

Grand Junction City Council
Minutes of the Regular Meeting
February 21, 2024

Call to Order, Pledge of Allegiance, Moment of Silence

The City Council of the City of Grand Junction convened into regular session on the 21st day of February 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, Parks and Recreation Director Ken Sherbenou, Police Chief Matt Smith, Senior Planner Daniella Acosta Stine, Planning Supervisor Niki Galehouse, City Clerk Amy Phillips, and Deputy City Clerks Selestina Sandoval and Krystle Koehler.

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

Proclamation

Proclaiming February 24, 2024 as National TRIO Day in the City of Grand Junction

Council President Anna Stout read the proclamation, and Paige Cadman, Director of TRIO Student Support Services Program, accepted the proclamation.

Appointments

To the Planning Commission/Zoning Board of Appeals

Council President Pro Tem Herman moved, and Councilmember Nguyen seconded to appoint Orin Zyvan to a partial term ending October 31, 2026 and Ian Moore to a partial term ending October 31, 2025. Motion carried by unanimous voice vote.

To the Downtown Development Authority Business Improvement District

Councilmember Kennedy moved, and Council President Pro Tem Herman seconded to reappoint Cole Hanson and appoint Faith Rodriguez to full terms ending June 30, 2028. Motion carried by unanimous voice vote.

To the Horizon Drive Association Business Improvement District

Councilmember Simpson moved, and Councilmember Kennedy seconded to reappoint Brian Burford and Kevin Harrison to full terms ending April 30, 2027. Motion carried by unanimous voice vote.

Public Comments

Glen Stout expressed his concern regarding the proposed Lake Road replacement lift station.

City Manager Report

City Manager Greg Caton gave updated information regarding the bond issuance for the Persigo Wastewater Treatment Plant and the Community Recreation Center; both have now been issued. He also invited the community to join him and Utilities Director Randi Kim for coffee on Thursday, February 22, 2024, at 10 a.m. at Main Street Bagels.

Board and Commission Liaison Reports

Councilmember Nguyen stated One Riverfront will hold an event on February 27th, from 10am to 12pm where the design engineer will look at options for trail work that will be done on the riverfront trail. He also shared Grand Valley Transit will be fare free on March 5th for Presidential Primary Election Day to promote participation in the election.

Councilmember Simpson stated the Horizon Drive Business Improvement District Executive Director position has now been filled.

Councilmember Kennedy shared the Grand Junction Economic Partnership honored City Manager Greg Caton.

Councilmember Reitz shared that January 2024 had the busiest flight history for any January at the Grand Junction Regional Airport, as 18,000 passengers flew in or out of Grand Junction, and he also shared that he and Councilmember Kennedy volunteered to be part of the subcommittee that is helping to plan the proposed I-70 interchange bond measure for November.

Council President Stout gave updates regarding the Colorado Municipal League Legislative Workshop.

CONSENT AGENDA

1. Approval of Minutes

- a. Summary of the February 5, 2024 Workshop
- b. Minutes of the February 7, 2024 Regular Meeting - **Moved to Regular Agenda**

2. Set Public Hearings

- a. Quasi-judicial
 - i. A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, and Setting a Hearing on Such Annexation, Exercising Land Use Control, and Introducing Proposed Annexation Ordinance for the Fire Station No.7 Annexation of 3.744 Acres, Located at 2351 H Road, and Setting a Public Hearing for April 3, 2024

3. Continue Public Hearings

- a. Quasi-judicial
 - i. An Ordinance Rezoning 7.11 Acres from R-4 (Residential - 4 du/ac) to R-24 (Residential – 24 du/ac), Located at 2651 Stacy Drive - ***Request to be Continued to March 20, 2024***

4. Procurements

- a. Construction Contract for Reconstruction of Yucatan Court and Summer Hill Court
- b. Authorization for an On-Call Contract for Professional Right-of-Way Acquisition Services
- c. Purchase of Parking Meters and Kiosks
- d. Construction Contract for 30 Road Overlay
- e. Contract with Winn Marion for Electric Vehicle Supply Equipment (EVSE) under the Colorado State Price Agreement

5. Resolutions

- a. A Resolution Authorizing a DOLA Strong Communities Infrastructure Grant Program Application
- b. A Resolution Confirming the School Land Dedication Fee for a Period of 180 Days – **Moved to Regular Agenda**

Councilmember Reitz moved, and Councilmember Nguyen seconded to adopt Consent Agenda Items 1 - 5, excluding items 1.b. and 5.b. Motion carried by unanimous voice vote.

Regular Agenda

Minutes of the February 7, 2024 Regular Meeting

Council President Pro Tem Herman removed this item to correct a couple items in the minutes.

These items didn't reflect the voting outcomes:

- 1) Authorization for an On-Call Contract for Professional Geotechnical Engineering Services: Voting outcome was 5-1 with Councilmember Simpson voting No, this motion was carried by voice vote.
- 2) A Resolution Establishing EV Vehicle Parking Rates: Voting outcome was 6-0, this motion was carried by voice vote.
- 3) A Resolution Approving ARPA Funding to Colorado Mesa University Foundation for the Master of Social Work Student Loan Repayment Program : The minutes reflected this item was passed unanimously, when in fact it was not. Voting outcome was 5-1, with Councilmember Beilfuss voting No, motion was carried by voice vote.

Council President Pro Tem Herman moved, and Councilmember Nugyen seconded to approve the Minutes of the February 7, 2024 Regular Meeting with corrections. Motion carried by unanimous voice vote.

A Resolution Confirming the School Land Dedication Fee for a Period of 180 Days

With this Resolution, the City Council will confirm the current school land dedication fee of \$920 per lot; however, because of the ongoing reconsideration of City impact fees, the Resolution sets and confirms the fee on a temporary basis. The fee, unless extended and/or amended by further action of the Council, shall continue for a period of 180 days from the date of this Resolution.

City Manager Greg Caton and City Attorney John Shaver were available for questions.

Council discussed not collecting the fee, the need for the fee due to closing of school's verses building schools, suspending the fee for 180 days, collecting the fees on behalf of the School District, proposed having the school collect the fee themselves. There was a consensus to reduce the number of days to 30 in anticipation of a March 6th presentation by the School District.

Councilmember Kennedy moved, and Councilmember Simpson seconded to adopt Resolution No. 13-24, a resolution confirming the school land dedication fee for a period of 30 days as provided. Motion carried by unanimous voice vote.

Introduction of an Ordinance Authorizing a License Agreement for the Sale of Naming Rights at the Community Recreation Center Pools

The proposed license agreement would enable naming of the Community Recreation Center Pools in exchange for \$3,000,000 from Intermountain Health dba St. Mary's Hospital.

Parks and Recreation Director Ken Sherbenou presented this item.

Council discussed the contribution and how the square footage would be impacted without the contribution. Councilmember Reitz stated he would abstain from voting as he is employed by St. Mary's Hospital.

Public comment opened at 6:38 pm.

There were no public comments.

Public comment closed at 6:38pm.

Council President Pro Tem Herman moved, and Councilmember Kennedy seconded to introduce an ordinance approving the license agreement for the sale of naming rights of the Grand Junction Community Recreation Center pools, authorize publication of the ordinance in pamphlet form, and setting a public hearing for March 6, 2024. Motion carried by roll call vote 6-0, with Councilmember Reitz abstaining.

Introduction of an Ordinance Authorizing a Lease Agreement with a Therapy Provider at the Community Recreation Center

The proposed lease agreement would enable a 10-year initial lease term with three subsequent five-year extensions for a total of 25 years for a built-to-suit 2900 square foot therapy space in the Community Recreation Center (CRC). This space would be operated by St. Mary's Hospital/Intermountain Health. Annual rent and operating expenses would be paid to the City starting at \$168,000 per year with an annual 2.5 percent escalator. St. Mary's would also contribute \$1,554,000 to help with the capital construction cost of adding their therapy space. Patients and their therapists would have access to the drop-in areas of the CRC, including the fitness/weight area, walking track, and therapy pool. This addition is expected to increase the overall service provided by the CRC and generate a higher-cost recovery.

Parks and Recreation Director Ken Sherbenou presented this item.

Public comment opened at 6:48 pm.

There were no public comments.

Public comment closed at 6:48pm.

Councilmember Nguyen moved, and Council President Pro Tem Herman seconded to introduce an ordinance approving the lease agreement with a Therapy Provider at the Grand Junction Community Recreation Center, authorizing publication of the ordinance in pamphlet form and setting a public hearing for March 6, 2024. Motion carried by voice vote 6-0, with Councilmember Reitz abstaining.

Council took a break at 6:40 pm and resumed at 6:51 pm.

An Ordinance Extending the Skilled Gaming Moratorium

An extended temporary moratorium disallowing new skilled gaming businesses will allow time for the City Attorney's Office, the Grand Junction Police Department, and the

City's Community Development Department to continue to review skilled gaming and allow the City an opportunity to evaluate potential regulation, licensure, and other avenues, including coordination with the state, to better limit the impact these businesses are having on the community. By and with the adoption of Ordinance 5190, the City amended the Zoning and Development Code to define *Skilled Gaming as Adult Entertainment* and define *Gaming Arcade* (aka skilled gaming business) and the various machines, games and devices that contribute to the undesirable outcomes of the operation of those business in the City; however, further amendments, such as buffering, zoning, and permitting need to be considered.

City Attorney John Shaver presented this item.

Council commented that they appreciated staff and the Police Department for all the work they have done, and asked if there was any conversation with the Colorado Gaming Commission Enforcement and what the next steps would be over the next year, to find a long-term solution.

The public hearing opened at 7:00 pm.

There were no public comments.

The public hearing closed at 7:00pm.

Councilmember Kennedy moved, and Councilmember Simpson seconded to adopt Ordinance No. 5199, an ordinance to extend the moratorium on skilled gaming, on second reading and final passage and authorize final publication in pamphlet form. Motion carried by unanimous roll call vote.

An Ordinance Amending the Planned Development Zoning and Outline Development Plan (ODP) for the Riverfront at Dos Rios Located on the Northeast Bank of the Colorado River Between Highway 50 and Hale Avenue

Applicants, DR land LLC, and Buena Vida HQ, LLC, and the City of Grand Junction, requested approval of an amended Planned Development (PD) zoning ordinance and Outline Development Plan (ODP) to establish a phasing schedule for the development, introduce new uses, expand existing uses to other pods in which they are not currently permitted, and incorporate additional flexibility for some parking standards in the Mixed-Use pods.

In April 2019, the City approved Ordinance 4849 for the ODP that established the uses, standards, and general configuration of the proposed Riverfront at Dos Rios mixed use development on approximately 58.8 acres, located on the northeast bank of the Colorado River between Highway 50 and Hale Avenue. To date, the PD has undergone three amendments. In 2020, the City approved Ordinance 4928 establishing additional industrial and warehousing uses in the Light Industrial/Commercial pods, incorporating approximately 8.4 acres of property into the ODP, and adding an access point off Riverside Parkway. The PD was further amended in 2021 by Ordinance 4982 to include

approximately 0.4 acres of mixed-use to the development. The third amendment was approved by Ordinance 5061 in 2022, which incorporated 2.0 acres of property into the development, clarified parking and architectural standards, and changed the default zone for approximately 7.5 acres of industrial/commercial property to mixed use.

Senior Planner Daniella Acosta, and Director of Development, with May Riegler Properties, Tess Williams presented this item.

Council took a break at 7:15 pm and resumed at 7:20 pm.

Council discussed drive-thrus now being permitted and concerns with the development being over parked.

The public hearing opened at 7:37 pm.

There were no public comments.

The public hearing closed at 7:37 pm.

Council President Pro Tem Herman moved, and Councilmember Nguyen seconded to adopt Ordinance No. 5201, an ordinance for an amendment to the Planned Development (PD) Zoning and Outline Development Plan (ODP) for the Riverfront at Dos Rios Development, located on the northeast bank of the Colorado River between Highway 50 and Hale Avenue on final passage and ordered final publication in pamphlet form. Motion carried by unanimous roll call vote.

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

Applicant, Vista 5, LLP requested a rezone of 17.37 acres from R-1 (Residential – 1 du/ac) to R-5 (Residential – 5.5 du/ac) located at 2428 H Road. The requested R-5 zone district would be consistent with the Comprehensive Plan Land Use Map designation of Residential Low if approved.

Planning Supervisor Nikki Galehouse and applicant representative Ivan Geer from River City Consultants presented this item.

Council took a break at 7:58 pm and resumed at 8:11 pm.

The public hearing opened at 8:13 pm.

Dan Conwell, Bob Fuoco, Sarah Marshall, Glen Bot, Joleen Multon, Jim Marshall, Tyler Mondy, Shilo White, Marcus Costopoulos, Brooke Birch, Patrick Page, Dave Zolner, Andrew Bajorek, Chad Island, Richard Canel, and Diane Davis, spoke in opposition.

Ron Abeloe and Cristi Reece were in support of the ordinance.

Ashley Rowley, Kathryn Basinger, Kent Beesley, Gerald Dillon expressed concern via email and were also in opposition.

The public hearing closed at 9:03 pm.

Conversation ensued regarding density, visiting the property, growing as a community, systems of checks and balances, the need for housing, the property's proximity to a hospital and their staff's need for housing.

Councilmember Nguyen moved, and Councilmember Simpson seconded to adopt Ordinance No. 5202, an ordinance rezoning 17.37 acres located at 2428 H Road from R-1 (Residential – 1 du/ac) to R-5 (Residential – 5.5 du/ac) on final passage and ordered final publication in pamphlet form. Motion carried by roll call vote 6-1, with Councilmember Kennedy voting No.

A Resolution Updating City Park Rules

The Parks and Recreation department updates park rules periodically. This effort also involves re-designing park rules, signs displaying for a more effective presentation. With the redesign, a few rule changes are proposed. These changes are in the spirit of acknowledging that the parks and recreation system is growing, and, with that growth, the system is more susceptible to negative behavior in the parks, including increased vandalism. As such, after a strong public engagement, staff proposed changes to the rules and the rule's presentation signs. The updated rules are proposed to help make the parks safer and more attractive to the entire community.

Parks and Recreation Director Ken Sherbenou presented this item.

Conversation ensued regarding challenges of homelessness in the valley, the resource center as an alternative that provides a safe place, access to resource providers, parks already prohibit overnight camping, expectations of how public parks are to be used in the daytime, keeping parks useable and safe, find a camping solution, and the need for a broad spectrum on housing as a solution.

Council took a break at 9:37 pm and resumed at 9:46 pm.

The public comment opened at 10:25 pm.

Stefania Vasquez, Bruce Hands, Jayde Beachtrum, Eric Niederkruger, Zach Drake, Li Peterson, Becca Kulsa, Nadia Borges, and Jan Wellin spoke in opposition of the ordinance.

The public comment closed at 10:47 pm.

City Manager Greg Caton addressed the homeless concerns by recapping the funding for affordable housing including 40 units just west of Whitman Park, authorizing Grand Junction Housing Authority for an additional 54 units near Community Hospital and the availability of supporting services that are offered by the Resource Center. He stated park redevelopment and park rules were about keeping parks safe for all community members.

Councilmember Simpson moved, and Councilmember Nguyen seconded to deny Resolution No. 14-24, a resolution updating the park rules for the City's 35 developed parks. Motion carried by roll call vote, 5-2 with Council President Pro Tem Herman and Council President Stout voting No.

Non-Scheduled Comments

Cliff Revard commended Council for taking the time to listen to the feedback they received from the community.

Other Business

There was none.

Adjournment

Meeting adjourned at 10:58 pm.

Amy Phillips, CMC
City Clerk

