

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

**April 19, 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 19<sup>th</sup> day of April 2023 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, Finance Director Jodi Welch, Utilities Director Randi Kim and Public Works Director Trenton Prall.

Council President Stout called the meeting to order and students Emily Harrington and Everett Krieves led the Pledge of Allegiance, followed by a moment of silence.

**Presentations**

**Final Certification of Election Results**

City Clerk Amy Phillips presented the final certification of election results.

Councilmember Reitz moved and Councilmember Simpson seconded to endorse the final certification of election results for the April 4, 2023 Municipal Election as presented by City Clerk Amy Phillips. Motion carried by unanimous roll call vote with Deputy City Clerk Janet Harrell who was appointed to stand in for Council President and candidate elect Anna Stout. The Canvassing Board signed the final Certification of Election.

**Recognition of Outgoing Councilmembers**

Parks and Recreation Director Ken Sherbenou recognized outgoing Councilmembers Phil Pe'a, Chuck McDaniel and Rick Taggart and displayed the benches and markers to be placed at various locations within Las Colonias Park in appreciation of their service to the City of Grand Junction.

**Proclamations**

**Proclaiming April 9 - 15, 2023 as National Public Safety Telecommunicators Week in the City of Grand Junction**

Councilmember Pe'a read the proclamation and Police Chief Matt Smith and Commander Cory Tomps accepted the proclamation.

**Proclaiming April 16 - 23, 2023 as Days of Remembrance in the City of Grand Junction**

Council President Pro Tem Herman read the proclamation and Grand Valley Interfaith Network Board member John Ainslie accepted the proclamation.

**Proclaiming April 23, 2023 as Arbor Day in the City of Grand Junction**

Councilmember Simpson read the proclamation and Forestry Board member Kamie Long accepted the proclamation.

**Appointments**

Councilmember Reitz moved and Councilmember Pe'a seconded to appoint Chris West and ratify Cody Davis to the Grand Junction Regional Airport Authority for terms ending May 2027. Motion carried by unanimous voice vote.

**Citizen Comments**

Bruce Lohmiller spoke about sex education and music.

Candace Carnahan, President and CEO of the Grand Junction Area Chamber of Commerce, encouraged the City work with a task force of local contractors and the Chamber to create transparent and consistent policies and procedures regarding the City self-performing projects.

**City Manager Report**

City Manager Caton did not provide a report.

**Council Reports**

Councilmember Pe'a attended the Parks Improvement Advisory Board and Parks & Recreation Advisory Board meetings.

Councilmember Reitz reported on the progress of the Grand Junction Regional Airport's runway project. He also said he was invited to attend a local meeting to advocate for the I-70 and 29 Road project at the state and federal levels.

Council President Stout reminded citizens to take the Wyland National Mayor's Challenge pledge to conserve water at MyWaterPledge.com. She then noted some major bills are still going through the state legislative process and the Colorado Municipal League and Associated Governments of Northwest Colorado continues to monitor them regarding possible negative local impact; of specific concern is SB 23-213, as it would remove local control regarding land use issues.

**CONSENT AGENDA**

Councilmember Pe'a moved and Councilmember Simpson seconded to adopt Consent Agenda items #1 - #5. Motion carried by unanimous voice vote.

**1. Approval of Minutes**

- a. Summary of the March 13, 2023 Workshop
- b. Minutes of the April 5, 2023 Regular Meeting
- c. Summary of the April 10, 2023 Special Workshop

**2. Set Public Hearings**

- a. Legislative
  - i. Introduction of an Ordinance Amending Section 3.12.030 of Chapter 3 of the Grand Junction Municipal Code Concerning the Imposition, Collection and Enforcement of the Sales and Use Tax and Amending the Tax Rate and Setting a Public Hearing for May 3, 2023
  - ii. Ordinances Amending Multiple Sections of the Grand Junction Municipal Code Regarding Regulation of Cannabis Product Manufacturing - Public Hearing Continued to May 3, 2023
  - iii. Introduction of an Ordinance Adopting the Pedestrian and Bicycle Plan as an Element of the 2020 One Grand Junction Comprehensive Plan, Amending the Active Transportation Corridor Map Found in Ordinance No. 4808 (Grand Junction Circulation Plan) and Found in Ordinance No. 4971 (2020 One Grand Junction Comprehensive Plan) and Repeal and Replace Resolution No. 48-18 (2018 Complete Streets Policy) - Continued from April 5 to April 19, 2023 with a Second Request to Continue to May 3, 2023 for First Reading and Setting a Public Hearing for May 17, 2023
- b. Quasi-judicial
  - i. 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 Recla Metals Annexation of 9.31 Acres Located at 479 30 Road, and Setting a Public Hearing for June 7, 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 Mustang Ridge Annexations 1, 2 and 3 Totaling 2.714 Acres, Located at 880 26 ½ Road and Setting a Public Hearing for June 21, 2023

**3. Agreements**

- a. Patterson Overlay Project Memorandum of Understanding between the City of Grand Junction and Mesa County

**4. Procurements**

- a. Purchase of Forestry High Reach Bucket Truck
- b. A Resolution Authorizing and Ratifying a Contract for the Purchase of Real Property Located at 640 24 ½ Road for the F ½ Parkway Project
- c. A Resolution Authorizing and Ratifying a Contract for the Purchase of Real Property Located at 647 24 ½ Road for the F ½ Parkway Project

**5. Resolutions**

- a. A Resolution Adopting the Urban Forestry Management Plan
- b. A Resolution Amending Resolution No. 20-23 Concerning an American Rescue Plan Act (ARPA) Grant Award to Housing Resources of Western Colorado

**REGULAR AGENDA**

**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**

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 to complete.

Finance Director Jodi Welch presented this item.

Discussion included that 2022 actual fund balances and 2023 projections were

requested and information can be found in the ARPA agenda item and this item presentation, that a downtown security pilot program addressing trespassing was successful so an additional \$100,000 was requested for Parks & Recreation for Citadel to address that issue in the parks closer to downtown, up to \$60,000 was requested for authorization to allow consultants up to four months to complete the Zoning and Development Code updates for the new council and the history of the Mind Springs fire suppression system contract bid that doubled due to inflation but was rebid through the City.

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

There were no public comments.

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

Councilmember Pe'a moved and Councilmember Reitz seconded to adopt Ordinance No. 5140, 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 on final passage and ordered final publication in pamphlet form. Motion carried by roll call vote with Councilmember Simpson voting no.

### **An Ordinance Setting the 2023 Compensation for City Council Employees**

The City Council approved 2023 budget includes an appropriation for a range of wage increases for City employees with a 3% increase for the majority of employees. It is anticipated and included in the adopted budget a commensurate increase for the three Council employees, the Municipal Judge, City Attorney and City Manager which is subject to approval by Council of amount and effective date and per the City Charter and Grand Junction Municipal Code, the salaries are set by ordinance.

Council President Stout noted reviews are done biannually for the Municipal Judge and annually for the City Manager and City Attorney and referred to the Mountain States Employers Council pay study included in the meeting materials.

Discussion included suggested increases of 3 or 4%, new goals and objectives were not included in the City Manager and City Attorney reviews, that salary increases should be based on achieved goals/objectives, that these rate increases are based on past performance, that both were highly rated, that per the pay study both are paid below established ranges for experience/performance and that the same rate increase would apply to the Municipal Judge.

The public hearing opened at 6:46 p.m.

There were no public comments.

The public hearing closed at 6:46 p.m.

Councilmember Reitz moved and Councilmember Pe'a seconded to introduce an ordinance on first reading concerning the salary of City Council employees. setting a public hearing for May 3, 2023 and setting the salary increase at 4% which includes the Municipal Judge. Motion carried by unanimous roll call vote.

### **Contract for Conceptual Design Services for Gunnison River Reservoirs**

In 2021, the City completed a long-term water supply and infrastructure planning study which evaluated the firm yield of the City's primary water supply, the Kannah Creek watershed, in comparison with the 50-year projected demand. The study projected that the average demand would exceed the firm yield by 2039 and a secondary water supply would need to be developed to meet the projected demand. One of the options identified by the study is to use the City's Gunnison water right.

Two gravel pits along the Gunnison River are approaching their useful life and could potentially be converted to water storage reservoirs. One reservoir, owned by Elam Construction, is adjacent to the City's intake structure on the Gunnison River and the water treatment plant. The second reservoir, owned by Whitewater Construction, is upstream from the City's water treatment plant.

The City received a grant in the amount of \$263,949 from the Colorado Water Conservation Board under the Colorado Water Plan program to conduct a feasibility study for the proposed Gunnison River Reservoirs Project. The project will provide 1,700 acre-feet of new water storage and would serve both municipal and irrigation use as well as provide environmental benefits.

Utilities Director Randi Kim presented this item.

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

There were no public comments.

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

Councilmember Pe'a moved and Councilmember Simpson seconded to authorize the City Purchasing Division to enter into a contract with Burns & McDonnell of Centennial, CO for Conceptual Design Services for Gunnison River Reservoirs in the amount of \$204,157. Motion carried by unanimous roll call vote.

### **Construction Contract for 2023 Street Maintenance Curb Ramps and Driveways**

This contract will replace various defective concrete elements along Patterson Road between 30 Road and Lodgepole and along 30 Road between Teller Court and D Road prior to Street Maintenance Projects in order to meet American with Disabilities Act requirements.

Public Works Director Trenton Prall presented this item.

The public comment period opened at 7:06 p.m.

There were no public comments.

The public comment period closed at 7:06 p.m.

Councilmember Reitz moved and Councilmember Pe'a seconded to authorize the City Purchasing Division to enter into a contract with Agave Construction, LLC of Grand Junction, CO for the 2023 Contract Street Maintenance Curb Ramps Project in the amount of \$841,968.20. Motion carried by unanimous roll call vote.

**Contract for Riverfront Trail from Leach Creek to Redlands Parkway Trail Construction Project**

This contract is to replace 8.4 miles of 8 and 10-foot-wide sections of over 25 year old asphalt trails, all in various states of disrepair. The project will consist of the removal and replacement of 5800 linear feet of six-inch thick concrete trail (approximately 6500 square yards) from Leach Creek to the Redlands Parkway Bridge which include various trail locations along the Ridges, South Camp, Redlands Parkway, Junior Service League, Riverfront, and the South Rim access to State Park.

A formal invitation for bids was issued via BidNet (an online site for government agencies to post solicitations), was posted on the City's Purchasing website, sent to the Grand Junction Chamber of Commerce and the Western Colorado Contractors Association, and advertised in the Grand Junction Daily Sentinel. Three companies submitted formal bids that were found to be responsive and responsible.

Discussion included that this item was referred to the agenda by four councilmembers, clarification that the bid instructions said if two or more bids were received the City would not open their bid, that the City should comply with the bid instructions, that the City's bid was opened due to a councilmembers open record request, that the open record request was not intended to prevent the contract approval, that a line by line bid comparison was requested, concern that the City and contractor's bid are not able to be reasonably compared, the need to revise the City's purchasing policy, concern that reconsidering this item might be a case of res judicata, per the City bid the project could be performed for about \$200,000 less than the Sorter Construction bid and the City's bid did not include specific costs (overhead, materials, etc.).

The public comment period opened at 7:21 p.m.

Bill Ogle, owner and President of Sorter Construction, Inc., asked Council to reconsider their previous decision since it was based on information outside of the City's current procurement policy.

Paul Burdette expressed concern that the contracting community will be wasting their time bidding on City projects if the City pursues self-performing projects that are not outlined in the City's procurement policy and encouraged Council to award the bid for this project to Sorter Construction per City policy.

The public comment period closed at 7:26 p.m.

Councilmember Pe'a moved and Councilmember Simpson seconded to approve a contract with Sorter Construction Inc. for its bid of \$657,482.80 to reconstruct an existing section of asphalt trail with concrete on the Riverfront Trail from Leach Creek to the Redlands Parkway Bridge. Motion failed by roll call vote with Councilmembers Herman, Reitz and Stout voting no.

Council took a break at 7:35 p.m.

The meeting resumed at 7:50 p.m.

### **Discussion and Direction on Remaining American Rescue Plan Act (ARPA) Funds and Consideration of Riverside Educational Center (REC) Funding Request**

At the April 10, 2023 Special Workshop, Council requested this topic be added to the agenda to discuss potential options for utilizing the remaining ARPA funds. The ARPA fund balance will be \$2,643,527 if Counseling & Education Center (CEC) is funded for \$990,006 and \$3,693,533 if the CEC is not funded.

Additionally, the off-cycle funding request received by the City from REC in January 2023, in the amount of \$300,000, could be a potential ARPA funding allocation. This request could also be funded by other City resources including the General Fund Reserve. Currently, the General Fund projected ending fund balance for 2023 is \$40.1 M with \$28.9 M restricted (which includes the minimum reserve), leaving \$11.2 M available above that restricted amount.

Discussion included if this should be referred to a future agenda as a Supplemental Appropriation funded from the City's General Fund, if this request meets the ARPA Committee goals, if this request should be considered for ARPA funding since it was a late request, including this request in a future discussion on allocating remaining ARPA funds, if the funding amount to be considered will be decided at this meeting, a suggested \$300,000 or \$500,000 allocation, if the amount should be authorized by Council at this meeting or agendaized for May 3, 2023 and REC could request additional funding.

REC Executive Director Joy Hudak clarified the initial \$300,000 off cycle request was made in an amount that would be considered, after the initial submission REC was advised the request might qualify for ARPA funding at a higher threshold, a second request was made for ARPA funding for a higher amount. This request is time sensitive as one of the units is dependent on a property donation that only has a "cold comfort"



agreement in place and \$730,000 has been raised through business and individual donations.

Councilmember Simpson moved and Councilmember Reitz seconded to approve on first reading for an ordinance authorizing a Supplemental Appropriation of \$300,000 from the General Fund to the Riverside Education Center as early as on May 3, 2023. Motion carried by voice vote with Councilmember Pe'a voting no.

### **Consideration of Additional ARPA Funding to Grand Valley Catholic Outreach (GVCO)**

On February 15, 2023 Council approved \$1M in initial funding as recommended by the ARPA Committee for the GVCO Mother Teresa Place project. At the April 10, 2023 Special Workshop, Council discussed the option of increasing the ARPA funding to GVCO for this project. The ARPA fund balance will be \$2,643,527 if CEC is funded for \$990,006 and \$3,693,533 if CEC is not funded.

Discussion included that \$500,000 or \$1M was suggested as additional ARPA funding for GVCO and interest in providing ARPA funds to other organizations.

Councilmember Simpson moved and Councilmember Pe'a seconded to authorize an additional \$1M in ARPA funding to Grand Valley Catholic Outreach for the Mother Teresa House. Motion failed by roll call vote with Councilmembers Herman, Reitz and Stout voting no.

Councilmember Reitz moved and Council President Pro Tem Herman seconded to authorize an additional \$500,000 in ARPA funds to Grand Valley Catholic Outreach for the Mother Teresa House. Motion carried by roll call vote with Council President Stout voting no.

### **Non-Scheduled Citizens & Visitors**

The following spoke in favor of Grand Valley Catholic Outreach's Mother Teresa House: Norma West, Bernie Buescher, Gary Snyder, Sister Karen Bland, Judy Plough and Bob Murphy.

### **Other Business**

Council President Stout expressed her gratitude to the outgoing councilmembers.

**Adjournment**

The meeting adjourned at 8:35 p.m.

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Amy Phillips, CMC  
City Clerk

