

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

March 15, 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 15th day of March 2023 at 5:31 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, Deputy City Clerk Janet Harrell, Deputy City Clerk Selestina Sandoval, Principal Planner Nicole Galehouse, Senior Planner Daniella Acosta, Housing Manager Ashley Chambers, Finance Director Jodi Welch and Public Works Director Trenton Prall.

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

Proclamations

Proclaiming March 2023 as American Red Cross Month in the City of Grand Junction

Councilmember Simpson read the proclamation and American Red Cross Volunteer Recruitment Manager Josh Steward and Western Colorado Chapter Board Vice Chair Krista Ubersox accepted the proclamation.

Citizen Comments

Bruce Lohmiller said Los Angeles area hotels being used to house the homeless are being torn up and suggested they require successful completion of a drug rehabilitation program and/or a biofeedback class prior to admission.

City Manager Report

City Manager Caton announced that City election ballots will be mailed Friday, March 17th and encouraged voters to carefully read all the instructions as the affirmation on the return envelopes must be fully completed with the voter's printed name, signature, and date in order to be counted. He also said the Community Impact Council Breakfast held on March 14th recognized the City for their support of local non-profit organizations. City Manager Caton also announced that Utilities Director Randi Kim and he will host the next Coffee with the City Manager on March 16th at 9 a.m. at Main Street Bagels, located at 559 Main Street.

Council Reports

Council President Pro Tem Herman announced Grand Junction Economic Partnership is hosting the 2023 Western Colorado Economic Summit that will be held on April 27th at Colorado Mesa University.

Councilmember Reitz said the Commission on Arts and Culture is requesting feedback on how well they have achieved their Cultural Strategic Plan goals.

Council President Stout attended the Lincoln Park Pickle Ball Court Grand Opening and said the Colorado Municipal League and Associated Governments of Northwest Colorado continue to monitor state legislation.

CONSENT AGENDA

Councilmember Pe'a moved and Council President Pro Tem Herman seconded to adopt Consent Agenda items #1 - #5. Motion carried by unanimous voice vote.

1. Approval of Minutes

- a. Minutes of the March 1, 2023 Regular Meeting
- b. Minutes of the March 8, 2023 Special Meeting

2. Set Public Hearings

- a. Quasi-judicial
 - i. Introduction of Ordinances for Annexation and Zoning of Approximately 3.86 Acres from County PUD (Planned Unit Development) to R-5 (Residential – 5 Dwelling Units per Acre) for the Clear Creek Enclave Annexation, Located in the Brookdale Subdivision, a Replat of Brookdale (Book 13, Page 47) (Brookdale) Subdivision along and including Clear Creek Drive, Cripple Creek Court and Cascade Creek Court, and Setting a Public Hearing for April 5, 2023

3. Procurements

- a. Lincoln Park Pool Plaster Replacement
- b. Contract to Provide Roll-Off Containers with Drivers for Spring Cleanup 2023

4. Resolutions

- a. A Resolution Authorizing the City Manager to Submit a Grant Application for

the Transportation Alternative Program (TAP) Grant Program for Additional Sections of the North Avenue Enhanced Transit Corridor Improvements Project

- b. A Resolution Revoking Revocable Permit Issued to RRB Holdings, Inc. Pursuant to Resolution No. 44-14 Dated December 3, 2014
- c. A Resolution Authorizing a Land Conveyance from Colorado West Land Trust for the Eicher Property aka Cat's Canyon Located Off of Mira Monte Drive

5. Other Action Items

- a. Accept a Request by McCurter Land Company, LLC for the Dedication of 1.93 Acres of Land in the Proposed Golden Leaf Estates Subdivision
- b. A Resolution Authorizing and Ratifying a Contract for the Purchase of a Portion of Property Identified by Mesa County Tax Assessors 2945-042-00-024 for the F ½ Parkway

REGULAR AGENDA

An Ordinance Authorizing the Land Exchange Between the City of Grand Junction and Robert M. Stubbs

Applicant Mr. Robert M. Stubbs petitioned to exchange approximately 12,336 square feet of existing City Open Space located at 381 and 409 High Desert Road and, in return, build and dedicate a 10,149-square foot public park as City Open Space, as well as construct 5,795 square feet of hard-surface trail connections to the surrounding City Open Space for public use.

Senior Planner Daniella Acosta and applicant representative Jeffery Fleming from Colorado Land Advisor presented the item.

Discussion included that the Parks and Recreation Advisory Board is in favor of the exchange and discussions regarding trail maintenance will be scheduled with City staff.

The public hearing opened at 6:08 p.m.

Emma Elliott expressed concern regarding the likelihood of increased trash due to increased trail use and asked who will be responsible for that maintenance.

The public hearing closed at 6:10 p.m.

Council President Pro Tem Herman moved and Councilmember Pe'a seconded to adopt Ordinance No. 5134, an ordinance authorizing and confirming the exchange of real property located at 381 High Desert Road and for property located at 409 High

Desert Road in the City of Grand Junction, Colorado on final passage and ordered final publication in pamphlet form. Motion carried by unanimous roll call vote.

A. An Emergency Ordinance Amending the Grand Junction Municipal Code (GJMC) Regarding Cannabis Licensing - OR IF NOT APPROVED -

B. Introduction of an Ordinance Amending the Grand Junction Municipal Code Regarding Cannabis Licensing and Setting a Public Hearing for April 5, 2023

Due to the delay in the completion of the licensing selection process and possible legal challenges that may result, the City Council at its March 15, 2023, meeting considered amendments to the GJMC to clarify the retail cannabis license selection process. The two matters to be clarified are 1) the "cap within a cap" for licenses in the Horizon Drive Business Improvement District (District) and 2) whether the selection process should include an application that was denied by the Cannabis Licensing Authority and is the subject of litigation in the selection process and, if so, what the process will be if that application is or is not selected in the random drawing.

Pursuant to the City Charter, the City Council may adopt an emergency measure if the City Council deems it necessary to immediately modify the Code. Adoption of an ordinance as an emergency requires unanimity of the Council.

City Attorney John Shaver announced revisions to the draft ordinances had been made and hard copies could be made available. He provided a brief review of the changes.

Council took a break to allow review of the revised draft ordinances at 6:14 p.m.

The meeting resumed at 6:35 p.m.

City Attorney John Shaver presented this item and detailed the revisions to the emergency ordinance.

Discussion included that the applicant number assignment will be randomized, the City Clerk's Office will know the applicant's assigned numbers, applicants may not know which number has been assigned to them, selected applicants will be notified at the selection event, how the ball number assignments can be done transparently, options for a random applicant number assignment process, that a written stipulation will be made for High Colorado to withdraw their appeal if they are not selected, clarification of the processes for the District (if more than two applicants are selected, how to reduce to two) and High Colorado (if selected, drawing of alternate(s)), and that there is not a process for future applicant selection from the current applicants.

The public hearing opened at 7:12 p.m.

There were no public comments.

The public hearing closed at 7:12 p.m.

Councilmember Reitz moved and Council President Pro Tem Herman seconded to adopt Emergency Ordinance No. 5135, a special emergency measure in accordance with Article VI of the City Charter to amend the Grand Junction Municipal Code regarding Cannabis Licensing, and if approved, that the ordinance will be published within three days in full form and available for public inspection all as provided in the City Charter. Motion carried by unanimous roll call vote.

City Manager Caton announced the Cannabis Randomized Selection will be held March 30, 2023 at 11 a.m. in the City Hall Auditorium.

An Ordinance to Create Accessory Dwelling Unit (ADU) Production Program

ADUs provide many benefits due to their smaller size and lower rent opportunities and were one of the few unit types that received positive support from the Grand Junction Housing Needs Assessment (HNA) whereby survey results indicated many people found ADUs to be “appropriate in my neighborhood.” ADUs may also provide extra income and affordability for the homeowner, as the building cost is lower than a larger unit, they utilize existing infrastructure, can be developed faster, and meet a unique housing need. The HNA identified Grand Junction would benefit from smaller and lower cost units as they are not frequently available or being produced at a measurable volume in the market. The ADU Production Program is being proposed in response to a generalized shortage of affordable housing in Grand Junction.

Housing Manager Ashley Chambers presented this item.

Discussion included clarification that the proposed AMI rate is 140% and the program funding was allocated as part of the 2023 City Budget.

The public hearing opened at 7:22 p.m.

There were no public comments.

The public hearing closed at 7:22 p.m.

Council President Pro Tem Herman moved and Councilmember Pe’a seconded to adopt Ordinance No. 5136, an ordinance to amend the Grand Junction Municipal Code to add Section 43 et. seq. to establish an Accessory Dwelling Unit Production Program on final passage and ordered final publication in pamphlet form. Motion carried by roll call vote with Councilmember Reitz abstaining.

A Resolution for the Creation of a Land Acquisition Program

At the August 2022 City Council workshops, Staff presented an overview of land banking and land trusts. Based on Council's direction, staff focused on strategic land

acquisition to increase the supply of available properties. The November City Council Workshop included a presentation of different options to establish the decision-making structure of the proposed land bank. Recently, the appointed ARPA Committee recommended \$3,373,337 of ARPA funds be assigned for the purpose of creating a land bank. Additionally, Grand Junction Housing Authority (GJHA) recommended \$1,800,000 of their requested ARPA funds be included in this program as they were not able to move forward with a preservation project. On February 27 and March 13, 2023, City staff presented the proposed Land Acquisition Program.

Housing Manager Ashley Chambers presented this item.

Discussion included clarifying the intent of the program by changing the program name to Land and Building Acquisition Program.

The public comment period opened at 7:30 p.m.

Emma Elliott suggested using the same terms as the Mesa County Assessor for the program name and asked if there were location restrictions for ADU's.

The public comment period closed at 7:33 p.m.

Councilmember Simpson moved and Councilmember Reitz seconded to adopt Resolution No. 30-23, a resolution creating a Land and Building Acquisition Program in the City of Grand Junction, Colorado. Motion carried by unanimous roll call vote.

Introduction of an Ordinance Authorizing a Supplemental Appropriation for American Recovery Plan Act (ARPA) Funds to be Allocated for a Land Acquisition Program and Setting a Public Hearing for April 5, 2023

The budget is adopted by City Council through an appropriation ordinance to authorize spending at a fund level based on the line-item budget. This item introduced a proposed supplemental appropriation to authorize the allocation of ARPA funds for a Land and Building Acquisition Program.

Finance Director Jodi Welch presented this item.

Discussion included that the ordinance does not need to state to which City Fund this amount will go.

The public hearing opened at 7:36 p.m.

There were no public comments.

The public hearing closed at 7:36 p.m.

Councilmember Pe'a moved and Council President Pro Tem Herman seconded to

introduce an ordinance making supplemental appropriations to the 2023 Budget of the City of Grand Junction, Colorado for the year beginning January 1, 2023 and ending December 31, 2023 for a Land Acquisition Program on 1st reading and set a public hearing for April 5, 2023. Motion carried by unanimous roll call vote.

An Ordinance to Rezone 17.37 Acres from R-1 (Residential – 1 du/ac) to R-5 (Residential – 5.5 du/ac) Located at 2428 H Road - ITEM WITHDRAWN

River City Consultants, Inc. on behalf of the applicant, Vista 5, LLP, withdrew this rezone request.

A Resolution to Create Alley Improvement District No. ST-23

A successful petition was submitted requesting a Local Improvement District be created to reconstruct the north/south alley between 6th and 7th Streets and Tiger and Orchard Avenues east of Grand Junction High School.

Public Works Director Trenton Prall presented this item.

Discussion included that the proposed timing for this project is to coincide with construction of the high school and summer break, that the School District is the requester, how the percentage rates are set, suggestions to add a non-profit category and provide funding assistance opportunities for those with a rate share that would create a hardship, and the how the reconfiguration of the high school and parking lot (now on southwest side) should reduce alley use.

The public hearing opened at 7:53 p.m.

Pam Noonan expressed concern regarding the alley’s high traffic use and the traffic speeds and asked how the proposed speed bumps will help.

The public hearing closed at 7:56 p.m.

Council Pro Tem Herman moved and Councilmember Pe’a seconded to adopt Resolution No. 29-23, a resolution creating and establishing Alley Improvement District No. ST-23 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. Motion carried by unanimous roll call vote.

Public Listening Session on Regulations for Cannabis Product Manufacturers

Referred measures 2A and 2B were passed at the April 6, 2021 municipal election, which provided Council with an opportunity to consider establishing tax rates and regulations for cannabis businesses. Since that time, City Council and staff focused on regulation and licensing of retail and co-located retail and medical cannabis businesses.

As that process is being finalized, the City is now evaluating the regulation of cannabis extraction and processing.

Principal Planner Nicole Galehouse presented this item.

Discussion included that fees are set by resolution.

The public listening session opened at 8:03 p.m.

Emma Elliott asked what the projected cost is to enforce and inspect these businesses, what type of inspector training and/or credentials will be required and if the inspection information will be available to the public.

Dawn Palmer questioned if “use by-right” zoning should be used, noted variations in the issuance order of state and local licenses and that banks typically require annual audits to be performed by an insurance company.

The public listening session closed at 8:08 p.m.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

Councilmember Pe'a attended the March 14, 2023 Planning Commission special workshop regarding the Zoning and Development Code Update and expressed concern that the process seemed rushed and suggested staff be provided more time.

Mayor Stout said Grand Junction Downtown Development Authority Executive Director Brandon Stam and State Representative Rick Taggart requested a letter of support from Council for HB 23-175 regarding a Tax Increment Financing deadline extension. After discussion, the majority of Council agreed to issue the letter.

Adjournment

The meeting adjourned at 8:17 p.m.

Amy Phillips, CMC
City Clerk

