

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

January 4, 2023

Call to Order, Pledge of Allegiance, Moment of Silence

The City Council of the City of Grand Junction convened into regular session on the 4th day of January 2023 at 5:30 p.m. Those present were Councilmembers Chuck McDaniel, Phil Pe'a, 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, City Clerk Amy Phillips, Deputy City Clerk Janet Harrell, Finance Director Jodi Welch, Public Works Director Trent Prall, General Services Director Jay Valentine, Parks & Recreation Director Ken Sherbenou, Community Development Director Tamra Allen, and Principal Planner Nicole Galehouse.

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

Proclamations

Proclaiming January 16, 2023 as Martin Luther King, Jr. Day in the City of Grand Junction

Councilmember Pe'a read the proclamation and David Combs, Eric Ward, and Rommell McClanely accepted the proclamation.

Proclaiming the City of Grand Junction an Inclusive City

Council President Pro Tem Herman read the proclamation and Richard Hyland, Estrella Ruiz, and Nelly Garcia accepted the proclamation.

Appointments

To the Planning Commission

Councilmember Simpson moved and Councilmember Pe'a seconded to appoint Brian Masters to the Planning Commission for a partial term expiring October 2025. Motion carried by unanimous voice vote.

Citizen Comments

Bruce Lohmiller spoke about having shelter and work provided for the homelessness population, the open Council seat and showed a McInnis Canyons poster Mesa County

Commissioner Scott McInnis signed and gave to him.

Heather Healey objected to the limited time allotted for Citizen Comments and said some City funds are being misappropriated.

Susan Leonard requested more funds be budgeted for City parks and listed specific issues she would like addressed.

City Manager Report

City Manager Caton announced the next Coffee with the City Manager will be held at Daylight Donuts on January 19th at 9 a.m. with special guest General Services Director Jay Valentine.

Council Reports

Councilmember Simpson reminded Council the City Manager and City Attorney evaluations were not finished and he requested a time be scheduled to do so.

Council President Pro Tem Herman expressed his sorrow at the passing of citizen Richard Swingle.

Councilmember McDaniel attended the Grand Junction Housing Authority meeting when Chair Rich Chron and Vice Chair Bernie Buescher were appointed. He then expressed his appreciation and condolences for Mr. Swingle.

Council President Stout thanked Mr. Swingle for his diligence in reporting street lights that were out and for being a model citizen engaged in local government. She then announced the state legislative session will begin January 9th along with two committees on which she serves: the Colorado Municipal League and Associated Governments of Northwest Colorado. Council President Stout thanked the Police and Fire Departments for hosting a ride along for her on Christmas Day and New Year's Eve and expressed her gratitude for giving a better understanding of the work they do and keeping citizens safe.

CONSENT AGENDA

Councilmember McDaniel requested item 4.a. and Councilmember Simpson requested item 5.h. be removed from the Consent Agenda. Councilmember Reitz moved and Councilmember Pe'a seconded to adopt Consent Agenda items #1 - #5 excluding items 4.a. and 5.h. Motion carried by unanimous voice vote.

1. Approval of Minutes

- a. Minutes of the December 19, 2022 Special Meeting

- b. Summary of the December 19, 2022 Workshop
- c. Minutes of the December 21, 2022 Regular Meeting

2. Set Public Hearings

- a. Legislative
 - i. Introduction of an Ordinance to Amend the Mandatory Quarterly Remittance Date for Plastic and Paper Bag Fees as Found in HB21-1161 "Management of Plastic Products" from Starting on April 1, 2024 to Starting on April 1, 2023, and Setting a Public Hearing for January 18, 2023
- b. Quasi-judicial
 - i. Introduction of an Ordinance for Zoning Approximately 17.42 Acres from County Residential Single Family – 4 (RSF-4) to R-12 (Residential – 12 du/ac) Located at the Northeast Corner of 31 Road and E ½ Road, and Setting a Public Hearing for January 18, 2023
 - 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 Roy's RV Annexation of 1.45 Acres, Located on Property 2795 Riverside Parkway, and Setting a Public Hearing for February 15, 2023

3. Agreements

- a. Marathon Health Clinic Contract Renewal

4. Procurements

- a. A Resolution Affirming the Purchase of 244 N 7th Street – **Moved to Regular Agenda**

5. Resolutions

- a. A Resolution Designating the Location for the Posting of the Notice of Meetings, Establishing the 2023 City Council Meeting Schedule, and Establishing the Procedure for Calling of Special Meetings for the City Council

- b. A Resolution Issuing a Revocable Permit to Allow Private Stormwater Drainage Pipe for the Proposed Quick N Clean Car Wash Located at 691 24 Road within the Right-of-Way of 24 Road
- c. A Resolution Authorizing an Easement on City-owned Property at 821 Struthers Avenue
- d. A Resolution Supporting Application to Colorado Department of Transportation (CDOT) for an Entry Sign to be Located within CDOT Right-of-Way at Highway 50 and 30 Road
- e. A Resolution Finding the 2020 One Grand Junction Comprehensive Plan Together with the 3-Mile Plan Map Serves as the City's 3-Mile Plan and its Annual Update
- f. Resolution Vacating Two Portions of a Multipurpose Easement Located on a 2.26 Acre Parcel Located at the Eastern Side of Brookwillow Loop between Orion Way and Wolcott Avenue
- g. A Resolution Declaring a Vacancy in City Council District A and Authorizing an Election to Fill the Unexpired Term at the City of Grand Junction Regular Municipal Election on April 4, 2023
- h. A Resolution Confirming the Appointments of City Councilmembers to Fill Vacancies on City Boards and Commissions Created by the Resignation of City Councilmember Taggart - **Moved to Regular Agenda**

REGULAR AGENDA

A Resolution Affirming the Purchase of 244 N 7th Street - Removed from Consent Agenda

The City Public Works Engineering Division moved from City Hall into 333 West Avenue, Building C in 2018 to make room in City Hall for the growing Accounting and IT divisions.

Since that time, the City's economy has continued to grow along with its Capital Improvement Program (CIP). With the additional growth, more engineering technicians, project managers, project engineers and inspectors have been added to implement the City's CIP. Engineering has reached its capacity at the current facility in Building C between Stores and Fleet.

City Manager Caton noted this purchase is included in the 2023 budget and capital plan and explained the additional office space is needed to accommodate increased staffing levels.

General Services Director Jay Valentine reviewed the property acquisition process and noted the purchase price of \$1.4 M (below market price of \$3.9 M) includes approximately \$20,000 worth of furniture and on-site and street parking.

Public Works Director Trent Prall said the Engineering Division has outgrown their current location and this property is able to house the current 29 engineering positions with room for a total of 37. This location is also centrally located to other related City and County offices.

Discussion included the other options considered: construction of a City Hall third floor (would require vacating currently used office space during construction and would be cost prohibitive), expansion of current location (would require using needed warehouse space), construction trailers (not a good long-term solution), old County jail (layout is not efficient and renovation would be cost prohibitive), and lease 6th Street and Rood Avenue property (cost prohibitive).

City Manager Caton reviewed the acquisition process noting the steps when and how Council is informed during these processes.

Councilmember Simpson requested all previous information communicated to Council regarding the item be included in staff reports for this type of item.

Councilmember McDaniel moved and Councilmember Reitz seconded to approve a resolution affirming the purchase of 244 N 7th Street. Motion carried by unanimous voice vote.

A Resolution Confirming the Appointments of City Councilmembers to Fill Vacancies on City Boards and Commissions Created by the Resignation of City Councilmember Taggart - Removed from Consent Agenda

The City Council assigns its members to serve on a variety of Council appointed Boards, Committees, Commissions, and Authorities, as well as a number of outside organizations. Assignments were discussed at the December 20, 2022 City Council Workshop and this resolution formalizes that discussion and includes who will be assigned to the Grand Junction Regional Airport Authority Board (GJRAA).

Discussion included confirmation of Councilmember Pe'a to One Riverfront and Council President Pro Tem Herman to the Las Colonias Development Corporation, that Councilmember Reitz and Simpson both expressed interest in being appointed to the GJRAA and reviewed their current assignments, the importance and complexity of the GJRAA, suggestion that the one appointed should be reappointed when annual assignments are made in May, and review of the GJRAA meeting schedule and

makeup.

Councilmember Simpson withdrew his name.

Councilmember Simpson moved and Councilmember Pe'a seconded to adopt a resolution confirming the appointments of City Councilmembers to fill vacancies on City Boards and Commissions created by the resignation of City Councilmember Taggart. Motion carried by unanimous voice vote.

Orchard Mesa Pool Update

Council President Stout provided an update explaining, that in response to community input, the City, Mesa County Valley School District #51 (MCVSD) and Mesa County are committed to keep the Orchard Mesa Pool open until another indoor aquatic option becomes available and that the specifics of their agreement are being reviewed by their respective legal counsels with the intent that the agreement will be formalized by the end of January.

It was noted that the City would continue with operations, MCVSD (who owns the property/facility) would continue to contribute to utility payments, and the County would continue to contribute to operations and investigate offering transportation options for the time being, although these measures would not continue in perpetuity, for concerns that the pool may not meet future public health standards.

Discussion included: requests that the City independently keep the pool open longer, obtaining an engineering repair/maintenance estimate to determine the pool's long-term viability, the value of swimming lessons, an agreement repair cap will be included in the joint agreement, and outstanding repairs due to parts being difficult to acquire because of the pool's age.

The public comment period opened at 6:37 p.m.

The following spoke in support of keeping the Orchard Mesa Pool open: Nick Allen, Carissa Fisher, Karen Stahl, Charlie Allen, Peyton Sanders, Scott Beilfuss, and Mary Ann Taigmen.

The public comment period closed at 6:58 p.m.

City Council took a break at 6:58 p.m.

The meeting resumed at 7:10 p.m.

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

The ordinance requiring marketplace facilitators to charge, collect, and remit City of Grand Junction sales and use tax will clarify businesses required to collect and remit the City's tax by clarifying the authority given to the City as a taxing jurisdiction under the 2018 South Dakota v. Wayfair court case. This case was heard in the Supreme Court and the ruling was that states may charge tax on purchases made from out-of-state sellers even if the seller does not have a physical presence in the state. The Colorado Municipal League has assisted cities with this issue by developing a model ordinance to effect uniformity among cities in the State of Colorado. This ordinance also serves to further level the playing field between storefront businesses and online businesses.

Finance Director Jodi Welch presented this item.

Discussion included the ordinance would be adding clarifying terms and definitions of facilitators and sellers as well as the taxing jurisdiction based on the Wayfair ruling, a suggestion that a threshold amount should be implemented, and this ordinance would require short-term rental companies to remit on behalf of the individual providers.

The public hearing opened at 7:16 p.m.

Scott Beilfuss asked how short-term rental taxes would be remitted.

The public hearing closed at 7:19 p.m.

Councilmember Simpson moved and Council President Pro Tem Herman seconded to adopt Ordinance No. 5118, 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 on final passage and ordered final publication in pamphlet form. Motion carried by unanimous roll call vote.

An Ordinance Approving a Corridor Infill Incentive for the Landing on Horizon Project by APR Grand Junction 3, LLC

On September 7, 2022, the City Council adopted Resolution No. 74-22 creating a new Corridor Infill Incentive and Formula for Calculating the Incentive. The resolution included specific corridors in and near downtown as well as in the Horizon Drive Overlay. On November 2, 2022 the City received a request by APR Grand Junction 3, LLC to utilize the Level 4 - Corridor Infill Incentive for a 168 unit multi-family apartment project called Landing on Horizon on 8.3 acres located at 2805 Printers Way, 768 Hilaria Avenue and 773 Horizon Drive.

Community Development Director Tamra Allen and applicant representative Brian Shiu

presented this item.

Discussion included that the incentive budget of \$2,392,436 M are proceeds from the sale of Dos Rios properties (another tranche will be used in 2024) and is included in the 2023 budget, the only application received for 2023 was from APR Grand Junction 3, LLC, the 2024 application deadline is July 15, 2023, the owner of the neighboring parcel did not want to sell, the Landing on Horizon project began November 2022 and groundbreaking is anticipated in about 6 weeks, the City is not likely to allocate other incentive funds in 2023 due to long project lead times, and clarification that this is not an affordable housing project and qualifies for the infill incentive due to its location which is at Council's discretion.

City Attorney John Shaver noted paragraph 5 of the proposed agreement regarding the incentive level needed to reflect level 4.

The public hearing opened at 7:37 p.m.

Cody Kennedy spoke of the importance of adding housing inventory in Grand Junction and lauded the City for incentivizing these types of projects.

The public hearing closed at 7:38 p.m.

Councilmember Pe'a moved and Council President Pro Tem Herman seconded to adopt Ordinance No. 5119, an ordinance authorizing and confirming a redevelopment agreement by and among APR Grand Junction 3, LLC, a Colorado Limited Liability Company, ("APR") and the City of Grand Junction, a Colorado Home Rule Municipal Corporation ("City") for the property located at 2805 Printers Way, 768 Hilaria Avenue, and 773 Horizon Drive (also identified as/with Mesa County Tax Parcel Number 2705-312-03-002), Grand Junction, Colorado, subject to the afore mentioned amendment and approving all actions heretofore taken in connection therewith on final passage and ordered final publication in pamphlet form. Motion carried by unanimous roll call vote.

An Ordinance to Rezone 2.11 Acres from PD (Planned Development) to C-1 (Light Commercial) Located at 2992 Patterson Road

Applicant Alex Vat on behalf of property owner Lucky You Properties, LLC requested a rezone from PD (Planned Development) to C-1 (Light Commercial) for 2.11 acres located at 2992 Patterson Road. The requested C-1 zone district is consistent with the Comprehensive Plan Land Use Map designation of Commercial.

Principal Planner Nicole Galehouse presented this item.

Councilmember Pe'a recused himself from this item.

The public hearing opened at 7:48 p.m.

There were no public comments.

The public hearing closed at 7:48 p.m.

Council President Pro Tem Herman moved and Councilmember Simpson seconded to adopt Ordinance No. 5120, an ordinance rezoning approximately 2.11 acres from PD (Planned Development) to C-1 (Light Commercial) located at the northwest corner of Patterson Road and 30 Road on final passage and ordered final publication in pamphlet form. Motion carried by roll call vote (Councilmember Pe'a was recused).

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

Applicant PXP1 Brookwillow, LLC requested the vacation of a 50-foot x 44-foot portion of right-of-way (ROW) known as Brookwillow Drive, located on the eastern side of Brookwillow Loop between Orion Way and Wolcott Avenue and part of the Brookwillow Subdivision. The applicant is in the process of site plan approval for a multifamily development on the property to the east of the requested right-of-way vacation and during the review, it was determined a right-of-way vacation would allow the project to better utilize the space eliminate the City's responsibility for maintenance of a driveway to a private development.

Principal Planner Nicole Galehouse presented this item.

The public hearing opened at 7:52 p.m.

There were no public comments.

The public hearing closed at 7:52 p.m.

Councilmember Reitz moved and Councilmember Pe'a seconded to adopt Ordinance No. 5121, an ordinance vacating a portion of right-of-way identified as Brookwillow Drive on the Brookwillow Village Subdivision Plat as granted to the public by Reception Number 2311972 located south of Orion Way, East of Brookwillow Loop, and North of Wolcott Avenue on final passage and ordered publication in pamphlet form. Motion carried by unanimous roll call vote.

Non-Scheduled Citizens & Visitors

Nick Allen requested an update on when Cannabis stores may be opening.

City Attorney John Shaver explained the final hearing for pending applications was held that day, the Hearing Officer has not ruled on all orders yet and pending possible appeals from outstanding orders and a stay order from an appeal challenge filed on December 30th, the random selection process could be scheduled by the end of

January.

City Manager Greg Caton added that if the Community Recreation Center (CRC) ballot question passes in April, the design component is anticipated to take up to a year and construction up to 18 months. Therefore, the cannabis revenues (estimated at \$2.5 M) should align with the CRC debt service timeline.

Other Business

Councilmember Simpson requested citizens speaking be projected on the screens.

Council President Pro Tem Herman explained cannabis licensing is extremely litigious screening and the City's process is designed to reduce those issues.

Adjournment

The meeting adjourned at 8:00 p.m.

Amy Phillips, CMC
City Clerk

