

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

April 6, 2022

Call to Order, Pledge of Allegiance, Moment of Silence

The City Council of the City of Grand Junction convened into regular session on the 6th day of April 2022 at 5:31 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, Interim City Clerk Laura Bauer, Deputy City Clerk Selestina Sandoval, Principal Planner David Thornton, Community Development Director Tamra Allen and Finance Director Jodi Welch.

Council President McDaniel called the meeting to order. Palisade High School Student Kyle Rotin led those present in the Pledge of Allegiance, followed by a moment of silence.

Proclamations

Proclaiming April 10 - 16, 2022 as National Public Safety Telecommunicators Week in the City of Grand Junction

Councilmember Taggart read the proclamation and City of Grand Junction Communication Center Manager Jennifer Kirkland accepted the proclamation.

Citizen Comments

Bruce Lohmiller spoke regarding housing issues in the community and sex education classes.

Ed Kowalski spoke regarding public safety in the community.

Kyle Rotin spoke of the Palisade High School Fish Hatchery, the importance of conservation of natural resources and school funding for outdoor recreation.

John Lee with Spectrum spoke of a federal connectivity program available to qualifying households called the Affordable Connectivity Program (ACP) that gives credits towards broadband access. The Spectrum 100 Service provides broadband access to ACP qualifying households at no cost after ACP credits. Mr. Lee requested Council's assistance to identify non-profit organizations who can help with outreach to ACP qualifying individuals.

Keith Rasmussen’s letter that was mailed to Council was read expressing his gratitude for the project on G and 24 Road and Canyon View Park.

City Manager Report

City Manager Greg Caton said Spring Cleanup has begun.

Council Reports

Councilmember Herman gave an update on the Grand Junction Economic Partnership Executive Director search.

Councilmember Stout gave an update on the Business Incubator’s search for a CEO and Small Business Development Coordinator. She said the Department of Energy is pursuing a Master Plan that includes the Business Incubator and Riverview Technology Corporation property sites because of the City’s investment in the Riverfront area at Dos Rios and Las Colonias.

Councilmember Simpson attended the Colorado Mesa University Luncheon and Evening Discussion and lauded the speaker, Bari Weiss, as awe inspiring.

Councilmember Reitz invited the public to attend Historic Preservation Days on May 14th from 11:00 a.m. – 3:00 p.m. He outlined the schedule of events.

Council President McDaniel gave an update on the Housing Authority Board meeting.

CONSENT AGENDA

Councilmember Simpson asked to remove item 1.b. from the Consent Agenda. Councilmember Reitz moved and Councilmember Stout seconded to adopt Consent Agenda items #1 - #6, excluding item 1.b. Motion carried by unanimous voice vote.

1. Approval of Minutes

- a. Summary of the March 14, 2022 Workshop
- b. Minutes of the March 16, 2022 Regular Meeting – ***Moved to Regular Agenda***

2. Set Public Hearings

- a. Legislative
 - i. Introduction of an Ordinance Vacating a Public Alley Right-of-Way,

Located South of 245 and 333 South Avenue and Setting a Public Hearing for April 20, 2022

- ii. 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 Twenty Eighty Broadway Annexation of 2.37 Acres, Located at 2080 Broadway, and Setting a Public Hearing for May 18, 2022
- iii. Introduction of an Ordinance Rezoning One Parcel Totaling Approximately 2.46 Acres from PD (Planned Development) to C-1 (Light Commercial) Located at the Northeast Corner of Horizon Drive and 27 1/2 Road and Setting a Public Hearing for April 20, 2022
- iv. Introduction of an Ordinance to Rezone 1.18 Acres from R-4 (Residential - 4 du/ac) to R-8 (Residential – 8 du/ac), Located at 702 25 Road and Setting a Public Hearing for April 20, 2022

3. Agreements

- a. 2022 Agreement with Mesa County for Animal Control Services
- b. Agreement for Palisade Pool Operations

4. Procurements

- a. Contract for Municipal Service Center Reroof
- b. Contract for 2022 Concrete Curb, Gutter and Sidewalk Replacement Project
- c. Contract for Professional Engineering Services Consultant for Wastewater Treatment Plant Expansion Projects
- d. Contract for the Acquisition of GenTax Tax Administration Software by FAST Hosting Services, LLC

5. Resolutions

- a. A Resolution Issuing a Revocable Permit to Allow Encroachments of a Free-standing Sign, Fence and Planter Located within the 29 Road and Presley Avenue Rights-of-Way, Located at 581 29 Road Requested by Darin Carei

- b. A Resolution Supporting the Colorado Department of Transportation's Application to Rebuilding American Infrastructure with Sustainability and Equity (RAISE) for the Multimodal Options for a Vibrant, Equitable (MOVE) Western Slope Project which will include the Grand Junction Mobility Corridor, 2nd Street Promenade and Mobility Hub
- c. A Resolution Authorizing the City Manager to Submit a Request for Congressionally Directed Spending for the I-70/29 Road Interchange Project

6. Other Action Items

- a. Lincoln Park Multipurpose Building with Colorado Mesa University - *No Longer Under Consideration by City Council*
 - i. An Ordinance Making Supplemental Appropriations for the Lincoln Park Multipurpose Building with Colorado Mesa University - *No Longer Under Consideration by City Council*
 - ii. Procurement Approval Authorizing the Guaranteed Maximum Price for the Stadium Multipurpose Building - *No Longer Under Consideration by City Council*
 - iii. Intergovernmental Agreement with Colorado Mesa University for the Multipurpose Building at Lincoln Park Stadium - *No Longer Under Consideration by City Council*
- b. A Resolution Authorizing Condemnation Action Against Usher NV, LLC for Right-of-Way and Easements for the 24 Road and G Road Transportation Expansion Project and the 24 Road Multi-Modal Path Project - *No Further Action Subject to Execution of Settlement Agreement*

REGULAR AGENDA

Minutes of the March 16, 2022 Regular Meeting

Councilmember Simpson read his suggested changes to the minutes. Conversation ensued regarding the City's policy of capturing action minutes versus verbatim minutes. Councilmember Stout moved and Councilmember Simpson seconded to table this item to the April 20th meeting to allow staff time to review the minutes for possible corrections on any information that may have been inaccurately summarized. Motion passed by roll call vote with Councilmember Herman and Council President McDaniel voting no.

A Resolution Accepting the Petition for the Annexation of 1.83 Acres of Land and Ordinances Annexing and Zoning the Keyser Court Annexation to R-8 (Residential - 8 du/ac), Located at 3110 through 3117 Keyser Court

BK Holdings II, LLLP requested annexation of 8 parcels of land including portions of an unbuilt right-of way at Crystal Drive and Keyser Court and a zone of annexation to R-8 (Residential 8 du/ac) for the Keyser Court Annexation. The approximately 1.83 acre annexation is located at 3110 through 3117 Keyser Court. The subject property is undeveloped and the adjacent property to the south is zoned R-8.

The property is Annexable Development per the Persigo Agreement. Annexation is being sought in anticipation of developing this property along with the rest of the undeveloped portions of the River Bend Subdivision. The proposed zone district of R-8 is consistent with the Residential Medium (5.5 to 12 du/ac) Land Use category of the Comprehensive Plan and the adjacent R-8 zoning to the south as well as adjacent Mesa County zoning of PUD within the unincorporated area to the north and east within the developed portions of the River Bend Subdivision. The request for annexation and zone of annexation are being considered concurrently by City Council.

Principal Planner David Thornton presented this item.

The public hearing opened at 6:18 p.m.

There were no comments.

The public hearing closed at 6:18 p.m.

Councilmember Taggart moved and Councilmember Stout seconded to adopt Resolution No. 31-22, a resolution accepting a petition to the City Council for the annexation of lands to the City of Grand Junction, Colorado, the Keyser Court Annexation, approximately 1.83 acres, located at 3110 through 3117 Keyser Court, and to adopt Ordinance No. 5062, an ordinance annexing territory to the City of Grand Junction, Colorado, Keyser Court Annexation, approximately 1.83 acres, located at 3110 through 3117 Keyser Court, on final passage and ordered final publication in pamphlet form, and to adopt Ordinance No. 5063, an ordinance zoning the Keyser Court Annexation to R-8 (Residential - 8 du/ac) zone district, from Mesa County zoning of Planned Unit Development (PUD) on final passage and ordered final publication in pamphlet form. Motion carried by unanimous roll call vote.

An Ordinance Amending Title 5 Creating Chapter 13 in the Grand Junction Municipal Code to Include Certain Marijuana, Also Known as Cannabis, Uses, Licenses and Regulations in the City of Grand Junction, Colorado and an Ordinance Amending Title 3 of the Grand Junction Municipal Code to Include a Retail Marijuana Sales and Use Tax and a Marijuana Excise Tax

The voters approved referred measures 2A and 2B at the City election on April 6, 2021.

The approval of those measures provided the City Council an opportunity to allow, regulate and tax certain regulated cannabis businesses in Grand Junction.

The City Council met on July 13, 2020, November 30, 2020, December 17, 2020, January 4, 2021, January 20, 2021, March 1, 2021, May 3, 2021, June 7, 2021, July 19, 2021, July 21, 2021, September 20, 2021, November 1, 2021, January 10, 2022, February 14, 2022, and March 14, 2022, to discuss and provide direction regarding the regulation of certain cannabis (marijuana) businesses within the City of Grand Junction. The proposed ordinances are the product of these extensive discussions and the culmination of the City's effort to create a system for regulating certain cannabis businesses that protect the health, safety and welfare of the community while creating a fair and equitable process to select qualified operators of up to ten stores.

Community Development Director Tamra Allen presented both these items.

Conversation ensued regarding timeframes allowed for licensees to begin business operations, summary of substantive issues outlined in a letter submitted by Attorney Lauren Maytin by City Attorney Shaver, a staff recommended change regarding odor generated from stores (striking the word *unreasonable* before odor) and how the final motion doesn't have to identify each modification but rather defer to the record of the discussion.

Conversation resumed regarding the requirement to disclose past ownership of anyone owning 10% or more who had a suspension or revocation of license affirmation and whether the option of providing further explanation may be added, versus leaving this requirement as is to get a full historical perspective (disqualifying factor).

Councilmember Herman moved and Councilmember Pe'a seconded to add a sentence that past business relationships who have a suspension or revocation is not a disqualifying factor [for the affirmation in the application in paragraph 9]. Motion passed by unanimous roll call vote.

Discussion followed the motion regarding timely appeals (timeframe not stated explicitly but follows Colorado Rule of Standard Procedure) and praise to City Staff for all their work in response to Council's feedback and direction throughout the process.

The public hearing opened at 7:02 p.m.

Rene Grossman from High Q asked about allowed timeframes for changes of financial interest or ownership within issuance of license as stated in the ordinance, recommended making application charges non-refundable, and requiring a minimum amount of liquid capital to apply for a license.

Lauren Maytin asked why the word cannabis is used instead of marijuana which is used in the state constitution, code, regulations, etc., and asked for clarification regarding suspensions held in abeyance for violation of the law and how it will be considered and

resolved.

The public hearing closed at 7:10 p.m.

Conversation ensued regarding the use of the word cannabis instead of marijuana. Marijuana Enforcement Division encouraged the City to use the word cannabis because it was imminent that regulations would change to reflect that terminology. The words are interchangeable and can be used as either/or.

Councilmember Stout moved and Councilmember Pe'a seconded to adopt Ordinance No. 5064, an ordinance amending Title 5 creating Chapter 13 in the Grand Junction Municipal Code to include certain marijuana, also known as cannabis, uses, licenses and regulations in the City of Grand Junction, Colorado on final passage and ordered final publication in pamphlet form. Motion carried by unanimous roll call vote. City Attorney Shaver asked for clarification on the motion regarding making corrections discussed on the record. Councilmember Stout stated that was the intent of her motion.

Councilmember Stout moved and Councilmember Herman seconded to adopt Ordinance No. 5065, an ordinance amending Title 3 of the Grand Junction Municipal Code to include a retail marijuana sales and use tax and a marijuana excise tax on final passage and ordered final publication in pamphlet form. Motion carried by unanimous roll call vote.

Council took a break at 7:19 p.m.

The meeting resumed at 7:25 p.m.

An Ordinance Making Supplemental Appropriations to the 2022 Budget of the City of Grand Junction, Colorado for the Year Beginning January 1, 2022 and Ending December 31, 2022

The budget is adopted by City Council through an appropriation ordinance to authorize spending at a fund level based on the line-item budget. Supplemental appropriations are also adopted by ordinance and are required when the adopted budget is increased to reappropriate funds for capital projects that began in one year and need to be carried forward to the current year for completion. Supplemental appropriations are also required to approve new projects or expenditures.

This supplemental appropriation is predominantly for the carryforward of capital projects. New spending authorization is required to spend additional revenues not anticipated in the original 2022 budget, the potential distribution of American Rescue Plan Act funds to reimburse Lodging Tax revenue loss, as well as for the increased costs on the Fire Station #8 project.

Finance Director Jodi Welch presented this item.

Conversation ensued expressing concern about giving money to other entities outside the City without requiring documentation of need, and what the money would be used for by these entities (fewer activities but same overhead).

Co-Executive Director of the Air Service Alliance Diane Schwenke explained the need for funds to offset the consequences of the pandemic, support the increased amount of minimum revenue guarantees for future flights and the opportunities shown in the Leakage Study to bring Western Slope passengers to Grand Junction for air service to fly out to their destinations.

Executive Director of the Greater Grand Junction Sports Commission Ben Snyder said funds are needed for equipment, personnel, increased costs to bring events here, and to continue those operations without the financial support from Colorado Mesa University. He stated he is working with Parks and Recreation to identify opportunities to attract more events to Grand Junction.

Discussion resumed regarding the funding shortfall due to economic disruptions in the respective industries, balance requirements to save for future opportunities, and using funds to gain market share.

Director Elizabeth Fogarty of Visit Grand Junction stated their funds would allow them to work with small businesses in the tourism industry and develop marketing strategy initiatives.

It was pointed out that the spirit of ARPA is to offset impacts of the pandemic, but still leaves funds to support housing assistance and other areas. By using these funds to help businesses, with an infusion into our local economy, there is direct impact to our businesses and residents. Securing air routes requires Air Alliance to have substantial revenue. Visit Grand Junction, Air Alliance and Greater Grand Junction Sports Commission are partners with the same goal; to create a thriving Grand Junction.

The public hearing opened at 8:00 p.m.

Scott Beifuss expressed concern with the proposed distribution of these funds.

The public hearing closed at 8:03 p.m.

City Manager Caton stated the revenue loss by the City was \$3.9 million; therefore, the City could have kept \$4 million of the \$10.4 million received for revenue loss. Since the City recovered \$2.6 million in the General Fund, only \$1.4 million was taken for this purpose and therefore is asking to support its business partners instead.

Councilmember Pe'a moved and Councilmember Stout seconded to adopt Ordinance

No. 5066, an ordinance making Supplemental Appropriations to the 2022 Budget of the City of Grand Junction, Colorado for the year beginning January 1, 2022 and ending December 31, 2022 on final passage and ordered final publication in pamphlet form. Motion carried with Councilmember Simpson voting no.

A Resolution Establishing City Council Policy Regarding American Rescue Plan Act (ARPA) Funds

The City of Grand Junction was awarded \$10.4 million dollars of Coronavirus State and Local Fiscal Recovery Funds (SLFRF) under the American Rescue Plan Act to provide resources to respond to the pandemic and its economic effects and to build a stronger, more equitable economy during the recovery.

The City Council created a community advisory board to make recommendations to the Council on how to appropriate and expend funds to aid local recovery. With this resolution, the City establishes policies relative to the Board's consideration of recommendation(s) to the City Council for the appropriation and expenditure of ARPA/SLFR funds.

City Manager Caton and City Attorney Shaver were available for questions on this item.

Conversation ensued regarding the resolution not requiring recordings of the meetings for transparency, the discretion of the committee to record the meetings, and the potential lack of open expression from committee members if recordings are made a requirement.

Councilmember Stout moved and Councilmember Herman seconded to adopt Resolution 32-22, a resolution establishing City Council Policy regarding American Rescue Plan Act/ State and Local Fiscal Recovery Funds and advisory board recommendations. Motion carried by roll call vote with Councilmember Simpson voting no.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

Councilmember Herman asked for clarification on the Multipurpose Building at Lincoln Park item and the approved supplemental appropriation process now that the item is not moving forward. City staff said it was authorized but will not be acted upon.

He then noted the anniversary of Councilmembers Herman, Reitz, Simpson and Taggart being voted into office a year prior and expressed his hope to continue meeting

the needs of the community.

Adjournment

The meeting adjourned at 8:16 p.m.



Laura Bauer, MMC
Interim City Clerk