

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

December 21, 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 21st day of December 2022 at 5:30 p.m. Those present were Councilmembers Chuck McDaniel (virtual), Phil Pe'a, Randall Reitz, Dennis Simpson, Council President Pro Tem Abe Herman (virtual) and Council President Anna Stout.

Also present were City Manager Greg Caton, City Attorney John Shaver, City Clerk Amy Phillips, Deputy City Clerk Janet Harrell, Planning Supervisor Felix Landry, and Finance Director Jodi Welch.

Council President Stout called the meeting to order and Stout student Rachel Hughes led the Pledge of Allegiance, followed by a moment of silence.

Appointments

To the Forestry Board

Councilmember Simpson and Councilmember Pe'a seconded to appoint Brandon Kanwischer to the Forestry Board for a partial term expiring November 2024. Motion carried by unanimous voice vote.

Citizen Comments

Bruce Lohmiller expressed concern for the homelessness community, asked if more applications could be submitted for ARPA (American Rescue Plan Act) grants and said veterans are being denied benefits.

Heather Healy spoke in favor of Colorado Proposition 123 that passed in November and suggested solutions for the City's consideration.

Karen Lee Hughes thanked City Council for their services and inviting her daughter Rachel to be a part of the night's proceedings.

City Manager Report

City Manager Caton reflected on City successes in 2022 that included recognition of the Las Colonias Project from the Colorado Parks & Recreation Association, Visit Grand Junction's award from the annual Governor's Conference on Tourism for their marketing program, 1st place in the American Water Works Association Rocky Mountain Section Taste Test Competition, and 2022 Best Budget and Distinguished Presentation Awards

from Government Finance Officers Association. He also noted Grand Junction is being recognized nationally by being listed in Forbes Advisor 2022 Best Places to Live in the US and in Travel & Living as one of the 50 best places to travel in 2023. City Manager Caton wished everyone a happy holiday.

Council Reports

Council President Pro Tem Herman wished everyone a Happy Hanukkah or Merry Christmas and thanked all City staff, especially those that work through the holidays.

Councilmember Reitz said he and other Homeless Coalition member went to the park in remembrance of those who died last year from lack of housing.

Councilmember Pe'a attended the Visit Grand Junction meeting when Dr. Nathan Perry's presented on the economic effects of the outdoor recreation economy. He also attended the Visitor Center's Volunteer Ambassador Luncheon and wished everyone Merry Christmas.

Council President Stout introduced student Rachel Hughes, and then reported attending the Fire Department promotions ceremony and the Heroic Act Awards. She expressed appreciation for both the Fire and Police departments.

CONSENT AGENDA

Councilmember Pe'a moved and Councilmember Reitz seconded to adopt Consent Agenda items #1 - #6. Motion carried by unanimous voice vote.

1. Approval of Minutes

- b. Minutes of the December 7, 2022 Regular Meeting

2. Set Public Hearings

- a. Legislative
 - i. Introduction of an Ordinance Approving a Corridor Infill Incentive for the Land on Horizon Project by APR Grand Junction 3, LLC and Setting a Public Hearing for January 4, 2023
 - ii. Introduction of an Ordinance Amending Various Sections of the Grand Junction Municipal Code (GJMC) on Sales and Use Tax and Lodgers Tax by Adding Terms and Definitions to the GJMC Related to Marketplace Facilitators and Marketplace Sellers and Setting a Public Hearing for January 4, 2023
- b. Quasi-judicial

- i. Introduction of an Ordinance Rezoning 2.11 Acres from PD (Planned Development) to C-1 (Light Commercial), Located at 2992 Patterson Road, and Setting a Public Hearing for January 4, 2023
- ii. Introduction of an Ordinance Vacating a 50 Feet by 44 Feet Portion of Right-of-Way Located Adjacent to a 2.26-Acre Parcel Located at the Eastern Side of Brookwillow Loop, Between Orion Way and Wolcott Avenue, and Setting a Public Hearing for January 4, 2023

3. Agreements

- a. Intergovernmental Agreement Between the City and the Clifton Fire Protection District to Provide Management Services for the Clifton Fire Protection District
- b. Intergovernmental Agreements (IGA's) between the City of Grand Junction, Mesa County, the City of Fruita, the Town of Palisade, Grand Valley Transit (GVT) and Grand Valley Metropolitan Organization (GVMPO) Setting Forth the Local Funding Formula for Contributions to GVT and GVMPO for 2023
- c. 2023 Agreement with Mesa County for Animal Control Services

4. Procurements

- a. Authorize CM/GC Contract with Garney Construction for the Persigo Wastewater Treatment Plant Phase 1 Expansion Project
- b. Authorize Contract for Annual Traffic Control
- c. Authorize Construction Contract for 24 Road & G Road Capacity Improvements

5. Resolutions

- a. A Resolution Vacating a Slope Easement Containing 0.47 Acres on Property Located at 702 Horizon Drive as Acquired by the City of Grand Junction and Described in the Mesa County Land Title Records, Reception Number 2075083
- b. A Resolution Authorizing an Easement on City-owned Property at 542 28 1/4 Road in Columbine Park
- c. A Resolution Amending the Grand Junction Housing Strategy Adding a New Community Engagement and Education Strategy

- d. A Resolution to Allow for Expedited Development Review for any New Affordable Housing Project
- e. A Resolution Supporting the Application to the Recycling Resources Economic Opportunity Program

6. Other Action Items

- a. Department of Local Affairs Request Regarding The Regional Center

REGULAR AGENDA

Orchard Mesa Pool Update

Council President Stout read a joint City, Mesa County and Mesa Valley School District 51 statement that they are working together.

The public comment period opened at 5:47 p.m.

The following spoke in favor of keeping the Orchard Mesa Pool open: Rhonda Bates, Mercedes Boreman, Rob Scribner, Heather Healy, Karen Stall, Renee Fugere, Lee Stegan, Randi Garcia, Mary Ann Tageman, Noah Bradshaw, Mr. Allen, Carissa Fisher, Stephanie Anderson, Teresa Nees, and Loyola Sanders.

Nina Anderson requested any maintenance and budget commitments be formalized so citizens will know who is responsible and can hold them accountable.

The public comment period closed at 6:18 p.m.

Councilmember Simpson explained the City currently has \$2.4 M (projected repair costs for the Orchard Mesa Pool) in the budget and suggested Council make a decision to maintain and reopen the pool.

An Ordinance Amending the Zoning and Development Code Section 21.06.040 Landscape, Buffering, and Screening Standards; Section 21.10.020 Terms Defined; Section 21.03.030 Measurements; Section 21.03.080 Mixed Use and Industrial Bulk Standards Summary Table; and Section 21.04.030 Use-Specific Standards of the Grand Junction Municipal Code

Section 21.06.040 of the Zoning and Development Code (ZDC) requires site development to include landscaping which the City applies to development proposals. The Community Development Department in collaboration with the Parks and Recreation Department, drafted proposed revisions to the landscaping regulations which emerged from public discourse including stakeholder input and public policy discussions. These proposed revisions incorporate more flexibility and relief valves

regarding the significant tree preservation regulations.

Planning Supervisor Felix Landry presented this item.

Discussion included concern the significant tree requirements may override private property rights (development applicants are submitting to the regulatory process), that property owners could cut trees down prior to the development application process, explanation and comparison of how other municipalities determine the percentage to use for keeping/replacing significant trees, that the Code allows discretion regarding existing tree location and if they should be preserved, the City Forestry Department plants Cottonwood trees and supports their significant tree designation, concern these requirements may negatively affect Ute Water customers since they do not have access to irrigation (could use gray water or cisterns) and the City's Code requirement for hiring a licensed tree service company that employs a certified arborists to cut down a tree.

The public hearing opened at 6:53 p.m.

The following spoke against the proposed ZDC amendments regarding the significant tree requirements: Nina Anderson and Heather Healy.

The following spoke in favor of the proposed ZDC amendments regarding the significant tree requirements: William Cooper (Forestry Board), Vince Urbina (Forestry Board) and Kamie Long (Forestry Board/arborist).

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

Councilmember Reitz thanked staff for their work and how they conducted this process.

Council President Stout noted the City is designated as a Tree City USA and that trees contribute to the area's quality of life. This item is a livable compromise that will preserve the City's tree canopy while allowing flexibility to developers.

Councilmember Pe'a moved and Councilmember Simpson seconded to adopt Ordinance No. 5114, an ordinance approving the proposed amendments to the Zoning and Development Code Section 21.06.040 Landscape, Buffering, and Screening Standards; Section 21.10.020 Terms Defined; Section 21.03.030 Measurements; Section 21.03.080 Mixed Use and Industrial Bulk Standards Summary Table; and Section 21.04.030 Use-Specific Standards of the Grand Junction Municipal Code on final passage and ordered final publication in pamphlet form. Motion carried by unanimous roll call vote.

An Ordinance Amending the Zoning and Development Code Section 21.04.040(f) Accessory Uses and Structures of the Grand Junction Municipal Code

These proposed amendments came to the Planning Commission with support from the 2020 One Grand Junction Comprehensive Plan and the Grand Junction Housing

Strategy Report which was completed in 2021 by Root Policy Research. Both documents identify Accessory Dwelling Units (ADU) as development types beneficial to the community of Grand Junction.

Planning Supervisor Felix Landry presented this item.

The public hearing opened at 7:21 p.m.

Cody Kennedy thanked staff for their work noting it would help with affordable housing issues but expressed concern regarding the fees as being cost prohibitive and suggested incentives be provided for specific areas like downtown.

Julie Davis said she is excited to see these changes and asked if mobile tiny homes will be a future consideration.

Ron Abeloe (Home Builder's Association) spoke in favor of these changes as they will provide more flexibility and affordable housing options.

The public hearing closed at 7:26 p.m.

Discussion included that the ZDC fee schedule will be reviewed in 2023.

Council President Stout thanked staff for bringing this item forward, ahead of the general ZDC update, at Council's request.

Council thanked staff for the exemplary job in reviewing and bringing the ZDC updates forward.

Councilmember Simpson moved and Councilmember Reitz seconded to adopt Ordinance No. 5115, an ordinance amending the Grand Junction Municipal Code, Zoning and Development Code Section 21.04.040 Accessory Uses and Structures, specifically item (f) Accessory Dwelling Units on final passage and ordered final publication in pamphlet form. Motion carried by unanimous roll call vote.

City Council took a break at 7:30 p.m.

The meeting resumed at 7:43 p.m.

An Ordinance Amending the City Charter to Change the Authorized Length of a Lease of Certain Public Property for Colorado Discover Ability (CDA) from Twenty-Five up to Ninety-Nine Years to be Placed on the Election Ballot for the April 4, 2023 Municipal Election

In 2017, the City leased the Property, which is a portion of the parcel addressed as 601 Struthers Avenue and has been addressed as 599 Struthers Avenue, to CDA for 25 years. Since 2017, CDA has successfully constructed a building and expanded its

programs which provide year-around adaptive recreational experiences for people with disabilities; however, the short-term (25 year) lease does not provide certainty as to the location of the program, its services, and continued investment in the building that a long-term (99 year) lease provides. The proposed Charter amendment is specific in location and acreage and applies to no other City property.

City Attorney John Shaver presented this item.

Discussion included concern regarding a City Charter change for one organization (The Charter requires a change by vote and a general ballot question regarding lease extension was previously defeated which prompted specific parcel requests), clarification that this ballot question specifically applies to CDA as a non-profit “offering adaptive outdoor recreation for people with disabilities” (not any other organization or type of use) and if voter approved the lease extension would come to Council for approval.

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

There were no public comments.

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

Councilmember Pe’a moved and Councilmember Simpson seconded to adopt Ordinance No. 5116, an ordinance amending the City Charter to change the authorized length of a lease of certain public property from twenty-five up to ninety-nine years to be placed on the election ballot for the April 4, 2023 Municipal Election on final passage and ordered final publication in pamphlet form. Motion carried by unanimous roll call vote.

An Ordinance Amending Ordinance No. 4599 and Section 5.15.010 Et. Seq., of the Grand Junction Municipal Code to Allow Marijuana Businesses in the City of Grand Junction

On April 6, 2022, the City Council approved Ordinance No. 5064 which, among other things, allowed for certain cannabis businesses, subject to regulations adopted by the City, to operate within the City. Pursuant to Ordinance No. 5064, the City has been reviewing applications for the licensing and operation of regulated cannabis businesses. Because of the adoption of Ordinance No. 5064, Ordinance No. 4599 needs to be amended to allow the location and regulation of certain marijuana businesses in a manner that is consistent with Ordinance No. 5064 and other applicable statutory and constitutional standards.

City Attorney John Shaver presented this item.

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

There were no public comments.

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

Councilmember Reitz moved and Councilmember Pe'a seconded to adopt Ordinance No. 5117, an ordinance amending Ordinance No. 4599 and Section 5.15.010 Et. Seq., of the Grand Junction Municipal Code to allow marijuana businesses in the City of Grand Junction on final passage and ordered publication in pamphlet form. Motion carried by unanimous roll call vote.

Authorize the City Council Audit Committee to Execute a Contract with Haynie & Company for the December 31, 2022 Financial Audit Services

After requesting a proposal for services via BidNet, the Audit Committee received one response from Haynie & Company. After review, the Audit Committee found the proposal from Haynie & Company to be responsive and responsible. The cost is \$36,000 for the audit of the Annual Comprehensive Financial report and \$5,500 for the Single Audit as required by the Single Audit Act for federal funds.

Councilmember McDaniel presented this item and Finance Director Jodi Welch explained the City's Request for Proposal (RFP) process why only one vendor responded.

Discussion included concern using the same audit company, why the City uses the BidNet process as a best practice and Government Finance Officers Association recommended controls if using the same audit company.

Councilmember Pe'a moved and Councilmember Reitz seconded to authorize the President of the City Council to adopt the Audit Committee recommendation to execute a one-year contract with Haynie & Company for the audit of the December 31, 2022 Annual Comprehensive Financial Report and for the single audit of federal funds. Motion carried by voice vote with Councilmember Simpson voting no.

A Resolution Setting the Title and Submitting to the Electorate on April 4, 2023, a Measure to Increase the City Sales and Use Tax from 3.25 percent to 3.39 percent (an Increase of 0.14 percent to Sunset December 31, 2054) and to Retain and Spend Revenues as a Voter-Approved Revenue Change as Defined by Article X, Section 20 of the Colorado Constitution and to Incur Bonded Indebtedness to Build a Community Recreation Center at Matchett Park

On November 16, 2022, the City Council adopted the 2022 Community Recreation Center (CRC) Plan and gave direction to staff to draft a ballot question. City Council further discussed ballot language based on community, Parks and Recreation Advisory Board, and Council input at the December 19, 2022 City Council Workshop. The Grand Junction City Council at its December 21, 2022, meeting considered placing a question on the April ballot asking the City electors to approve a 0.14 percent City sales and use

tax rate increase and to incur debt for the construction, furnishing, and equipping of a Community Recreation Center (CRC) at Matchett Park.

City Attorney John Shaver presented this item.

Discussion included that the ballot language does not make clear there is no interest rate ceiling or how proceeds from a lower interest rate will be used, that staff and consultants worked to find the most precise interest rate for the ballot language.

City Manager Caton explained the debt payment calculations used to form the ballot language and General Services Director Jay Valentine reviewed the bond procurement process.

Councilmember Reitz thanked staff and the community for feedback to refine the ballot language.

The public comment period opened at 8:26 p.m.

The following spoke in favor of this item: Sue Springer (Community Recreation Center Committee), Peter Booth (Community Recreation Center Committee), Lucas Bolin (Community Recreation Center Committee), Andrea Kries (Community Recreation Center Committee), Jeri Albramear and Stephania Vasconez.

The public comment period closed at 8:40 p.m.

Councilmember Reitz moved and Councilmember Pe'a seconded to adopt Resolution No. 99-22, a resolution to refer a ballot question to the April 4, 2023 election to increase the sales and use tax by 0.14% and to incur debt to enable the implementation of the 2022 CRC Plan. Motion carried by roll call vote with Councilmember Simpson voting no.

Non-Scheduled Citizens & Visitors

Constance Cones read a holiday poem regarding her recent condominium purchase.

Calliope Linen voiced support for the Orchard Mesa Pool and expressed concern that Grand Junction is not a walkable community but is happy Codes updates that are improving the City's pedestrian access.

Other Business

Councilmember Pe'a thanked staff and wished everyone a Merry Christmas.

Council President Stout announced Rick Taggart resigned his council position in order to begin his term as a Colorado State Representative and that his seat will be filled through the election process. She then wished everyone a happy New Year.

Adjournment

The meeting adjourned at 8:47 p.m.

Amy Phillips, CMC
City Clerk

