

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

July 21, 2021

Call to Order, Pledge of Allegiance, Moment of Silence

The City Council of the City of Grand Junction convened into regular session on the 21st day of July 2021 at 5:30 p.m. Those present were Councilmembers Abe Herman, Phillip Pe'a, Randall Reitz, Dennis Simpson, Anna Stout, Rick Taggart, and Council President Chuck McDaniel.

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

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

Proclamations

Proclaiming August 2 – 8, 2021 as Interfaith Awareness Week

Council President McDaniel read the proclamation. Reverend Dr. Carla Ryan accepted the proclamation.

Appointments

To the Parks and Recreation Advisory Board

Councilmember Pe'a moved to appoint Kyle Gardner for a partial term expiring June 2022. Councilmember Herman seconded the motion. Motion carried unanimously by voice vote.

To the Urban Trails Committee

Councilmember Stout moved to appoint Athena Fouts for a partial term expiring June 2023. Councilmember Pe'a seconded the motion. Motion carried unanimously by voice vote.

A Resolution Affirming the Constitutional Rights of the Citizens of Grand Junction, Colorado

At the July 7, 2021 City Council meeting, a number of citizens requested that City Council declare Grand Junction as a Constitutional Sanctuary City. Although the City Council recognizes, supports and affirms that all Constitutional rights and protections are of utmost importance to the citizens of Grand Junction, and that the City Council does not value any one person's constitutional rights or protections above another person's, the City Council has no

lawful power or basis to declare Grand Junction as a Constitutional sanctuary as has been petitioned recently by certain persons. Council President Chuck McDaniel pulled this item from the Consent Agenda prior to Citizen Comments to address some questions that attendees may have had.

City Attorney John Shaver read the resolution and answered questions.

Councilmember Stout moved to adopt Resolution No. 59-21, a resolution affirming the Constitutional Rights of the citizens of Grand Junction, Colorado. Councilmember Simpson seconded the motion. Motion carried by roll call vote with Councilmember Pe'a voting no.

Citizen Comments

John Pond spoke regarding the need for civilian oversight.

Shawn Hurlburt spoke regarding incident response times.

Bruce Lohmiller spoke regarding the need for shelters, the Veteran's Art Show and announced he will be running for Mesa County Sheriff.

Rickie Howie spoke of a protest her organization is planning and asked for Council's assistance in helping her safely execute that event.

Jenn Schumann expressed her concerns with the COVID-19 vaccination and asked for more dialogue with Council regarding local answers for the pandemic.

The following people spoke regarding the request to pass a Resolution declaring the City of Grand Junction a constitutional sanctuary city: Mark Rybeck, Carol Rathbun, Desiree Baber, Donald A. Hunger, Stacey Neel, Dusty Higgins, Bobby Hansen, Diana Larsen, Kris Frazier, and Deb Schoonmaker.

The following people spoke regarding their concerns with the Patterson Road Access Management Plan: Karen Perrin, Diane Lucero, Teresa Porter and Gary Lucero. Mr. Lucero also provided a written request asking that all residents that live within one-half mile of Patterson be notified by mail if the Patterson Access Management Plan becomes law.

Council Reports

Councilmember Stout introduced her Stout Student Khalil Adams-Perry and said she attended the Associated Governments of Northwest Colorado meeting.

Councilmember Taggart gave an update on the Grand Junction Regional Airport Authority meeting.

Councilmember Herman gave an update on the Urban Trails Committee meeting, Homeless Coalition meeting, and Grand Junction Economic Partnership Board meeting. Councilmember Pe'a thanked the audience for attending.

CONSENT AGENDA

Item 3.c. was previously discussed. Councilmember Taggart asked that item 3.b. be removed from the Consent Agenda. Councilmember Stout moved to approve Consent Agenda items # 1 - #3.a. Councilmember Pe'a seconded the motion. Councilmember Simpson asked that Councilmembers review large contracts during meetings, and he submitted his concerns for the record (attachment #1). Motion carried by voice vote with Councilmember Simpson voting no.

1. Approval of Minutes

- a. Minutes of the July 7, 2021 Regular Meeting

2. Contracts

- a. 2021 Sewer Replacements and Overlay on Unawep Avenue

3. Resolutions

- a. A Resolution to Purchase Property for Fire Station #8
- b. A Resolution Adopting the Patterson Road Access Management Plan – ***Moved to Regular Agenda***
- c. A Resolution Affirming the Constitutional Rights of the Citizens of Grand Junction, Colorado – ***Moved to Regular Agenda***

REGULAR AGENDA

A Resolution Adopting the Patterson Road Access Management Plan

This item was heard at the July 7, 2021 City Council Meeting. After listening to comments at the public hearing, Council directed staff to change the Patterson Road Access Control Plan (ordinance) to the Patterson Road Access Management Plan (resolution). With the change from an Access Control Plan to an Access Management Plan the following changes were made.

Access Study:

- Date updated to July 2021
- Globally changed all references in the study from Access Control Plan (ACP) to Access Management Plan (AMP)

- Updated Section 1.2 in the study to cover meetings held with Planning Commission and City Council since February 23, 2021
- Updated page 36 to reflect changes related to Access 114-117
- Updated Figure 3H to reflect changes related to Access 114-117
- Updated page 41 to remove Mantey Heights neighborhood access points from plan
- Updated Figure 3J to remove Mantey Heights neighborhood access points from plan
- Updated page 53 to identify extension of Camino Del Rey to connect with Rio Grande Drive
- Updated Figure 4C to clearly identify connection to Wellington Avenue or Kirby Lane listed on page 53

Appendices:

- Date updated to July 2021
- Appendix D – globally changed all references in the memos from Access Control Plan (ACP) to Access Management Plan (AMP)
- Appendix E – globally changed all references in the memos from Access Control Plan (ACP) to Access Management Plan (AMP)
- Appendix F – globally changed all references in the table from Access Control Plan (ACP) to Access Management Plan (AMP)
- Appendix F – updated conditions for Access Points 114, 116, 156, 157, 158, and 161
- Appendix F – updated graphics to match graphics in the study

City Attorney John Shaver presented this item and spoke of the impact of changing this from an ordinance to a resolution. Discussion ensued regarding verbiage in the resolution to not bind a future Council, transparency, how this plan would change Patterson Road over time as needed, the Mantey Heights exclusions, and how this Plan allows the City to be proactive in planning for the future.

Councilmember Stout moved to adopt No. Resolution 55-21 a resolution adopting the Patterson Road Access Management Plan. Councilmember Simpson seconded the motion. Motion carried by roll call vote with Councilmember Taggart and Councilmember Pe'a voting no.

An Ordinance Amending Ordinance No. 4754 that Adopted the Institutional and Civic Facility Master Plan for Colorado Mesa University (CMU) to Include a Larger Area for Campus Expansion within which Administrative Right-of-Way Vacations Apply, Located at 1100 North Avenue

By Ordinance No. 4754, the City approved an Institutional and Civic Master Plan for Colorado Mesa University (CMU) and an administrative process for future vacations of right-of-way interior to the campus once certain conditions are met. CMU requested the Master Plan and

ordinance be amended with a new map that reflects an expanded area for future campus development.

Principal Planner David Thornton presented this item.

CMU President John Marshall reviewed some of the recent large improvements of the campus.

The public hearing opened at 7:35 p.m.

There were no comments.

The public hearing closed at 7:35 p.m.

Councilmember Pe'a moved adopt Ordinance No. 5011, an ordinance amending the Institutional and Civic Facility Master Plan for Colorado Mesa University to include a larger area within which requests for public right-of-way vacations may be administratively reviewed and approved. Councilmember Herman seconded the motion. Motion carried by unanimous roll call vote.

2021-2025 Five-Year Community Development Block Grant (CDBG) Program Consolidated Plan and 2021 Annual Action Plan

City Council conducted a public hearing for the adoption of the 2021-2025 CDBG Program Five Year Consolidated Plan and the 2021 Annual Action Plan included in the Five-Year Plan which was previously presented to them.

Principal Planner David Thornton presented this item.

Discussion ensued regarding agencies that were consulted (some not listed) on page 13 of the report, Western Colorado Aids Program is no longer in operation (another organization has taken its place and the document will be changed to reflect the correct name), how the City was the benefactor of a third of the funds for safe routes to school and improvements to neighborhoods, and how these expenditures and allocations are reviewed annually.

The public hearing opened at 7:51 p.m.

Wendy Genkov with Housing Resources of Western Colorado thanked Council for helping bridge their funding gap.

Dusty Higgins expressed concerns with the crime rate in his neighborhood after the Laurel House opened and asked Council to keep that in mind when approving such things.

The public hearing closed at 7:54 p.m.

Councilmember Herman moved to adopt Resolution No. 56-21 adopting the 2021-2025 Five Year Consolidated Plan for the Community Development Block Grant Program and to adopt Resolution No. 57-21 adopting the 2021 Program Year Annual Action Plan as a part of the City of Grand Junction 2021 Five-Year Consolidated Plan. Councilmember Stout seconded the motion. Motion carried by unanimous roll call vote.

A Resolution Creating and Establishing Alley Improvement District No. ST-21

A successful petition was submitted requesting the creation of a Local Alley Improvement District to reconstruct the East/West Alley from 8th to 9th Street, between Grand Avenue and Ouray Avenue. The public hearing and resolution are required to form the district.

Engineering Manager Kenneth Haley presented this item.

Conversation ensued regarding how such requests are budgeted since they are petitioned and how such improvements are planned.

The public hearing opened at 8:04 p.m.

An email previously submitted was included in the record (attachment #2).

The public hearing closed at 8:04 p.m.

City Attorney John Shaver answered questions regarding the timing of assessments, public hearings and petitions against the assessments.

Councilmember Reitz moved to adopt Resolution No. 58-21, a resolution creating and establishing Alley Improvement District No. ST-21 within the corporate limits of the City of Grand Junction, Colorado, authorizing the reconstruction of certain alleys, adopting details, plans and specifications for the paving thereon and providing for the payment thereof. Councilmember Pe'a seconded the motion. Councilmember Taggart expressed his concern with a simple majority requirement of petitions and asked for future consideration to change the requirement to a two-thirds majority. Motion carried by unanimous roll call vote.

Discussion and Possible Direction Regarding Marijuana Store Regulations

This item was discussed at the July 19, 2021 City Council Workshop. The purpose of this item was to give staff direction on whether to have a specific cap on the number of marijuana business licenses, the process for the selection of marijuana business applicants, and the marijuana sales tax rate.

Community Development Director Tamra Allen presented this item.

The floor was open for public comment at 8:20 p.m.

Jeremy Bonnen spoke against the potential cap on marijuana licenses. Michael Cardel spoke about owning a marijuana business that was closed when the moratorium was implemented and asked for the opportunity to be able to apply for a license.

Scott Beilfuss supports the tax rate and spoke of projected revenue on fewer marijuana licenses (much lower than what is needed for a recreation center), medical marijuana licenses, and a merit-based system.

Dusty Higgins also spoke about owning a business that was closed when the moratorium was implemented and asked for the opportunity to be able to apply for a license.

Terrance Sanchez spoke against buffers around parks and putting a cap on the number of businesses.

Renee Grossman asked that applications require proof of possession of a property, spoke against a cap on licenses, recommended eliminating mixed use zone districts and implementing a comprehensive merit-based system or weighted lottery.

Lauren Maytin asked that Council not adopt a hybrid model but rather a merit-based system.

Conversation ensued regarding caps on licenses and the potential downfalls and implementing a weighted lottery/hybrid system versus a merit-based system.

Councilmember Simpson moved to adopt items A (Zoning), B (Buffering) and E (Rate of Taxation) on the attached Motions Regarding Marijuana Business Regulations sheet. Councilmember Stout seconded the motion. Motion carried by roll call vote with Councilmembers Stout and McDaniel voting no.

Councilmember Reitz moved to adopt item C (Numerical Cap) on the attached Motions Regarding Marijuana Business Regulations sheet. Councilmember Simpson seconded the motion. Motion carried with Councilmembers Stout, Taggart, and Herman voting no.

Councilmember Reitz moved to adopt item D (Licensing Process) on the recommendation sheet. Councilmember Simpson seconded the motion. Motion failed with Councilmembers Stout, Taggart, Herman, and Reitz voting no.

Adjournment

The meeting adjourned at 9:02 p.m.

Wanda Winkelmann, MMC
City Clerk

Attachment #1 - Written comments submitted by Councilmember Dennis Simpson for July 21, 2021 Regular Meeting

Agenda item 2a 2021 Sewer Replacements and Overlay on Unawep Ave.

Questions:

- A comment in the contract documents indicates the spec'd PCV pipe (Certa Flow) is not available now and the vendor of the pipe is overwhelmed with orders. How has this issue been handled?
- When will the "Notice to Proceed" be signed? IF not soon, will the plan to complete this plan in 2021 be impacted?
- The explanation of why only one bid was accepted is skimpy. How many other bidders were there? Were the other bidders not able to access PCV pipe on the same terms as the winning bidder?
- The sewer department budget for this project is \$450K higher than the Sewer Fund allocation of the contract price. What will happen with the money budgeted but not used on this project?

Attachment #2

Citizen Comment regarding Alley Improvement District ST-21

-----Original Message-----

From: CYNTHIA HAND-TREECE <alpencc2@aol.com>

Sent: Wednesday, July 21, 2021 3:08 PM

To: Belinda White <belindaw@gjcity.org>

Subject: Alley Improvement District Resolution ST-21

** - EXTERNAL SENDER. Only open links and attachments from known senders. DO NOT provide sensitive information. Check email for threats per risk training. - **

I am a "Senior Citizen" and have owned the property at 858 Grand Ave for decades, in good times and bad times, when it was empty for long periods, or partly rented or occasionally completely leased. Since Covid hit and for over a year, my building has been mostly vacant, so many months of NO income. Why is it that the City believes I should now pay a 50% portion of the assessed cost (per foot amount) for the proposed "Alley Improvement" while apartment building owners down the street are assessed at only 25% and single family residences are assessed only 15%? This seems grossly unfair to those of us who are struggling to keep our investments in the area and in local businesses! As well, I have NO access onto the alley. There has been a fence across the back of my lot for 30 years, blocking any traffic to or from the alley from by lot and which restricts ALL traffic to exit directly onto 9th St. Therefore my renters or their guests have had no impact on the alley AT ALL.

The City so often makes huge concessions to get bigger businesses or "big shots" to invest in our downtown, but needs to consider being fair to small ones too, particularly in these difficult economic times. I already pay property tax that is over four times what my apartment house or single family neighbors pay. That's not fair either! Small businesses and small investors like me, should AT LEAST be treated FAIRLY and 50% is NOT fair! The City needs to realize that having an investment or a business does NOT mean you are "rolling in revenues". Look around! Many business are vacant or shut down. I do not oppose the Alley Improvement behind Grand Ave, although I rightfully could, but I strongly oppose the unfair percentage of costs assigned to owners. I believe it is only right that all property owners affected, pay the same percentage of the assessment, no more and no less. That would be fair.

Cynthia Hand-Treece,
property owner on Grand Ave

Motions Regarding Marijuana Business Regulations

- A. ZONING: The Council directs staff to:
1. Draft regulations in which zoning regulations for marijuana stores reflect the zoning of general retail sales under the existing Land Use and Development Code. Zones where general retail sales are currently permitted are the C-1 (Light Commercial), C-2 (General Commercial), B-1 (Neighborhood Business), B-2 (Downtown Business), M-U (Mixed Use), MXG-3 (Mixed Use General), and MXOC (Mixed Use Opportunity Corridor) districts.
 2. Consider the preference of the Downtown Development Authority to develop additional restrictions for Main Street between 1st Street and 8th Street, including the prohibition of marijuana stores on the ground floor of buildings.
- B. BUFFERING: The Council directs staff to:
3. Draft regulations based on the buffering approach identified as Alternative 4, which includes buffering from: Schools including CMU and WCCC (1000 feet); Regional and Neighborhood Parks (500 feet); and Rehabilitation Facilities (500 feet).
- C. NUMERICAL CAP: The Council directs staff to:
4. Draft regulations to implement a cap-by-district approach.
 5. Develop and present to Council alternatives for district areas with the result being approximately 10 stores with the allotment in the districts reflecting anticipated demand.
- D. LICENSING PROCESS: The Council directs staff to:
6. Draft regulations to implement a hybrid selection process
 7. Prepare a range of options for review criteria, reflective of examples throughout the state, known policy goals of the City Council, and criteria that reflect the pursuit of public benefit on the part of marijuana business operators.
 8. Develop a range of approaches that aligns the hybrid selection process with the limits on location and number described above.
- E. RATE OF TAXATION. The Council directs staff to:
9. Draft amendments to the Municipal Tax Code that would reflect a 6% special marijuana sales and use tax rate.