

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

February 1, 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 1st day of February 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 (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, Chief of Police Matt Smith, Parks and Recreation Director Ken Sherbenou and Principal Planner Nicole Galehouse.

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

A Resolution Accepting the Petition for the Annexation of 17.42 Acres of Land and Ordinances Annexing and Zoning the Grand Valley Estates Annexation to R-12 (Residential - 12 du/ac), Located at the Northeast Corner of 31 Road and E ½ Road – Continued to March 1, 2023

Principal Planner Nicole Galehouse announced the applicant intended to request a continuance for this item.

City Attorney John Shaver explained the applicant has the right to request a continuance and Council may or may not approve the request as well as set conditions regarding a continuance. He also clarified it is a function of City Council to make decisions regarding annexations.

Applicant representative Ty Johnson of Kart Planning requested, on behalf of Grand Junction Venture, LLC, this item be continued since the Planning Commission recommended the proposed zoning be denied, which now requires an affirmative supermajority vote by Council (5 votes) to be approved, and that Council President Pro Tem Herman will not be available for the entire meeting.

Discussion included the number of people attending the meeting for this item, bifurcating the item, hearing this item first in the hope it would be concluded before Council President Pro Tem Herman needed to leave the meeting and public concern regarding the proposed zoning.

Councilmember Simpson moved and Councilmember Pe'a seconded to deny the request to continue the item. Motion failed by roll call vote.

Council President Pro Tem Herman moved and Councilmember McDaniel seconded to approve the request to continue the item to March 1, 2023. Motion carried by roll call vote.

Citizen Comments

Bruce Lohmiller spoke about how Los Angeles is housing some of their homeless population and the Orchard Mesa Pool.

Scott Beilfuss noted the City's cannabis random selection process has not been scheduled and listed some economic outcomes from the delay. He also said he supports the ADU incentive program and suggested a short-term rental policy be included in future legislation.

Katie King said she supports and volunteers for She Has a Name, a non-profit organization that works to remove teen and pre-teen girls from poverty-based prostitution in Kenya, and that this organization has also helped build community in Grand Junction through fundraisers. She announced their next fundraiser, Masquerade Valentine's Soiree, to be held at Two Rivers Winery & Chateau on February 11th.

Ann Lawrence talked about her volunteer experience with Boys and Girls Club of America in Michigan and encouraged Council to help keep the Orchard Mesa Pool open as it provides kids a positive outlet and the community needs to prioritize youth.

City Manager Report

City Manager Caton announced the February 7th start of the 24 and G Roads enhancement project. He advised G Road west of 24 Road will be closed for the duration of the project which is scheduled to be completed at the end of the year and suggested alternate routes be used.

Council Reports

Councilmember Reitz attended the Grand Junction Regional Airport Authority meeting.

Council President Stout said she will be attending the Colorado Municipal League workshop on the 15th and attends the Associated Governments of Northwest Colorado meetings. She also noted Governor Polis will be in Grand Junction to make an announcement on February 3rd and she and staff met with Colorado Department of Transportation Director Shoshana Lew regarding I-70 issues and alternate travel options.

Councilmember Simpson requested an update on scheduling for the City Manager and City Attorney evaluations which is in process.

CONSENT AGENDA

Councilmember Reitz moved and Councilmember Pe'a seconded to adopt Consent Agenda items #1 - #2. Motion carried by unanimous voice vote.

1. Approval of Minutes

- a. Summary of the January 9, 2023 Workshop
- b. Minutes of the January 18, 2023 Regular Meeting

2. Resolutions

- a. A Resolution Declaring Intent to Create Alley Improvement District No. ST-23 and Setting a Public Hearing for March 15, 2023
- b. A Resolution Approving the Notice of Election for the Regular Municipal Election April 4, 2023

REGULAR AGENDA**Resuming Design and Planning for Orchard Mesa Pool Renovation**

The Orchard Mesa Pool was originally built in 1983 as a partnership between Mesa County School District #51, who donated the land and is the owner of the facility, and Mesa County, who split the capital cost of construction with the City. The pool is nearing 40 years old, and a renovation is required.

At the January 30th Workshop, City Council expressed an interest in resuming the contract for architect & engineer services with Ohlson Lavoie Corporation (OLC) for potential design and planning of the Orchard Mesa Pool renovation which Council requested to pause in October 2022. Before pausing the design, \$41,184 had been paid toward the \$523,722 contract. Resuming the design will include evaluating different levels of renovation and associated costs. These different levels or options will be defined, ranging from identifying the most immediate needs to ensure continued short-term operation to a complete reimagining of the facility to ensure relevancy should the Community Recreation Center (CRC) be approved by voters in the April 2023 election.

Parks & Recreation Director Ken Sherbenou presented this item.

Discussion included that the goal of the study is to provide a concept design with construction/engineering documents, concern the facility/project may not be viable, concern that District #51 may not want to collaborate and/or convey the property to the City, the study could again be put "on hold" altogether or after specific phases/tasks are completed, construction costs can be sought after a specific design development option is selected, Phase I is a user/community engagement process, it has not been

determined that asbestos is an issue, the study will include the entire facility (pool, gym and ancillary rooms between the pool and gym), no repair/construction work has been authorized or budgeted for this project, if the study should proceed only if District #51 agrees to sell the property, if the project should be viewed to keep the pool open in the long term or only for short term fixes, having local contractors provide bids for repairs/construction for comparison, that contractor bids are based on design and/or engineered plans which are not yet available, and moving forward with only the engagement/design phase of the study then returning to Council for consideration of next steps.

The public comment period opened at 6:59 p.m.

The following spoke in favor of keeping the Orchard Mesa Pool open: Mariann Taigman, Marcy Mahoney Ackert, Janet Magoon, Carissa Fisher and David Bland.

The public comment period closed at 7:11 p.m.

Councilmember Reitz moved and Councilmember Pe'a seconded to authorize resuming the design and planning services specified in the contract with Ohlson Lavoie Corporation originally approved on September 7, 2022 up to an additional amount of \$162,050 for professional architectural/engineering services to plan for the renovation of the Orchard Mesa Pool Facility. Motion carried by roll call vote.

Council President Pro Tem Herman left the meeting at 7:17 p.m.

Council took a break at 7:17 p.m.

The meeting resumed at 7:27 p.m.

An Ordinance Establishing a Moratorium to Prohibit the Establishment of any New or Relocation of Existing Gaming Establishments

A new type of "gray casino" business has been operating in the City and throughout Colorado. The businesses look, feel, and operate much like Las Vegas-style casinos. The businesses use technology to operate in a gray area of the law which purports to distinguish games of skill from games of chance. Because some businesses have had criminal activities occur at or near the businesses and because of the technological complications with the investigation and prosecution of businesses/business activities as illegal gambling, the City proposed this moratorium to preclude additional businesses from opening and/or to disallow existing businesses from relocating so that the City can better understand the reason for the criminal activity that has been occurring in some locations and as appropriate, create regulatory mechanisms regarding games of skill as opposed to games of chance, with the former being legal and the latter being illegal.

City Attorney John Shaver and Chief of Police Matt Smith presented this item.

The public hearing opened at 7:33 p.m.

Tony Romero expressed concern regarding there not being provisions for a lease expiring or for a business to move during the moratorium.

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

Discussion included the moratorium may last less than 365 days and amendments may be considered.

Councilmember Simpson moved and Councilmember Pe'a seconded to adopt Ordinance No. 5125, an ordinance enacting a moratorium to prohibit the establishment of any new or relocation of existing gaming arcades or gaming uses within the City of Grand Junction; providing that the moratorium shall be in effect for a period which shall terminate at the earliest of the City's adoption of amendment(s) to 21.04.030 use-specific standards; and/or Title 9, public peace, morals and welfare of the Grand Junction Municipal Code or the expiration of 365 days from the effective date of this ordinance; providing for findings, intent and purpose; providing for definitions; and providing repealing clauses on final passage and ordered final publication in pamphlet form. Motion carried by unanimous roll call vote.

Ordinances Accepting Inclusion of 905 Struthers Avenue to the Downtown Development Authority (DDA) and Downtown Business Improvement District (BID)

The owner of 905 Struthers Avenue (Property) proposed inclusion into the DDA and BID. The DDA and BID Board of Directors reviewed the request to expand the boundaries for both districts to include the Property. The Boards requested Council's approval for the expansion and to receive a portion or increment of ad valorem and sales taxes collected within the Plan area in accordance with State law, the Plan and other applicable law, rules or regulations.

City Attorney John Shaver presented this item.

The public hearing opened at 7:41 p.m.

There were no public comments.

The public hearing closed at 7:41 p.m.

Councilmember Pe'a moved and Councilmember Simpson seconded to adopt Ordinance No. 5126, an ordinance expanding the boundary of the Grand Junction Colorado Downtown Development Authority to include the property located at and known as 905 Struthers Avenue and Ordinance No. 5127, an ordinance expanding the boundary of and including property located at and known as 905 Struthers Avenue into the Downtown Grand Junction Business Improvement District on final passage and

ordered final publications in pamphlet form. Motion carried by unanimous roll call vote.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

There was none.

Adjournment

The meeting adjourned at 7:42 p.m.

Amy Phillips, CMC
City Clerk

