

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

**February 7, 2018**

The City Council of the City of Grand Junction convened into regular session on the 7<sup>th</sup> day of February 2018 at 6:00 p.m. Those present were Councilmembers Bennett Boeschstein, Chris Kennedy, Phyllis Norris, Duke Wortmann, and Council President Rick Taggart. Councilmembers Duncan McArthur and Barbara Traylor Smith were absent. Also present were City Manager Greg Caton, City Attorney John Shaver, and City Clerk Wanda Winkelmann.

Council President Taggart called the meeting to order. Councilmember Kennedy led the Pledge of Allegiance which was followed by a moment of silence.

**Citizens Comments**

John Sinclair, representative of the Washington Park Neighborhood Association, gave a brief status update on neighborhood associations. Other association representatives present were from Lincoln Park, Anderson, Hawthorne, and the 7<sup>th</sup> Street Historic District. He remarked about some zoning being inconsistent with the adopted Comprehensive Plan and some is not compatible with the historic homes in these areas. Mr. Sinclair requested the neighborhood associations be notified of any developments that may impact their neighborhoods.

Bruce Lohmiller spoke about CASA (Court Appointed Special Advocates) commercials saying to dial 911 to report violence reports. Mr. Lohmiller pleaded for others to report these incidents so they can be investigated by the authorities. He also mentioned "Denver Works" an employment program that helps people get off the streets.

Dennis Simpson spoke about the Bonsai Design, Inc. agreement waiting for the City Manager's signature. He has requested this document through an open record request. He also noted the City has an agreement with the Downtown Development Authority (DDA) to reimburse them for certain expenses the DDA incurred. Mr. Simpson is concerned about transparency and that the community knows what its elected body is doing.

City Manager Caton said Council is aware of the American National Bank loan to the DDA for \$19 million, and subject to annual appropriations, the City will reimburse the DDA a total of \$12 million.

City Attorney Shaver added the Bonsai Agreement is not signed, but he has assured Mr. Simpson that when the document is signed, Mr. Simpson will be provided a copy.

### **Council Reports**

Councilmember Norris said she attended the Discoverability opening on January 18<sup>th</sup> and is glad to see it on the Riverfront so that people with disabilities can utilize the parks and trails. She also went to the roundabout and Community Center presentations on the Redlands on that same date.

Councilmember Kennedy went to the ribbon cutting of the Colorado Mesa University (CMU) Engineering building and the White Ice District 51 Foundation fundraiser event. He met with Tim Foster at CMU regarding the Grand Junction Opportunity Scholarship for District 51 students to attend CMU or Western Colorado Community College (WCCC) for 2 or 4 year programs. He spoke of Allison Blevins moving on to another opportunity and said she will be missed after having done so much to grow and get buy-in for the Downtown Development Association/Business Improvement District boards.

Councilmember Boeschstein attended the previously mentioned meetings and the Chamber of Commerce (COC) annual dinner on January 26<sup>th</sup>. He went to the Denver Saving Places Conference where they toured Union Station; it had been abandoned for a long time and is now a vital part of downtown Denver. He hopes the same can be done with the old Grand Junction railroad depot. He recognized the neighborhood associations in the City.

Councilmember Wortmann also went to the ribbon cutting ceremony for the CMU engineering building. He spoke about how he has spent 23 years in the COC and is happy with what they do to make Grand Junction a great place to live. He feels the Colorado State Patrol is doing a great job regarding their current campaign against cannabis; he is opposed to legalizing cannabis.

Council President Taggart said the CMU ribbon cutting was great and spoke of how that program started as a mechanical engineering program, and has expanded to civil engineering with electrical and computer engineering starting next year. On January 25<sup>th</sup> and 26<sup>th</sup> he attended the Outdoor Retailer show with City Manager Caton, and it was wonderful to be back in his element. They were there to advertise for the City's Outdoor Business Park. He apologized to Councilmembers regarding the introduction of the new airport manager; he told her the date was March 5<sup>th</sup> instead of February 5<sup>th</sup>. He spoke of the Grand Junction Regional Airport Authority Workshop and a couple of important items the board is working on: an application to U.S. Customs regarding Foreign Trade Zone and the runway project that will be presented to the Federal Aviation Administration for approval.

**Consent Agenda**

Councilmember Kennedy moved to approve adoption of Consent Agenda items #1 through #6. Councilmember Boeschstein seconded the motion. Motion carried by roll call vote.

**1. Approval of Minutes**

- a. Minutes of the January 17, 2018 Regular Meeting
- b. Minutes of the January 19, 2018 Special Session
- c. Minutes of the January 30, 2018 Special Session

**2. Set Public Hearings**

- a. Quasi-judicial
  - i. Introduction of an Ordinance Zoning the Adams Annexation to R-8 (Residential – 8 du/ac), Located South of B ¼ Road, West of 27 ½ Road and just West of the Mesa County Fairgrounds and Set a Public Hearing for February 21, 2018
  - ii. Introduction of an Ordinance Rezoning the Proposed Patterson Pines Subdivision, Located at 2920 E 7/8 Road from R-4 (Residential – 4 du/ac) to R-8 (Residential – 8 du/ac) and Set a Public Hearing for February 21, 2018
  - iii. Introduction of an Ordinance Vacating a Portion of the Cannell Avenue Right-of-Way South of Orchard Avenue and Setting a Hearing for February 21, 2018
  - iv. Introduction of an Ordinance Amending Ordinance No. 4565 Extending the Development Schedule for the Mesa State Development Outline Development Plan to December 15, 2022 and Setting a Hearing for February 21, 2018
  - v. Introduction of an Ordinance Vacating the Remaining North-South Alley Right-of-Way of Block 7, Richard D. Mobley's First Subdivision and Setting a Hearing for February 21, 2018

**3. Continue Public Hearings**

- a. Legislative

- i. An Ordinance Amending Chapter 12 of the Grand Junction Municipal Code Concerning Riverfront and Other Trail Regulations Concerning the Operation of Electrical Assisted Bicycles - **Continued to February 21, 2018**

**4. Contracts**

- a. Contract for Architectural Services for Two Rivers Convention Center Remodel
- b. Purchase Police Special Services Vehicles

**5. Resolutions**

- a. A Resolution Amending Resolution No. 56-17 Appointing and Assigning City Councilmembers to Represent the City on Various Boards, Committees, Commissions, Authorities, and Organizations

**6. Other Action Items**

- a. Request for Fireworks Displays at Suplizio Field

**Regular Agenda**

**Public Hearing - Resolution Accepting the Petition for Annexation and Ordinance Annexing the Taurus Park Plaza Annexation of 40.414 Acres, Located at 789 23 Road**

The Applicants, Club Deal 113/114 Park Plaza and Grand Junction Limited Partnership, have requested annexation of their 40.414 acres located on 23 Road just north of I-70. The proposed annexation also includes the south half of H road of 1,318 lineal feet as well as the west half of 23 Road, including 1,298 lineal feet of road. These sections of roadway are currently not dedicated rights-of-way. The Applicant seeks to develop this property in conjunction with the 30 acres they own to the south for a future residential, mixed use development known as Mosaic Planned Development. The proposed development constitutes Annexable Development under the Persigo Agreement and as such is required to annex to the City. Consideration for zoning of this annexation will be heard in a future action.

Dave Thornton described the applicant's request, the property location, and annexation requirements per State Statues.

Councilmember Norris asked in what fire district this is, who would be responsible for road improvements, and if Persigo has been notified. Mr. Thornton said it is currently part of the Grand Junction Rural Fire District, but upon annexation it will be under the

City's Fire Department and advised that Persigo had been notified. Councilmember Norris pointed out that annexations cost the City money when properties require services and road improvements.

City Manager Caton said the staff analysis was broad because the Persigo Agreement forces some of these annexations, although the costs do have an impact on the City. He agreed there is more expense with less revenue since residential revenue does not pay for the full cost of public safety costs, but larger annexations such as this are better balanced since it is a mix of residential and commercial.

Councilmember Norris said the County should contribute to help cover the cost of annexations, as the Persigo Agreement states. She asked if there are sewer lines at the property yet. Mr. Thornton said there are none yet, but annexation of the property is the catalyst to install them now and there is a lot of interest in this area that would require installation at some point.

City Attorney Shaver said, due to the complications of this annexation, the zoning will be heard separately. The City is working to acquire right-of-way for the sewer lines.

Councilmember Kennedy asked what the zoning is, and Mr. Thornton said it is Industrial Office. Mr. Thornton said there will be a Planning Development for the entire property. Councilmember Kennedy said it is good to extend sewer and annex the property. He then asked how the mills translate into real dollars.

City Manager Caton said it depends on what the development entails. Smaller residential developments are a significant drain, but this one, being more balanced, has a higher benefit.

Councilmember Kennedy asked how long it will take for this property to be developed. Mr. Thornton said he sees it moving ahead quickly given the interest in that area.

Councilmember Boeschstein asked if there is sufficient water and sewer utilities there. Mr. Thornton said it is inadequate now, but when the sewer lines are installed (which the developer will pay a significant percentage of) they will be sufficient. Councilmember Boeschstein asked about the northern Persigo boundary. Mr. Thornton said the 201 goes north up to I Road and the line to be installed will be large enough to accommodate that growth.

The public hearing opened at 6:44 p.m.

There were no public comments.

The public hearing closed at 6:44 p.m.

Councilmember Norris asked why zoning is not a part of this hearing, as it is difficult to know without it what pay back the City will get. Mr. Thornton said the applicants own 70 acres and only half are currently within City limits. They needed to acquire City status for the entire property before it could be zoned to see it from a comprehensive approach. Councilmember Norris said she has concerns regarding the entire area.

Council President Taggart asked if there is already a plot plan for the property within the City limits. Mr. Thornton said that part of the property had a development plat in the 80's, but the owner is seeking to have that negated and rezoned and then develop the entire 70-acre property.

Councilmember Wortmann asked if a street goes through this property. Mr. Thornton said a road was platted but not built.

Councilmember Norris asked if there will be neighborhood meetings before it is zoned. Mr. Thornton said these meetings have already occurred; the developer has reached out to the neighbors a few times within the past few years.

Council will see the rezone, plat vacation, and development at a later hearing.

Councilmember Boeschstein moved to adopt Resolution No. 10-18 - A Resolution accepting a petition for the annexation of lands to the City of Grand Junction, Colorado, making certain findings, and determining that the 40.414 acres Taurus Park Plaza Annexation, located at 789 23 Road is eligible for annexation; and Ordinance No. 4785 - An Ordinance annexing territory to the City of Grand Junction, Colorado, Taurus Park Plaza Annexation approximately 40.414 acres, located at 789 23 Road on final passage and ordered final publication in pamphlet form. Councilmember Kennedy seconded the motion. Motion carried by roll call vote with Councilmember Norris voting NO.

**Resolutions of Intent Requesting Coverage Under the Fire and Police Defined Benefit System Administered by the Fire and Police Pension Association (FPPA) of Colorado for Sworn Firefighters and Police Officers**

On December 18, 2017, City Council authorized staff to begin the initial planning stages of partial conversion for the City's Fire and Police Retirement Plans to the FPPA (Fire and Police Pension Association) Defined Benefit System. A necessary step in this conversion process is the submittal to FPPA of a non-binding resolution adopted by City Council indicating the City's intent to partially convert the existing Grand Junction defined contribution Fire and Police Retirement Plans to the FPPA Defined Benefit System. The proposed resolutions, which were prepared by City staff have been reviewed and approved by FPPA.

In order to affiliate with FPPA the following steps must be completed:

- 1) Submittal of a non-binding resolution approved by City Council as pension plan provider requesting coverage under FPPA; and,
- 2) General education sessions provided by FPPA to eligible employees; and,
- 3) Completion of individual pension comparisons by FPPA for each employee; and,
- 4) Final approval by City Council to affiliate and filing of Certification of Compliance.

Staff targeted September 9, 2018 as the conversion date for eligible Fire and Police employees to the FPPA plan. The criteria for partial conversion from the Grand Junction Fire and Police Retirement Plans to the FPPA plan is that conversion be in the best interest of the City and its employees and that a minimum threshold number of employees are interested.

Interim Police Chief Mike Nordine reviewed the history of Colorado retirement plans and FPPA.

Fire Chief Ken Watkins outlined the affiliation process and the reasons for the request to rejoin FPPA.

Councilmember Wortmann said he is thrilled and is in support of the resolution.

Councilmember Kennedy asked what the City's contribution is for non-public safety employees. City Manager Caton said it is 12.2% with a 6% City contribution to ICMA. Councilmember Kennedy asked about the fall-out rates for new public safety hires are. Chief Watkins said he does not have an attrition rate, but most stay through the initial five-year period. City Manager Caton said it is important to take Social Security out of the contribution percentage and the current contribution is 3.8%. He clarified new employee options through the FPPA. Councilmember Kennedy asked what the City savings would be. City Manager Caton said it would be \$233,000 annually for both.

Councilmember Norris said she appreciates the fact that employees will have a choice. She asked who would receive the forfeiture in the event someone terminated before they were fully vested. City Manager Caton said the City retains current forfeitures that revert to the Plan and the FPPA would retain it for their members. She then asked if any of the FPPA board members are from smaller cities or if they are all from metro Denver. Councilmember Kennedy named the municipalities of current board members.

Councilmember Wortmann said the FPPA shows really good numbers and employees should feel confident.

Council President Taggart remarked on the City's liability. City Manager Caton said in the Defined Contribution Plan there is potential uncertainty for employees versus the Defined Benefit Plan where there is potential uncertainty for the employer. However,

the plan is well funded and the FPPA has other fallbacks they would go to first. Council President Taggart asked if the 8% contribution is set by the City or FPPA. City Manager Caton said the City sets the amount. Council President Taggart asked for clarification on the DROP (Deferred Retirement Option Plan) provision with FPPA where the employee gives a date of retirement and continues to work for the City for up to five years. Fire Chief Watkins said DROP is optional and would allow an employee close to retirement to continue to work up to 5 years with their contribution going into a DROP account which would set that amount aside to be paid as a lump sum at retirement. The employer would not contribute during this period. This helps with succession planning since it gives a set retirement date. City Manager Caton explained the employee "retires" from FPPA, but not the City.

Council President Taggart asked if approved would the percentages be set. City Manager Caton said the resolutions are non-binding, but the percentages in the resolutions would not be changed if final approval is made. Council President Taggart said he is in support as long as the difference of contribution percentages will be made up; he is not comfortable knowing that these employees may lose benefits. City Manager Caton said it has been discussed to pay 100% of the 2.7% of the Death and Disability benefit to make up the difference.

Councilmember Wortmann moved to adopt Resolution No. 11-18 - A Resolution of intent requesting coverage under the FPPA Defined Benefit System administered by the Fire and Police Pension Association for new firefighters for the City of Grand Junction, Colorado and Resolution No. 12-18 - A Resolution of intent requesting coverage under the FPPA Defined Benefit System administered by the Fire and Police Pension Association for new police officers for the City of Grand Junction, Colorado. Councilmember Boeschstein seconded the motion. Motion carried by roll call vote.

**Consider a Request for a North Avenue Catalyst Grant in the Amount of \$10,000 for Best Built Homes, Located at 1401 Glenwood Avenue**

The Applicant Best Built Homes submitted an application for a grant of \$10,000 from the North Avenue Catalyst Grant Program. The amount requested is for façade improvements for a building that fronts North Avenue with an address of 1401 Glenwood Avenue. The request is consistent with the purpose of the North Avenue Catalyst Grant Program.

Kathy Portner, Community Development Manager, described the grant program, the property, and the proposed improvements.

Councilmember Norris asked if 14<sup>th</sup> Street is the only access and Ms. Portner said it is. Councilmember Norris asked if the City has the right-of-way to put in that street and Ms.



Portner said it is a private easement, therefore there is a right to access through a driveway.

Councilmember Boeschstein said the City has not forgotten about North Avenue and this is another example of the City's commitment and investment in that area.

Councilmember Kennedy asked how much of the grant program has been awarded in the last few years. Ms. Portner said about \$30,000 per year. City Manager Caton said the trend is \$30,000 annually and they will monitor the demand for those funds and will make adjustments as needed.

Council President Taggart said the rendering is beautiful and will be a major improvement.

Councilmember Boeschstein moved to approve the North Avenue Catalyst Grant request from Best Built Homes, located at 1401 Glenwood Avenue, in the amount of \$10,000. Councilmember Kennedy seconded the motion. Motion carried by roll call vote.

**Consider an Appeal of the Community Development Director's Conditional Approval of Final Plat for Pinnacle Ridge Subdivision, Filings 1 and 2**

Richard Wihera, Appellant, appealed the Director's conditional approval of the Final Plat for the Pinnacle Ridge Subdivision, Filings 1 and 2, which filings include 21 single-family detached lots, two homeowner's association tracts, and remaining acreage reserved for future subdivision development all on 32.7 acres. The approved Preliminary Plan for Pinnacle Ridge Subdivision comprises 45.36 acres in an R-2 (Residential - 2 du/ac) zone district with a development density of 1.59 dwelling units per acre. It is located east of Mariposa Drive and north of Monument Road in the Redlands. The Appellant alleges the Director approved the Final Plats for Filings 1 and 2 with lots that do not meet the required minimum size and and/or width. The Appellant alleges that the Director's decision is inconsistent with applicable development regulations, that the Director made erroneous findings based on the information in the record, and the Director acted arbitrarily.

City Attorney Shaver said this is a record appeal, and Council is to evaluate the process the Community Development Director used to make the decision. There will be no testimony.

Tamra Allen, Community Development Director, reviewed the Standard of Review from the Code, described the property location and development plan, the procedural history, factual background and applicable law, the appellant's claim, and the director's response and rationale.

Councilmember Kennedy asked if the basis for the claim is that the Director used the Cluster rather than Hillside provisions. Ms. Allen said the foundation of the appeal is regarding the difference of findings of the lot slope for the entire property versus parcel by parcel. City Attorney Shaver referred Council to the appellant's response, for the record that is, in the packet.

Councilmember Kennedy believes the Director followed the procedures to the letter and that the decision is proper.

Councilmember Norris said it was proper to use both provisions and she agrees with the process used.

Councilmember Boeschstein said the Ridges has many steep and rocky areas. In this case the Director has met all the requirements.

Council President Taggart thanked staff.

Councilmember Boeschstein moved to approve the Director's decision regarding the Pinnacle Ridge Subdivision. Councilmember Kennedy seconded the motion. Motion carried by roll call vote.

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

There were none.

### **Other Business**

There was none.

### **Adjournment**

The meeting adjourned at 8:22 p.m.

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Wanda Winkelmann, MMC  
City Clerk