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**CITY COUNCIL AGENDA
WEDNESDAY, AUGUST 7, 2013
250 NORTH 5TH STREET
6:30 P.M. – PLANNING DIVISION CONFERENCE ROOM
7:00 P.M. – REGULAR MEETING – CITY HALL AUDITORIUM**

To become the most livable community west of the Rockies by 2025

Call to Order
(7:00 p.m.)

Pledge of Allegiance
Moment of Silence

Appointments

To the Urban Trails Committee

To the Parks and Recreation Advisory Board

Certificates of Appointment

To the Downtown Development Authority/Downtown Grand Junction Business Improvement District Board

To the Riverfront Commission

Revised August 9, 2013

*** Indicates Changed Item*

**** Indicates New Item*

® Requires Roll Call Vote

REVISED

Council Comments

Citizen Comments

***** CONSENT CALENDAR ***®**

1. **Minutes of Previous Meetings** [Attach 1](#)

Action: Approve the Summary of the June 17, 2013 Readiness Session; the Minutes of the July 10, 2013 Special Meeting; the Summary of the July 15, 2013 Workshop; the July 17, 2013 Regular Meeting; the July 23, 2013 Special Meeting; and the July 29, 2013 Special Meeting

2. **Setting a Hearing on an Amendment to Section 9.04.070 of the Grand Junction Municipal Code Adopting Rules and Regulations Regarding Theft** [Attach 2](#)

The State has modified various state statutes regarding thefts. The proposed ordinance amends Section 9.04.070 Theft to be consistent with the state laws regarding level of crime for thefts less than \$2,000.

Proposed Ordinance Amending Section 9.04.070 of the Grand Junction Municipal Code Regarding Thefts

Action: Introduce a Proposed Ordinance and Set a Public Hearing for August 21, 2013

Staff presentation: John Shaver, City Attorney
Jamie B. Beard, Assistant City Attorney

3. **Setting a Hearing on an Amendment to Section 9.04.230 of the Grand Junction Municipal Code Adopting Rules and Regulations Regarding the Possession/Use of Marijuana by a Minor** [Attach 3](#)

Due to changes to the Constitution of the State of Colorado, the state legislators modified the possible penalties concerning the possession, consumption, and use of marijuana by anyone, including those under the age of 21 years. The proposed ordinance amends Section 9.04.230 Purchase, possession, consumption of

marijuana by persons under the age of 21 years to be consistent with the state laws and penalties.

Proposed Ordinance Amending Section 9.04.230 of the Grand Junction Municipal Code Regarding Marijuana and Persons Under the Age of 21 Years

Action: Introduce a Proposed Ordinance and Set a Public Hearing for August 21, 2013

Staff presentation: John Shaver, City Attorney
Jamie B. Beard, Assistant City Attorney

4. **Setting a Hearing on Amending the Grand Junction Municipal Code to Prohibit Retail Sale of Marijuana** [Attach 4](#)

Amendment 64 to the Colorado State Constitution allows local governments to regulate or prohibit marijuana retail stores as well as cultivation, manufacturing, and testing facilities by ordinance or by placing a ballot measure on the General Election ballot. Based on direction previously provided by the City Council, Staff has prepared an ordinance prohibiting marijuana businesses in Grand Junction for the Council's consideration.

Proposed Ordinance Prohibiting the Operation of Marijuana Cultivation Facilities, Marijuana Product Manufacturing Facilities, Marijuana Testing Facilities, and Retail Marijuana Stores and Amending the Grand Junction Municipal Code by the Addition of a New Section Prohibiting Certain Uses Relating to Marijuana

Action: Introduce a Proposed Ordinance and Set a Public Hearing for ~~August~~ September 4, 2013

Staff presentation: John Shaver, City Attorney

5. **Setting a Hearing on Extending an Amendment to the Sales and Use Tax Code Exempting Aircraft Parts from Sales Tax** [Attach 5](#)

This is an amendment to the Grand Junction Municipal Code concerning the exemption from sales tax of seller installed aircraft parts. The proposed ordinance amending the Code has a three-year sunset clause at which time City Council will evaluate the effectiveness of the ordinance and may or may not extend the exemption.

Proposed Ordinance Amending and Reinstating Section 3.12.070 of Title 3 of the Grand Junction Municipal Code Concerning the Exemption from Sales Tax of Seller Installed Aircraft Parts

Action: Introduce a Proposed Ordinance and Set a Public Hearing for August 21, 2013

Presentation: Kelly Flenniken, Grand Junction Economic Partnership Executive Director

6. **Setting a Hearing on the 2013 Supplemental Appropriation Ordinance**

[Attach 6](#)

This request is to appropriate certain sums of money to defray the necessary expenses and liabilities of the accounting funds of the City of Grand Junction based on the 2013 amended budgets.

Proposed Ordinance Making Supplemental Appropriations to the 2013 Budget of the City of Grand Junction

Action: Introduce a Proposed Ordinance and Set a Public Hearing for ~~August~~ September 4, 2013

Staff presentation: Jodi Romero, Financial Operations Director

7. **Construction Contract for Persigo Wastewater Treatment Plant Slide Gate Replacement Project**

[Attach 7](#)

This request is for the construction of the Slide Gate Replacement Project at the Persigo Wastewater Treatment Plant (WWTP). Currently, the existing slide gates at the head of the Persigo Plant are about 30 years old. These slide gates are corroded and result in poor sealing abilities, and in addition, have gear boxes that are beginning to seize up making it difficult to open and close the gates effectively. The new slide gates will be fabricated from stainless steel and will have new gear boxes installed.

Action: Authorize the Purchasing Division to Execute a Construction Contract with RN Civil Construction for the Construction of the Slide Gate Replacement Project at the Persigo WWTP in the Amount of \$186,700

Staff presentation: Greg Trainor, Public Works, Planning, and Utilities Director
Jay Valentine, Internal Services Manager

8. **Amending Council Committee Assignments for 2013 – 2014** [Attach 8](#)

On May 6, 2013 the City Council reviewed and determined who on the City Council would represent the City Council on various boards, committees, commissions, authorities, and organizations. Subsequently, on June 5, 2013, the City Council amended those assignments. The proposed resolution amends those assignments.

Resolution No. 51-13—A Resolution Amending Resolution No. 38-13 Appointing and Assigning City Councilmembers to Represent the City on Various Boards, Committees, Commissions, Authorities, and Organizations

®Action: *Adopt Resolution No. 51-13*

Staff presentation: City Council

*** 9. **Letter of Support for Mesa Land Trust Open Space Grant Application to Great Outdoors Colorado (GOCO)** [Attach 9](#)

Mesa Land Trust is asking the City to collaborate on the Monument Road Vision Project which will create more public open space, preserve views, and support a multi-use path connecting the Monument Road area with Downtown Grand Junction. Mesa Land Trust would like to submit a grant application to GOCO for the acquisition of additional properties along Monument Road and is asking the City to sign a letter of support.

Action: *Authorize the Mayor to Sign a Letter of Support to Great Outdoors Colorado on Behalf of Mesa Land Trust's Grant Application*

Presentation: Rob Bleiberg, Director, Mesa Land Trust

*** END OF CONSENT CALENDAR ***

*** ITEMS NEEDING INDIVIDUAL CONSIDERATION ***

10. **Revocable Permit for Asphalt Paving and Landscaping for Carville's Auto Mart, Inc. Located adjacent to 25 Road and W. Independent Avenue** [File # RVP-2013-203] [Attach 10](#)

Carville's Auto Mart Inc. is requesting a Revocable Permit for asphalt paving and landscaping within the 25 Road and W. Independent Avenue rights-of-way. The

proposed asphalt paving within the 25 Road right-of-way is for an additional parking area for employee parking and storage of vehicles in preparation for sale. Proposed landscaping installed within the W. Independent Avenue right-of-way will be to help beautify the property and area.

Resolution No. 52-13—A Resolution Concerning the Issuance of a Revocable Permit to Carville’s Auto Mart, Inc.

®Action: *Adopt Resolution No. 52-13*

Staff presentation: Scott D. Peterson, Senior Planner

- *** 11. **CDBG Subrecipient Contract with HomewardBound of the Grand Valley for Previously Allocated Funds within the 2012 Community Development Block Grant (CDBG) Program Year** [File #CDBG 2012-07] [Attach 11](#)

The Subrecipient Contract formalizes the City’s award of \$109,971 to HomewardBound of the Grand Valley allocated from the City’s 2012 CDBG Program as previously approved by Council. The grant funds will go toward purchase of property.

Resolution No. 53-13—A Resolution Confirming an Activity Within the 2012 Program Year Action Plan as a Part of the City of Grand Junction Five-Year Consolidated Plan for the Grand Junction Community Development Block Grant (CDBG) Program

®Action: *Adopt Resolution No. 53-13*

Staff presentation: Tim Moore, Deputy City Manager
Kristen Ashbeck, Senior Planner/CDBG Administrator

- *** 12. **Great Outdoors Colorado Grant Council Resolution for Las Colonias Park Phase I** [Attach 12](#)

Parks and Recreation is seeking approval to apply for a Great Outdoors Colorado (GOCO) local government grant to assist with funding critical elements of the early phases of Las Colonias Park. A resolution from the governing body with primary jurisdiction must be attached to all grant applications. The fall cycle of grants is due on August 28 with an award decision on December 10.

Resolution No. 54-13—A Resolution Supporting the Grant Application for a Local Parks and Outdoor Recreation Grant from the State Board of the Great Outdoors Colorado Trust Fund for Las Colonias Park Project

®Action: *Adopt Resolution No. 54-13*

Staff presentation: Rob Schoeber, Parks and Recreation Director

13. **Non-Scheduled Citizens & Visitors**
14. **Other Business**
15. **Adjournment**

GRAND JUNCTION CITY COUNCIL READINESS SUMMARY

June 17, 2013 – Noticed Agenda Attached

Meeting Convened: 5:00 p.m. in the City Hall Auditorium

Meeting Adjourned: 8:40 p.m.

Council Members present: All except Councilmember Boeschstein. Staff present: Englehart, Shaver, Moore, Schoeber, Romero, Valentine, Franklin, Wieland, Tice-Janda, and Tuin.

Agenda Topic 1. Las Colonias, Matchett Park, and Recreation Center Master Plans/Update on Glacier Ice Arena

Parks and Recreation Director Schoeber explained that the Master Plan is only a roadmap; adoption does not allocate any additional funds for development. The property is the site of a previous mill and there are some restrictions as to the use and development. There have been two previous Master Plans. This process was to amend the previous Master Plan. Director Schoeber listed a number of groups who have been involved in the planning, both governmental, non-profit, and business groups. There are many partners including the Grand Junction Lion's Club (who has committed \$300,000 over a five year period), the Botanical Gardens, the Tamarisk Coalition (who has brought a lot of grant dollars to the site and have worked on eradicating tamarisk and other non-native plant species), the Grand Valley Disc Golf Association (who have cleared some of Watson Island and have started building a disc golf course on the property), the Downtown Development Authority, and the Riverfront Commission.

An open house was held on April 10, 2013 with 75 people in attendance. There was a lot of positive feedback.

The City purchased an adjacent property, 755 Struthers, in May 2013. That property will serve as an entryway into the park and was a crucial element of the design. The Math and Science Center has expressed an interest in relocating in the Las Colonias area.

Recreation Superintendent and Project Manager Traci Wieland reviewed the Master Plan for each area and noted the Plan is divided into twelve phases which can be combined or split. Every area is being planned with multipurpose use in mind to maximize the use and revenue potential. The portion of the property that is under the deed restrictions, as well as the areas that are not, were identified with Parks and Recreation Director Schoeber explaining what the deed restrictions require: no groundwater disturbance, overlay of fill from eight to twelve inches depending on the use proposed, minimal amount of exposure to users, radon mitigation for any enclosed areas, and getting approvals from the Department of Energy (DOE) at every

step. Elements include an amphitheater, a backwater multiuse area, a wetlands area, boat launch, zip line, parking areas, and restrooms. Within the wetlands area will be irrigation ponds (lined) which will serve the irrigation needs of the park and the surrounding area. The whitewater/kayak park element has been moved to the State Park (Tail Race area) and is no longer part of Las Colonias.

Ms. Wieland then addressed the priority as being the west end including a restroom for trail users and how that might be funded including leveraging the budgeted amount for a Great Outdoors Colorado (GOCO) grant.

Parks and Recreation Director Schoeber addressed the anticipated maintenance costs and demands including start-up costs for a developed park.

Mr. Schoeber said they intend to place the Master Plan on the next City Council agenda for approval. Approval of the Master Plan will not commit any funding but allows the Staff to go forward in applying for grants. This summer Staff plans to work with the Botanical Gardens on the west end improvements and going forward with applying for GOCO grants.

Noise, parking, and traffic concerns from the amphitheater and festival ground were brought up and discussed.

The City Council agreed to hear the request for approval of the Las Colonias Master Plan at a City Council meeting two weeks hence.

The City Council then heard information on the Matchett Park property. Parks and Recreation Director Schoeber noted that once developed, Matchett Park will be the City's largest park. There is no Master Plan for the Matchett site. It is possible that the Matchett property may be the right location for a community center. Staff was directed by the previous Council to look at the Master Plan for the Park in conjunction with a community center.

Ms. Wieland advised that a GOCO planning grant was applied for in February to begin the master planning process for Matchett Park and they were recently notified that it was awarded. The matching funds were budgeted. Community outreach has begun and it is anticipated that the selection of a consultant will occur in the fall with the actual development of the Master Plan taking place from October 2013 to March 2014.

The cost of the Matchett Park Master Plan was estimated at \$101,250 funded by \$75,000 GOCO grant, \$25,000 City, and \$1,250 partner funds. The Community Center Plan/Feasibility Study was estimated at \$75,000, \$25,000 Department of Local Affairs (DOLA) grant matched with \$50,000 City funds.

The School District does have rights for fifteen acres on the Matchett property for a future school site.

City Manager Englehart suggested that instead of going forward with the DOLA grant for the community center study use the remainder of the \$25,000 to study the feasibility of a community center separately.

The City Council then heard an update on the Glacier Ice Arena. The property is up for sale so the question is whether the City Council is interested in pursuing a purchase. Including the County as a partner was mentioned. Councilmembers were concerned about the cost for purchase and repair of the facility but agreed to see the actual numbers.

Agenda Topic 2. Grand Valley Stormwater Issues

City Manager Englehart introduced Trent Prall, City Engineering Manager, noting that Staff is seeking Council direction to place an item on the City Council agenda regarding Wilsea Drain.

Mr. Prall introduced the others in attendance including Kevin Williams, manager of the Grand Valley Drainage District (GVDD); Dick Bowman, chair of the 521 Drainage Authority and serves on the GVDD board; Mark Harris, also a board member of GVDD; and the GVDD attorney, Dan Wilson. All the different water purveyors in the valley were identified as well as the basins, natural washes, and different drainages that outfall to the river on a map.

Both quality and quantity of stormwater was discussed and examples of flood events were provided. Regarding quality, under federal regulations, the local jurisdiction is responsible for preventing contaminants flowing into the river and the City monitors this as required by the permit. That includes new construction both the pre and post and ensuring that the development does not impact the drainage system.

Mr. Prall related the history of the formation of the 521 Drainage Authority which was created in 2004. In 2009, the board contracted with the City of Grand Junction to provide administration of their mission.

Regarding the Grand Valley Drainage District (GVDD), it was created to mostly deal with agricultural drainage which is exempt from the federal requirements. More and more of their drainages have been incorporated into urban areas and they do not have the resources to meet the federal requirements. They operate on four mills and cannot raise the levy without voter approval which they have tried twice and have been unsuccessful (it was explained later how that four mills has been reduced to 1.4 mills through TABOR). Therefore they are asking the other partners in the 521 to take over some of those drains and maintain them. Without

that cooperation, they could prohibit urban drainage to flow through their lines and require new drainage systems be constructed or the District could dissolve altogether.

The specific request being brought forward is for the City to take over the Wilsea Drain which serves the area where the new Community Hospital and Medical Offices are being constructed.

The City has accepted other drainages in the past from BLM; this is the first request from GVDD. The City Attorney noted that the incentive for the City to accept these drainages was to help development; developers cannot meet the federal requirements for stormwater run-off on their own site. There are other drainages where the same request may come forward.

The ultimate resolution is to convey these drainages to the 521 Drainage Authority once operation and maintenance is part of their responsibility. A discussion ensued of why the Authority does not currently charge a user rate and therefore does not have the funds to take on operation and maintenance. Mesa County, one of the partners, does not favor implementing a rate.

Mr. Williams stated the GVDD is willing to continue to operate and maintain the drainages but wants another entity to take over the water quality issue as they do not have the resources to monitor and comply with those requirements.

City Attorney Shaver advised that the City imposing a fee, although possible, is not self-sustaining on its own. The idea behind forming the 521 Drainage Authority was to address the problem regionally.

Council President Susuras explained that the 521 Drainage Authority is now operating on about \$300,000 which is the contribution from the partners to the Authority. There is no way that will provide enough funding to monitor nutrients in the stormwater as required by the federal government. Mr. Prall said that different funding scenarios have been reviewed. City Attorney Shaver added that this is exactly why the Authority was created.

Councilmember Chazen inquired about the immediate impact on the City budget. City Manager Englehart said all he can speak to right now is the takeover of Wilsea Drain. Mr. Williams said if they can transfer the ownership to the City, they could still maintain it. The impact would come later when the "developed" drainage (from the Community Hospital development) affects the water quality. John Potter, representing Community Hospital, said they will put measures in place to maintain the quality of the discharge from the development but unless they can continue to use the existing Wilsea Drain, their project comes to a halt. Deputy City Manager Moore said the medical complex drainage can either drain into Wilsea Drain or use a detention pond. However, once the Hospital is completed, the detention pond cannot handle the drainage. GVDD Dick Bowman expressed their concern that once the

“developed” water is co-mingled with their agricultural water, GVDD will fall under the federal regulations.

City Attorney Shaver suggested an indemnity agreement between the three - the City, the Hospital, and GVDD.

Councilmember Chazen asked that the City inspect the drain first. He suggested that it be discussed at the Joint City County meeting. Councilmember Norris said it involves five entities so all should be involved in the discussion. Councilmember Doody suggested the City’s representative Rick Brainard work on this with the other representatives on the Authority and report back to City Council.

Staff was directed to bring the request to accept Wilsea Drain back to a City Council meeting in two weeks.

Agenda Topic 3. Other Business

Council President Susuras brought forward a letter from Kelly Sloan regarding the Roan Plateau Leases. After further explanation and discussion of provisions in the original grant contract, the decision was to hold for now.

Councilmember Chazen stated he reviewed the Avalon Resolution and believed there are some corrections on dates. He also asked about whether there will be agreements in place with the DDA and the Foundation on their portion of the funding. Council President Susuras suggested commitment letters from each entity could be sufficient. The City Attorney said an agreement with DDA is possible but it may not be possible with the Foundation.

Councilmember Doody left the meeting at 8:38 p.m.

Councilmember Norris asked if the City has a similar situation to the County’s enterprise fund in relation to TABOR. It was noted that the handling of the County’s enterprise fund is what is under review; the City does not have that situation.

With no other business, the meeting was adjourned.

**GRAND JUNCTION CITY COUNCIL
READINESS SESSION**

**MONDAY, JUNE 17, 2013, 5:00 P.M.
CITY HALL AUDITORIUM
250 N. 5TH STREET**

REVISED

To become the most livable community west of the Rockies by 2025

- 1. Las Colonias, Matchett Park, and Recreation Center Master Plans/Update on Glacier Ice Arena:** Staff will present the revised master plan for Las Colonias Park, a 101 acre park located along the Riverside Parkway and the Colorado River. Updates will also be presented on the master plan for Matchett Park and Glacier Ice Arena. **Attach R-1**

- 2. Grand Valley Stormwater Issues:** Update the City Council on discussions among members of the 521 Drainage Authority concerning the issue of stormwater control and the operation and maintenance of storm water drains and washes in the Grand Valley. Also, discussion of transfer of the Wilsea Drain from The Grand Valley Drainage District to the City of Grand Junction. **Attach R-2**

- 3. Other Business**

**GRAND JUNCTION CITY COUNCIL
MINUTES OF THE CANDIDATE FORUM AND SPECIAL MEETING**

July 10, 2013

The City Council of the City of Grand Junction convened into Candidate Forum and Special Meeting on the 10th day of July, 2013 at 6:00 p.m. in the City Auditorium. Those present were Councilmembers Bennett Boeschstein, Rick Brainard, Martin Chazen, Jim Doody, Phyllis Norris, and Council President Sam Susuras. Also present were Deputy City Manager Tim Moore, City Attorney John Shaver, and City Clerk Stephanie Tuin. City Manager Rich Englehart was absent.

Council President Susuras called the meeting to order. The candidates were seated at the dais.

Council President Susuras allowed each candidate to introduce themselves and then posed questions to each. After all of the City Council questions were asked, questions were solicited from the audience including the media.

Council President Susuras closed the question and answer portion of the meeting and called a recess in order for the City Council to take their place on the dais for deliberation.

The meeting recessed at 8:00 p.m.

The meeting reconvened at 8:10 p.m. All members of Council were seated at the dais.

Councilmember Boeschstein said they were really good candidates and he appreciates the time they took to study the issues. The decision will be difficult, but he is ready to make a decision.

Councilmember Doody thanked everyone for coming. He noted the big shoes to replace Councilmember Harry Butler. He is prepared to make a decision.

Councilmember Norris thanked all the candidates. She understands how difficult it is to be in their positions of answering questions under pressure. The decision will be difficult.

Councilmember Chazen thanked the candidates and noted it takes courage to be willing to be up at the dais and answer questions. He believes there is a bigger audience than those in attendance in the Auditorium. He is ready to make a decision.

Councilmember Brainard said there were great candidates and great answers. It will be a hard decision.

Council President Susuras thanked the candidates. He asked the City Clerk to call the roll and for the Council to indicate their selection.

Councilmembers Brainard, Doody, and Boeschstein nominated Les Miller. Councilmembers Chazen, Norris, and Council President Susuras nominated Duncan McArthur.

Council President Susuras noted there was a tie between Les Miller and Duncan McArthur. He asked City Attorney Shaver to explain the options for breaking a tie.

City Attorney Shaver summarized the options and encouraged Council to deliberate, identify, and determine what decision factors would break the deadlock between the two candidates.

Council President Susuras opened up discussion for how Council should proceed.

Councilmembers Chazen and Brainard said they had no preference to determine how the deadlock should be broken.

Councilmember Norris said she would like to discuss the reasons for nominating their selections.

Councilmembers Doody and Boeschstein agreed with Councilmember Norris.

Councilmember Boeschstein said he has worked with Les Miller on the Downtown Development Authority (DDA) and is impressed with his quiet consideration. Mr. Miller has studied the issues, is a strong supporter of planning, and has supported the Greater Downtown Plan. He has a vested interest in the community, is independent, and follows local issues. He will support Mr. Miller.

Councilmember Doody agreed with Councilmember Boeschstein. When Mr. Miller talked about the bond issue for the Public Safety Facility, he was well versed and he knew the process for using Certificates of Participation (COPs). He thinks Mr. Miller could bring understanding and leadership to the dais and could make informed decisions for the community.

Councilmember Norris agreed that Mr. Miller was very impressive, however she can see those same attributes in Duncan McArthur and has seen him at more Council meetings. Mr. McArthur came in second in the election for District E and the citizens know who he is.

Councilmember Chazen said Mr. McArthur knows the planning process intimately and has been involved with builder groups; he has a good grip on the planning process from a developer's perspective and this experience would be valuable. Mr. McArthur also has a market view on issues. He is known from the campaign process and was effective in expressing his views. He came in second, and the perspective of an experienced market view is needed. He thinks Mr. McArthur is a good choice.

Councilmember Brainard said it is a difficult decision as both Mr. Miller and Mr. McArthur did well in all categories. He noted Mr. Miller is an entrepreneur and he liked his presence as a leader; when he speaks, he does it from a position of strength and knowledge.

Council President Susuras said Mr. McArthur is a strong candidate. He ran a strong race and has been attending Council meetings and workshops for several years. Mr. McArthur is well versed in planning and development and he thinks this background and experience is needed on Council. He supports Mr. McArthur.

Council President Susuras asked if anyone on Council wished to change their vote. If there is not a change in vote, he asked if someone would be willing to make a motion to direct the City Clerk to go back and start the candidate process again, as he sees this as being the only choice because the tie cannot be broken.

Councilmember Boeschstein asked if they could consider another candidate who spoke at the forum.

City Attorney Shaver said Council could deliberate over another candidate to see if there could be a majority consensus over that candidate.

Council President Susuras asked Council if they would like to consider another candidate from the forum.

Councilmember Brainard said the two leading candidates have been identified, so he thinks it is not reasonable to consider another candidate that is not in the top two selection.

Councilmember Chazen said he is firm on who he thinks the best candidate is, unless Council takes another vote on all five candidates again.

Councilmember Norris said last time an appointment to Council was made, she was disappointed that this person had not been a candidate during the previous election and the public did not know anything about this person who ended up being appointed to Council. She believes the citizens would support Mr. McArthur over the other candidates as he campaigned during the 2013 election and has been most visible.

Councilmember Doody said the people didn't elect Mr. McArthur so he does not agree with Councilmember Norris on that point. He wants to support Les Miller.

Councilmember Boeschstein said he would also continue to support Les Miller. Mr. Miller would be an advocate for planning, economic development, and moving the community forward.

Council President Susuras confirmed that no one would change their vote and asked Council for a motion to start the process all over again.

Councilmember Chazen asked City Attorney Shaver if there were time constraints for filling this position. City Attorney Shaver said that according to State Statute, Council has 60 days from the official declaration of vacancy to fill the position.

Councilmember Chazen asked City Clerk Tuin if there would be enough time to start the process again. Ms. Tuin said that, although difficult, it could be done. However, if an appointment cannot be made within the 60 day time frame, a special election would be called. City Attorney Shaver confirmed Ms. Tuin's answer.

Councilmember Doody moved to start the process over for seeking candidates for appointment to District E Council seat. Councilmember Boeschstein seconded the motion. Motion carried by roll call vote.

Adjournment

The meeting was adjourned at 8:30 p.m.

Stephanie Tuin, MMC
City Clerk

GRAND JUNCTION CITY COUNCIL WORKSHOP SUMMARY
July 15, 2013 – Noticed Agenda Attached

Meeting Convened: 11:33 p.m. in the City Hall Auditorium

Meeting Adjourned: 2:10 p.m.

Council Members present: All except Councilmember Brainard. Staff present: Englehart, Shaver, Schoeber, Romero, Valentine, Evans, Camper, Hazelhurst, Trainor, Tice-Janda, Rainguet, Watkins, and Tuin.

Agenda Topic 1. Mid-Year Budget and Financial Update

City Manager Englehart introduced the topic and then Financial Operations Director Romero distributed a summary of the areas where revenues are down and areas where there have been some savings in order to balance the 2013 budget within the current resources. Items highlighted included salary savings, the deferral of the Affordable Care Act implementation, reduction in the Old Hire Police Pension payment, deferral of some projects, additional tax revenue collected through audits, lease payments for the City's large vehicle storage, and an increase in transportation capacity payment cost for the Community Hospital Medical Offices. Ms. Romero spoke to the fund balance and the planned transfers out of the fund balance for projects. Concerns were raised regarding the declining revenues, the use of fund balance, a decrease in the operating margin, and how all these things will lead to a tough budget cycle. Another concern was the number of items being deferred that would likely come back as budget requests for 2014.

The rest of the Financial Update was postponed until after the Active Threat Training.

Agenda Topic 2. Active Threat Training

The Grand Junction Police Department presented information regarding response and awareness relative to Active Threats during meetings.

Agenda Topic 1 continued. Mid-Year Budget and Financial Update

Financial Operations Director Romero then referred to the Mid-Year Supplemental Appropriation worksheet. She advised that a supplemental appropriation will be required this year to keep the City within their spending authority. Another supplemental appropriation may be needed at the end of the year.

The funds needing additional appropriation were reviewed and explained.

It was decided that additional information would be provided to the City Council and the first reading of the supplemental appropriation ordinance would be placed on the agenda two weeks hence.

Councilmember Doody left the meeting at 2:00 p.m.

Agenda Topic 3. Other Business

City Manager Englehart updated the Council on a change to the July 17, 2013 agenda, specifically the HomewardBound CDBG request probably needs more discussion and will therefore be removed from the agenda.

With no other business, the meeting was adjourned.

GRAND JUNCTION CITY COUNCIL

WORKSHOP

MONDAY, JULY 15, 2013, 11:30 A.M.

CITY AUDITORIUM

250 N. 5TH STREET

To become the most livable community west of the Rockies by 2025

- 1. Mid-Year Budget and Financial Update**
- 2. Active Threat Training**
- 3. Other Business**

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

July 17, 2013

The City Council of the City of Grand Junction convened into regular session on the 17th day of July, 2013 at 7:00 p.m. in the City Auditorium. Those present were Councilmembers Bennett Boeschstein, Rick Brainard, Martin Chazen, Jim Doody, Phyllis Norris, and Council President Sam Susuras. Also present were City Manager Rich Englehart, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Susuras called the meeting to order. Councilmember Brainard led the Pledge of Allegiance, followed by an invocation by Pastor Bob Cook, Victory Life Church.

Presentation

June Yard of the Month

Shirley Nilsen, Forestry Advisory Board, and Tom Ziola, Forestry/Horticulture Supervisor, presented the June Yard of the Month to Susie Shelleman, 1539 Sherwood Drive. Ms. Nilsen noted why this yard was selected: Ms. Shelleman loves flowers and has flowers that bloom throughout the four seasons.

Appointments

Councilmember Boeschstein noted the great applicants that had applied for the Riverfront Commission. He then moved to re-appoint Claudette Konola for a partial term expiring July 2015, and appoint Larry Copeland, William Findlay, Bob Fuller, and Eric James for three year terms expiring July 2016, all to the Riverfront Commission. Councilmember Norris seconded the motion. Motion carried by roll call vote.

Certificates of Appointment

Kirk Granum and Shane Allerheilgen were present to receive their Certificates of Appointment to the Downtown Development Authority/Downtown Grand Junction Business Improvement District Board.

Council Comments

Councilmember Brainard said he attended his first 5-2-1 Drainage Authority meeting and it was eye opening. He noted there is a national event taking place at the go-cart track with international participants this upcoming weekend and the event is free to the public.

Councilmember Norris said she went to Houston, Texas for economic development research and was very impressed. The Chamber of Commerce coordinated this trip and thirteen citizens from Grand Junction attended. All participants came back with some great ideas for the economic development of the community.

Councilmember Doody said he went to the Parks and Recreation Advisory Board (PRAB) meeting at Lincoln Park. He noted the improvements under construction. He described the Arboretum Trail and how one can use a smart phone to get information about the trees located on the trail. The former Lincoln Park tennis courts are under reconstruction and when completed there will be pickle ball courts there as well. He is looking forward to learning pickle ball.

Councilmember Boeschstein said he agreed with Councilmember Doody, regarding the great improvements to Lincoln Park. On July 10, 2013 he attended the Museum of Western Colorado Governmental Affairs Committee meeting. The Museum should be celebrated and should be more of a tourist attraction than what it is currently; the Committee is working toward this goal. He then spoke about the Riverfront Concert which was moved from Robb State Park to Mesa Theatre due to an impending storm. He apologized for the change in venue and suggested other backup plans for the future. He attended the Horizon Drive Association Business Improvement District (HDABID) Board meeting and said Council will hear about a project for that area which will be important to economic development of the City.

Citizen Comments

Clark Carroll, 1240 Cannell Avenue, said he was present regarding the Colorado Mesa University expansion. He met with the City Manager and the City Attorney. He asked about temporary lighting which surrounds residents in that area 24 hours, seven days a week, and asked who he could contact if access to his property is blocked. He was told that it is a State issue so nothing can be done by the City. Mr. Carroll questioned who has authority over this issue. He asked Council to have the City Attorney investigate who has authority over University development. He concluded by saying that many college graduates are characterized as "the coddled generation" as reported on 60 Minutes. He encouraged accountability on education.

John Williams, 433 N. 7th Street, said that this is the last time he is going to speak to Council. He called Councilmember Brainard names and told him that he should step down. He then talked about drones spying on people all over the town and said that it is wrong.

CONSENT CALENDAR

Councilmember Doody read Consent Calendar items #1-5 and then moved to adopt the Consent Calendar. Councilmember Boeschstein seconded the motion. Motion carried by roll call vote.

1. **Minutes of Previous Meetings**

Action: Approve the Summaries of the June 6, 2013, June 11, 2013, June 17, 2013, and July 1, 2013 Workshops, the Minutes of the July 3, 2013 Regular Meeting, and the Minutes of the July 11, 2013 Executive Session

2. **Contract for the 2013 Sewer Interceptor Repair and Replacement Project Including Rehabilitation of a Storm Drain Line in Sherwood Park**

This Project is aimed at the rehabilitation of aging interceptor sewer pipe and manholes in the City's waste water collection system and a portion of the storm drain system in Sherwood Park. The average age of the concrete pipe sewer lines being rehabilitated on this project is 49 years old. As a result of the infrastructure's age and damage caused by hydrogen sulfide gas, this maintenance is necessary to prolong the life of the existing sewer system.

Action: Authorize the City Purchasing Division to Enter into a Contract with Layne Inliner, LLC of Kiowa, CO for the 2013 Sewer Interceptor Repair and Replacement Project for the Bid Amount of \$773,427.50

3. **Construction Contract for the River Road North Trunk Line Extension Project**

The River Road North Trunk Line Extension Project will install 1,200 linear feet of 15-inch sanitary sewer trunk line from the Union Pacific railroad tracks under Highway 6 to just north of the highway right-of-way. The trunk line extension will provide sanitary sewer service to the Pilot and Love's truck stops, and serve future growth anticipated in the Comprehensive Plan occurring north of I-70 between 22 and 23 Roads.

Action: Authorize the City Purchasing Division to Enter into a Construction Contract with M.A. Concrete Construction, Inc. of Grand Junction for the River Road North Trunk Line Extension Project in the Amount of \$269,608.30

4. **Contract for the Riverside Parkway Asphalt Rejuvenation Project**

This request is to award a contract for the asphalt rejuvenation along the Riverside Parkway from 24 Road to 29 Road including all of the on and off ramps. In total approximately 229,000 square yards of road surface will be treated.

Action: Authorize the City Purchasing Division to Enter into a Contract with American Road Maintenance, of Itasca, IL for the Riverside Parkway Asphalt Rejuvenation Project for the Bid Amount of \$179,670

5. **Avalon Theatre Renovation Grant Request**

This request is for authorization to submit a request to the Colorado Department of Local Affairs for a \$1 million grant for the Avalon Theatre to include site improvements, the multi-purpose room, elevator, restrooms, HVAC, and auditorium seating.

Resolution No. 50-13—A Resolution Authorizing the City Manager to Submit a Grant Request to the Colorado Department of Local Affairs' (DOLA) Energy and Mineral Impact Assistance Program for Renovations to the Avalon Theatre

Action: Adopt Resolution No. 50-13

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Public Hearing—Reduction of Distance Restriction for Beer and Wine Liquor Licenses to College Campuses

State law requires five hundred feet, using direct pedestrian access, from the property line of a school to the liquor-licensed premise; however, the law also allows local jurisdictions to reduce that distance for a certain class of license for one or more types of schools. The request is to reduce or eliminate the distance restriction from a beer and wine license to a college campus.

The public hearing was opened at 7:24 p.m.

John Shaver, City Attorney, presented this item. He described the request to amend the Grand Junction Municipal Code to reduce the distance of a certain type of liquor license to college campuses. State Law does allow for a local option to vary the distance restriction. The City Council has previously reduced the distance restriction for hotel restaurant liquor licenses and brew pub liquor licenses.

Councilmember Doody asked if it is 6% beer for the Beer and Wine license. City Attorney Shaver confirmed that it is 6%.

Georgann Joufflas, Advisor for the Entrepreneurship Club, provided some background for the request. She teaches entrepreneurship to students at Colorado Mesa University (CMU). The University funded the collegiate entrepreneur association and the association recently received an entrepreneurship grant. Classroom learning is not as effective as hands on experience. She noted how serious she takes this as she has had personal experience being an owner of a bar and restaurant, and would not be involved in this project if this were simply a drinking place for college students. She introduced the first student to speak, Johnny Nitti.

Johnny Nitti, a student from Las Vegas, NV, expressed his excitement for the class. They researched student-run businesses. They based their business model on Rice University's student-run business. The entrepreneur association wanted to make their business one-of-a-kind. Their business will include art students' artwork on the wall, music students performing, and drama students doing improvisational acts. Four hundred CMU students were surveyed and 94% said they would work at a student-run business. There is a need for a student-run businesses on campus.

Craton Edwards, a senior at CMU, has a degree in Culinary Arts and is pursuing a Business degree. The association would like to provide a place where all students from different areas can collaborate. Many CMU students are over 21 and there is a large population of over 21 year olds in the general area of the University. They will focus on being safe and responsible since students would be serving students. They will prevent underage drinking by focusing on fake identification, attending educational liquor classes, having Cops in Shops training, and targeting excessive drinking to prevent over service. They intend to prevent drinking and driving by providing a service called Mav Rides which is a shuttle service for students who drink alcoholic beverages.

Sean Foster, a junior in Finance and Entrepreneurship at CMU, said they have reached out to State and Local Liquor Enforcement. Beer and Wine will not be the focal point; the focus will be on creating a student hangout with late night food and learning. The Club will target reduction of over consumption of alcohol by CMU students.

Council President Susuras complimented the Advisor, Ms. Joufflas, and the students for their presentation.

Councilmember Norris asked if this Club is getting financing as they will be in direct competition with other businesses who pay rent and have other overhead costs. Mr. Foster said they will get initial financing but then will have to sustain costs on their own.

Councilmember Chazen asked what business entity they created. Mr. Foster said they created an LLC where CMU is the managing member.

Councilmember Doody asked about the partnership of the State and the City to investigate underage drinking; would the State investigate themselves? City Attorney Shaver confirmed the State would investigate, and said the investigations are conducted in a manner where no entrapment occurs; the establishment can always refuse service, and there is always an out.

Councilmember Doody asked what would happen if an underage person was served. City Attorney Shaver said they would be cited and the liquor license could ultimately be suspended or revoked. A first offense usually results in a fine in lieu of suspension.

There were no other public comments.

The public hearing was closed at 7:40 p.m.

Councilmember Chazen said he is supportive of this if it is overseen by the University and a Professor of the University. The students have done their homework and they have gone about it the right way.

Councilmember Norris said she agrees it is very educational to open a business and make it work. She is supportive.

Ordinance No. 4595—An Ordinance Amending Section 5.12.220 of the Grand Junction Municipal Code Reducing the Distance a Beer and Wine Liquor Licensed Premise Must be from the Principal Campus of a College or University in the City of Grand Junction

Councilmember Doody moved to adopt Ordinance No. 4595 and ordered it published in pamphlet form. Councilmember Chazen seconded the motion. Motion carried by roll call vote.

Letter of Commitment Adjustment to CDOT's RAMP Grant Program for Horizon Drive/I70 Interchange Project

CDOT has developed a one-time program called the Responsible Acceleration of Maintenance and Partnerships (RAMP). The City was requested to submit detail application for the I-70 Horizon Drive Interchange project which was completed July 1st. Upon review by local CDOT staff, the project budget has been requested to increase to \$5.0 million reflecting more recent costs estimates, additional scope of work, and CDOT's staff direct involvement. The required 20% match is to be shared evenly between the Horizon Drive District and the City of Grand Junction. Horizon Drive Business Improvement District has already committed to their \$500,000 match. The letter attached increases the City's commitment toward the project to \$500,000.

Trent Prall, Engineering Manager, presented this item. He introduced three members of the Horizon Drive Association Business Improvement District: Chuck Keller, Chair of the Board, Clark Atkinson, past Chair, and Vara Kasal, District Manager. Mr. Prall noted that the Colorado Department of Transportation (CDOT) has asked that the City increase the projected cost of construction from \$4 million to \$5 million, anticipating increased construction costs and a CDOT oversight that will add 19% to the cost. There is also an additional scope for the project regarding the on and off ramps, and there will be some additional signage to direct drivers to the right lanes for the roundabouts. The 20% match will be shared equally with the Horizon Drive Association Business Improvement District (HDABID).

Councilmember Brainard asked what the City's increase in commitment will be. Mr. Prall said the match will go from \$400,000 to \$500,000, which is half of the required 20% match.

Councilmember Norris noted that this is only a request if the grant is awarded, there is no guarantee. Mr. Prall said this is correct, however, the City has made it through the initial stages and there is widespread support. The match meets the minimum requirements of the grant. If the cost is greater, the City and HDABID would be responsible for any overrun.

Council President Susuras asked who contacted whom for additional money. Mr. Prall said CDOT contacted the City to increase their "ask". This is one of the larger projects in this region.

Councilmember Doody asked if the project will require a 1601 study. Mr. Prall explained the 1601 process; it is a lengthy, detailed environmental assessment that would be required if it were a new interchange. This is an interchange modification so the 1601 study will not be required; a lesser process is required.

Councilmember Boeschstein said he attended the HDABID meeting that morning. These improvements are being driven by a local business district; they want to improve where they are; it is a gateway to the City as well as a business area. These costs can be spread over two years which will soften the blow. It is a grassroots effort. He hopes a bicycle pedestrian path will be included in a future project.

Councilmember Brainard asked if \$4 million is still a good estimate. Mr. Prall said he thought so but, raising the ask will lessen the City's share of any overruns.

Councilmember Chazen said it seemed like the cost of having CDOT involved in this project is high. Mr. Prall agreed, noting that having CDOT involved adds about 19% surcharge no matter what their level of involvement is. Councilmember Chazen asked if the City knew about that previously. Mr. Prall said the thought was that City Staff could have overseen the project, but since the interstate system is involved, CDOT is involved.

Councilmember Chazen referred to the letter and asked if the wording committed the City to other improvements on Horizon Drive. City Attorney Shaver said that it is a letter of intent but will not happen without budget authorization. He can reword the letter if Council so directs. Councilmember Chazen questioned referencing Ballot Measure B. City Attorney Shaver said that is to demonstrate that other funding was pursued.

Councilmember Chazen asked about how this is going to be funded. City Manager Englehart responded stating the project will be a 2014-2015 project. City Manager Englehart asked Mr. Prall when the funding would be needed. Mr. Prall said he was anticipating \$200,000 in 2014 and \$300,000 in 2015. Councilmember Chazen asked the HDABID Board if they have the funds. The HDABID members present responded affirmatively.

Councilmember Boeschstein questioned the need for CDOT to have their own construction trailer when the City has the expertise. Mr. Prall agreed, but CDOT has

demanded that they have on-site oversight of the project since it is on the interstate system.

Council President Susuras offered an opportunity to speak for those in attendance even though it was not a public hearing.

Chuck Keller, Chair of HDABID, said they have worked hard on this project and they are shovel ready. They want to improve the entrance to the area, the District, and the City. He hopes the Council concurs. The board members have worked hard getting information out to the area owners.

Clark Atkinson, prior Board Chair of the HDABID, 817 Lanai Drive, said he heard last week that CDOT wanted to increase the ask. The board has been busy getting the word out. The City will soon receive letters from leaders throughout the City supporting the project. This project will have a return on investment. The Horizon Drive businesses contribute over \$3 million dollars to the City in sales, use, and lodging taxes and they are looking at a 15% return for this grant application. He provided statistics on the return to the City through the year 2045 with total build-out of the area.

Councilmember Chazen asked if there is a guarantee that there will be a local contractor involved with the project. Mr. Prall said there are no guarantees as there are no provisions in the City policy that require use of a local contractor. Councilmember Chazen asked what is being solved by this project. Mr. Prall said the left turning movements areas at peak hours back up into the turn lanes. There is not enough lane width to add a double turn lane. Safety is another concern; roundabouts provide angles of conflict that reduce the severity of accidents. There is also some confusion with drivers turning at the access road to the Visitor Center, and the aesthetics of the area are a concern.

Councilmember Boeschstein lauded the availability of a RAMP grant. It is a confusing interchange and this will clean that up. He has looked at national and regional data and roundabouts are the safest solution plus they create a beautiful entry. It will provide a trail for bicycles and pedestrians. He will support it.

Councilmember Doody said this is a great project and the reason the HDABID board was formed. He noted a previous project with the mosaic at the underpass. He will support it.

Councilmember Norris noted this was one of the projects under the TABOR question which almost passed so the citizens want this project. She appreciates the work done out on Horizon Drive as it helps business.

Councilmember Chazen said he is not sure if they are solving a problem. This is a burden to the 2014 and 2015 budgets. He is not sure how it can be funded. The 19% oversight charge is high, and he does not like it. This originally came as a \$4 million project and now it is \$5 million, that is a 25% increase. However, the vote tonight does

not commit the Council, it only allows Staff to apply for the grant. City Attorney Shaver said this is indicative that the commitment is there.

Councilmember Brainard said he shares Councilmember Chazen's concerns, however, he is encouraged that the project could still be done for \$4 million.

Council President Susuras said he has a letter from Grand Junction Economic Partnership (GJEP) supporting the request. The Grand Junction Airport discussed this project last night and the Airport board said they would support it. He will support the project.

Councilmember Chazen said he will be supporting this but will later want to see how this will fit into the budget.

Councilmember Doody moved to authorize the President of the Council to sign the letter of commitment for CDOT's RAMP Grant Program for the Horizon I-70 Interchange Project. Councilmember Boeschstein seconded the motion. Motion carried by roll call vote.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

There was none.

Adjournment

Councilmember Chazen moved to adjourn. Councilmember Doody seconded. Motion carried.

The meeting was adjourned at 8:23 p.m.

Stephanie Tuin, MMC
City Clerk

**GRAND JUNCTION CITY COUNCIL
SPECIAL MEETING MINUTES**

July 23, 2013

The City Council of the City of Grand Junction convened into a Special Meeting on the 23rd day of July, 2013 at 12:15 p.m. in the City Auditorium. Those present were Councilmembers Bennett Boeschstein, Martin Chazen, Jim Doody, Phyllis Norris, and Council President Sam Susuras. Also present were City Manager Rich Englehart, City Attorney John Shaver, and City Clerk Stephanie Tuin and Deputy City Clerk Debbie Kemp.

Council President Susuras called the meeting to order and announced the purpose of the meeting.

Read Letter of Resignation from Rick Brainard into Record

City Clerk Tuin read the letter of resignation from Rick Brainard into record (attached).

Determination on Method to Fill Vacancies

Council President Susuras reminded Council that a date has been set for July 29th to fill the vacancy for District E.

Councilmember Chazen asked City Attorney Shaver if a resolution needs to be adopted to accept the resignation. City Attorney Shaver said that it is not required but it is up to Council if they would like to. It is sufficient to acknowledge the resignation letter.

Councilmember Boeschstein stated that two vacancies on Council now need to be filled as soon as possible. He feels that it should be done in an open manner, through a petition process getting signatures, a campaign process, and election.

Councilmember Doody said that, in light of everything that has transpired, the City is at a crossroads, and he would like to see this go to an election.

Councilmember Norris stated that the City just went through an election, it is not cheap, and there are candidates willing to step up. This Council was elected to fill positions, one interview process has happened, Council didn't agree and it was decided to do another interview to save the community \$40,000 to \$60,000 in election costs. She feels Council should interview for both positions.

Councilmember Chazen agreed with Councilmember Norris, the process is in motion and the Charter is clear. The Council positions should be filled as soon as possible and then move on with City business. The current Council was elected by citizens to make

decisions and solve problems, and to make a swift decision through a process already in place.

Council President Susuras advised that a special election could cost \$100,000, or with the County, \$45,000. He agreed with the comments made; Council was elected to make decisions and he feels three is a majority on a Council of five. Council should move forward with July 29th interviews and direct the City Clerk to start the process for filling the second vacancy.

City Attorney Shaver said no action is required if Council wishes to fill the District E seat on July 29th. The Council does need to direct Staff on the interview process, and determine how the selection will be made.

City Attorney Shaver advised Council to adopt a specific rule, for this selection process only, if the current five Councilmembers would like to use a majority of three. Until a sixth Councilmember is appointed, three would then constitute a majority for official actions. City Attorney Shaver explained that with a seven member Council, it has consistently been the City's practice to have a majority of four Council members for official actions. The City Charter is unclear because it only states, in two paragraphs, "members of the Council." The Charter doesn't state a Council of seven members, nor does it specifically address a Council with less than seven members. It is therefore up to the current five member Council to decide whether or not they want to adopt a rule allowing a majority of three votes for this limited purpose.

Council President Susuras asked what the first action should be. City Attorney Shaver said there should be discussion and direction to help the City Clerk and the City Manager identify what Council will expect for July 29th. Will it be the same or similar interview process, will the same or different questions be used, and will the new candidate be interviewed differently than the other three candidates since they were already interviewed once?

Councilmember Chazen asked City Clerk Tuin how many candidates there are. City Clerk Tuin said there are four; three candidates from the previous round and one new candidate.

Councilmember Doody said that Council needs to decide first if they are going to temporarily suspend the requirement that four votes constitute a majority and reduce it to three votes.

Council President Susuras said that he feels that with a Council of six or seven, a majority is four votes; but with a Council of five, the majority is obviously three, which is enough to make a decision and there should be a vote on that.

Councilmember Chazen said it is imperative that they should make do with what Council has currently. The Charter has a procedure to move expeditiously and repopulate the

Council. The current Council needs to move forward and make decisions to solve problems. Requiring four out of five votes would mean Council needs a super majority to do anything. Three is a majority and Council should repopulate the Council as soon as possible.

Councilmember Chazen moved that, until there are six Councilors on the Council, three votes would constitute a majority. Councilmember Norris seconded the motion. Motion was declared passed 3 to 2 after a roll call vote with Councilmembers Boeschstein and Doody voting NO.

Council President Susuras asked for suggestions for the process on July 29th.

Councilmember Chazen said that the interview process used before was good in order to get the candidates' thoughts. He asked Deputy City Clerk Kemp how many candidates out of the four received are coming back a second time. Ms. Kemp said there are three. Councilmember Chazen said it would not be fair to the new candidate to use the questions asked before. He thinks there should be ten new questions asked of each candidate.

Council President Susuras asked if questions from the audience should be allowed as well. Councilmember Chazen said yes, three to five questions from the audience would work.

Councilmember Norris said that the process has worked very well even though it is not easy for the candidates, but going through the election process is not easy either. The public can see the candidates and ask questions if they would like. She agrees with Councilmember Chazen that new questions should be asked.

Councilmember Doody said that he wasn't sure why Mr. Brainard said that Council President Susuras was threatening him or what the notes said that were passed on by Councilmember Chazen. He said these actions are a disservice to the community; he then advised that he was done with the meeting and left the dais.

Councilmember Boeschstein said that he feels both these positions should be filled through an election rather than through an appointment process. He asked if only the vacancy of District E will be filled on July 29th. Council President Susuras stated only District E will be interviewed for on July 29th.

City Attorney Shaver confirmed and advised that the At Large position has to be advertised and interest solicited for that seat. The pool of potential candidates for the At Large seat would be much different than that for District E.

Council President Susuras said it would be good to have 10 new questions for the candidates on July 29th. The candidates will be given about three minutes to introduce themselves, ten questions from Council and some from the audience, and a minute at the

end for closing comments, and that would work well. He asked City Attorney Shaver if a motion needs to be made for that direction. City Attorney Shaver said that a motion is not necessary. City Attorney Shaver asked if it should be the same format as the prior forum, with the informal meeting of the candidates prior to the forum. Council President Susuras said yes.

Councilmember Norris commented that when Mr. Brainard left, he verbally attacked everyone on the Council and the City and it is not fair to blame one person for his leaving. She apologized to Councilmember Chazen for comments made.

Council President Susuras said that, at some time during the timeframe of serving, a Councilmember may feel like a victim or shoved aside, but that shouldn't be a reason to walk out of a Council meeting.

Council President Susuras asked for suggestions on replacing Mr. Brainard in the At Large seat.

Councilmember Boeschstein said his first preference would be a general election and, as a second choice, the appointment process.

Councilmember Norris said the At Large seat is for the entire City and there are certainly a lot of candidates that may be interested. The process should be opened to allow for those potential candidates.

Councilmember Chazen asked City Attorney Shaver what the statutory time limit is. City Attorney Shaver said there is a 60 day time limit.

Council President Susuras asked if a November election would be too late. City Attorney said that the 60 day time frame is only for process of appointment.

Councilmember Chazen said if a new Councilor could be appointed on July 29th, she or he should be allowed to get their feet on the ground before another selection process. Mid- August should give the new Councilor time before the next candidates are interviewed.

City Attorney Shaver stated that it takes about two weeks to advertise and allow for interested candidates to respond.

Councilmember Chazen proposed to start advertising for the At Large vacancy after making the selection for the District E seat on July 29th. This would allow time to solicit for candidates, the interview process, and the appointment to be made by mid-August.

Council President Susuras stated that the proposal made might be a bit premature because it needs to be determined if it should go to election first. He commented that going into an election in November would not accomplish anything without a sixth

Councilmember. Election would be good for a seventh Councilmember. He said that they at least need a six Councilmembers so they could go back to the original four votes for a majority.

Councilmember Norris said that she believes that neither of the vacant seats need to go to an election unless absolutely necessary. It would save a lot of money.

Councilmember Chazen agreed with Councilmember Norris.

Council President Susuras said he would like to save money although he would prefer the community to be able to vote on a seventh person. To save financially and get the Council moving forward, he will support the selection process.

Councilmember Boeschstein reminded Council that small boards can conduct business, Mesa County only has three Commissioners. He said that until the City Council is full, they can still do business. The common goal is to make the City the best they can. A small number of Councilmembers can still agree on many things. He said he would prefer the At Large position be filled in a general election.

Council President Susuras asked City Attorney Shaver if a motion is necessary to move forward. City Attorney Shaver said that Council's direction would be good, but a motion is not required. He also advised that if the matter were referred to election, nomination petitions would have to be out by August 6, 2013.

Other Business

Council President Susuras said that Mr. Brainard was the City's representative for the 5-2-1 Drainage Authority and someone needs to take that place and asked if anyone was interested. Councilmember Boeschstein volunteered. Council President Susuras asked City Attorney Shaver if the replacement needs to be done by ordinance.

City Attorney Shaver advised that a resolution has been reserved for the appointment and said if Council wishes to vote, the resolution can be completed to make that appointment.

Councilmember Chazen pointed out that Councilmember Doody is currently serving temporarily on the Housing Authority Board for the vacancy created by Councilmember Butler, and asked Councilmember Boeschstein if he would like to serve on the 5-2-1 Drainage Authority on a temporary or permanent basis. Councilmember Boeschstein said that temporarily would be fine, especially since all the appointments will be made next January again anyway.

Council President Susuras asked Ms. Kemp to call the roll for the remaining Councilmembers for the temporary appointment of Councilmember Boeschstein to the 5-2-1- Drainage Authority.

Roll call was called and passed 4 – 0.

Adjournment

The meeting was adjourned at 12:50 p.m.

Stephanie Tuin, MMC
City Clerk

Rick Brainard

2207 Avenal Court • Grand Junction, CO 81507
Phone: 614.207.1214 • E-Mail: rbrainard1@me.com

Date: 18 July 2013

To whom it may Concern:

Effective immediately, I am stepping down as a City Councilor. While my time on City Council has been short, I have learned a lot about the complexities of our city. Furthermore, I have learned that our city has a great City Staff that is second to none in my opinion.

Specific to my departure, I have held my head high since the night of the election considering everything that has transpired. I do this because it is who I am, those of you who actually know me know this. However, sometimes you come to the conclusion that if your time and efforts are not appreciated, then maybe its time for some new scenery.

The fact is I am not I violent person, never have been. I let circumstances get away from me April 5th and I am ashamed of that. Through all of that and my counseling, I have discovered many things about me, about my feelings towards Cindy and most of all about domestic violence. I have come a long way in my treatment/education as to how to best behave, all the time. I can tell everyone, the things you learn from the wonderful professionals that help you with domestic violence are an amazing set of tools. Frankly, tools that should not be kept in a closet until it too late but rather tools we are required to understand long before then. I was unprepared for that evening, today; I am doing things that would have kept me from all of this in the first place. I am proud of these changes.

In addition, I have become greatly disillusioned with our City Council. When I decided to run for city council everybody that knew me and supported me knew I was a free thinker and willing to take conservative risks. In business, you have to do that. So imagine my dismay when I have to read notes during city council meeting, clearly written in anger based on the number of underlines and exclamation points, from another councilman, because I didn't vote the way he wanted me to vote. And I certainly did not sign up expecting to have a father figure that feels the need to talk down to me because he somehow has the idea that I need his assistance. I never said, "tell me how to vote and I will vote that way", or "tell me how to think and I will think that way". To all that I say enough.

Cindy and I have reconnected and I have reorganized my priorities around her. She has been wonderful through all of this. She is certainly my biggest fan and supporter. She has never been, nor ever will be the reason for my actions; they were my actions and mine alone. We will continue to move forward putting those tools we both now have to use towards our future. We trust we can do this with the privacy that we deserve.

Sincerely,



Rick Brainard

**GRAND JUNCTION CITY COUNCIL
MINUTES OF THE CANDIDATE FORUM AND SPECIAL MEETING**

July 29, 2013

The City Council of the City of Grand Junction convened into Candidate Forum and Special Meeting on the 29th day of July, 2013 at 6:00 p.m. in the City Auditorium. Those present were Councilmembers Bennett Boeschstein, Martin Chazen, Phyllis Norris, and Council President Sam Susuras. Councilmember Jim Doody was absent. Also present were City Manager Rich Englehart, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Susuras called the meeting to order at 6:00 p.m. The candidates seated at the dais were Duncan McArthur, Barbara Traylor Smith and Les Miller. Teresa Black was also interviewed as a candidate via Face Time on an Ipad as she was serving military reserve duty.

Council President Susuras allowed each candidate to introduce himself or herself and then posed questions to each. After all of the City Council questions were asked, questions were solicited from the audience including the media. The candidates were then asked to make a brief closing statement.

Council President Susuras closed the question and answer portion of the meeting and called a recess in order for the City Council to take their place on the dais for deliberation.

The meeting recessed at 7:38 p.m.

The meeting reconvened at 7:50 p.m. The members of Council were seated at the dais.

Council President Susuras asked for discussion.

Councilmember Boeschstein thanked the applicants for participating. He repeated his statement from the last meeting that the position should be filled by special election. He referred to the City Charter and said based on the City Attorney's advice, the selection should be based on majority vote of four. He disagreed with the decision to go with a majority vote of three, however, he was ready to make his choice.

Councilmember Norris said the City Charter also says the City Council shall fill the vacancy and she thinks by having Council make the decision now, it will save the citizens money by not having a costly election. She advised it will be a difficult decision. She thanked the applicants.

Councilmember Chazen thanked the applicants and noted there are four very good candidates. There were some good questions and the answers given by the candidates were well thought out and articulate. He was ready to make his selection.

Council President Susuras thanked the applicants and said they were all great prospects. He read Article 37 of the Charter and noted that with the current five members of Council, three are a majority.

Duncan McArthur was elected by the current Councilmembers to fill the District E seat by roll call vote of 3 to 1 with Councilmembers Chazen, Norris, and Council President Susuras voting in favor of Duncan McArthur, and Councilmember Boeschstein voting in favor of Les Miller.

City Clerk Stephanie Tuin administered the Oath of Office to Duncan McArthur.

Councilmember McArthur took his seat at the dais.

Adjournment

With no further business before Council, the meeting was adjourned at 7:57 p.m.

Stephanie Tuin, MMC
City Clerk



Date: 07-24-13
 Author: Jamie B. Beard
 Title/ Phone Ext: Assistant City Attorney/4032
 Proposed Schedule: August 7, 2013
 2nd Reading
 (if applicable): August 21, 2013
 File # (if applicable): _____

Attach 2
CITY COUNCIL AGENDA ITEM

Subject: Amendment to Section 9.04.070 of the Grand Junction Municipal Code Adopting Rules and Regulations Regarding Theft
Action Requested/Recommendation: Introduce a Proposed Ordinance and Set a Public Hearing for August 21, 2013
Presenter(s) Name & Title: John Shaver, City Attorney Jamie B. Beard, Assistant City Attorney

Executive Summary:

The State has modified various state statutes regarding thefts. The proposed ordinance amends Section 9.04.070 Theft to be consistent with the state laws regarding level of crime for thefts less than \$2,000.

Background, Analysis and Options:

In its last term, the state legislature modified various levels of theft crimes. A theft of anything valued at less than \$2,000 is now considered a misdemeanor. This is an increase up from \$1,000. (Previously a theft of an item valued \$1,000 or more was considered a felony.) For simplicity, understanding and consistency it makes it easier to administer the law reasonably, fairly and effectively with amending the City’s ordinance regarding theft for the amount for a misdemeanor to be consistent with the state.

How this item relates to the Comprehensive Plan Goals and Policies:

Goal 1: To implement the Comprehensive Plan in a consistent manner between the City, Mesa County, and other service providers.

The City criminal rules and regulations regarding thefts of anything valued at less than \$2,000 will be consistent with those that are applied throughout the County.

Board or Committee Recommendation:

NA

Financial Impact/Budget:

Nominal change. More cases will be handled by the Municipal Court regarding thefts, but fines and administrative costs will also be collected with the additional cases.

Legal issues:

The City Attorney has prepared the ordinance, reviewed and approved the proposed amendments.

Other issues:

NA

Previously presented or discussed:

NA

Attachments:

Exhibit A - Illustrated Changes to GJMC Section 9.04.070
Proposed Ordinance

EXHIBIT A

The following is an illustration of proposed changes. Items deleted are shown with a strikethrough. Items added are shown underlined.

9.04.070 Theft.

(a) It shall be unlawful to commit theft in the City. A person commits a theft when the person knowingly obtains or exercises control over any-thing of value of another without authorization or by threat or deception with intent to permanently deprive the person having lawful dominion, possession or control of the thing of value of its use or benefit. The Municipal Court shall have jurisdiction where the value of the thing involved is less than \$24,000. For purposes of this section, the test of value is the reasonable market value of the stolen article at the time of the commission of the alleged offense. If any person willfully conceals unpurchased goods, wares or merchandise owned or held by and offered or displayed for sale by any store or other mercantile establishment, whether the concealment be on the his own person or otherwise and whether on or off the premises of such store or mercantile establishment, such concealment shall constitute a presumption that the person intended to commit the crime of theft.

(b) It shall be unlawful to knowingly transfer a label or other designation of price from one item to another or alter such label or designation of price with intent to purchase such item at a lesser cost.

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. ____

**AN ORDINANCE AMENDING SECTION 9.04.070 OF THE
GRAND JUNCTION MUNICIPAL CODE REGARDING THEFTS**

RECITALS:

The City Council of the City of Grand Junction has reviewed and approved changes to Section 9.04.070 of the City of Grand Junctions Code of Ordinances relating to thefts within the City for anything valued less than \$2,000 and found the changes as proposed are beneficial to the health, safety, and welfare of the citizens of the community.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
GRAND JUNCTION:**

Section 9.04.070 is hereby amended as follows:

9.04.070 Theft.

(a) It shall be unlawful to commit theft in the City. A person commits a theft when the person knowingly obtains or exercises control over anything of value of another without authorization or by threat or deception with intent to permanently deprive the person having lawful dominion, possession or control of the thing of value of its use or benefit. The Municipal Court shall have jurisdiction where the value of the thing involved is less than \$2,000. For purposes of this section, the test of value is the reasonable market value of the stolen article at the time of the commission of the alleged offense. If any person willfully conceals unpurchased goods, wares or merchandise owned or held by and offered or displayed for sale by any store or other mercantile establishment, whether the concealment be on the person or otherwise and whether on or off the premises of such store or mercantile establishment, such concealment shall constitute a presumption that the person intended to commit the crime of theft.

(b) It shall be unlawful to knowingly transfer a label or other designation of price from one item to another or alter such label or designation of price with intent to purchase such item at a lesser cost.

Any section not specifically modified herein shall remain in full force and effect.

INTRODUCED on first reading the _____ day of _____,
2013 and ordered published in pamphlet form.

PASSED and **ADOPTED** on second reading the ____ day of _____, 2013 and ordered published in pamphlet form.

President of City Council

ATTEST:

City Clerk



Date: 07-24-13

Author: Jamie B. Beard

Title/ Phone Ext: Assistant City

Attorney/4032

Proposed Schedule: August 7, 2013

2nd Reading

(if applicable): August 21, 2013

File # (if applicable): _____

Attach 3

CITY COUNCIL AGENDA ITEM

Subject: Amendment to Section 9.04.230 of the Grand Junction Municipal Code Adopting Rules and Regulations Regarding the Possession/Use of Marijuana by a Minor
Action Requested/Recommendation: Introduce a Proposed Ordinance and Set a Public Hearing for August 21, 2013
Presenter(s) Name & Title: John Shaver, City Attorney Jamie B. Beard, Assistant City Attorney

Executive Summary:

Due to changes to the Constitution of the State of Colorado, the state legislators modified the possible penalties concerning the possession, consumption, and use of marijuana by anyone, including those under the age of 21 years. The proposed ordinance amends Section 9.04.230 Purchase, possession, consumption of marijuana by persons under the age of 21 years to be consistent with the state laws and penalties.

Background, Analysis and Options:

In November 2012 the people of Colorado approved Amendment 64 to the State Constitution. The state legislator then reconsidered the statutes concerning the possession and use of marijuana and made changes concerning the criminal penalties. The penalty for a minor, a person under the age of 21 years, possessing and/or using marijuana was reduced to a petty offense from a misdemeanor. The maximum penalty is a fine of \$100.00. If the possession and/or use is displayed publicly then the penalty may include the maximum fine of \$100.00 and twenty-four hours of community service. The proposed changes reflect these penalties.

How this item relates to the Comprehensive Plan Goals and Policies:

Goal 1: To implement the Comprehensive Plan in a consistent manner between the City, Mesa County, and other service providers.

The City criminal rules and regulations regarding minors and marijuana will be consistent with those that are applied throughout the County.

Board or Committee Recommendation:

NA

Financial Impact/Budget:

Nominal change. Less fines will be collected, but administrative costs will also be reduced with less supervision required for other sentencing requirements.

Legal issues:

The City Attorney has prepared the ordinance, reviewed and approved the proposed amendments.

Other issues:

NA

Previously presented or discussed:

NA

Attachments:

Exhibit A - Illustrated Changes to GJMC Section 9.04.230
Proposed Ordinance

EXHIBIT A

The following is an illustration of proposed changes. Items deleted are shown with a strikethrough. Items added are shown underlined.

9.04.230 Purchase, possession, consumption of marijuana by persons under the age of 21.

(a) It shall be unlawful for any person under the age of 21 years to purchase, transfer, dispense, or possess ~~two~~ one ounces or less of marijuana, and/or to consume any quantity of marijuana, except as allowed for medicinal purposes.

(b) It shall be unlawful for any person under the age of 21 years to openly and publicly display, consume, or use two ounces or less of marijuana.

(c) Penalties.

~~(1) Each violation of this paragraph (a) of this section shall be punishable by a fine up to \$100.00. At the discretion of the Court, the fine may be suspended as the Court deems appropriate with completion of drug education and/or treatment, useful public service, suspension of driver's license, drug education classes, drug evaluation and treatment, fines, or any combination of these in the discretion of the Court, subject to the following:~~

~~(i) Useful public service of no less than 24 hours for any single offense shall be imposed.~~

~~(ii) Driver's license shall be suspended for a period of three months for a first offense and up to one year for subsequent offenses.~~

~~(iii) Fines of up to \$250.00 for a first offense, up to \$500.00 for a second offense and up to \$1,000 for a third offense may be imposed. Fines may be suspended on the condition of timely completion of useful public service and drug classes or treatment. This subsection (b)(1)(iii) shall not limit the discretion of the Court to suspend fines for other reasons it deems appropriate. It is the intention of the City Council in adopting this subsection (b)(1)(iii) to establish a preference for useful public service and drug education and/or treatment over fines.~~

(2) Each violation of paragraph (b) of this section shall by a person who is 18 years of age or older may be punishable by a fine up to \$100.00 and up to 24 hours of useful public service. At the discretion of the Court, the fine and useful public service may be suspended as the Court deems appropriate with completion of drug education and/or treatment, 30 days in jail, in combination with or in lieu of any penalty provided for in subsection (b)(1) of this section, in the discretion of the Court.

~~(3) "First offense," "second offense," "third offense" and further offense(s) shall be defined as including any prior municipal alcohol or drug related possession or consumption offense(s).~~

~~(4) Aggravating factors for sentence enhancement include but shall not be limited to the following factor(s):~~

~~(i) Prior conviction(s) for minor in possession or consumption of alcohol or marijuana;~~

~~(ii) Prior conviction(s) for possession, consumption, or distribution of alcohol or other unlawful drugs (including prescription drugs);~~

~~(iii) Prior conviction(s) for driving under the influence of alcohol, driving while impaired by alcohol and other motor vehicle offense(s) involving the use of alcohol and drugs; and~~

~~(iv) Lack of cooperation by the defendant, including poor attitude and/or aggressive or hostile demeanor.~~

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. ____

**AN ORDINANCE AMENDING SECTION 9.04.230 OF THE
GRAND JUNCTION MUNICIPAL CODE REGARDING MARIJUANA AND PERSONS
UNDER THE AGE OF 21 YEARS**

RECITALS:

The City Council of the City of Grand Junction has reviewed and approved changes to Section 9.04.230 of the City of Grand Junctions Code of Ordinances relating to possession, consumption, transferring, dispensing and use of two ounces or less of marijuana by persons under the age of 21 years within the City and found the changes as proposed are beneficial to the health, safety, and welfare of the citizens of the community.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
GRAND JUNCTION:**

Section 9.04.230 of the Grand Junction Municipal Code is hereby amended as follows:

9.04.230 Purchase, possession, consumption of marijuana by persons under the age of 21.

(a) It shall be unlawful for any person under the age of 21 years to purchase, transfer, dispense, or possess two ounces or less of marijuana, and/or to consume any quantity of marijuana, except as allowed for medicinal purposes.

(b) It shall be unlawful for any person under the age of 21 years to openly and publicly display, consume, or use two ounces or less of marijuana.

(c) Penalties.

(1) Each violation of paragraph (a) of this section shall be punishable by a fine up to \$100.00. At the discretion of the Court, the fine may be suspended as the Court deems appropriate with completion of drug education and/or treatment.

(2) Each violation of paragraph (b) of this section shall be punishable by a fine up to \$100.00 and up to 24 hours of useful public service. At the discretion of the Court, the fine and useful public service may be suspended as the Court deems appropriate with completion of drug education and/or treatment.

INTRODUCED on first reading the _____ day of _____,
2013 and ordered published in pamphlet form.

PASSED and **ADOPTED** on second reading the ____ day of _____, 2013 and
ordered published in pamphlet form.

President of City Council

ATTEST:

City Clerk



Date: August 1, 2013
Author: John Shaver
Title/ Phone Ext: 1506
Proposed Schedule: 1st Reading:
August 7, 2013
2nd Reading: August 21, 2013
File #: N/A

Attach 4

CITY COUNCIL AGENDA ITEM

Subject: Amending the Grand Junction Municipal Code to Prohibit Retail Sale of Marijuana

Action Requested/Recommendation: Introduce a Proposed Ordinance and Set a Public Hearing for August 21, 2013

Presenter(s) Name & Title: John Shaver, City Attorney

Executive Summary:

Amendment 64 to the Colorado State Constitution allows local governments to regulate or prohibit marijuana retail stores as well as cultivation, manufacturing, and testing facilities by ordinance or by placing a ballot measure on the General Election ballot. Based on direction previously provided by the City Council, Staff has prepared an ordinance prohibiting marijuana businesses in Grand Junction for the Council's consideration.

Background, Analysis and Options:

On November 6, 2012, the voters of the State of Colorado approved a ballot initiative amending the Colorado Constitution making the possession, use, purchase, display and transporting of one ounce or less of marijuana lawful for persons 21 years of age or older. Known as "Amendment 64," Article XVIII, Section 16 of the Colorado Constitution also authorizes local governments to license, regulate, tax or prohibit marijuana retail stores, cultivation facilities, product manufacturing facilities and testing facilities. If the City takes no action to prohibit them by October 1, 2013, marijuana businesses could begin operation in the City pursuant to the State licensing scheme. The City may also place a question of local prohibition on a General Election ballot.

In April 2011, the City electors decided to prohibit medical marijuana related business facilities within the City. November 6, 2012 election results also indicated that local voters disapprove the recreational use of marijuana. Amendment 64 is also in conflict with the Federal Controlled Substances Act, which categorizes marijuana as a Schedule I controlled substance. Given these considerations, Council may feel it is appropriate to prohibit the establishment and operation of marijuana businesses within the City of Grand Junction.

How this item relates to the Comprehensive Plan Goals and Policies:

This item relates to Goal 12, and to Policies 12A and 12B. From one point of view, an ordinance prohibiting marijuana cultivation, retail, manufacturing and testing operations could be seen as inhibiting economic growth, economic diversity, and commercial and industrial development. From another point of view, however, marijuana related commercial and industrial activity can have deleterious effects on the City's commerce, culture and tourism. Local voters have tended to indicate that they do not consider marijuana related businesses to be appropriate for the community because of the real and potential negative primary and secondary effects of marijuana related activity.

Board or Committee Recommendation:

N/A

Financial Impact/Budget:

Prohibition of marijuana business will have revenue consequences for the City. Assuming the statewide ballot measure approving the marijuana excise and sales tax rates established by House Bill 1318 passes, City staff estimates that \$86,160 - \$141,777 annual local sales tax revenue and \$50,000 - \$80,000 annual distribution from state collected sales taxes would be available to the City. Prohibition of marijuana business means foregoing these potential public revenues.

Attachments:

Proposed Ordinance

ORDINANCE NO. ____

AN ORDINANCE PROHIBITING THE OPERATION OF MARIJUANA CULTIVATION FACILITIES, MARIJUANA PRODUCT MANUFACTURING FACILITIES, MARIJUANA TESTING FACILITIES, AND RETAIL MARIJUANA STORES AND AMENDING THE GRAND JUNCTION MUNICIPAL CODE BY THE ADDITION OF A NEW SECTION PROHIBITING CERTAIN USES RELATING TO MARIJUANA

RECITALS:

The Grand Junction Municipal Code regulates a variety of businesses and land uses that occur and/or are proposed to occur within the City. On November 6, 2012 Colorado voters approved Amendment 64 which is now known as Article XVIII, Section 16 of the Colorado Constitution ("Amendment 64.") The Amendment decriminalized certain activity with respect to the use, possession, transportation and distribution of marijuana. With the adoption of Amendment 64 comes the possibility of business and commercial activity(ies) and enterprise(s) being allowed subject to State and local licensing or the local prohibition of the same.

Considering that in April 2011 the City electors overwhelmingly decided to prohibit medical marijuana related facilities within the City of Grand Junction; that marijuana continues to be prohibited as a Schedule I controlled substance under Federal law; that the City Council may, consistent with the provisions of Amendment 64, consider the adoption of an ordinance which would prohibit the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities and retail marijuana stores within the City; and that the City Council has duly and fully considered the matter and determined that it is in the best interest of the citizens of Grand Junction to prohibit certain marijuana related commercial and industrial activities and enterprises, the City Council does hereby enact the following prohibitions, exclusions and proscriptions related to and concerning marijuana within the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

Title 5 of the Grand Junction Municipal Code is amended to include a new article 15, as follows (additions shown in ALL CAPS, except section designations, which are shown in the actual case as they will appear in the Code).

Title 5, Article 15 Grand Junction Municipal Code

5.15.010 MARIJUANA

UNDER THE AUTHORITY GRANTED IN ARTICLE XVIII, SECTION 16 OF THE COLORADO CONSTITUTION (AMENDMENT 64) AND THE CHARTER OF THE CITY OF GRAND JUNCTION THIS ORDINANCE IS ADOPTED BY THE CITY COUNCIL TO PROHIBIT THE OPERATION OF MARIJUANA CULTIVATION FACILITIES, MARIJUANA PRODUCT MANUFACTURING FACILITIES, MARIJUANA TESTING FACILITIES, RETAIL MARIJUANA STORES AND ALL BUSINESS AND LAND USES

RELATED TO MARIJUANA IN THE CITY AND IN FURTHERANCE OF ITS STATED INTENT, THE CITY COUNCIL MAKES THE FOLLOWING FINDINGS.

AFTER DUE AND CAREFUL CONSIDERATION OF ARTICLE XVIII, SECTION 16 OF THE COLORADO CONSTITUTION AND THE CONTROLLED SUBSTANCE ACT (21 U.S.C. 811) AND THE REAL AND POSSIBLE PRIMARY AND SECONDARY EFFECTS OF THE CULTIVATION AND DISPENSING OF MARIJUANA AND/OR THE MANUFACTURING AND SALE OF MARIJUANA INFUSED PRODUCTS, THOSE BUSINESSES, OPERATIONS AND LAND USES HAVE BEEN FOUND TO ADVERSELY AFFECT THE HEALTH, SAFETY AND WELFARE OF THE CITY AND ITS INHABITANTS.

THEREFORE, IT IS AND SHALL BE UPON PASSAGE OF THIS ORDINANCE UNLAWFUL FOR ANY PERSON TO OPERATE, CAUSE TO BE OPERATED OR PERMIT TO BE OPERATED A MARIJUANA CULTIVATION FACILITY(IES), MARIJUANA PRODUCT MANUFACTURING FACILITY(IES), MARIJUANA TESTING FACILITY(IES) AND/OR A RETAIL MARIJUANA STORE(S), BUSINESS OR OPERATION RELATED THERETO IN THE CITY AND NO CITY LICENSES, PERMITS OR APPROVALS SHALL ISSUE FOR THE SAME.

5.15.011 DEFINITIONS

ALL DEFINITIONS PROVIDED IN GJMC 5.14.011 AND ARTICLE XVIII, SECTION 16 OF THE COLORADO CONSTITUTION ARE ADOPTED HEREIN UNLESS SPECIFICALLY AMENDED HEREBY.

“MARIJUANA, MARIJUANA ACESSORIES, MARIJUANA CULTIVATION FACILITY, MARIJUANA ESTABLISHMENT, MARIJUANA PRODUCT MANUFACTURING FACILITY, MARIJUANA PRODUCTS, MARIJUANA TESTING FACILITY, RETAIL MARIJUANA STORE” ALL SHALL HAVE THE SAME MEANING AS SET FORTH IN ARTICLE XVIII, SECTION 16 OF THE COLORADO CONSTITUTION OR AS MAY BE MORE FULLY DEFINED IN ANY APPLICABLE STATE LAW OR REGULATION. COLLECTIVELY THESE MAY BE KNOWN AS AND/OR REFERRED TO AS “MARIJUANA BUSINESSES”

“MARIJUANA” MAY ALTERNATIVELY BE SPELLED “MARIHUANA.”

“PERSON” SHALL MEAN A NATURAL PERSON, PARTNERSHIP, ASSOCIATION, COMPANY, CORPORATION, LIMITED LIABILITY COMPANY OR OTHER ORGANIZATION OR ENTITY OR A MANAGER, AGENT, OWNER, OFFICER OR EMPLOYEE THEREOF.

“POSSESS OR POSSESSION” MEANS HAVING PHYSICAL CONTROL OF AN OBJECT, OR CONTROL OF THE PREMISES IN WHICH AN OBJECT IS LOCATED, OR HAVING THE POWER AND INTENT TO CONTROL AN OBJECT, WITHOUT REGARD TO WHETHER THE ONE IN POSSESSION HAS OWNERSHIP OF THE OBJECT. POSSESSION MAY BE HELD BY MORE THAN ONE PERSON AT A TIME. USE OF THE OBJECT IS NOT REQUIRED FOR POSSESSION.

“PRODUCE OR PRODUCTION” MEANS (I) ALL PHASES OF GROWTH OF MARIJUANA FROM SEED TO HARVEST, (II) COMBINING MARIJUANA WITH ANY OTHER SUBSTANCE FOR DISTRIBUTION, INCLUDING STORAGE AND PACKAGING FOR RESALE, OR (III) PREPARING, COMPOUNDING, PROCESSING, ENCAPSULATING, PACKING OR REPACKAGING, LABELING OR RE-LABELING OF MARIJUANA OR ITS DERIVATIVES WHETHER ALONE OR MIXED WITH ANY AMOUNT OF ANY OTHER SUBSTANCE.

“SALE” “SELL” “OFFER FOR SALE” “OFFER TO SELL” MEANS AND INCLUDES EVERY CONTRACT OR TRANSACTION WHETHER ORAL OR WRITTEN THAT CONTEMPLATES THE EXCHANGE OF VALUE, WHETHER MONEY OR SOMETHING ELSE, TANGIBLE OR INTANGIBLE, FOR A PRODUCT OR COMMODITY.

5.15.012 APPLICABILITY AND EFFECTIVE DATE

THIS ARTICLE SHALL APPLY TO ALL PROPERTY AND PERSONS WITHIN THE CITY OF GRAND JUNCTION.

IT SHALL BE UNLAWFUL AND A VIOLATION UNDER THIS CHAPTER FOR A PERSON TO ESTABLISH, OPERATE, CAUSE OR PERMIT TO BE OPERATED, OR CONTINUE TO OPERATE WITHIN THE CITY AND WITHIN ANY AREA ANNEXED TO THE CITY AFTER THE EFFECTIVE DATE OF THIS ORDINANCE, A MARIJUANA CULTIVATION FACILITY, A MARIJUANA ESTABLISHMENT, A MARIJUANA PRODUCT MANUFACTURING FACILITY, A MARIJUANA TESTING FACILITY, A RETAIL MARIJUANA STORE AND/OR TO CONDUCT ANY BUSINESS AS EITHER A PRIMARY, INCIDENTAL OR OCCASIONAL ACTIVITY OR ANY OTHER OPERATION INVOLVING THE SALE OF AND/OR THE OFFER TO SELL MARIJUANA AND/OR THE ESTABLISHMENT OF A LAND USE, HOME OCCUPATION, BUSINESS OR COMMERCIAL ACTIVITY CONCERNING MARIJUANA.

PURSUANT TO THE PROHIBITION SET FORTH ABOVE ANY APPLICATION FOR A LICENSE TO OPERATE A MARIJUANA FACILITY, ESTABLISHMENT OR COMMERCIAL OPERATION SHALL BE DEEMED DENIED UPON THE DATE OF FILING THE SAME WITH THE CITY. APPLICATIONS FOR LICENSES MAY BE FILED WITH THE FINANCE DEPARTMENT.

5.15.013 MEDICAL AND PERSONAL USE MARIJUANA

NOTHING IN THIS CHAPTER SHALL PROHIBIT OR OTHERWISE IMPAIR OR BE CONSTRUED TO PROHIBIT OR IMPAIR THE CULTIVATION, USE OR POSSESSION OF MEDICAL AND/OR PERSONAL USE MARIJUANA BY A PATIENT AND/OR BY A PRIMARY CAREGIVER FOR HIS/HER PATIENTS PROVIDED THAT SUCH PATIENT OR PRIMARY CAREGIVER OR A PERSON ACTING IN ACCORDANCE WITH ALL APPLICABLE PROVISIONS OF ARTICLE XVIII, SEC. 14(1)(C) AND/OR ARTICLE XVIII, SEC. 16(2) OF THE COLORADO CONSTITUTION, 12-43.3-101 ET. SEQ. C.R.S. AS AMENDED, 25-1.5-106 C.R.S. AND/OR THE REGULATIONS PROMULGATED BY THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, THE COLORADO DEPARTMENT OF REVENUE OR

ANY OTHER STATE AND/OR FEDERAL AGENCY WITH REGULATORY AUTHORITY AND THE LAWS OF THE CITY.

5.15.014 PENALTY

A VIOLATION OF ANY PROVISION OF THIS CHAPTER SHALL CONSTITUTE A MISDEMEANOR OFFENSE PUNISHABLE IN ACCORDANCE WITH SECTION 1.04.090 OF THE GRAND JUNCTION MUNICIPAL CODE. A PERSON COMMITTING A VIOLATION SHALL BE GUILTY OF A SEPARATE OFFENSE FOR EACH AND EVERY DAY DURING WHICH THE OFFENSE IS COMMITTED OR CONTINUED TO BE PERMITTED BY SUCH PERSON AND SHALL BE PUNISHED ACCORDINGLY.

THE ESTABLISHMENT, OPERATION AND/OR CONTINUATION OF ANY ACTIVITY IN VIOLATION OF THIS ARTICLE IS SPECIFICALLY DETERMINED TO CONSTITUTE A PUBLIC NUISANCE AND MAY BE ABATED BY THE CITY AS A NUISANCE AND MAY BE ENJOINED BY THE CITY IN AN ACTION BROUGHT BY BEFORE THE MUNICIPAL COURT.

THE REMEDIES SET FORTH IN THIS ARTICLE ARE AND SHALL BE DEEMED CUMULATIVE AND SHALL BE IN ADDITION TO ANY OTHER REMEDY(IES) AT LAW OR IN EQUITY THAT THE CITY MAY POSSESS OR ASSERT.

5.15.015 SEVERABILITY

THIS ORDINANCE IS NECESSARY TO PROTECT THE PUBLIC HEALTH, SAFETY, AND WELFARE OF THE RESIDENTS OF THE CITY.

IF ANY PROVISION OF THIS ORDINANCE IS FOUND TO BE UNCONSTITUTIONAL OR ILLEGAL, SUCH FINDING SHALL ONLY INVALIDATE THAT PART OR PORTION FOUND TO VIOLATE THE LAW. ALL OTHER PROVISIONS SHALL BE DEEMED SEVERED OR SEVERABLE AND SHALL CONTINUE IN FULL FORCE AND EFFECT.

All other provisions of Title 5 of the Grand Junction Municipal Code shall remain in full force and effect.

Section 21.04.010(d) of the Grand Junction Municipal Code shall be amended as follows (additions underlined):

- (d) **Prohibited Uses.** A blank space indicates the listed use is not allowed within the district, unless otherwise expressly allowed by another provision of this code. Marijuana related business, whether retail, commercial, industrial or agricultural, is prohibited in all zone districts in accordance with Title 5, Article 15, GJMC.

21.04.010 USE TABLE under the “Retail Sales and Service” category, the Table shall be footnoted to refer to Title 5, Article 15 GJMC.

All other provisions of Section 21.04.010 and 21.04.0140 shall remain in full force and effect.

21.04.040(g)(4) shall be amended to include MARIJUANA BUSINESSES as disallowed home occupations.

All other provisions of Section 21.04.0140 shall remain in full force and effect.

INTRODUCED ON FIRST READING AND ORDERED PUBLISHED in pamphlet form this ___ day of _____ 2013.

PASSED, ADOPTED, and ordered published in pamphlet form this __ day of _____ 2013.

President of the Council

ATTEST:

City Clerk



Date: 07/26/2013
 Author: E. Tice-Janda
 Title/ Phone Ext: 1598
 Proposed Schedule: First Reading
8/7/2013
 2nd Reading
 (if applicable): 8/21/2013
 File # (if applicable): _____

Attach 5
CITY COUNCIL AGENDA ITEM

<p>Subject: Extending an Amendment to the Sales and Use Tax Code Exempting Aircraft Parts from Sales Tax</p>
<p>Action Requested/Recommendation: Introduce a Proposed Ordinance to Extend an Amendment to Section 3.12.070 of Title 3 of the Grand Junction Municipal Code Concerning the Exemption from Sales Tax of Seller Installed Aircraft Parts and Set a Hearing for August 21, 2013</p>
<p>Presenter(s) Name & Title: Kelly Flenniken, Grand Junction Economic Partnership Executive Director</p>

Executive Summary:

This is an amendment to the Grand Junction Municipal Code concerning the exemption from sales tax of seller installed aircraft parts. The proposed ordinance amending the Code has a three-year sunset clause at which time City Council will evaluate the effectiveness of the ordinance and may or may not extend the exemption.

Background, Analysis and Options:

The Grand Junction Regional Airport is an economic center for the community and houses local businesses engaged in varied operations of the aviation industry including aircraft repair, restoration, and refurbishment services. The airport center is located within the City limits, and under the current sales tax ordinance, aircraft parts for private aircraft are subject to City sales tax. The State of Colorado exempted aircraft parts for private aircraft from State (and County) sales tax in the early 1980's, and many states across the nation have similar exemptions.

The aircraft repair, restoration, and refurbishment services industry is unique because the customers of this industry (owners and operators of aircraft) have a high degree of mobility and flexibility in choosing where to have their aircraft maintained, serviced, and/or refurbished. The Grand Junction aviation industry is world renowned in providing these services, however recently a number of firms in other states have become more aggressive in soliciting business that may otherwise come to Grand Junction.

The City is committed to a fair and responsible tax code and the principles of economic development and local prosperity. The City, as a home rule municipality, and the City

Council as the elected representatives of the citizens of Grand Junction have the authority to enact tax policy that can help sustain and grow the local economy. From time to time adjustments have been made to the sales tax code for the betterment of the community.

This exemption will result in the loss of sales tax revenues from transactions involving seller installed aircraft parts; parts can include but are not limited to instrumentation, aircraft engine components, interior (seats, fixtures, and trim) and paint. City staff in cooperation with local businesses will evaluate the financial and economic impact of this change in the sales tax law, and report this information to City Council. The proposed ordinance allows for City Council to consider the effectiveness of the ordinance in achieving its stated purpose and without additional action by City Council at that time, the ordinance will expire two years from the effective date.

How this item relates to the Comprehensive Plan Goals and Policies:

Goal 12: Being a regional provider of goods and services the City and County will sustain, develop and enhance a healthy, diverse economy.

With the intention of sustaining economic diversity and encouraging growth in Grand Junction's regional aircraft repair, restoration and refurbishment services, the exemption of seller installed aircraft parts from City sales tax is proposed.

Board or Committee Recommendation:

None

Financial Impact/Budget:

Loss of sales tax revenue on seller installed aircraft parts.

Legal issues:

None

Other issues:

None

Previously presented or discussed:

City Council considered this issue at a workshop meeting on July 15th, 2013.

Attachments:

Proposed Ordinance

ORDINANCE NO. ____

AN ORDINANCE AMENDING AND REINSTATING SECTION 3.12.070 OF TITLE 3 OF THE GRAND JUNCTION MUNICIPAL CODE CONCERNING THE EXEMPTION FROM SALES TAX OF SELLER INSTALLED AIRCRAFT PARTS

RECITALS:

In July of 2010 the City Council adopted Ordinance 4430, a modification to the City's tax code. The Ordinance exempted from City sales and use tax parts that are permanently affixed to or attached, by the seller, as a component part of an aircraft. The change was contemplated as an economic development incentive. The City Council determined that the incentive was necessary because of the ever increasing competition for aircraft work.

The change has been in effect for three years and in accordance with the original approval within sixty days of the third anniversary of the adoption of the Ordinance the City Council committed to consider the effectiveness of the Ordinance at achieving its stated purposes. Without further action by the City Council, the terms and provisions of Ordinance 4430 shall expire on the third anniversary of the effective date thereof.

At a work session on July 15, 2013 the City Council heard a favorable report on the Ordinance and the recommendation from the Executive Director of the Grand Junction Economic Partnership (GJEP) that the exemption be extended.

Because of the very mobile nature of aircraft, the owners and operators thereof have a high degree of flexibility when it comes to contracting for repair, restoration and refurbishment of their airplanes. Grand Junction has world renowned providers of aircraft services, instrumentation installation and aircraft restoration operations. The extension of the exemption is consistent with State law and many other states.

The City Council is committed to a fair and responsible tax code. The City Council is also committed to the principles of economic development and local prosperity. Part of that commitment is the recognition that tax policy is an effective way to sustain and grow our local economy and that from time to time adjustments must be made to it for the betterment of the community. As such the extension of the exemption shall again be reviewed in three years.

The City Council finds that this ordinance is consistent with its policy and purposes and is protective of the City's health and general welfare and

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION:

That Section 3.12.070 of the Grand Junction Municipal Code shall state as follows:

3.12.070 Exemptions from sales tax.

The tax levied by GJMC [3.12.030](#)(a) shall not apply to the following:

(LL) THE SALE OF TANGIBLE PERSONAL PROPERTY THAT IS TO BE PERMANENTLY AFFIXED OR ATTACHED BY THE SELLER, AS A COMPONENT PART OF AN AIRCRAFT. PARTS SOLD TO AND TO BE PERMANENTLY AFFIXED OR ATTACHED BY THE PURCHASER OR SOMEONE ON BEHALF OF THE PURCHASER, OTHER THAN THE ORIGINAL SELLER ARE NOT EXEMPT FROM TAX.

THE EXEMPTION INCLUDES BUT IS NOT LIMITED TO, PARTS FOR THE AIRCRAFT'S ENGINE(S), FUSELAGE, INSTRUMENTATION, INTERIOR (SEATS, INTERIOR FIXTURES, FINISHES AND TRIM) AND PAINT.

Sunset Clause. Within sixty days of the third anniversary of the adoption of this ordinance the City Council shall consider the effectiveness of the ordinance at achieving its stated purposes. Without further action by the City Council, the terms and provisions of this ordinance shall expire on the third anniversary of the effective date hereof.

Introduced on first reading the ____ day of _____, 2013 and ordered published in pamphlet form.

Passed and Adopted on second reading the ____ day of _____, 2013 and ordered published in pamphlet form.

President of the City Council

ATTEST:

City Clerk



Date: 7/25/13
Author: Sonya Evans
Title/ Phone Ext: Finance Supervisor
xt.1522
Proposed Schedule: August 7th, 2013
2nd Reading
(if applicable): August 21st, 2013
File # (if applicable): _____

Attach 6
CITY COUNCIL AGENDA ITEM

Subject: Setting a Hearing on the 2013 Supplemental Appropriation Ordinance
Action Requested/Recommendation: Introduction of Proposed Ordinance and Set a Hearing for August 21, 2013
Presenter(s) Name & Title: Jodi Romero, Financial Operations Director

Executive Summary:

This request is to appropriate certain sums of money to defray the necessary expenses and liabilities of the accounting funds of the City of Grand Junction based on the 2013 amended budgets.

Background, Analysis and Options:

The supplemental budget appropriation increase is partly due to the re-appropriation of budget dollars for capital projects that were previously approved but incomplete at the end of 2012. Additional appropriation is also needed for new projects discussed and approved by City Council during 2013.

The reasons for the supplemental increases to funds are as follows:

- The increase to the Parkland Expansion fund is due to the Matchett master plan, Las Colonias master plan update, and the Las Colonias initial development project.
- The increase to the Conservation Trust fund is due to the transfer to the Lincoln Park Phase III project.
- The increase in the Sales Tax Capital Improvements fund is due to the carryforward of the White Hall project, Lincoln Park Phase II project, I-70B Utility Undergrounding project, and the purchase of 755 Struthers.
- The increase in the Storm Drainage fund is due to the carryforward of the Leach Creek drainage project.
- The increase to the DDA Capital Improvements fund is due to the contribution for the Avalon Theatre project.
- The increase to the Major Projects fund is due to the carryforward of the Public Safety project for the completion of Fire Administration and Fire Station #2.
- The increase in the Transportation Capacity fund is due to the 22 Road Interchange project, the Village Park project, North & 5th project, and the Community Hospital project.

- The increase in the Facilities Capital fund is due to the Lincoln Park Pool ADA Improvements project.
- The increase in the Water fund is due to the carryforward of the Solar project and the Chlorine Generation project.
- The increase in the Fleet & Equipment fund is due to the carryforward of equipment that was ordered but not received in 2012.
- The increase in the Enhanced 911 fund and the Communication Center fund is due to the carryforward of the Kimball Mountain Tower project and the Computer Aided Dispatch project.
- The increase in the Joint Sewer fund is due to the carryforward of the Aeration Basin Modifications project.

How this item relates to the Comprehensive Plan Goals and Policies:

This action is needed to meet the plan goals and policies.

Board or Committee Recommendation:

N/A

Financial Impact/Budget:

The supplemental appropriation ordinance is presented to ensure adequate appropriation by fund.

Legal issues:

N/A

Other issues:

N/A

Previously presented or discussed:

Several projects have been discussed previously at City Council meetings and workshops {March 20th, May 2nd, and June 19th}.

Attachments:

Proposed Supplemental Appropriation Ordinance for 2013 Budget

ORDINANCE NO. _____

**AN ORDINANCE MAKING SUPPLEMENTAL APPROPRIATIONS TO THE 2013
BUDGET OF THE CITY OF GRAND JUNCTION**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION:

That the following sums of money be appropriated from unappropriated fund balance and additional revenue to the funds indicated for the year ending December 31, 2013, to be expended from such funds as follows:

FUND NAME	FUND #	APPROPRIATION
Enhanced 911	101	\$ 422,830
Parkland Expansion	105	\$ 305,000
Conservation Trust	110	\$ 63,526
Sales Tax CIP	201	\$ 760,250
Storm Drainage Improvements	202	\$ 38,419
DDA Capital Improvements	203	\$ 1,326,172
Major Projects	204	\$ 530,650
Transportation Capacity	207	\$ 1,140,015
Facilities Capital	208	\$ 31,731
Water	301	\$ 131,802
Equipment	402	\$ 1,196,815
Communication Center	405	\$ 626,456
Joint Sewer System	900	\$ 37,118

INTRODUCED AND ORDERED PUBLISHED IN PAMPHLET FORM this _ day of _____, 2013.

TO BE PASSED, ADOPTED, AND PUBLISHED IN PAMPHLET FORM this_ day of _____, 2013.

President of the Council

Attest:

City Clerk

Attach 7

CITY COUNCIL AGENDA ITEM

Subject: Construction Contract for Persigo Wastewater Treatment Plant Slide Gate Replacement Project

Action Requested/Recommendation: Authorize the Purchasing Division to Execute a Construction Contract with RN Civil Construction for the Construction of the Slide Gate Replacement Project at the Persigo WWTP in the Amount of \$186,700

Presenter(s) Name & Title: Greg Trainor, Public Works, Planning and Utilities Director
Jay Valentine, Internal Services Manager

Executive Summary:

This request is for the construction of the Slide Gate Replacement Project at the Persigo Wastewater Treatment Plant (WWTP). Currently, the existing slide gates at the head of the Persigo Plant are about 30 years old. These slide gates are corroded and result in poor sealing abilities, and in addition, have gear boxes that are beginning to seize up making it difficult to open and close the gates effectively. The new slide gates will be fabricated from stainless steel and will have new gear boxes installed.

Background, Analysis and Options:

The seven (7) slide gates being replaced as part of this project are 30 year old aluminum slide gates. The slide gates being replaced are the original slide gates installed when the Persigo WWTP was first put into service in year 1983. The slide gates being replaced are located in the vicinity of the Headworks building. Over the years, corrosive gases generated from wastewater have corroded the aluminum to a point where they no longer seal properly making it difficult for Persigo staff to work on the plant downstream of the slide gates because of the leakage. In addition, the slide gates gear boxes have worn out making it difficult to effectively open and close the gates.

The new replacement slide gates will be 100% stainless steel units. Stainless steel is not susceptible to corrosion from the gases generated from wastewater and will have a lifespan of well over 30 years.

The original intent of this project was to replace a total of ten (10) slide gates at the head of the plant. However, the bids received came in higher than anticipated and higher than what was budgeted for this project. As a result, the Persigo staff made the decision to remove three (3) slide gates from the project resulting in a \$60,000 price

reduction from the original bid amount. The slide gates removed from the scope of work are low priority slide gates that seldom ever get used.

After reducing the scope of work by eliminating three (3) slide gates from the project, RN Civil Construction became the low responsible bidder, and has agreed to the reduction in scope. Stanek chose to withdraw their bid.

A formal solicitation was advertised in the Daily Sentinel, and sent to the Western Colorado Contractors Association (WCCA). Two bids were received from the following firms:

Firm	Location	Orig. Bid Amount	w/ Reduction
<i>RN Civil Construction, Inc.</i>	<i>Centennial, CO</i>	<i>\$246,700.00</i>	<i>\$186,700.00</i>
Stanek Constructors, Inc.	Golden, CO	\$241,000.00	Withdrew

How this item relates to the Comprehensive Plan Goals and Policies:

Goal 12: Being a regional provider of goods and services the City and County will sustain, develop, and enhance a healthy, diverse economy.

This project of replacing seven (7) slide gates with new stainless steel slide gates will help sustain the Persigo WWTP as a reliable and effective wastewater treatment plant.

Two of the three gates not completed this year will be replaced at a future date in conjunction with replacement of an older influent bar screen. The third gate will be abandoned as it is no longer needed based on current operation of the plant.

Board or Committee Recommendation:

n/a

Financial Impact/Budget:

\$200,000 is budgeted in the Joint Sewer Fund – Plant Backbone Improvements for this project.

Project Costs:

Construction Contract Cost -	\$186,700.00
Engineering services during construction -	\$ 5,000.00
City Construction Inspection & Contract Administration -	<u>\$ 7,000.00</u>
Total Estimated Project Cost -	\$198,700.00

<u>Budget</u>	<u>\$200,000.00</u>
Balance Remaining	\$ 1,300.00

Legal issues:

n/a

Other issues:

n/a

Previously presented or discussed:

n/a

Attachments:

n/a



Date: July 24, 2013

Author: Stephanie Tuin

Title/ Phone Ext: City Clerk, x 1511

Proposed Schedule: August 7, 2013

2nd Reading

(if applicable): _____

File # (if applicable): _____

Attach 8

CITY COUNCIL AGENDA ITEM

Subject: Amending Council Committee Assignments for 2013 - 2014

Action Requested/Recommendation: Adopt Proposed Resolution

Presenter(s) Name & Title: City Council

Executive Summary:

On May 6, 2013 the City Council reviewed and determined who on the City Council would represent the City Council on various boards, committees, commissions, authorities, and organizations. Subsequently, on June 5, 2013, the City Council amended those assignments. The proposed resolution amends those assignments.

Background, Analysis and Options:

The City Council assigns its members to represent the governing body on a variety of Council appointed boards, committees and commissions as well as a number of outside organizations.

How this item relates to the Comprehensive Plan Goals and Policies:

NA

Board or Committee Recommendation:

NA

Financial Impact/Budget:

NA

Legal issues:

NA

Other issues:

NA

Previously presented or discussed:

This change in assignment was moved and approved at a Special Meeting held on July 23, 2013 and again discussed at a workshop on July 31, 2013. Council Assignments have also been discussed on May 6 and June 5, 2013.

Attachments:

Proposed Resolution

RESOLUTION NO. __-13

**A RESOLUTION AMENDING RESOLUTION NO. 38-13 APPOINTING AND
ASSIGNING
CITY COUNCILMEMBERS TO REPRESENT THE CITY
ON VARIOUS BOARDS, COMMITTEES, COMMISSIONS, AUTHORITIES, AND
ORGANIZATIONS**

Recitals:

At its meeting on May 6, 2013 the City Council appointed its members to serve on various boards, commissions, committees and organizations. The City Council adopted an amendment to that resolution on June 5, 2013 as Resolution No. 38-13. Due to the resignation of Rick Brainard and the appointment of Duncan McArthur to the District E seat, the assignments heretofore made by Resolution 38-13 are amended as follows.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION COLORADO THAT:

Until further action by the City Council, the appointments and assignments of the members of the City Council as approved by Resolutions 30-13 and 38-13 are amended to wit:

- 1) Duncan McArthur is assigned to the 521 Drainage Authority replacing Rick Brainard.
- 2) The alternate position for the Parks Improvement Advisory Board is declared vacant.

PASSED AND ADOPTED THIS _____ day of _____, 2013.

President of the City Council

ATTEST:

City Clerk



AMENDED (August 7, 2013) - CITY COUNCIL FORMAL ASSIGNMENTS

Individual Members are assigned for each of the following:

Board/Organization	Meeting Day/Time/Place	2013 Assignments
Associated Governments of Northern Colorado (AGNC)	2 nd Tuesday of each month @ 10:00 a.m. different municipalities	Martin Chazen
Downtown Development Authority/Downtown BID	2 nd and 4 th Thursdays @ 7:30 am @ Whitman Educational Center, BID board meets quarterly	Martin Chazen
Grand Junction Housing Authority	4 th Monday @ 11:30 am @ 1011 N. 10 th	Jim Doody
Grand Junction Regional Airport Authority	Usually 3 rd Tuesday @ 5:15 pm @ City Hall, Municipal Hearing Room (workshops held the 1 st Tuesday when needed)	Sam Susuras
Parks Improvement Advisory Board (PIAB)	Quarterly, 1 st Tuesday @ noon @ various locations	Sam Susuras Alternate - vacant
Parks & Recreation Advisory Committee	1 st Thursday @ noon @ various locations	Jim Doody
Riverfront Commission	3 rd Tuesday of each month at 5:30 p.m. in Training Room A, Old Courthouse	Bennett Boeschstein
Mesa County Separator Project Board (PDR)	Quarterly @ Mesa Land Trust, 1006 Main Street	Bennett Boeschstein
Grand Valley Regional Transportation Committee (GVRTC)	4 th Monday @ 3:00 pm @ GVT Offices, 525 S. 6 th St., 2 nd Floor	Phyllis Norris
Grand Junction Economic Partnership	3rd Wednesday of every month @ 7:30 am @ GJEP office	Sam Susuras
Colorado Water Congress	Meets 3-4 times a year in Denver	Sam Susuras
Chamber Governmental Affairs (Legislative) Committee	Meets biweekly during the legislative session and monthly during the rest of the year	City Manager and open to any and all
5-2-1 Drainage Authority	Meets quarterly, generally the 4 th Wednesday of month at 3:00 p.m. in the Old Courthouse in Training Room B	Duncan McArthur
Criminal Justice Leadership 21 st Judicial District	Meets 3rd Thursday of each month, at 11:30 at S.O. Training Room at 215 Rice Street.	Municipal Judge
Club 20	The board of directors meet at least annually. The time and place for board meetings are determined by the Executive Committee.	Sam Susuras

Ad Hoc Committees	Date/Time	2013 Council Representative
Avalon Theatre Committee		Bennett Boeschstein
Council Agenda Setting Meeting	Wednesday before next City Council Meeting in the a.m.	Mayor Pro Tem Martin Chazen
Las Colonias Committee		Bennett Boeschstein
Matchett Park Committee		Martin Chazen
Mesa County Fire Study		Phyllis Norris
Public Safety Project		Jim Doody
Quarterly Budget Reviews		Phyllis Norris and Martin Chazen

Other Boards

Board Name	Date/Time	2013 Council Representative
Associated Members for Growth and Development (AMGD)	Monthly	Open to all
Building Code Board of Appeals *	As needed	NA
Commission on Arts and Culture *	4 th Wednesday of each month at 4:00 p.m.	NA
Forestry Board *	First Friday of each month at 8:00 a.m.	NA
Historic Preservation Board *	1 st Tuesday of each month at 4:00 p.m.	NA
Horizon Drive Association Business Improvement District *	2 nd Wednesday of each month at 10:00 a.m.	NA
Grand Valley Trails Alliance	New board, meetings time not established	No assignment
Persigo Board (All City and County Elected)	Annually	All
Planning Commission *	2 nd and 4 th Tuesday at 6:00 p.m.	NA
Public Finance Corporation *	Annual meeting in January	NA
Ridges Architectural Control Committee *	As needed	NA
Riverview Technology Corporation *	Annual meeting in January	NA

State Leasing Authority *	2 nd Tuesday in January other times as needed	NA
Urban Trails Committee *	2 nd Tuesday of each month at 5:30 p.m.	NA
Visitor and Convention Bureau Board of Directors *	2 nd Tuesday of each month at 3:00 p.m.	NA
Zoning Code Board of Appeals *	As needed	NA

*No Council representative required or assigned - City Council either makes or ratifies appointments - may or may not interview dependent on particular board



Date: August 6, 2013
 Author: Stephanie Tuin
 Title/ Phone Ext: City Clerk, x1511
 Proposed Schedule: August 7, 2013
 2nd Reading
 (if applicable): _____
 File # (if applicable): _____

Attach 9
CITY COUNCIL AGENDA ITEM

Subject: Letter of Support for Mesa Land Trust Open Space Grant Application to Great Outdoors Colorado (GOCO)
Action Requested/Recommendation: Authorize the Mayor to Sign a Letter of Support to Great Outdoors Colorado on Behalf of Mesa Land Trust’s Grant Application
Presenter(s) Name & Title: Rob Bleiberg, Director, Mesa Land Trust

Executive Summary:

Mesa Land Trust is asking the City to collaborate on the Monument Road Vision Project which will create more public open space, preserve views, and support a multi-use path connecting the Monument Road area with Downtown Grand Junction. Mesa Land Trust would like to submit a grant application to GOCO for the acquisition of additional properties along Monument Road and is asking the City to sign a letter of support.

Background, Analysis and Options:

The Monument Road corridor is an important asset for the community. It links the vibrant downtown to the Colorado National Monument, provides gorgeous vistas, and offers valuable natural habitat. It is also home to the Lunch Loop, a renowned trail network that draws mountain bikers from across the country and is heavily used by local residents. The area hosted an estimated 116,000 user days in 2012, a four-fold increase over five years. Mesa Land Trust has begun work on the Monument Road Vision project and is gathering community input to define conservation and recreation goals for the area. Mesa Land Trust is in negotiations with two property owners for the acquisition of their properties along Monument Road and is asked for the City’s support with their grant application to Great Outdoors Colorado (GOCO) for funds to purchase the properties.

How this item relates to the Comprehensive Plan Goals and Policies:

Goal 8: Create attractive public spaces and enhance the visual appeal of the community through quality development.

The Monument Road corridor is an important open space area and the road that leads to the entrance of the Colorado National Monument. Protecting this area from development, and the natural resources found in that area, is important to the community.

Goal 9: Develop a well-balanced transportation system that supports automobile, local transit, pedestrian, bicycle, air, and freight movement while protecting air, water and natural resources.

Acquisition of additional property in this area will allow additional trail connections from Monument Road to downtown Grand Junction and to the rest of the existing trail system.

Goal 10: Develop a system of regional, neighborhood and community parks protecting open space corridors for recreation, transportation and environmental purposes.

Additional property acquisition in the Monument Road area will add to the current Three Sisters open space area and enhance the Lunch Loop recreation area. This area has become a regional draw to visitors hosting 116,000 user days in 2012.

Board or Committee Recommendation:

NA

Financial Impact/Budget:

Mesa Land Trust will be requesting matching funds to any GOCO grant awarded. This is estimated at \$150,000.

Legal issues:

The legal department will review any contracts required by GOCO.

Other issues:

None.

Previously presented or discussed:

This was discussed at the August 5, 2013 workshop.

Attachments:

Proposed Letter of Support

August __, 2013

State Board of Directors, Great Outdoors Colorado
303 East 17th Avenue, Suite 1060
Denver, CO 80203

Re: Monument Road Vision Project - Grant Application

Dear Great Outdoors Colorado Board Members,

The City of Grand Junction (City) and the Mesa Land Trust (MLT) have for many years enjoyed an innovative partnership to acquire and conserve property in the Grand Valley for future recreational opportunities. With the generous support of Great Outdoors Colorado (GOCO), the City, 700 other contributors and community groups and countless volunteers, we recently succeeded in acquiring 125 acres of land known locally as the *Three Sisters*. The City is delighted to now own the *Three Sisters* property and is heartened by the community's enthusiastic support for and use of the property for biking, hiking and the preservation of open space.

Building on the success of the *Three Sisters* acquisition, MLT and the City are now considering further collaboration on what has been named the *Monument Road Vision Project*. This project is a continuation of what was begun with *Three Sisters* in that 1) it is in the immediate vicinity of the *Three Sisters* acquisition and 2) when complete the *Vision Project* will provide additional trails and recreational features. As part of the Project we will be gathering community input to further define conservation and recreation objectives for the area for now and well into the foreseeable future.

Monument Road is a key consideration in the *Vision Project* because it runs adjacent to the *Three Sisters* property; Monument Road is an important transportation link in and for the community as it connects our vibrant downtown to the Colorado National Monument, provides gorgeous vistas and offers access to invaluable natural habitat. It is also the means to approach the Lunch Loop, a renowned trail network that is heavily used by local and visiting mountain bikers and hikers. The area hosted an estimated 116,000 user days in 2012, a four-fold increase over five years. The Monument Road area adds to our enviable quality of life and significantly contributes to our recreational tourist economy.

The owners of two properties in the Project area are interested in selling their land to MLT. The properties are well suited to further the Project's purposes and the City understands that in order for those properties to be acquired and made available for conservation and public use that GOCO funds must be awarded. The City will appreciate your support for the Project and MLT's application for grant funds to make these important acquisitions.

The City Council has just begun its budget deliberations for 2014-15. While the City cannot at this time commit funding, we will carefully consider backing the Project as our finances will allow and/or possibly otherwise participating in it including considering taking title to the property following the Land Trust's purchase.

Board of Directors Great Outdoors Colorado
August __ 2013
Page 2

As is the case with the Three Sisters property we understand that the ownership of any of the *Vision* Project properties will be subject to a conservation easement the terms of which would have to be reviewed and approved by the City in advance.

The City is excited by the prospect of the acquisition of additional conservation properties in the Monument Road area. We welcome and encourage the creation of, through partnerships with you and the community, additional trails, recreation and conservation opportunities for the use and benefit of our citizens and visitors.

Please carefully consider an award of full funding for this worthy project. We thank you for your consideration and for your past and future support.

Sincerely,

Sam Susuras
Mayor

pc: Rob Blieberg – MLT
City Council



Date: July 19, 2013
 Author: Scott D. Peterson
 Title/ Phone Ext: Senior Planner/1447
 Proposed Schedule: August 7, 2013
 File #: RVP-2013-203

Attach 10

CITY COUNCIL AGENDA ITEM

Subject: Revocable Permit for Asphalt Paving and Landscaping for Carville’s Auto Mart, Inc. Located adjacent to 25 Road and W. Independent Avenue
Action Requested/Recommendation: Adopt Resolution Granting a Revocable Permit to Carville’s Auto Mart, Inc. for Asphalt Paving and Landscaping in the 25 Road and W. Independent Avenue Rights-of-Way
Presenter Name & Title: Scott D. Peterson, Senior Planner

Executive Summary:

Carville’s Auto Mart, Inc. is requesting a Revocable Permit for asphalt paving and landscaping within the 25 Road and W. Independent Avenue rights-of-way. The proposed asphalt paving within the 25 Road right-of-way is for an additional parking area for employee parking and storage of vehicles in preparation for sale. Proposed landscaping installed within the W. Independent Avenue right-of-way will be to help beautify the property and area.

Background, Analysis and Options:

Revocable Permits are needed to ensure that appropriate private development on public land is safely conducted in a manner that does not pose potential burdens on the public and documents to the public, applicant and future owners that the City may remove the private improvements, if necessary at any time.

In 2009, the applicant obtained the property adjacent to W. Independent Avenue (Lot 2, Parkway Viaduct Subdivision – 0.19 +/- acres) from the City of Grand Junction with the intention of incorporating the property with their property directly to the north (2507 Highway 6 & 50) for the parking and storage of vehicles for the expansion of their present business. The applicant now wishes to pave and landscape this lot (City file # SPN-2013-201), along with the requested City owned right-of-way adjacent to the 25 Road parkway overpass. The applicant also wishes to landscape the unimproved right-of-way adjacent to W. Independent Avenue along with the required on-site landscaping to help beautify the area.

The proposed asphalt paving and landscaping does not interfere with any anticipated future City improvements and would not create a site distance problem. As part of the Site Plan application, no access to the property will be allowed from W. Independent Avenue because of the existing guardrail (the guardrail was built to keep traffic from running into the parkway retaining wall and is built according to proper engineering standards).

The granting of the Revocable Permit would also not inhibit the City from maintaining their required infrastructure, if necessary. Presently the right-of-way adjacent to the 25 Road parkway contains a storm drain. As a condition of approval, if the City needs to repair the storm drain at any time, the applicant will be responsible for replacing and repairing the damaged asphalt and landscaping, not the City.

The applicant has been notified regarding City Street Department maintenance on the 25 Road viaduct. With no sidewalk in place on the east side of the 25 Road, activities such as distribution of magnesium chloride, salt/sanding and snow removal may splash through the small curb and railing falling in the area defined within this revocable permit. The permittee has been advised that these are normal, preexisting maintenance activities and the City will be held harmless from any claims arising from any property damaged by any of these maintenance activities.

How this item relates to the Comprehensive Plan Goals and Policies:

Granting the Revocable Permit allows the applicant to utilize an unused portion of City right-of-way adjacent to the 25 Road parkway overpass for the expansion of their present business parking and sales area along with the proposed landscaping along the W. Independent Avenue right-of-way and meets the following goal from the Comprehensive Plan.

Goal 12: Being a regional provider of good and services the City and County will sustain, develop and enhance a healthy, diverse economy.

Board or Committee Recommendation:

N/A.

Financial Impact/Budget:

N/A.

Legal issues:

N/A.

Other issues:

N/A.

Previously presented or discussed:

N/A.

Attachments:

1. Staff report/Background information
2. Site Location Map / Aerial Photo Map
3. Comprehensive Plan Future Land Use Map / Existing Zoning Map
4. Resolution
5. Revocable Permit
6. Agreement

BACKGROUND INFORMATION			
Location:		25 Road and W. Independent Avenue rights-of-way	
Applicant:		Carville's Auto Mart, Inc.	
Existing Land Use:		Right-of-Way	
Proposed Land Use:		Asphalt paving and landscaping	
Surrounding Land Use:	North	Automobile dealership (Carville's Auto Mart)	
	South	Contractor yard	
	East	Commercial	
	West	25 Road overpass	
Existing Zoning:		C-2 (General Commercial)	
Proposed Zoning:		N/A	
Surrounding Zoning:	North	C-2 (General Commercial)	
	South	C-2 (General Commercial)	
	East	C-2 (General Commercial)	
	West	C-2 (General Commercial)	
Future Land Use Designation:		Commercial	
Zoning within density range?	X	Yes	No

1. Section 21.02.180 of the Grand Junction Municipal Code:

Requests for a revocable permit must demonstrate compliance with all of the following criteria:

- a. *There will be benefits derived by the community or area by granting the proposed revocable permit.*

Granting the Revocable Permit allows the applicant to expand their present parking area which benefits their existing business and the community. The existing rights-of-way are not needed at this time for future road expansion therefore, the applicant's proposed uses of the rights-of-way are acceptable and benefits the community by landscaping beautification and economic development business expansion. This criterion has been met.

- b. *There is a community need for the private development use proposed for the City property.*

Granting the Revocable Permit allows the applicant to expand their present parking area which benefits their existing business and the community. The existing rights-of-way are not needed at this time for future road expansion

therefore, the applicant's proposed uses of the rights-of-way are acceptable and benefits the community by landscaping beautification and economic development business expansion. This criterion has been met.

- c. *The City property is suitable for the proposed uses and no other uses or conflicting uses are anticipated for the property.*

The proposed asphalt paving and landscaping does not interfere with any anticipated future City improvements and would not create a site distance problem. The granting of the Revocable Permit does not inhibit the City from maintaining their required infrastructure, if necessary. Presently the right-of-way adjacent to the 25 Road parkway contains a storm drain. As a condition of approval, if the City needs to repair the storm drain at any time, the applicant will be responsible for replacing and repairing the damaged asphalt and landscaping, not the City. This criterion has been met.

- d. *The proposed use shall be compatible with the adjacent land uses.*

All adjacent properties are zoned general commercial. The proposed right-of-way asphalt paving and landscaping is compatible with all required land uses within the C-2 zone district. This criterion has been met.

- e. *The proposed use shall not negatively impact access, traffic circulation, neighborhood stability or character, sensitive areas such as floodplains or natural hazard areas.*

The proposed asphalt paving and landscaping does not negatively interfere with any anticipated future City improvements, traffic circulation or neighborhood stability or character and would not create a site distance problem, therefore, this criterion is met. The existing area is also located outside of the floodplain or natural hazard area. This criterion has been met.

- f. *The proposed use is in conformance with and in furtherance of the implementation of the goals, objectives and policies of the Comprehensive Plan, other adopted plans and the policies, intents and requirements of this Code and other City policies.*

The proposal conforms to all standards, codes and regulations. See previous section regarding Comprehensive Plan compliance. This criterion has been met.

- g. *The application complies with the submittal requirements as set forth in the Section 127 of the City Charter, this Chapter Two of the Zoning and Development Code and the SSID Manual.*

The application complies with all submittal requirements for a Revocable Permit. This criterion has been met.

FINDINGS OF FACT/CONCLUSIONS AND CONDITIONS

After reviewing the Carville's Auto Mart, Inc. application, RVP-2013-203, for the issuance of a Revocable Permit for asphalt paving and landscaping, City Staff makes the following findings of fact, conclusions and conditions of approval:

1. The review criteria in Section 21.02.180 of the Grand Junction Zoning and Development Code have all been met.
2. The right-of-way adjacent to the 25 Road parkway contains a storm drain. If the City needs to repair the storm drain at any time, the applicant shall be responsible for replacing and repairing the damaged asphalt and landscaping.
3. The applicant has been notified that there is no sidewalk in place on the east side of the 25 Road viaduct, activities such as distribution of magnesium chloride, salt/sanding and snow removal may splash through the small curb and railing falling in the area defined within this revocable permit. The applicant has been advised that these are normal, preexisting maintenance activities and therefore the City will be held harmless from any claims arising from any property damaged by any of these maintenance activities.

STAFF RECOMMENDATION:

City Staff recommends that the City Council approve the requested Revocable Permit for Carville's Auto Mart, Inc., RVP-2013-203.

Attachments:

Site Location Map / Aerial Photo Map
Comprehensive Plan Future Land Use Map / Existing Zoning Map
Resolution
Revocable Permit
Agreement





RESOLUTION NO. ____ - 13

**A RESOLUTION CONCERNING
THE ISSUANCE OF A REVOCABLE PERMIT TO
CARVILLE'S AUTO MART, INC.**

Recitals.

A. Carville's Auto Mart, Inc., hereinafter referred to as the Petitioner, represent it is the owner of the following described real property in the City of Grand Junction, County of Mesa, State of Colorado, to wit:

Lot Two, Parkway Viaduct Subdivision and identified by Mesa County Tax Schedule Number 2945-103-67-003.

B. The Petitioner has requested that the City Council of the City of Grand Junction issue a Revocable Permit to allow the Petitioner to install, maintain and repair asphalt paving and landscaping within the following described public rights-of-way:

DESCRIPTION A – Landscaping only

A certain parcel of land lying in the Northwest Quarter of the Southwest Quarter (NW 1/4 SW 1/4) of Section 10, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

ALL of the lands lying North of the North edge of paving for West Independent Avenue, as laid out and now in use; West of the East line and the Southerly projection thereof, Lot Two, Parkway Viaduct Subdivision, as same is recorded in Book 4960, Page 616, Public Records of Mesa County, Colorado; South of the South line, and the Westerly projection thereof of said Lot Two and East of the East face of the concrete retaining wall for the 25 Road overpass, as now constructed (See Exhibit A).

DESCRIPTION B – Asphalt paving only

A certain parcel of land lying in the Northwest Quarter of the Southwest Quarter (NW 1/4 SW 1/4) of Section 10, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

ALL of the lands lying East of the East face of the concrete retaining wall for the 25 Road overpass, as now constructed; West of the West line of Lot Two, Parkway Viaduct Subdivision, as same is recorded in Book 4960, Page 616, Public Records of Mesa County, Colorado; North of the South line, and its Westerly projection, of said Lot Two and South of the North line, and its Westerly projection of said Lot Two (See Exhibit A).

C. Relying on the information supplied by the Petitioner and contained in File No. RVP-2013-203 in the office of the City's Public Works, Utilities and Planning Department, the City Council has determined that such action would not at this time be detrimental to the inhabitants of the City of Grand Junction.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

1. That the City Manager is hereby authorized and directed to issue the attached Revocable Permit to the above-named Petitioner for the purpose aforescribed and within the limits of the public right-of-way aforescribed, subject to each and every term and condition contained in the attached Revocable Permit.

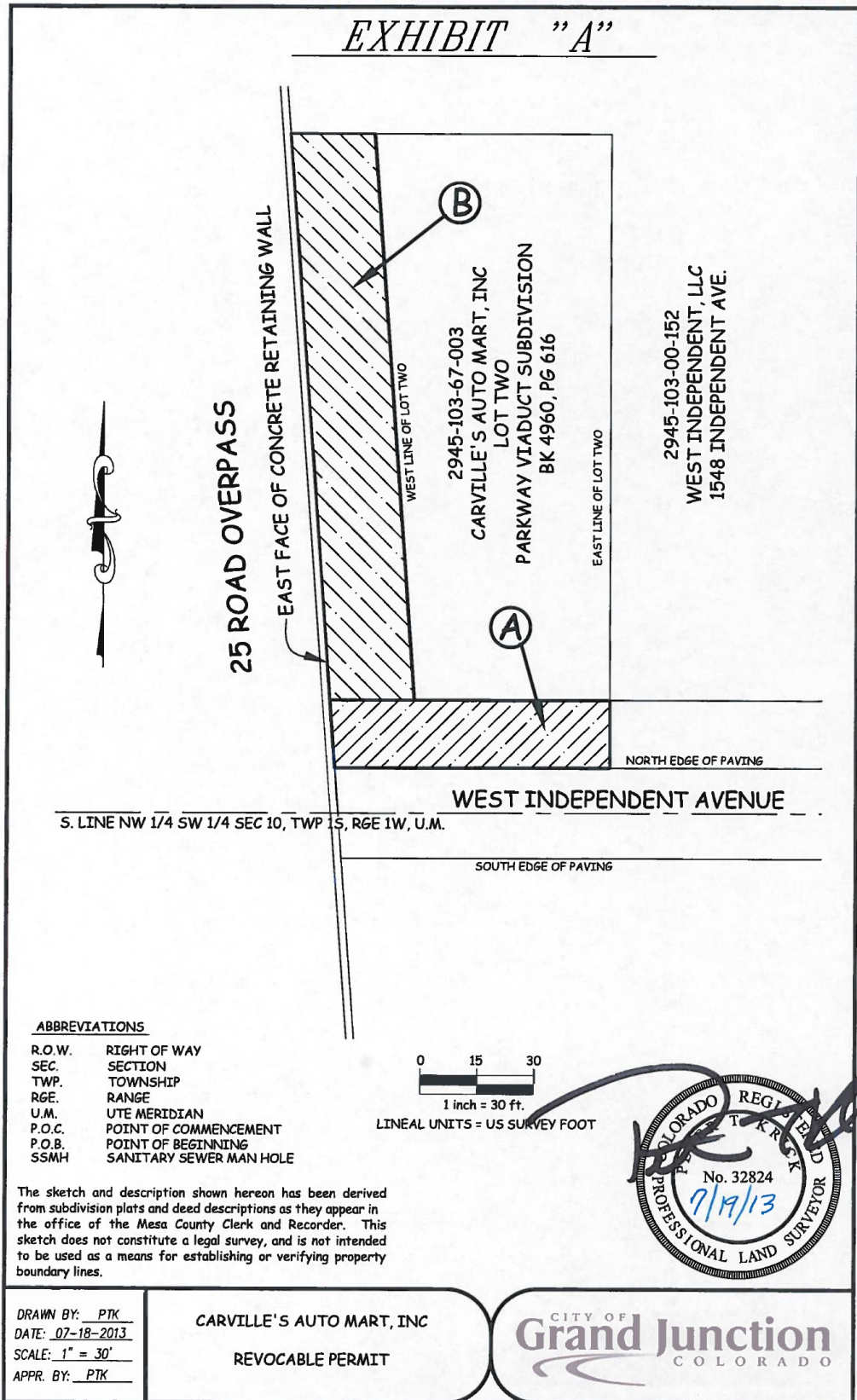
PASSED and ADOPTED this _____ day of _____, 2013.

President of the City Council

Attest:

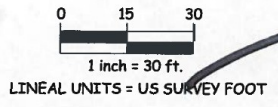
City Clerk

EXHIBIT "A"



ABBREVIATIONS

R.O.W.	RIGHT OF WAY
SEC.	SECTION
TWP.	TOWNSHIP
R6E.	RANGE
U.M.	UTE MERIDIAN
P.O.C.	POINT OF COMMENCEMENT
P.O.B.	POINT OF BEGINNING
SSMH	SANITARY SEWER MAN HOLE



The sketch and description shown hereon has been derived from subdivision plats and deed descriptions as they appear in the office of the Mesa County Clerk and Recorder. This sketch does not constitute a legal survey, and is not intended to be used as a means for establishing or verifying property boundary lines.



DRAWN BY: PTK
 DATE: 07-18-2013
 SCALE: 1" = 30'
 APPR. BY: PTK

CARVILLE'S AUTO MART, INC
 REVOCABLE PERMIT



REVOCABLE PERMIT

Recitals.

A. Carville's Auto Mart, Inc., hereinafter referred to as the Petitioner, represent it is the owner of the following described real property in the City of Grand Junction, County of Mesa, State of Colorado, to wit:

Lot Two, Parkway Viaduct Subdivision and identified by Mesa County Tax Schedule Number 2945-103-67-003.

B. The Petitioner has requested that the City Council of the City of Grand Junction issue a Revocable Permit to allow the Petitioner to install, maintain and repair asphalt paving and landscaping within the following described public rights-of-way:

DESCRIPTION A – Landscaping only

A certain parcel of land lying in the Northwest Quarter of the Southwest Quarter (NW 1/4 SW 1/4) of Section 10, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

ALL of the lands lying North of the North edge of paving for West Independent Avenue, as laid out and now in use; West of the East line and the Southerly projection thereof, Lot Two, Parkway Viaduct Subdivision, as same is recorded in Book 4960, Page 616, Public Records of Mesa County, Colorado; South of the South line, and the Westerly projection thereof of said Lot Two and East of the East face of the concrete retaining wall for the 25 Road overpass, as now constructed (See Exhibit A).

DESCRIPTION B – Asphalt paving only

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ALL of the lands lying East of the East face of the concrete retaining wall for the 25 Road overpass, as now constructed; West of the West line of Lot Two, Parkway Viaduct Subdivision, as same is recorded in Book 4960, Page 616, Public Records of Mesa County, Colorado; North of the South line, and its Westerly projection, of said Lot Two and South of the North line, and its Westerly projection of said Lot Two (See Exhibit A).

C. Relying on the information supplied by the Petitioner and contained in File No. RVP-2013-203 in the office of the City's Public Works, Utilities and Planning Department, the City Council has determined that such action would not at this time be detrimental to the inhabitants of the City of Grand Junction.

NOW, THEREFORE, IN ACCORDANCE WITH THE ACTION OF THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

There is hereby issued to the above-named Petitioner a Revocable Permit for the purpose aforescribed and within the limits of the public rights-of-way aforescribed; provided, however, that the issuance of this Revocable Permit shall be conditioned upon the following terms and conditions:

1. The Petitioner's use and occupancy of the public rights-of-way as authorized pursuant to this Permit shall be performed with due care or any other higher standard of care as may be required to avoid creating hazardous or dangerous situations and to avoid damaging public improvements and public utilities or any other facilities presently existing or which may in the future exist in said right-of-way.
2. The City hereby reserves and retains a perpetual right to utilize all or any portion of the aforescribed public rights-of-way for any purpose whatsoever. The City further reserves and retains the right to revoke this Permit at any time and for any reason.
3. The Petitioner, for itself and for its successors, assigns and for all persons claiming through the Petitioner, agrees that it shall defend all efforts and claims to hold, or attempt to hold, the City of Grand Junction, its officers, employees and agents, liable for damages caused to any property of the Petitioner or any other party, as a result of the Petitioner's occupancy, possession or use of said public rights-of-way or as a result of any City activity or use thereof or as a result of the installation, operation, maintenance, repair and replacement of public improvements.
4. The Petitioner agrees that it shall at all times keep the above described public rights-of-way in good condition and repair.
5. This Revocable Permit shall be issued only upon the concurrent execution by the Petitioner of an agreement that the Petitioner and the Petitioner's successors and assigns shall save and hold the City of Grand Junction, its officers, employees and agents harmless from, and indemnify the City, its officers, employees and agents, with respect to any claim or cause of action however stated arising out of, or in any way related to, the encroachment or use permitted, and that upon revocation of this Permit by the City the Petitioner shall, at the sole cost and expense of the Petitioner, within thirty (30) days of notice of revocation (which may occur by mailing a first class letter to the last known address), peaceably surrender said public rights-of-way and, at its own expense, remove any encroachment so as to make the aforescribed public rights-of-way available for use by the City or the general public. The provisions concerning holding harmless and indemnity shall survive the expiration, revocation, termination or other ending of this Permit.
6. This Revocable Permit, the foregoing Resolution and the following Agreement shall be recorded by the Petitioner, at the Petitioner's expense, in the office of the Mesa County Clerk and Recorder.

7. Presently the right-of-way adjacent to the 25 Road parkway contains a storm drain. If the City needs to go in and repair the storm drain at any time, the applicant will be responsible for replacing and repairing the damaged asphalt and landscaping, not the City.

8. The applicant has been notified that there is no sidewalk in place on the east side of the 25 Road viaduct, activities such as distribution of magnesium chloride, salt/sanding and snow removal may splash through the small curb and railing falling in the area defined within this revocable permit. The applicant has been advised that these are normal, preexisting maintenance activities and therefore the City will be held harmless from any claims arising from any property damaged by any of these maintenance activities.

Dated this _____ day of _____, 2013.

The City of Grand Junction,
a Colorado home rule municipality

Attest:

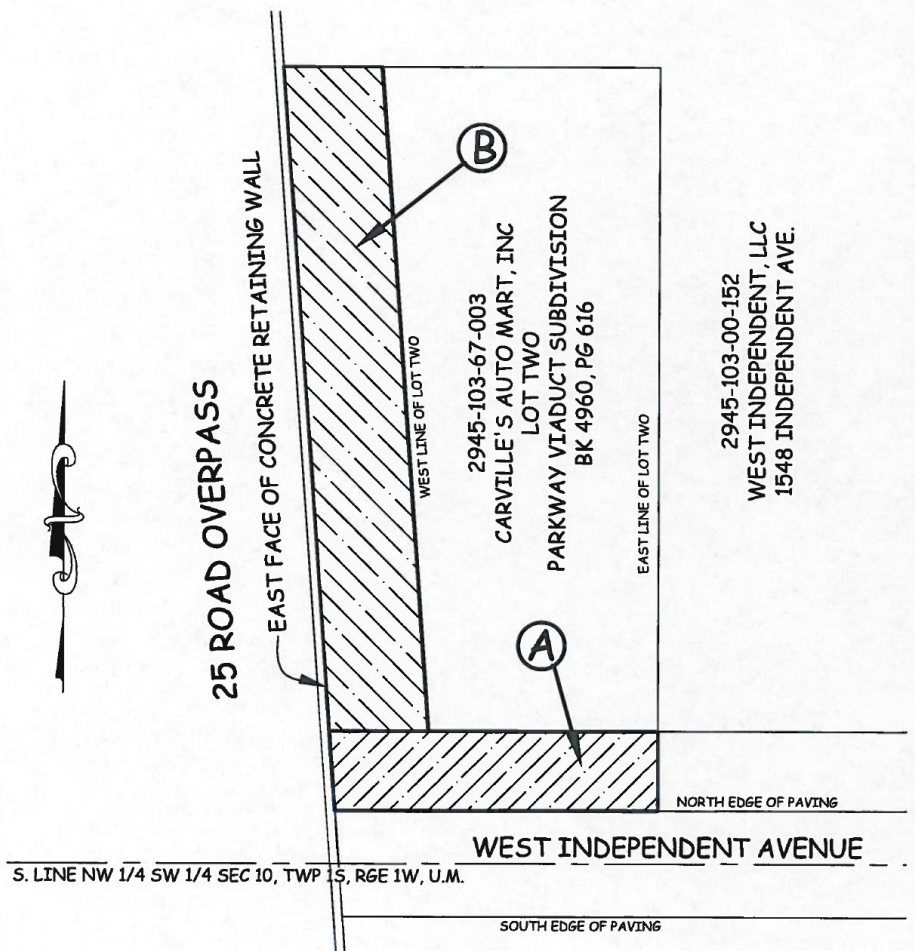
City Clerk

City Manager

Acceptance by the Petitioner:

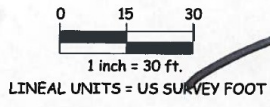
Carville's Auto Mart, Inc.

EXHIBIT "A"



ABBREVIATIONS

R.O.W.	RIGHT OF WAY
SEC.	SECTION
TWP.	TOWNSHIP
R6E.	RANGE
U.M.	UTE MERIDIAN
P.O.C.	POINT OF COMMENCEMENT
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SSMH	SANITARY SEWER MAN HOLE



The sketch and description shown hereon has been derived from subdivision plats and deed descriptions as they appear in the office of the Mesa County Clerk and Recorder. This sketch does not constitute a legal survey, and is not intended to be used as a means for establishing or verifying property boundary lines.



DRAWN BY: PTK
 DATE: 07-18-2013
 SCALE: 1" = 30'
 APPR. BY: PTK

CARVILLE'S AUTO MART, INC
REVOCABLE PERMIT



AGREEMENT

Carville's Auto Mart, Inc., for itself and for its successors and assigns, does hereby agree to:

(a) Abide by each and every term and condition contained in the foregoing Revocable Permit;

(b) Indemnify and hold harmless the City of Grand Junction, its officers, employees and agents with respect to all claims and causes of action, as provided for in the approving Resolution and Revocable Permit;

(c) Within thirty (30) days of revocation of said Permit by the City Council, peaceably surrender said public right-of-way to the City of Grand Junction;

(d) At the sole cost and expense of the Petitioner, remove any encroachment so as to make said public right-of-way fully available for use by the City of Grand Junction or the general public.

Dated this _____ day of _____, 2013.

Carville's Auto Mart, Inc.

By: _____
Royce Carville

State of Colorado)

)ss.

County of Mesa)

The foregoing Agreement was acknowledged before me this ___ day of _____, 2013, by Royce Carville, of Carville's Auto Mart, Inc.

My Commission expires: _____

Witness my hand and official seal.

Notary Public



Date: August 6, 2013
 Author: Kristen Ashbeck
 Title/ Phone Ext: Senior Planner x1491
 Proposed Schedule:
Approval August 7, 2013; Execute
agreement following approval.
 File #: CDBG 2012-07

Attach 11

CITY COUNCIL AGENDA ITEM

<p>Subject: CDBG Subrecipient Contract with HomewardBound of the Grand Valley for Previously Allocated Funds within the 2012 Community Development Block Grant (CDBG) Program Year</p>
<p>Action Requested/Recommendation: Resolution Affirming the Grant Award and Authorizing the City Manager to Sign the Subrecipient Contract with HomewardBound for the City’s 2012 Program Year Funds</p>
<p>Presenter(s) Name & Title: Tim Moore, Deputy City Manager Kristen Ashbeck, Senior Planner/CDBG Administrator</p>

Executive Summary: The Subrecipient Contract formalizes the City’s award of \$109,971 to HomewardBound of the Grand Valley allocated from the City’s 2012 CDBG Program as previously approved by Council. The grant funds will go toward purchase of property.

Background, Analysis and Options:

In May 2012, City Council approved allocation of its 2012 CDBG funding. HomewardBound of the Grand Valley was awarded \$109,971 to be used towards property acquisition for improvement and expansion of the community homeless shelter. Since that time, HomewardBound has undergone a change in leadership and is in the process of re-evaluating needs. They have identified the need to remodel the existing facility since the direction is to retain the current shelter. An amendment to the Annual Action Plan for the 2012 CDBG Program Year was proposed to City Council to allow the shelter to utilize the funding for the remodel instead of acquisition. The amendment was reviewed by City Council at its July 3, 2013 meeting and was not approved.

HomewardBound completed a Guided Growth Plan in June 2013 which also shows a need to improve and expand HomewardBound services, particularly for homeless families. This need will require property acquisition and, with the Plan completed and a real estate agent retained, HomewardBound is ready to pursue that acquisition. Thus, this activity does not require an amendment to the 2012 Annual Action Plan.

HomewardBound of the Grand Valley is considered a “subrecipient” to the City. The City will “pass through” a portion of its 2012 Program Year CDBG funds to HomewardBound but the City remains responsible for the use of these funds. The contract with HomewardBound outlines the duties and responsibilities of each party/program and is used to ensure that the subrecipient complies with all Federal rules and regulations governing the use of these funds. The contract must be approved before the subrecipient may spend any of these Federal funds. Exhibit A of the

contract (Attachment 3) contains the specifics of the project and how the money will be used by HomewardBound.

How this item relates to the draft Comprehensive Plan Goals and Policies: This project funded through the 2012 CDBG grant year allocation will include steps towards the City's Comprehensive Plan Goals listed below:

Goal 5: Mix of Housing Types: HomewardBound provides a temporary shelter need for the homeless population in Grand Junction.

Goal 12: Goods and Services that Enhance a Healthy, Diverse Economy: In addition to providing temporary housing and meals, HomewardBound provides services to the homeless to help them towards self-sufficiency, thereby improving their lives.

Board or Committee Recommendation: N/A

Financial Impact/Budget: Previously approved 2012 CDBG Budget

Legal issues: Subject to Subrecipient Agreement

Other issues: None

Previously presented or discussed:

City Council discussed and approved the allocation of CDBG funding to this project at its May 16, 2012 meeting and at the August 5, 2013 workshop.

Attachments:

1. Exhibit A, Subrecipient Agreement – HomewardBound of the Grand Valley
2. Resolution Confirming CDBG Activity

**2012 SUBRECIPIENT CONTRACT FOR
CITY OF GRAND JUNCTION
COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS WITH
HomewardBound of the Grand Valley**

**EXHIBIT "A"
SCOPE OF SERVICES**

1. The City agrees to pay the Subrecipient, subject to the subrecipient agreement, \$109,971.00 from its 2012 Program Year CDBG Entitlement Funds for acquisition of property in order to improve and expand services and shelter provided to homeless persons in Grand Junction. The acquisition of Property is eligible under 570.201(c) Public Facilities and Improvements; acquisition where the property is acquired for a public purpose and owned/operated by a non-profit organization.
2. The Subrecipient certifies that it will meet the CDBG National Objective of low/moderate limited clientele benefit (570.208(a)). It shall meet this objective by providing the above-referenced services to homeless persons in Grand Junction, Colorado. In addition, this project meets CDBG eligibility requirements under section 570.201(e), Public Services.
3. The project consists of acquisition of property within the City of Grand Junction in order to improve and expand services and shelter provided to homeless persons in Grand Junction. HomewardBound operates the Community Homeless Shelter at 2853 North Avenue. Since plans to expand the existing shelter have been withdrawn, there is a need to improve and expand services and shelter through acquisition of an additional location in order to establish a separate shelter for homeless families. It is understood that the City's grant of \$109,971 in CDBG funds shall be used only for property acquisition. Costs associated with any other elements of the project or costs above the grant amount shall be paid for by other funding sources obtained by the Subrecipient.
4. This project shall commence upon the full and proper execution of the 2012 Subrecipient Agreement and the completion of all appropriate environmental, Code, State and Local permit review and approval and compliance. The project shall be completed on or before May 31, 2014. If the subrecipient fails to expend the funding on property acquisition on or before May 31, 2014 this agreement shall be null and void.
5. During a period until December 31, 2019 the use or planned use of the Property may not change unless: A) the City determines the new use meets one of the National Objectives of the CDBG Program and B) HomewardBound provides affected citizens with reasonable notice and an opportunity to comment on any proposed changes. If HomewardBound decides, after consultation with affected citizens that it is appropriate to change the use of the Property to a use which the City determines does not qualify in meeting a CDBG National Objective, HomewardBound must reimburse the City. After December 31, 2019, the only City restrictions on use of the Property shall be those found within the City's laws, rules, codes and ordinances.

_____ HomewardBound

_____ City of Grand Junction

6. Upon the full and proper execution of the 2012 Subrecipient Agreement and the completion of all necessary environmental review of the site HomewardBound may proceed to acquire the Property. Acquisition of the Property as deemed by this agreement shall be completed on or before May 31, 2014. No reimbursement shall be made prior to that date if the subrecipient has not acquired the property.
7. The City shall monitor and evaluate the progress and performance of the Subrecipient to assure that the terms of this agreement are met in accordance with City and other applicable monitoring and evaluating criteria and standards. The Subrecipient shall cooperate with the City relating to monitoring, evaluation and inspection and compliance.
8. The Subrecipient shall provide quarterly financial and performance reports to the City. Reports shall describe the progress of the project, what activities have occurred, what activities are still planned, financial status, compliance with National Objectives and other information as may be required by the City. A final report shall also be submitted when the project is completed.
9. The Subrecipient understands that the funds described in the Agreement are received by the City from the U.S. Department of Housing and Urban Development under the Community Development Block Grant Program. The Subrecipient shall meet all City and federal requirements for receiving Community Development Block Grant funds, whether or not such requirements are specifically listed in this Agreement. The Subrecipient shall provide the City with documentation establishing that all local and federal CDBG requirements have been met.
10. A blanket fidelity bond equal to cash advances as referenced in Paragraph V.(E) will not be required as long as no cash advances are made and payment is on a reimbursement basis.
11. A formal project notice will be sent to the Subrecipient once all funds are expended and a final report is received.

_____ HomewardBound

_____ City of Grand Junction

RESOLUTION NO. __-13

A RESOLUTION CONFIRMING AN ACTIVITY WITHIN THE 2012 PROGRAM YEAR ACTION PLAN AS A PART OF THE CITY OF GRAND JUNCTION FIVE-YEAR CONSOLIDATED PLAN FOR THE GRAND JUNCTION COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM

RECITALS.

The City of Grand Junction was designated as an Entitlement Community by the U.S. Department of Housing and Urban Development in 1996. That designation entitles the City to an annual award of Community Development Block Grant (CDBG) Program funds.

To be eligible for CDBG funding, the City must submit an annual Program Year Action Plan to be adopted as part of the City's Five-Year Consolidated Plan; those are federally-required documents which guide community development efforts in Grand Junction.

The primary objective of the City's Consolidated Plan and CDBG Program is the development of viable urban communities which are promoted by having decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low and moderate income.

The development and adoption of the Five-Year Consolidated Plan included processes for setting local priority needs and objectives through a coordinated effort with non-profit and government agencies in the community that serve the low income and special needs populations. The Five-Year Consolidated Plan also established a strategic plan that addresses the priority needs, goals and strategies identified by the community to be undertaken between 2011 and 2016.

One of the 2012 Program Year Action Plan awards was a \$109,971.00 grant to *HomewardBound of the Grand Valley* for purposes of acquiring property for the expansion and improvement of services to homeless persons in the community.

In order to affirm that award the City Council does hereby approve this resolution and authorize and direct the City staff to prepare and execute a subrecipient agreement with *HomewardBound of the Grand Valley* in the amount of \$109,971.00.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO that the City Council affirms the CDBG 2012 Program Year Action Plan, as a part of the 2011-2016 Five-Year Consolidated Plan which includes a grant to *HomewardBound of the Grand Valley*.

Adopted this ___ day of _____ 2013.

Mayor and President of the City Council

Attest:

City Clerk

CITY COUNCIL AGENDA ITEM

Date: July 19, 2013

Author: Traci Wieland

Title/ Phone Ext: 254-3846

Proposed Schedule: August 7, 2013

2nd Reading

(if applicable): _____

File # (if applicable): _____

Subject: Great Outdoors Colorado Grant Council Resolution for Las Colonias Park Phase I

Action Requested/Recommendation: Adopt Resolution Supporting the Application for GOCO grant funds for Las Colonias

Presenter(s) Name & Title: Rob Schoeber, Parks and Recreation Director

Executive Summary:

Parks and Recreation is seeking approval to apply for a Great Outdoors Colorado (GOCO) local government grant to assist with funding critical elements of the early phases of Las Colonias Park. A resolution from the governing body with primary jurisdiction must be attached to all grant applications. The fall cycle of grants is due on August 28 with an award decision on December 10.

Background, Analysis and Options:

Las Colonias Park, a 101 acre parcel on the edge of the Colorado River south of downtown, was deeded to the City of Grand Junction in 1997 from the State of Colorado after the mill tailings cleanup was completed. The site has cultural and historical significance because of "Las Colonias", the colonies of people who worked in the orchards and sugar beet fields who once resided on the site.

Las Colonias Park was originally master planned in 1998. Construction of the Riverside Parkway, which started in 2006, impacted that original master plan so it was revised in 2008. That master plan included a footprint for a 75,000 square foot civic facility as well as a dog park, natural areas, playgrounds, picnic areas, a festival area/amphitheater, and trails. In 2012, City Council directed Parks and Recreation to again revise the existing master plan because of changing priorities among user and community groups.

The most recent includes:

- A western entrance into the park with shared parking for Western Colorado Botanical Gardens and any future educational developments, an 18 hole disc golf course on Watson Island, additional trail connections, park shelter/restroom, and play features.
- An amphitheater with sloped lawn seating for small events of 1,000 or large events of 10,000 with a stage, multipurpose rooms, developed plaza areas for

tickets, restrooms, and vendors, a park shelter/restroom with play features, and paved/native grass parking areas.

- A multipurpose/festival grounds area for informal neighborhood play or festival use as well as a park shelter/restroom.
- A wetlands area with several cascading ponds, trails, picnic tables, fenced dog park, and an irrigation system. Area includes several parking areas, a restroom/shelter, boat launch and parking, as well as several hundred additional native grass parking spaces.

The 2013 fall local government GOCO grant will assist with funding of improvements to the western end of the park which includes basic, and much needed amenities. These improvements include:

- A shelter/restroom
- Native arboretum trail and educational identification
- Additional trails and connections
- Parking improvements

How this item relates to the Comprehensive Plan Goals and Policies:

Goal 8: Create attractive public spaces and enhance the visual appeal of the community through quality development.

Any suggested improvements at the currently undeveloped site would enhance the visual appeal from the Orchard Mesa neighborhoods as well as those using the Riverfront Trail through the park.

Goal 10: Develop a system of regional, neighborhood and community parks protecting open space corridors for recreation, transportation and recreational purposes.

Once developed, Las Colonias Park will be one of the City's largest parks serving neighborhood and regional uses. The park would provide numerous passive park amenities not currently found in any other park, especially a park with riverfront access.

Board or Committee Recommendation:

City Council approved the master plan on July 3, 2013.

Financial Impact/Budget:

The grant requires a 10% cash match and 30% overall project cost match. Total estimated project cost will be \$848,026 City of Grand Junction match will be Parkland Expansion Funds from 2013 and 2014 totaling \$397,151. Based on project estimates, \$350,000 will be requested from GOCO to accomplish this phase of recommended improvements. The remaining \$35,000 will come from local donors either committed or pending.

Estimated Project Cost/Revenues

Great Outdoors Colorado	\$350,000
2013 Parkland Expansion	\$165,000
2014 Parkland Expansion	\$232,151
Local Donors	\$35,000
In-kind Services	<u>\$65,875</u>
Total	\$848,026

Legal issues:

NA

Other issues:

NA

Previously presented or discussed:

NA

Attachments:

Proposed Resolution

RESOLUTION NO. __-13

A RESOLUTION SUPPORTING THE GRANT APPLICATION FOR A LOCAL PARKS AND OUTDOOR RECREATION GRANT FROM THE STATE BOARD OF THE GREAT OUTDOORS COLORADO TRUST FUND FOR LAS COLONIAS PARK PROJECT

WHEREAS, the City of Grand Junction supports the Great Outdoors Colorado to grant application for the Las Colonias Park project. If the grant is awarded, the City of Grand Junction supports the completion of the project.

WHEREAS, the City of Grand Junction has requested \$350,000 from Great Outdoors Colorado to fund the phase I development of Las Colonias Park.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT:

- Section 1: The City Council of the City of Grand Junction strongly supports the application and has appropriated matching funds for a grant with Great Outdoors Colorado.
- Section 2: If the grant is awarded, the City Council of the City of Grand Junction strongly supports the completion of the project.
- Section 3: The City Council of the City of Grand Junction authorizes the expenditure of funds necessary to meet the terms and obligations of any Grant awarded.
- Section 4: The project site is owned by the City of Grand Junction and will be owned by the City of Grand Junction for the next 25 years.
- Section 5: The City Council of the City of Grand Junction will continue to maintain Las Colonias in a high quality condition and will appropriate funds for maintenance in its annual budget.
- Section 6: If the grant is awarded, the City Council of the City of Grand Junction authorizes the Grand Junction City Manager to sign the grant agreement with Great Outdoors Colorado.
- Section 7: This resolution to be in full force and effect from and after its passage and approval.

Passed and adopted this ____ day of _____, 2013.

President of the City Council

ATTEST:

City Clerk