Commissioners will hear a resolution confirming and ratifying this ordinance on January 9, 2024.

If market conditions are favorable, it is estimated that bonds will be issued by the end of February 2024.

City Manager Greg Caton presented this item.

The public hearing opened at 7:01 pm.

There were no public comments.

The public hearing closed at 7:01 pm.

Councilmember Nguyen moved, and Councilmember Kennedy seconded to adopt Ordinance No. 5194, an ordinance approving the issuance of \$62,000,000 in Joint Sewer System Revenue Bonds and execution of related documents on final passage and order final publication in pamphlet form. Motion carried unanimously by roll call vote.

**An Ordinance Approving a Rezone for Approximately 174.3 Acres from PD (Planned Development) to PD (Planned Development) and Adopting an Outline Development Plan for "Mesa Trails," Located Between 23 1/4 and 23 3/4 Roads, from G Road to Highway 6 and 50 (Continued from December 20, 2023)**

Foothills Housing 2, LLC and Foothills Housing 5, LLC (collectively, Applicant) requested a rezone from Planned Development (PD) to Planned Development (PD) and approval of an Outline Development Plan (ODP) for the Mesa Trails (fka The Community) development, replacing the previously approved PD and ODP for the project.

The Applicant received City Council approval for the PD and associated ODP on August 19, 2015, by Ordinance No. 4676. The original approval was amended on May 15, 2019, by Ordinance No. 4855, which included a revised phasing schedule and other changes to uses, pod configuration and composition, and bulk standards. The 2019 amendment assumed that development would occur one pod at a time. However, as development progressed on the site, this approach proved not to be feasible. The Applicant therefore requested an extension along with a revised phasing schedule for the PD and ODP which provided for completion of the remaining phases of development within 10 years. This

revised phasing schedule was approved and adopted by the City Council on May 17, 2023, by Ordinance No. 5150.

However, since the previous Phase 1 deadline passed two days prior to the date of adoption, the Applicant chose to apply for a rezone for a “new” Planned Development and Outline Development Plan to preclude the possibility of the ODP being construed as lapsed and rendering the PD null and void.

Senior Planner Timothy Lehrbach presented this item.

Ty Johnson, the applicant representative with Kaart Planning, was available for questions.

The public hearing opened at 7:18 pm.

Council President Pro Tem Herman moved, and Councilmember Nguyen seconded to adopt Ordinance No. 5196, an ordinance rezoning approximately 174.3 acres from PD (Planned Development) to PD (Planned Development) and adopt an Outline Development Plan for "Mesa Trails," located between 23 1/4 and 23 3/4 Roads, from G Road to Highway 6 and 50 on final passage and ordered final publication in pamphlet form. Motion was carried unanimously by roll call vote.

### **Non-Scheduled Comments**

Mayor Stout student Quinn thanked everyone for the opportunity to attend.

### **Other Business**

There were none.

### **Adjournment**

Meeting adjourned at 7:20 pm.

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Amy Phillips, CMC

City Clerk



