

Grand Junction City Council
Minutes of the Regular Meeting
December 20, 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 20th day of December at 5:30 p.m. Those present were Councilmembers Scott Beilfuss, Cody Kennedy, Jason Nguyen, 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, Engineering and Transportation Director Trent Prall, Senior Planner Timothy Lehrbach, Planning Supervisor Niki Galehouse, City Clerk Amy Phillips, and Deputy City Clerks Selestina Sandoval and Krystle Koehler.

Mayor Stout asked her *Stout Student Zans Miracle* to lead the Pledge of Allegiance.

Proclamation

Proclaiming December 18, 2023 as International Day of the Migrant in the City of Grand Junction.
Executive Director Nelly Garcia Olmos accepted the proclamation.

Public Comments

Theresa Cambron discussed drug activity and stalking concerns.

Glen Stout discussed the Lake Road replacement lift station, and expressed concern of where the inlet line should go due to the embankment sliding and is worried about pollution if that was to fail.

Stephanie Stelter, David Stott, Frank Alonzo, Sunshine Chavez, Mary Holguin, Candida Aguayo, Susan Power, Troy Romero, Matt Abeyta and Gail Fry all spoke in regard to the closure of Raptors skilled gaming.

City Manager Report

City Manager Greg Caton had no report.

Board and Commission Liaison Reports

Councilmember Belifuss gave an update on the Historical Preservation Board.

Councilmember Reitz gave an update on the airport runway and the new airline coming to town which is Breeze Air.

Councilmember Kennedy gave an update on the Grand Junction Economic Partnership.

Councilmember Nguyen discussed a local business that is contributing to the ebike program, and that Mesa County has a new transportation commissioner.

Council President Stout discussed the target date for the resource center for people experiencing homelessness, talked about her advocacy trip to DC to meet with Senators and Federal Agencies about the concept of The Dolores River Canyon Country National Monument, and said the Colorado Municipal League (CML) executive board considered and adopted policy positions based on the recommendations made by the CML Policy Committee.

CONSENT AGENDA

1. Approval of Minutes

- a. Summary of the December 4, 2023 Workshop
- b. Minutes of the December 6, 2023 Regular Meeting

2. Set Public Hearings

a. Legislative

i. Introduction of an Ordinance Amending Various Sections of the Grand Junction Municipal Code (GJMC) on Sales and Use Tax by Adding Terms and Definitions to the GJMC Related to Economic Nexus and Setting a Public Hearing for January 3, 2024

ii. Introduction of an Ordinance Regarding the Community Recreation Center Bonds and Setting a Public Hearing for January 3, 2024

iii. Introduction of an Ordinance Regarding Joint Sewer System Revenue Bonds and Setting a Public Hearing for January 3, 2024

3. Procurements

a. Authorize Construction Contract for the F ½ Parkway Phase 1 Capacity Improvements

b. Authorize a Construction Contract for 2023 Sewer Replacements

c. Authorize Design-Build Contract to Construct the Emerson Skate Park

4. Resolutions

a. A Resolution to Sign Xcel Energy's Electric Vehicle Community Charging Hub and Public Charging Service Agreement to Reduce Costs Associated with Electric Vehicle Supply Infrastructure (EVSI) Installation

b. A Resolution Issuing a Revocable Permit to Allow for Portions of Two (2) Parking Stalls to Encroach into the 3rd Street Right-of-Way on the West Side of a Property Located at 1022 N 3rd Street Requested by Owners Brad Brisbin, Ann Brisbin, and Charles Jackson

c. A Resolution Concerning Resolution 41-22 and the Sale of Real Property Located at 2600 Riverside Parkway

d. A Resolution Amending the Contribution Rate to the Fire and Police Pension Association (FPPA)

Council President Pro Tem Herman moved, and Councilmember Kennedy seconded to adopt Consent Agenda Items 1-4 less item 2.a.iii. Motion carried by unanimous voice vote.

REGULAR AGENDA

An Ordinance Approving the Assessable Cost of the Improvements Made in and for Alley Improvement District No. ST-23

Alley Improvement Districts are formed in partnership with property owners after a majority of owners petitioned the City to create the district and the corresponding alley improvements are authorized and completed. The cost is then shared between the property owners and the City. The alley running north and south between 6th and 7th Streets and extending between Tiger Avenue and Orchard Avenue east of Grand Junction High School has been improved under this structure. This ordinance approves the assessable costs of the improvements made to the alley improvement district and thereby assessed to the property owners and real property.

Engineering and Transportation Director Trent Prall presented this item.

Council President Pro Tem Abe Herman asked how many unpaved alleys are in the city, and why more alley improvements aren't done each year.

The public hearing opened at 6:21 pm.

Pam Linden spoke about her concerns with speed in the alley and asked if the city was going to implement speed bumps to slow traffic and about the D51 agreement and concerned with the incomplete parcels.

The public hearing closed at 6:22 pm.

Councilmember Simpson moved, and Council President Pro Tem Herman seconded to adopt Ordinance No. 5187, an ordinance approving the assessable cost of the

improvements made in and for Alley Improvement District ST-23 on final passage and order final publication in full. Motion carried unanimously by roll call vote, 7-0.

Council took a break at 6:25 pm and the meeting resumed at 6:38 pm.

A Resolution Accepting the Petition for the Annexation of 2.96 Acres of Land and Ordinances Annexing and Zoning the Hartman Brothers Annexation to I-1 (Light Industrial), Located at 821 21 ½ Road

The Applicant requested annexation of land into the city limits and a zone of annexation to I-1 (Light Industrial) for the Hartman Brothers Annexation. The approximately 2.96 acre annexation is located at 821 21 ½ Road. The subject property is developed with a 9,300 square foot building, which the Applicant intends to occupy with light industrial and retail uses. The property is Annexable Development per the Persigo Agreement and is eligible for annexation under state statutes. The proposed zone district of I-1 is consistent with the Industrial Land Use category of the Comprehensive Plan. The request for annexation is being considered concurrently by the City Council with the zone of annexation request. Both are included in this staff report.

Senior Planner Timothy Lehrbach presented this item.

Ty Johnson the applicant representative with Kaart Planning introduced himself and was available for questions.

The public hearing opened at 6:45 pm.

There were no public comments. The public hearing closed at 6:45 pm.

Council President Pro Tem Herman moved, and Councilmember Kennedy seconded to adopt Resolution No. 112-23, a resolution accepting a petition to the City Council for the annexation of lands to the City of Grand Junction, Colorado, the Hartman Brothers Annexation, approximately 2.96 acres, located at 821 21 ½ Road. Motion carried unanimously by roll call vote, 7-0.

Councilmember Reitz moved, and Council President Pro Tem Herman seconded to adopt Ordinance No. 5188, an ordinance annexing territory to the City of Grand Junction, Colorado, the Hartman Brothers Annexation, approximately 2.96 acres, located at 821 21 ½ Road, on final passage and ordered final publication in pamphlet form. Motion carried unanimously by roll call vote, 7-0.

Councilmember Kennedy moved, and Councilmember Simpson seconded to adopt Ordinance No. 5189, an ordinance zoning the Hartman Brothers Annexation to I-1 (Light Industrial) zone district, on final passage and ordered final publication in pamphlet form. Motion carried unanimously by roll call vote, 7-0.

An Ordinance Approving a Rezone for Approximately 174.3 Acres from PD (Planned Development) to PD (Planned Development) and Adopting an Outline Development Plan for "Mesa Trails," Located Between 23 ¼ and 23 ¾ Roads, from G Road to Highway 6 and 50 (Continued to January 3, 2024)

Council President Pro Tem Herman moved, and Councilmember Kennedy seconded to continue item 5.a.iii to the January 3, 2024 regular meeting. Motion was carried unanimously by roll call vote, 7-0.

An Ordinance Repealing the 2010 Title 21 Zoning and Development Code and Adopting the 2023 Zoning and Development Code; an Ordinance Transitioning Zone Districts on the Official Zoning Map in Accordance with the 2023 Zoning and Development Code

The City contracted with Clarion Associates in December 2021 to update the City's Zoning and Development Code with the intent of updating regulations to better reflect the key principles and policies described in the 2020 One Grand Junction Comprehensive Plan, achieve a higher level of regulatory efficiency, consistency, and simplicity, and identify constraints and opportunities for affordable and attainable housing, consistent with those identified in the City's recently adopted Housing Strategies. Comprehensive Plan Principle 3 item. 1(e) provides "Ensure zoning and development regulations are consistent with the One Grand Junction Comprehensive Plan." The process for updating the Code commenced with a Code Assessment based on review of the City's Comprehensive Plan and subarea plans, Housing Needs Assessment and Strategy, and extensive interviews and focus groups, which then informed the areas of the Code to be updated. The update effort was supported by an 18-member Development Code Committee (DCC). The DCC met frequently over the past 18 months to discuss and ultimately to recommend adoption of an Updated Zoning and Development Code.

Community Development Director Tamra Allen wanted to acknowledge Planning Supervisor Niki Galehouse, Elizabeth Garman, Gabby Hart, and Kevin Bray.

Planning Supervisor Niki Galehouse presented this item.

The public hearing opened at 7:52 pm.

Nancy Strippel expressed concerns regarding land dedication for parks.

Keith Ehlers had concerns about the drive throughs and their importance, Keith thought it should have a committee that could work on the item.

Laura Cole had concerns regarding affordable housing and if there were requirements for underground existing utilities and the expense it would have on non-profit organizations.

Emily Powell thanked the Councilmembers and staff; she is in support of this item but wants to move forward with the adjacent issues and giving more time.

Jared Usher supported the item but has concerns regarding the drive throughs on 24 road.

Mil Finley spoke about land dedications, money for open spaces, and the need for parks.

Sid Quirell had a PowerPoint presentation which discussed drive throughs functionality and thought this issue should be added to the adjacent issue list.

Mike supported this item as is and with adjacent issues it should be how you allow drive through on 24 road.

John Usher supported this item as is and is a supporter of the drive through.

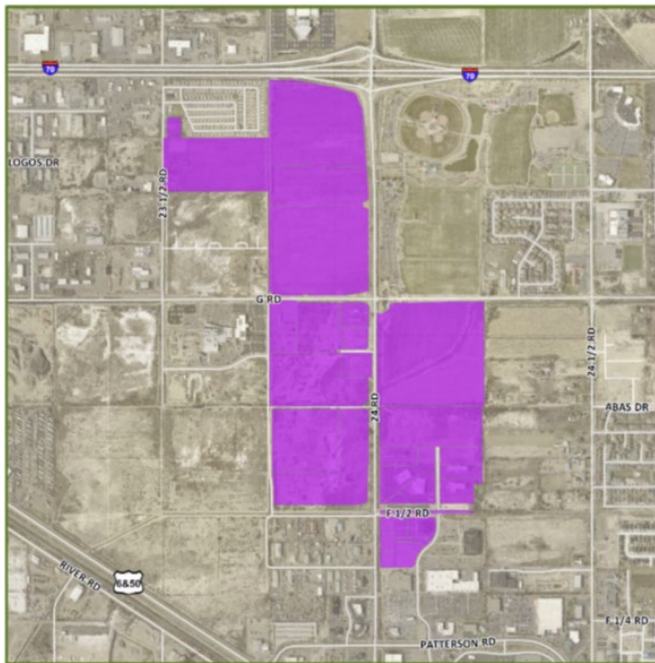
The public hearing closed at 8:17 pm.

Council took a break at 8:17 pm and resumed at 8:31 pm.

Conversation ensued regarding public notices, impact fees, refunds of impact fees, changing equestrian trails to soft trails, clarification on P2 zoning is allowed or required, tiny homes vs manufactured homes, short term spaces for industrial uses, why manufactured homes were excluded, also clarification on no new mobile homes. There was also an appreciation to the committee and staff, but more topics continued with highest and best use, more accessibility and keeping the 24 road corridor as is and go through the process to figure out how to allow drive throughs, additional consideration will be needed.

Motion #1 Council President Pro Tem Herman moved, and Councilmember Reitz seconded to drive throughs in the 24 road corridor, I move to incorporate a revision to the Adoption Draft as follows (additions are shown in underline).

21.04.040(e)(2)(i)(F) Drive-throughs for restaurants and retail are not allowed within the boundaries shown in Figure X below:



Motion was carried by roll call vote with Councilmember Simpson voting No, 6-1.

Motion #2 Council President Pro Tem Herman moved, and Councilmember Simpson seconded to open space dedication, I move to incorporate a revision to the Adoption Draft as follows (additions are shown in underline; deletions in strikethrough):

21.05.030(a)(1)(i)

(A) The ~~applicant~~ Director shall decide whether to dedicate land or to pay a fee in-lieu.

(B) ~~If the land offered for dedication by the applicant is not acceptable to the City, the applicant shall pay a fee in-lieu instead.~~ If a land dedication is preferred by the City, the Director shall work with the applicant to determine an appropriate location on the property by considering the following:

1. The area proposed for dedication is not critical to the overall project design, as determined by the applicant. If this can be met, the land proposed for dedication shall meet some or all of the following criteria:

a. The proposed land can implement the design criteria of the PROS plan and can be maintained by the City;

b. Availability of sufficient flat surface to provide usable park or open space, or suitable open space is provided to preserve one of the following, if located on the site:

(i) Unique landforms or natural areas;

(ii) Fish or wildlife habitat;

(iii) Cultural, historic, or archeological areas;

(iv) Outdoor recreation areas; or

(v) Unique vegetative areas and significant trees;

c. The area proposed for dedication is not inhibited by any easements or natural hazards that would compromise its intended purpose; and

d. The location of the dedication on the site is proximate to public access.

Motion was carried unanimously by roll call vote, 7-0

Motion #3 Council President Pro Tem Herman moved, and Councilmember Nguyen seconded to maintain current code and reject the development code committee recommendation on existing overhead utility undergrounding, no change. Motion was

carried by a roll call vote, with Councilmember Simpson, and Councilmember Kennedy voting No, 5-2.

Motion #4 Council President Pro Tem Herman moved, and Councilmember Nguyen seconded to roles and duties of planning commission, I move to incorporate a revision to the Adoption Draft as follows. (additions are shown in underline; deletions in strikethrough):

21.02.010(b)(9)(i) Provide a recommendation to the City Council on adoption of or amendment to any of the following:

- (A) Comprehensive Plan; and
- (B) Area, corridor, neighborhood, circulation, traffic, or other City plan;
- (C) ~~Review fee~~; and
- (D) ~~Impact fee~~.

Motion was carried by roll call vote with Councilmember Simpson and Councilmember Kennedy voting No, 5-2.

Motion #5 Transitional housing and occupancy limits, no change and no motion needed.

Motion #6 Councilmember Reitz moved, Council President Pro Tem Herman seconded to height limits for solar facilities, I move to incorporate a revision to the Adoption Draft as follows (additions are shown in underline; deletions in strikethrough):

21.03.040(c)(1)(i) Zone district height limit exceptions are allowed for attached accessory structures as follows: Motion carried unanimously by a roll call vote, 7-0.

Motion #7 Council President Pro Tem Herman moved, and Councilmember Nguyen seconded to downtown parking lots. I move to incorporate a revision to the Adoption Draft as follows (additions are shown in underline; deletions in ~~strikethrough~~):

Table 21.04-1: Principal Use Table A= Allowed Use C= Conditional Use For accessory use regulations, see Table 21.04-2 in Section 21.04.040											
Zone Districts	...	MU-2	MU-2	MU-3	CG	IO-R	I-1	I-2	P-1	P-2	...
...	...										
Parking Lot, Temporary	...	A	A	A	A	A	A	A		A	

...											
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21.04.030(d)

~~(10) Parking Lot, Commercial~~

~~In the MU-3 zone district, the following standards apply:~~

~~(i) The parking lot shall comply with the temporary parking lot standards in GJMC 21.04.050(b).~~

~~(ii) A Conditional Use Permit for a commercial parking lot shall not be granted if demolition of an existing building is required to complete the project or the prior building on the lot was demolished within the previous three years.~~

~~(iii) The approval conditions of a Conditional Use Permit for a commercial parking lot shall specify a period of validity not to exceed five years and shall allow for up to two, five-year extensions of the approval.~~

Motion was carried by a roll call vote with Councilmember Kennedy and Councilmember Simpson voting No, 5-2.

Motion #8 Councilmember Simpson moved, and Councilmember Kennedy seconded to impact fee review. I move to incorporate a revision to the Adoption Draft as follows follows (additions are shown in underline; deletions in strikethrough):

21.02.070(a)(11)

(i) Review Every ~~Seven~~Five Years

The impact fees described in this Code and the administrative procedures related to the imposition and collection of impact fees section shall be reviewed at least once every five ~~seven~~ years by an independent, as directed by the City Manager, to ensure that (i) the demand and cost assumptions underlying the impact fees are valid, (ii) the resulting impact fees do not exceed the actual costs of constructing capital facilities that are of the type for which the impact fees are paid and that are required to serve new impact-generating development, (iii) the monies collected or to be collected in each impact account have been and are expected to be spent for capital facilities for which the impact fees were paid, and (iv) the capital facilities for which the impact fees are to be used will benefit the new development paying the impact fees.

Motion carried unanimously by roll call vote, 7-0.

Motion #9 Councilmember Reitz moved, and Councilmember Simpson moved to large format retailer’s big box. I move to incorporate a revision to the Adoption Draft as follows (additions are shown in underline; deletions in ~~strikethrough~~):

Table 21.04-1: Principal Use Table								
A= Allowed Use C= Conditional Use								
For accessory use regulations, see Table 21.04-2 in Section 21.04.040								
Zone Districts	...	MU-2	MU-3	CG	IO-R	I-1	I-2	...
...	...							
Retail Sales and Service, Big Box	...	<u>C A</u>		<u>C A</u>		<u>C A</u>	<u>C A</u>	
...								

Motion carried unanimously by roll call vote, 7-0.

Motion #10 Electric fences, no changes, there is additional staff work that needs to be done to bring this back to Council to be considered.

Councilmember Simpson moved, and Councilmember Reitz seconded to amend Ordinance No 5190 an ordinance repealing and replacing the 2010 Title 21 Zoning and Development Code of the Grand Junction Municipal Code, as amended, and incorporating the proposed revisions in Exhibit 8 - Addendum to the Adoption Draft on final passage and ordered final publication in pamphlet form. Motion carried unanimously by roll call vote, 7-0.

Council President Pro Tem Herman moved, and Councilmember Reitz seconded to adopt Ordinance No 5191 an ordinance transitioning zone districts on the Official Zoning Map in accordance with the 2023 Zoning and Development Code on final passage and ordered final publication in pamphlet form. Motion was carried unanimously by roll call vote, 7-0.

An Ordinance Amending the One Grand Junction Comprehensive Plan with Revised Implementing Zone Districts to be Consistent with the Zoning & Development Code Update

On December 16, 2020, the Grand Junction City Council adopted Ordinance No. 4971, which approved the 2020 *One Grand Junction Comprehensive Plan* ("Plan"). It was contemplated by the Comprehensive Plan that the Zoning and Development Code ("Code"), including the zone districts established within, would be reviewed to ensure that it effectively implements the vision of the Comprehensive Plan and be amended where it did not. The city began this process in 2021, and it is being finalized for adoption in December 2023. During this update, the zone districts have been modified through consolidation and renaming. As a result, it is necessary that Chapter 3, Land Use Designations, be updated to avoid any confusion about which zone districts implement each designation.

Planning Supervisor Niki Galehouse presented this item.

The public hearing opened at 10:38 pm.

Kevin Bray spoke wishing good luck on the adjacent issues.

The public hearing closed at 10:38 pm.

Councilmember Kennedy moved, and Councilmember Reitz seconded to adopt Ordinance No. 5192, an ordinance amending the One Grand Junction Comprehensive Plan to revise implementing zone districts to be consistent with the Zoning & Development Code update on final passage and ordered final publication in pamphlet form. Motion was carried unanimously by a roll call vote, 7-0.

Non-Scheduled Comments

There were none.

Other Business

There were none.

Adjournment

Meeting adjourned at 10:39 pm.

