

To access the Agenda and Backup Materials electronically, go to www.gjcity.org



**CITY COUNCIL AGENDA
WEDNESDAY, JANUARY 17, 2024
250 NORTH 5TH STREET - AUDITORIUM
[VIRTUAL MEETING - LIVE STREAMED](#)
BROADCAST ON CABLE CHANNEL 191
5:30 PM – REGULAR MEETING**

Call to Order, Pledge of Allegiance, Moment of Silence

Proclamations

Proclaiming January 2024 as National Crime Stoppers Month in the City of Grand Junction

Appointments

To the Visit Grand Junction Board

Public Comments

Individuals may comment regarding items scheduled on the Consent Agenda and items not specifically scheduled on the agenda. This time may be used to address City Council about items that were discussed at a previous City Council Workshop.

The public has four options to provide Public Comments: 1) in person during the meeting, 2) virtually during the meeting (registration required), 3) via phone by leaving a message at 970-244-1504 until noon on Wednesday, January 17, 2024 or 4) submitting comments [online](#) until noon on Wednesday, January 17, 2024 by completing this form. Please reference the agenda item and all comments will be forwarded to City Council.

City Manager Report

Boards and Commissions Liaison Reports

CONSENT AGENDA

The Consent Agenda includes items that are considered routine and will be approved by a single motion. Items on the Consent Agenda will not be discussed by City Council, unless an item is removed for individual consideration.

1. Approval of Minutes

- a. Summary of the January 8, 2024 Workshop
- b. Minutes of the January 3, 2024 Regular Meeting
- c. Minutes of the January 3, 2024 Special Meeting

2. Set Public Hearings

- a. Quasi-judicial
 - i. Introduction of an Ordinance Approving a Rezone for Approximately 0.75 Acres from R-2 (Residential – 2 du/ac) to R-4 (Residential – 4 du/ac), Located at 696 Sperber Lane, and Setting a Public Hearing for February 7, 2024

3. Resolutions

- a. A Resolution Authorizing an Application to Great Outdoors Colorado (GOCO) to Fund Outdoor Facilities at Grand Junction's First Community Recreation Center
- b. A Resolution Authorizing the Extension of the Easement Agreement entered into with TransColorado Gas Transmission Company on May 21, 1998, with the Initial Term Commencing on February 15, 1999, and authorizing the City Manager to negotiate and execute the Addendum to Extend the existing Easement Agreement for an additional 25 years
- c. A Resolution Supporting the Application for the FY 2023-2024 Peace Officers Behavioral Health Support and Community Partnership Grant from the Colorado Department of Local Affairs (DOLA)

REGULAR AGENDA

If any item is removed from the Consent Agenda by City Council, it will be considered here.

4. Public Hearings

- a. Legislative

- i. An Ordinance Approving 457 Match

5. Non-Scheduled Comments

This is the opportunity for individuals to speak to City Council about items on tonight's agenda and time may be used to address City Council about items that were discussed at a previous City Council Workshop.

6. Other Business

7. Adjournment



City of Grand Junction, State of Colorado

Proclamation

Whereas, crime is a menace to our society. It tears apart lives and causes feelings of fear, anger and helplessness. As caring citizens, we are obligated to do everything in our power to ensure that our communities are not victimized by criminals; and

Whereas, the Crime Stoppers of Mesa County program has empowered the citizens of Mesa County to take a stand against crime. This program brings together citizens, law enforcement, the media, businesses, and educational institutions to combat crime and make our communities safer; and

Whereas, combining media awareness, cash rewards, and an anonymous tip line and P3 tips app for citizens to contact, Crime Stoppers of Mesa County has created an effective method for solving crimes and helping citizens take back control over their neighborhoods; and

Whereas, the award-winning, nationally recognized Crime Stoppers of Mesa County has been particularly effective and since 1983 has received over 22,600 tips, which have led to 1,856 arrests and the recovery of over 9 million two hundred thousand dollars in drugs and property. Anonymous Crime Stopper callers have been rewarded over \$316,000 for their valuable information; and

Whereas, Crime Stoppers of Mesa County has forged strong working relationships with all area law enforcement agencies, including Colorado State Patrol, Fruita Police Department, Grand Junction Police Department, Mesa County Sheriff's Office, Mesa County District Attorney's Office, and the Palisade Police Department; and

Whereas, Crime Stoppers of Mesa County is working to increase awareness of community safety issues and crime prevention efforts, while also giving back to our community by offering grants to various organizations, partnership with Colorado Mesa University and scholarships to Law Enforcement graduates.

NOW, THEREFORE, I Anna Stout, by the power vested in me as Mayor of the City of Grand Junction, do hereby proclaim the month of January 2024 as

"National Crime Stoppers Month"

in the City of Grand Junction and call all citizens of Grand Junction to increase their participation in Crime Stoppers of Mesa County in the effort to prevent crime, thereby strengthening the communities in which they live.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official Seal of the City of Grand Junction this 9th day of January, 2024.



Mayor



Grand Junction City Council

Regular Session

Item #

Meeting Date: January 17, 2024

Presented By: Amy Phillips, City Clerk

Department: City Clerk

Submitted By: Kerry Graves

Information

SUBJECT:

To the Visit Grand Junction Board

RECOMMENDATION:

To appoint the interview committee's recommendation to the Visit Grand Junction Board.

EXECUTIVE SUMMARY:

There is one resignation from the Visit Grand Junction Board.

BACKGROUND OR DETAILED INFORMATION:

Christina Schultz resigned from the Visit Grand Junction Board.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

To (appoint/not appoint the interview committee's recommendation to the Visit Grand Junction Board.

Attachments

None

GRAND JUNCTION CITY COUNCIL WORKSHOP SUMMARY **January 8, 2024**

Meeting Convened: 5:30 p.m. The meeting was held in person at the Fire Department Training Room, 625 Ute Avenue, and live streamed via GoToWebinar.

City Councilmembers Present: Councilmembers Scott Beilfuss, Cody Kennedy, Jason Nguyen, Randall Reitz, Dennis Simpson, Mayor Pro Tem Abe Herman and Mayor Anna Stout.

Staff present: City Manager Greg Caton, City Attorney John Shaver, Assistant to the City Manager Johnny McFarland, Finance Director Jennifer Tomaszewski, City Clerk Amy Phillips, Deputy City Clerk Krystle Koehler and Records Technician Jacob Samuels-Logan.

1. Discussion Topics

a. CMU Proposal

President Marshall of Colorado Mesa University (CMU) introduced his proposal for a partnership between CMU and the City to fund a Mental Health Provider Retention program. The proposal requests a one-time contribution from the City of \$500,000. Funds would be used to incentivize qualified individuals to remain in Grand Junction by providing financial assistance to attract and retain mental health social workers in the nonprofit sector to address local mental healthcare needs.

The partnership would develop a Master of Social Work Student Loan Repayment Program to provide financial support to successful applicants of \$10,000 annually for three years as long as they remain employed in the local mental healthcare field. Funding would be disbursed subject to performance review and verification of continued employment with a Grand Junction-based non profit. Participation would be limited to ten participants per year initially and may be renewed after the initial three-year period based on success and impact on the community.

Discussion revolved around concerns and questions regarding the proposal. Some main points include:

1. **Funding Structure:** Concerns about the structure of the funding and the possibility of additional requests for money in the future. The Council emphasized the need for clear assurances that the program will be sustainable without requiring more funds from the City in the future.
2. **Geographical Focus:** Discussion requested narrowing the radius of the program to ensure that the funds benefit the Grand Junction community specifically rather than extending to areas that may not directly impact the City.
3. **Claw back Provisions:** Questions were raised about the repayment structure for the forgivable loans and the potential for claw back if participants leave the program early. The idea is to clarify whether the repayment is deferred or spread out over the service period.
4. **Number of Participants:** Concerns were raised about the number of participants and whether the program is scalable. The discussion includes considerations about the demand for mental health professionals and the ability of local nonprofit organizations to absorb the graduates.

5. **Working for Nonprofits:** Questions were raised about the requirement for participants to work for nonprofits. The concern is whether there are enough nonprofit mental health providers in the area to accommodate the number of graduates from the program.

Overall, the conversation highlighted the need for careful planning, clear agreements, and assurances to address potential challenges in implementing the proposed social work program.

Additional points raised regarding the Partnership Program:

1. **Cost of Master's in Social Work:** The cost of obtaining a Master's in Social Work was discussed, with an estimation of \$40,000 to \$45,000. It was mentioned that the proposed program would cover \$30,000 of that cost, leaving the students with some financial responsibility.
2. **Competitive Application Process:** The idea of implementing a competitive application process was introduced, where applicants demonstrate their commitment to the community and their intention to pursue clinical licensure. This approach could help ensure that the program attracts individuals genuinely interested in staying in the community.
3. **Limited Funding:** It was mentioned that the City might not have additional funding available for this program, and there's a discussion about the involvement of the City in such initiatives.
 - **ARPA Funds Allocation:** Council mentioned that the ARPA (American Rescue Plan Act) funds for 2024 are currently allocated to housing and homeless services in the budget. However, there was a willingness to reallocate some of these funds for the proposed mental health program.
 - **Community Preference for Face-to-Face Learning:** The importance of face-to-face learning and local connections for students in the proposed program is emphasized. The community and students have expressed a preference for in-person education, practical skills development, and building networks within the community.
 - **Engagement with County and Collaboration:** Council suggested to engage with the County and explore collaboration, leveraging additional contributions and participation. The potential partnership with the County was seen as an important part of the CMU partnership.
 - **Consideration of Other Funded Programs:** The concern was raised that the City is already allocating significant funds to programs like scholarships, and there's a need to justify additional funding.
 - **Housing and Mental Health Connection:** A discussion arises about the interconnectedness of mental health and housing. The importance of addressing both aspects was acknowledged, with an emphasis on breaking the cycle where mental health issues contribute to housing instability.

Next Steps, Council directed staff to continue communication with CMU to refine the program and partnership to move the proposed program forward.

b. Tax-Exemption for Secondhand Stores

Councilmember Kennedy requested that this item be considered by the Council.

Staff reported that the City collects approximately \$675,000 in sales tax per year from approximately 32-34 Secondhand businesses. These consist of various business types, including pawn shops, high-

end antique stores, thrift stores, used sports equipment and game stores, clothing consignment, and auction, and estate sales businesses.

The City Municipal Code identifies items already considered exempt from sales tax. Below are a few of these exemptions, which are listed in Municipal Code section 3.12.070, including:

- All sales of food
- Utilities (such as electricity and gas)
- Sale and purchase of medical supplies
- Direct sale to charitable organizations in conduct of its functions and activities
- Sales made by schools, school activity booster organizations, and student classes if proceeds are used for the benefit of the school or student organization.

It was also noted that Municipal Code section 3.12.050 states:

"The sales tax levied by GJMC [3.12.030\(a\)](#) shall apply to the purchase price of the following:

*(a) Tangible personal property that is sold, leased or rented, **whether or not such property has been included in a previous taxable transaction.**"*

The last item staff noted was the 2024 budget. Given the recent changes from the Colorado Legislature special session, which resulted in an estimated decrease in property tax revenues of \$600,000, this would further impact the deficit created going into the 2024 budget.

Discussion including tax policy changes, and how the exemption could reduce items going to the landfill and increase recycling operations. Other discussions focused on processes and next steps. Discussion included:

1. **Support for the Concept:** There was a sense of support for the concept of reducing waste and helping the community, but there was a need for further discussion regarding details and potential budget impacts. Discussion explored the need to look at grant opportunities but noted the importance of prioritizing City needs and the financial impacts of pursuing grants. It was suggested to turn the proposal over to Staff, particularly the sustainability team, for further evaluation, research, and grant exploration. Staff would provide regular updates and memos to keep the Council informed.
2. **Involvement of Recycled Colorado:** Involve *Recycled Colorado* for its expertise and insights into similar policies was advanced.
3. **Process and Strategic Planning:** The importance of fitting the proposal into the City's strategic plan and evaluating it from a staff perspective was emphasized, suggested that the proposal could fall under the category of **Resource Stewardship**.
4. **Potential Survey:** The idea of conducting a survey was mentioned.

Next Steps: Involve staff in further researching and refining the proposal, aligning the proposal with the City's strategic plan, and exploring grant opportunities. The need for ongoing communication through regular updates and memos and making the proposal a collaborative process to refine the proposal and build something that could work for Grand Junction.

2. City Council Communication

Discussion covered various topics:

1. **School Impact Fees:** There is a plan in motion for quick action with the school district regarding the collection of impact fees. Urgency was emphasized, and the item will be agendized as soon as the requested information is received from the school district.
2. **Airport Relations:** The issue with the Airport Authority's refusal to share all information with the City's liaison was discussed. There was a request to address the matter in an open meeting between the City and the Airport Authority.
3. **Homelessness and Emerson Park:** The upcoming construction in Emerson Park, impacting the homeless community, was mentioned. Plans to issue a news release within days, along with signage, were included in the discussion. The City aims to communicate the plan respectfully to the homeless community.
4. **Direct Report Evaluations:** There was a brief discussion about the upcoming staff evaluations. Some concerns were expressed about the previous year's process and it was suggested that changes to the evaluation process be discussed.
5. **Resignation from the Horizon Business Improvement District:** An announcement was made about a resignation from the Executive Director of the Horizon Drive Business Improvement District. There's a mention of potential changes in board members' duties.
6. **Role of Council as Liaisons:** It was noted that staff is developing a memo defining the Council liaison's role for each of the City's Boards and Commissions.

3. Next Workshop Topics

City Manager Caton reported the items for the January 22, 2024, Special Workshop will be:
Joint meeting with County Commissioners at the County beginning at 4:15 p.m.

- Unhoused Strategy Report
- Compost Facility Update

1. Adjournment

There being no further business, the Workshop adjourned at 7:29 p.m.

Grand Junction City Council
Minutes of the Regular Meeting
January 3, 2024

Call to Order, Pledge of Allegiance, Moment of Silence

The City Council of the City of Grand Junction convened into regular session on the 3rd day of January at 5:30 p.m. Those present were Councilmembers Scott Beilfuss, Cody Kennedy, Jason Nguyen, Randall Reitz, Dennis Simpson, Council President Pro Tem Abe Herman and Council President Anna Stout.

Also present were City Manager Greg Caton, City Attorney John Shaver, Utilities Director Randi Kim, Finance Director Jennifer Tomaszewski, General Services Director Jay Valentine, Finance Director Emeritus Jodi Welch, Senior Planner Timothy Lehrbach, City Clerk Amy Phillips, and Deputy City Clerks Selestina Sandoval and Krystle Koehler.

Mayor Stout asked her Stout Student Quinn Rodriguez to lead the Pledge of Allegiance, followed by a moment of silence.

Proclamation

Proclaiming January 15, 2024 as Martin Luther King Jr. Day in the City of Grand Junction.

Councilmember Nguyen read the proclamation, and David Combs President of Black Citizens and Friends accepted the proclamation.

Proclaiming the City of Grand Junction as an Inclusive City.

Council President Pro Tem Abe Herman read the proclamation and Founder and Executive Director of Mutual Aid Partners Stephania Vasconez, and the Director of Homeward Bound of the Grand Valley Christopher Masters accepted the proclamation.

Public Comments

There were no public comments.

City Manager Report

City Manager Greg Caton had no report.

Board and Commission Liaison Reports

Council President Stout thanked the Police and Fire Departments for her New Year's Eve "ride along" which is her holiday tradition.

CONSENT AGENDA

1. Approval of Minutes

- a. Summary of the December 18, 2023 Workshop
- b. Minutes of the December 20, 2023 Special Meeting
- c. Minutes of the December 20, 2023 Regular Meeting

2. Set Public Hearings

- a. Legislative
 - i. Introduction of and Ordinance Approving 457 Match and Setting a Public Hearing for January 17, 2024.

3. Agreements

- a. 1Authorize the City Manager to Execute a Contract Extension for Professional Services with Mesa County for Building Permitting, Inspection, and Contractor Licensing

4. Procurements

- a. Dumpster Purchase for Solid Waste and Recycling
- b. Construction Contract for I-70B Waterline Replacements - 1st Street to 3rd Street

5. Resolutions

- a. A Resolution Designating the Location for the Posting of the Notice of Meetings, Establishing the 2024 City Council Meeting Schedule, and Establishing the Procedure for Calling of Special Meetings for the City Council
- b. A Resolution Finding that the 2020 One Grand Junction Comprehensive Plan Together with the 3-Mile Plan Map Serves as the Annual Three-Mile Plan for the City of Grand Junction

- c. A Resolution Rescinding Resolution 116-23 and Amending the Contribution Rate to the Hybrid Component Administered by the Fire and Police Pension Association for Reentry Firefighters for the City of Grand Junction

Councilmember Nguyen moved, and Council President Pro Tem Herman seconded to adopt Consent Agenda Items 1-5. Motion carried by unanimous voice vote.

Regular Agenda

Authorize Guaranteed Maximum Price (GMP) Contract with Garney Construction for Construction of the Persigo Wastewater Treatment Plant Phase 1 Expansion Project

This request is to execute a Guaranteed Maximum Price (GMP) contract with Garney Construction for Construction Management/General Contractor (CM/GC) delivery of the Persigo Wastewater Treatment Plant Phase 1 Expansion Project. The total GMP for construction, exclusive of pre-construction costs authorized to date, is \$75,934,663.50 with the project to be completed over two years. The project is scheduled to start construction in late January 2024 (This contract will authorize \$37,524,887 for work completed in 2024.)

The City's design engineer, Burns & McDonnell, completed 100 percent of the design plans and specifications in November 2023. Based on the 100 percent design, Garney Construction provided a GMP of \$75,934,663.50 for the construction of the project over two years, starting in late January 2024 with completion by February 2026. The total cost of the project (2024-2025) is \$80 million, which includes construction, engineering services during construction, quality assurance testing, and permitting fees.

Garney Construction was selected through a qualifications-based Request for Proposal (RFP) process in 2022 for CM/GC delivery of the Persigo Wastewater Treatment Plant Phase 1 Expansion Project. To date, Garney has been authorized for pre-construction services and early procurement packages for long-lead equipment items.

Utilities Director Randi Kim presented this item.

Council asked about guaranteed maximum price contracts, what isn't included in that type of contract and, what other items could come up.

The public comment opened at 5:56 pm.

There were no public comments.

The public comment closed at 5:56 pm.

Council President Pro Tem Herman moved, and Councilmember Kennedy seconded to authorize the City Purchasing Division to execute a Guaranteed Maximum Price (GMP) contract with Garney Construction for Construction Management/General Contractor (CM/GC) delivery of the Persigo Wastewater Treatment Plant Phase 1 Expansion Project

in the amount of \$37,524,887 for work to be completed in 2024. Motion carried unanimously by roll call vote.

Authorize Change Order #4 with Burns & McDonnell Engineering Company, Inc. for the Persigo Wastewater Treatment Plant Phase 1 Expansion Project

This request is to award Change Order #4 to Burns & McDonnell Engineering Company, Inc. (BMcD) for Construction Phase Engineering Services for the Persigo WWTP Phase 1 Expansion Project (Project) for 2024. Change Order #4 with BMcD includes additional professional engineering activities necessary for engineering services during construction and post-construction activities.

Utilities Director Randi Kim presented this item.

The public comment opened at 5:59 pm.

There were no public comments.

The public comment closed at 5:59 pm.

Councilmember Kennedy moved, and Councilmember Nguyen seconded to authorize the City Purchasing Division to execute Change Order #4 with BMcD for the Construction Phase Engineering Services in the amount of \$2,231,783.40. Motion carried unanimously by roll call vote.

An Ordinance Amending Various Sections of the Grand Junction Municipal Code (GJMC) on Sales and Use Tax by Adding Terms and Definitions to the GJMC Related to Economic Nexus and Authorize an Intergovernmental Agreement with the Colorado Department of Revenue (CDOR) to Participate in the Sales Use Tax Software (SUTS) System

On January 4, 2023, City Council approved Ordinance No. 5118 amending the GJMC on Sales and Use Tax related to marketplace facilitators and marketplace sellers. This was the first of two phases necessary to join with the State of Colorado's simplification efforts related to sales tax collections. This resulted from the United States Supreme Court decision in South Dakota v. Wayfair. That ruling provided that states may charge tax on purchases made from out-of-state sellers without a physical presence in the state. The Colorado Municipal League has facilitated a model ordinance and reporting process to effect uniformity for cities in Colorado. The City's proposed ordinance and SUTS agreement relate to the second phase necessary to fully engage in the state's tax simplification efforts. The ordinance defines "economic nexus" and updates the definition of businesses engaged in business in the City to include economic nexus, while the SUTS agreement allows the City to join the state single point of remittance system for out-of-state vendors.

Finance Director Jennifer Tomaszewski presented this item.

Council asked what the estimated tax revenue would be for 2023, and how it would be tracked, if anything was set up to help Colorado companies with taxes, and if any back taxes be collected.

The public hearing opened at 6:09 pm.

There were no public comments.

The public hearing closed at 6:09 pm.

Councilmember Reitz moved, and Councilmember Nguyen seconded to adopt Ordinance No. 5195, an ordinance amending various sections of the Grand Junction Municipal Code (GJMC) on sales and use tax by adding terms and definitions to the GJMC related to economic nexus and authorize City staff to enter into an intergovernmental agreement with CDOR to participate in the SUTS System on final passage and order final publication in pamphlet form. Motion was carried unanimously by roll call vote.

Council took a break at 6:09 pm and resumed at 6:20 pm.

An Ordinance Regarding the Community Recreation Center Bonds

On April 4, 2023, City voters authorized the City to issue debt to finance the construction of a Community Recreation Center (CRC) at Matchett Park. D.A. Davidson, the City's underwriter, in coordination with staff, developed a financing and debt issuance plan.

Through the voters' approval, the City has authorization to issue up to \$70,000,000 in debt with total debt service costs not exceeding \$148,500,000. If the market conditions are favorable, it is estimated that bonds will be issued by the end of February 2024.

City Manager Greg Caton presented this item.

Conservation ensued regarding the dedicated tax revenues, premium of bonds and that this is an opportunity to provide a great product with better features for the community.

The public hearing opened at 6:55 pm.

There were no public comments.

The public hearing closed at 6:55 pm.

Council President Pro Tem Herman moved, and Councilmember Reitz seconded to adopt Ordinance No. 5193 an ordinance approving the issuance of \$70,000,000 in General Fund Revenue Bonds and the execution of related documents on final passage and order final publication in pamphlet form. Motion was carried by, 6-1 roll call vote, with Councilmember Simpson opposing.

An Ordinance Regarding Joint Sewer System Revenue Bonds

The Persigo Wastewater Treatment Plant (Persigo) is co-owned by the City of Grand Junction and Mesa County. Staff has been planning the rehabilitation and expansion of

Persigo since 2019. Following the development of a master plan, engineering design, and contracting with a construction manager/general contractor, the project is ready to proceed, and the cost estimate for Phase 1 is estimated at \$80.5 million.

D.A. Davidson, the City's underwriter, in coordination with staff, developed a financing and debt issuance plan. \$15 million in Preserves to be used on the project and is expected to be issued up to \$62 million in debt with premium for this phase.

The City and County, acting through the Joint Sewer System, will authorize the issuance of revenue bonds which will be secured by Joint Sewer System Revenues. The County Commissioners will hear a resolution confirming and ratifying this ordinance on January 9, 2024.

If market conditions are favorable, it is estimated that bonds will be issued by the end of February 2024.

City Manager Greg Caton presented this item.

The public hearing opened at 7:01 pm.

There were no public comments.

The public hearing closed at 7:01 pm.

Councilmember Nguyen moved, and Councilmember Kennedy seconded to adopt Ordinance No. 5194, an ordinance approving the issuance of \$62,000,000 in Joint Sewer System Revenue Bonds and execution of related documents on final passage and order final publication in pamphlet form. Motion carried unanimously by roll call vote.

An Ordinance Approving a Rezone for Approximately 174.3 Acres from PD (Planned Development) to PD (Planned Development) and Adopting an Outline Development Plan for "Mesa Trails," Located Between 23 1/4 and 23 3/4 Roads, from G Road to Highway 6 and 50 (Continued from December 20, 2023)

Foothills Housing 2, LLC and Foothills Housing 5, LLC (collectively, Applicant) requested a rezone from Planned Development (PD) to Planned Development (PD) and approval of an Outline Development Plan (ODP) for the Mesa Trails (fka The Community) development, replacing the previously approved PD and ODP for the project.

The Applicant received City Council approval for the PD and associated ODP on August 19, 2015, by Ordinance No. 4676. The original approval was amended on May 15, 2019, by Ordinance No. 4855, which included a revised phasing schedule and other changes to uses, pod configuration and composition, and bulk standards. The 2019 amendment assumed that development would occur one pod at a time. However, as development progressed on the site, this approach proved not to be feasible. The Applicant therefore requested an extension along with a revised phasing schedule for the PD and ODP which provided for completion of the remaining phases of development within 10 years. This

revised phasing schedule was approved and adopted by the City Council on May 17, 2023, by Ordinance No. 5150.

However, since the previous Phase 1 deadline passed two days prior to the date of adoption, the Applicant chose to apply for a rezone for a “new” Planned Development and Outline Development Plan to preclude the possibility of the ODP being construed as lapsed and rendering the PD null and void.

Senior Planner Timothy Lehrbach presented this item.

Ty Johnson, the applicant representative with Kaart Planning, was available for questions.

The public hearing opened at 7:18 pm.

Council President Pro Tem Herman moved, and Councilmember Nguyen seconded to adopt Ordinance No. 5196, an ordinance rezoning approximately 174.3 acres from PD (Planned Development) to PD (Planned Development) and adopt an Outline Development Plan for "Mesa Trails," located between 23 1/4 and 23 3/4 Roads, from G Road to Highway 6 and 50 on final passage and ordered final publication in pamphlet form. Motion was carried unanimously by roll call vote.

Non-Scheduled Comments

Mayor Stout student Quinn thanked everyone for the opportunity to attend.

Other Business

There were none.

Adjournment

Meeting adjourned at 7:20 pm.

Amy Phillips, CMC

City Clerk



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

City Hall Administration Conference Room

January 3, 2024

Call to Order

Council President Anna Stout called the Special Meeting of the Grand Junction City Council to order at 4:45 p.m. on the 3rd day of January 2024.

Councilmembers Scott Beilfuss, Cody Kennedy, Randall Reitz, Dennis Simpson, Council President *pro tem* Abe Herman and Council President Anna Stout were present. Councilmember Jason Nguyen was absent.

Councilmember Jason Nguyen joined the Executive Session at 4:57 p.m.

Also, present were City Manager Greg Caton, City Attorney John Shaver and Parks and Recreation Director Ken Sherbenou. There was no public in attendance.

Executive Session

Council President *pro tem* Herman moved and Councilmember Reitz seconded to convene into Executive Session ***TO DISCUSS MATTERS THAT MAY BE SUBJECT TO NEGOTIATIONS, DEVELOPING STRATEGY FOR NEGOTIATIONS, AND/OR INSTRUCTING NEGOTIATORS PURSUANT TO C.R.S. SECTIONS 24-6-402(4)(e)(I) CONCERNING THE POSSIBLE SALE OF CERTAIN NAMING RIGHTS, AND/OR 24-6-402(4)(a) OF COLORADO'S OPEN MEETINGS LAW RELATIVE TO A POSSIBLE LEASE TO A THERAPY PROVIDER OF A PORTION OF THE COMMUNITY RECREATION CENTER TO BE LOCATED AT NEAR 2844 PATTERSON ROAD, GRAND JUNCTION, COLORADO.***

Prior to a vote on the motion, Councilmember Simpson stated that he may have a statement to make after the conclusion of the Executive Session and once the General meeting is reconvened.

With a unanimous vote (6/0) the Executive Session was convened in accordance with the posted notice and for the purpose stated. The meeting was conducted in the City Hall Administration Conference Room.

Upon completion of the Executive Session, Councilmember Kennedy moved, and Councilmember Nguyen seconded a motion to adjourn the Executive Session. The motion passed 7-0.

Council President Stout reconvened the Special Meeting at 5:12 p.m. and stated for the record Council met in Executive Session:

TO DISCUSS MATTERS THAT MAY BE SUBJECT TO NEGOTIATIONS, DEVELOPING STRATEGY FOR NEGOTIATIONS, AND/OR INSTRUCTING

NEGOTIATORS PURSUANT TO C.R.S. SECTIONS 24-6-402(4)(e)(I) CONCERNING THE POSSIBLE SALE OF CERTAIN NAMING RIGHTS, AND/OR 24-6-402(4)(a) OF COLORADO'S OPEN MEETINGS LAW RELATIVE TO A POSSIBLE LEASE TO A THERAPY PROVIDER OF A PORTION OF THE COMMUNITY RECREATION CENTER TO BE LOCATED AT NEAR 2844 PATTERSON ROAD, GRAND JUNCTION, COLORADO.

Councilmember Simpson stated, *“On the record, I believe that the executive session we just held violated a Colorado open meeting law because, we are not supposed to be making decisions in executive session, and we made a de facto decision just now. We said we were going to hold this executive session to provide instructions to our negotiators. The implied is, if there are no negotiation, no instructions, then we should immediately move to approve the what's presented to us, and it's my understanding that it will be quite a long time before we actually approve the decision that we made in executive session.”*

Adjournment

There being no further business or discussion, Council President Stout adjourned the Special Meeting at 5:15 p.m.

Amy Phillips
City Clerk





Grand Junction City Council

Regular Session

Item #2.a.i.

Meeting Date: January 17, 2024
Presented By: Timothy Lehrbach, Senior Planner
Department: Community Development
Submitted By: Tim Lehrbach, Senior Planner

Information

SUBJECT:

Introduction of an Ordinance Approving a Rezone for Approximately 0.75 Acres from R-2 (Residential – 2 du/ac) to R-4 (Residential – 4 du/ac), Located at 696 Sperber Lane, and Setting a Public Hearing for February 7, 2024

RECOMMENDATION:

The Planning Commission heard the request at its January 9, 2024, meeting and voted (4-0) to recommend approval of the request.

EXECUTIVE SUMMARY:

Robert and Rosa Culver and Brian Scherping (collectively, the applicant), request approval of a rezone from R-2 (Residential - 2 du/ac) to R-4 (Residential - 4 du/ac) in anticipation of compatible single-family residential development on the approximately 0.75 acres at 696 Sperber Lane. The requested R-4 zone district implements the Comprehensive Plan Land Use Map designation of Residential Low assigned to the subject property.

BACKGROUND OR DETAILED INFORMATION:

BACKGROUND

The subject property, located at 696 Sperber Lane, was annexed in 1996 as part of the Cascade Enclave. The property is currently vacant. The property is zoned R-2 (Residential – 2 du/ac). The 2020 One Grand Junction Comprehensive Plan assigned a land use designation of Residential Low (2-5.5. du/ac) to the subject property and vicinity. The Residential Low land use designation does not support the R-2 district. The adopted 2023 Zoning and Development Code, once effective, will transition the R-2 district to R-2R (Residential 2 Retired), under which properties zoned as R-2 may retain their zoning, but this district does not implement the Residential Low designation, and properties may not be rezoned to the R-2R district.

The Residential Low land use designation is implemented through zone districts which are designed to provide a transition between the less-developed edges of the City and the denser urban areas. In the context of this property, however, the area has long been urbanized but at lower densities than the City's core, making the Residential Low designation and its implementing districts appropriate for providing opportunities for infill in alignment with the Comprehensive Plan's principles without compromising neighborhood integrity.

The applicant requests R-4 (Residential – 4 du/ac) zoning. The purpose of the R-4 district is to provide for medium-low density single-family and two-family residential uses where adequate and public facilities and services are available.

In addition to the R-4 zoning requested by the applicant, the following zone districts would also be consistent with the Residential Low land use designation:

- a. R-5 (Residential – 5.5 du/ac)
- b. CSR (Community Services and Recreation)

Surrounding properties in the Beach, Elton Heights, Galaxy, McMillin, and Tooker subdivisions are zoned R-2. There exists a mix of lots in these subdivisions, most of which are conforming with R-2 development standards, others of which are nonconforming with respect to minimum lot size. The Sunset Terrace subdivision to the west and Highlander Subdivision to the east, each approximately 0.8 miles from the subject property, are zoned R-4 within the Residential Low land use designation.

NOTIFICATION REQUIREMENTS

A Neighborhood Meeting regarding the proposed rezone request was held at Tope Elementary School on Monday, October 16, 2023, in accordance with Section 21.02.080(e) of the Zoning and Development Code. The owners, Robert and Rosa Culver and Brian Scherping, Kim Kerk, the applicants' representative, and two neighbors were present. Questions concerned the housing type to be developed and the development process. The applicants responded that detached single-family homes will be constructed following the rezone and simple subdivision processes.

Notice was completed consistent with the provisions in Section 21.02.080(g) of the City's Zoning and Development Code. The subject property was posted with application signs on each street frontage on October 25, 2023. Mailed notice of the public hearings before Planning Commission and City Council in the form of notification cards was sent to surrounding property owners within 500 feet of the subject property on December 29, 2023. The notice of the Planning Commission public hearing was published on December 31, 2023, in the *Grand Junction Daily Sentinel*. An online hearing with an opportunity for public comment was held between January 2 and January 8, 2024, through the GJSpeaks platform. A public hearing was held at the Planning Commission meeting on January 9, 2024.

ANALYSIS

Rezone

The criteria for review are set forth in Section 21.02.140 (a) of the Zoning and Development Code, which provides that the City may rezone property if the proposed changes are consistent with the vision, goals, and policies of the Comprehensive Plan and if the proposal meets one or more of the following rezone criteria as identified:

(1) Subsequent events have invalidated the original premises and findings; and/or
The 2010 Comprehensive Plan assigned a land use designation of Residential Low (RL) (0.5-2 du/ac) to the subject property and vicinity south of G Road. The R-2 zone district was compatible with the RL designation. Upon adoption of the 2020 Comprehensive Plan, the property and vicinity received a land use designation of Residential Low. Under the 2020 Comprehensive Plan, the current zoning of R-2 (Residential – 2 du/ac) is not supported to implement the Residential Low land use designation. While the property is permitted to retain its R-2 zoning and develop according to R-2 development standards, the requested R-4 (Residential – 4 du/ac) district implements the Residential Low land use designation. Therefore, staff finds this criterion is met.

(2) The character and/or condition of the area has changed such that the amendment is consistent with the Plan; and/or

Many of the residential developments in the neighborhood of the subject property on the south side of G Road have been in existence since the early 2000s, with those on the north side dating back to the 1960s/1970s. The general character of the area has remained that of low-density residential development. While there has been growth in nonresidential development along Horizon Drive, the overall character and/or condition of the area remains relatively unchanged. Therefore, staff finds that this criterion is not met.

(3) Public and community facilities are adequate to serve the type and scope of land use proposed; and or

Ute Water and City sanitary sewer are available within the Sperber Lane right-of-way to serve the property. The property can be served by Grand Valley Power electric. Fire Station #6 is located approximately 0.6 miles to the northeast. Tope Elementary School is approximately 1.5 miles to the southwest, and St. Mary's Regional Medical Center is approximately 1.25 miles to the southwest. The Horizon Drive Business District and other commercial retail centers are available between 0.5-1 mile to the east and southeast. The available public and community facilities are adequate to serve the residential uses allowed within the R-4 district as anticipated to be developed. Therefore, staff finds that this criterion is met.

(4) An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate that proposed land use; and/or

There are other properties within a half-mile radius of the subject property that implement the Residential Low land use designation. While there are not many vacant properties which could support subdivision for infill development, there is

generally suitably designated land zoned to accommodate the proposed land use within the area and broader community. Therefore, staff finds that this criterion is not met.

(5) The community or area, as defined by the presiding body, will derive benefits from the proposed amendment.

Rezoning properties within the Residential Low land use designation from the R-2 district to an implementing district supports Comprehensive Plan goals for increasing housing options and minimizing extensions of utility and transportation infrastructure through infill development. Additionally, the 2021 Grand Junction Housing Strategy prioritizes increasing the stock of attainable workforce housing and promoting infill development. There is a citywide shortfall of such housing, as evidenced by the increasing percentage of the population which is cost-burdened by available housing options. The proposed rezone benefits the community by applying development standards for single-family or two-family housing on the subject property that are consistent with the intent of the Residential Low land use designation and by supporting the incremental development of the neighborhood as a whole to one which maximizes utilization of existing infrastructure, thereby mitigating the need for outward expansion to the City's periphery. Therefore, staff finds that this criterion is met.

In addition to the above criteria, the City may rezone property if the proposed changes are consistent with the vision, goals, and policies of the Comprehensive Plan. The following provides an analysis of relevant sections of the Comprehensive Plan that support this request.

Implementing the Comprehensive Plan. The following narrative evaluates the proposed rezone to R-4 (Residential – 4 du/ac) against the principles, goals, and policies of the Comprehensive Plan:

- *Land Use Plan: Relationship to Existing Zoning*

Requests to rezone properties should be considered based on the Implementing Zone Districts assigned to each Land Use Designation. As a guide to future zoning changes, the Comprehensive Plan states that requests for zoning changes are required to implement the Comprehensive Plan. The 2020 Comprehensive Plan provides the subject property with a land use designation of Residential Low. The proposed R-4 zone district implements the Residential Low designation.

- Plan Principle 3: Responsible and Managed Growth

How We Will Get There

1. Encourage infill and redevelopment to leverage existing infrastructure.

As discussed above under criterion 5 of the rezone analysis, the Comprehensive Plan emphasizes infill development to maximize the effectiveness of existing utility and transportation infrastructure and limit outward growth with its concurrent, costly, and network-burdening impacts. The proposed rezone would apply development

standards for single-family or two-family housing on the subject property that are consistent with the intent of the Residential Low land use designation and that reduce minimum lot size, frontage, and side yard setback by more than half, thereby increasing the ability to appropriately develop and responsibly utilize existing infrastructure.

- Plan Principle 5: Strong Neighborhoods and Housing Choices

How We Will Get There

1. Promote more opportunities for housing choices that meet the needs of people of all ages, abilities, and incomes.

As discussed above under the criterion 5 of the rezone analysis, the Comprehensive Plan and Grand Junction Housing Strategy prioritize creating additional, attainable workforce housing and diversifying housing types. Under existing conditions, the subject property may develop in accordance with R-2 development standards but not in a manner that supports citywide housing goals or the intent of the Residential Low land use designation. A rezone to R-4 applies development standards that increase the ability to develop on the subject property at a scale that is appropriate to the surrounding neighborhood.

- Intensification and Tiered Growth Plan

Tier 1: Urban Infill – Tier 1 applies to areas where urban services already exist. Development should be directed towards vacant and underutilized parcels located primarily within Grand Junction’s municipal limits. The proposal utilizes existing infrastructure and allows for appropriate infill development on a vacant parcel within the City limits.

FINDINGS OF FACT AND RECOMMENDATION

After reviewing the Culver-Scherping Rezone request, RZN-2023-684, for a rezone from R-2 (Residential – 2 du/ac) to R-4 (Residential – 4 du/ac), located at 696 Sperber Lane, the following findings of fact have been made:

1. The request meets one or more criteria in Section 21.02.140 of the Zoning and Development Code pertaining to rezone approval.
2. The request is consistent with and implements the principles and goals of the 2020 One Grand Junction Comprehensive Plan.

Therefore, the Planning Commission recommended approval of the request.

FISCAL IMPACT:

There is no direct fiscal impact from the proposed rezone.

SUGGESTED MOTION:

I move to introduce an ordinance zoning approximately 0.75 acres from R-2 (Residential – 2 du/ac) to R-4 (Residential – 4 du/ac), located at 696 Sperber Lane, and set a public hearing for February 7, 2024.

Attachments

1. Exhibit 1 - Development Application
2. Exhibit 2 - Neighborhood Meeting Summary
3. Exhibit 3 - Location & Zoning Maps
4. Exhibit 4 - January 9, 2024 Planning Commission Minutes (Draft)
5. ORD-Sperber Zoning 20240109

Development Application

We, the undersigned, being the owner's of the property adjacent to or situated in the City of Grand Junction, Mesa County, State of Colorado, as described herein do petition this:

Petition For:

Please fill in blanks below only for Zone of Annexation, Rezones, and Comprehensive Plan Amendments:			
Existing Land Use Designation	<input type="text" value="Residential"/>	Existing Zoning	<input type="text" value="R-2"/>
Proposed Land Use Designation	<input type="text" value="Residential"/>	Proposed Zoning	<input type="text" value="R-4"/>

Property Information

Site Location: <input type="text" value="696 Sperber Lane Grand Junction, CO 81506"/>	Site Acreage: <input type="text" value="0.753924"/>
Site Tax No(s): <input type="text" value="2945-021-02-001"/>	Site Zoning: <input type="text" value="R-2"/>
Project Description: <input type="text" value="3/4 of an acre needs to be split and rezoned with request to change from R2 to R4 for creation of ADU & 3 car garage with left and car ports"/>	

Property Owner Information

Name:

Street Address:

City/State/Zip:

Business Phone #:

E-Mail:

Fax #:

Contact Person:

Contact Phone #:

Applicant Information

Name:

Street Address:

City/State/Zip:

Business Phone #:

E-Mail:

Fax #:

Contact Person:

Contact Phone #:

Representative Information

Name:

Street Address:

City/State/Zip:

Business Phone #:

E-Mail:

Fax #:

Contact Person:

Contact Phone #:

NOTE: Legal property owner is owner of record on date of submittal.

We hereby acknowledge that we have familiarized ourselves with the rules and regulations with respect to the preparation of this submittal, that the foregoing information is true and complete to the best of our knowledge, and that we assume the responsibility to monitor the status of the application and the review comments. We recognize that we or our representative(s) must be present at all required hearings. In the event that the petitioner is not represented, the item may be dropped from the agenda and an additional fee may be charged to cover rescheduling expenses before it can again be placed on the agenda.

Signature of Person Completing the Application

Date

Signature of Legal Property Owner
x Bob M. Scherping
x Rf

Date
 9-19-23
 9-19-23

OWNERSHIP STATEMENT - NATURAL PERSON

I, (a) Brian Scherping, am the owner of the following real property:

(b) 696 Sperber Lane Grand Junction, CO 81506 Parcel #2945-021-02-001

A copy of the deed evidencing my interest in the property is attached. All documents, if any, conveying any interest in the property to someone else by the owner, are also attached.

I am the sole owner of the property.

I own the property with other(s). The other owners of the property are (c):

Robert & Rosa Culver

I have reviewed the application for the (d) Rezone pertaining to the property.

I have the following knowledge and evidence concerning possible boundary conflicts between my property and the abutting property(ies): (e) None

I understand that I have a continuing duty to inform the City planner of any changes in interest, including ownership, easement, right-of-way, encroachment, lienholder and any other interest in the property.

I swear under penalty of perjury that the information contained in this Ownership Statement is true, complete and correct.

Owner signature as it appears on deed: B. Scherping

Printed name of owner: Brian Scherping

State of Colorado)

County of Mesa) ss.

Subscribed and sworn to before me on this 19th day of September, 20 23

by Brian Scherping

Witness my hand and seal.

My Notary Commission expires on 10/5/2024

YOLANDA MAESTAS
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20164038171
MY COMMISSION EXPIRES OCTOBER 05, 2024

Yolanda Maestas
Notary Public Signature

OWNERSHIP STATEMENT - NATURAL PERSON

RECEPTION#: 3081080
12/11/2023 1:42:21 PM, 1 of 1
Recording: \$13.00,
Bobbie Gross, Mesa County, CO.
CLERK AND RECORDER

I, (a) Robert & Rosa Culver, am the owner of the following real property:

(b)

696 Sperber Lane Grand Junction, CO 81506 Parcel #2945-021-02-001

A copy of the deed evidencing my interest in the property is attached. All documents, if any, conveying any interest in the property to someone else by the owner, are also attached.

I am the sole owner of the property.

I own the property with other(s). The other owners of the property are (c):

Brian Scherping

I have reviewed the application for the (d) Rezone pertaining to the property.

I have the following knowledge and evidence concerning possible boundary conflicts between my property and the abutting property(ies): (e) None

I understand that I have a continuing duty to inform the City planner of any changes in interest, including ownership, easement, right-of-way, encroachment, lienholder and any other interest in the property.

I swear under penalty of perjury that the information contained in this Ownership Statement is true, complete and correct.

Owner signature as it appears on deed: [Signature] [Signature]

Printed name of owner: ROBERT M. CULVER Rosa Culver

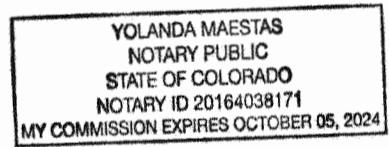
State of Colorado)

County of Mesa) ss.

Subscribed and sworn to before me on this 11th day of December, 20 23
by Robert M Culver and Rosa Culver

Witness my hand and seal.

My Notary Commission expires on 10/5/2024



Yolanda Maestas
Notary Public Signature

WARRANTY DEED

THIS DEED is to be effective the **26th day of August, 2022**, and is made between **Jeffrey M. Nakano and Sherry G. Nakano, as joint tenants**, the "Grantor" (whether one, or more than one), of the County of **Mesa, State of Colorado**, and **Robert Culver and Rosa Culver, as joint tenants, as to an undivided 50% interest**, the "Grantee" (whether one, or more than one), whose legal address is **2669 G Road, Grand Junction, Colorado 81506** of the County of **Mesa, State of Colorado** and **Brian Scherping, as to an undivided 50% interest**, the "Grantee" (whether one, or more than one), whose legal address is **2673 G Road, Grand Junction, Colorado 81506** of the County of **Mesa, State of Colorado**.


WITNESS, that the Grantor, for and in consideration of the sum of **ONE HUNDRED THIRTY-SIX THOUSAND AND NO/100 Dollars (\$136,000.00)**, the receipt and sufficiency of which is hereby acknowledged, hereby grants, bargains, sells, conveys and confirms unto the Grantee (not in tenancy in common, but in joint tenancy) and the Grantee's heirs and assigns forever, all the real property, together with any improvements thereon, located in the County of **Mesa, State of Colorado**, described as follows:


Lot 1 in Block 2,
MCMILLIN SUBDIVISION
County of Mesa, State of Colorado
also known by street address as: **696 Sperber Lane, Grand Junction, CO 81506. For identification purposes only:**
Parcel no.: **2945-021-02-001**

TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, the reversions, remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the Grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances;

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the Grantee and the Grantees' heirs and assigns forever. The Grantor, for the Grantor and the Grantors' heirs and assigns, does covenant, grant, bargain, and agree to and with the Grantee, and the Grantees' heirs and assigns: that at the time of the ensembling and delivery of these presents, the Grantor is well seized of the premises above described; has good, sure, perfect, absolute and indefeasible estate of inheritance, in law and in fee simple; and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid; and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature whatsoever, except general taxes for the current and all subsequent years; and subject to: the statutory exceptions as set forth in § 38-30-113(5)(a), C.R.S.

The grantors shall and will **WARRANT AND FOREVER DEFEND** the above-bargained premises in the quiet and peaceable possession of the grantees, their heirs and assigns, against all and every person or persons lawfully claiming the whole or any part thereof.



Jeffrey M. Nakano


Sherry G. Nakano

STATE OF: Colorado }
COUNTY OF: Mesa } ss.

The foregoing instrument was acknowledged before me on the **26th day of August, 2022**, by **Jeffrey M. Nakano and Sherry G. Nakano**.



Notary Public
My commission expires: _____

KORTNEY HOFFMAN
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID #20214028131
My Commission Expires July 14, 2025

**Rezone Narrative
696 Sperber Lane
Grand Junction, CO 81506**

Date: October 1st, 2023
Prepared by: Kim Kerk, PM
Submitted to: City of Grand Junction Community Development
250 N. 5th St. Grand Junction, CO 81501
Principal Planner: Kristen Ashbeck
Project: Rezone R-2 to R-4
Property Address: 696 Sperber Ln. Grand Junction, CO 81506



Introduction:

Property Locations/Zonings and Legal

This 0.75 -acre property is located at 696 Sperber Ln., inside the City Limits of Grand Junction, CO. The Parcel # is 2945-021-02-001. Currently the property is zoned R-2 (Residential 2 d/u an acre). Proposed Rezone Request is to R-4 (Residential 4 d/u an acre).

The legal description of this site is as follows:

COUNTY OF MESA, STATE OF COLORADO
LOT 1, BLOCK 2, McMillin SUBDIVISION
NE1/4 SECTION 2, T1S, R1W, UTE MERIDIAN
Proposed Rezone Request is R-4

Petitioners Intent:

In August of 2022 neighbors Scherping & Culver’s jointly purchased the neighboring lot at 696 Sperber Ln. They own and live on the 2 lots directly east of the subject property. Applicant is requesting to rezone 696 Sperber Ln. to R-4. Rezone of the property to R-4 (Residential R-4 du/ac) is appropriate as it meets The 2020 GJ Comprehensive Plan designation of *Residential Low. Approval of the proposed rezone would allow the owners to apply for a subdivision to create a total of 2 lots. They each would build a new single-family residence on their lot.

*Residential Low Range of Density • Between 2 and 5.5 dwelling units per acre. Land Uses • Primary: residential, accessory dwelling units. • Secondary: Open space and parks, schools, places of worship, homebased businesses, public/institutional uses, other complementary neighborhood uses. Characteristics • Comprised of residential uses with varying housing types and lot sizes. • Secondary uses are designed in a manner to fit the character of the neighborhood. • Provide a transition between the open, less-developed edges of Grand Junction and the denser urban areas toward the City’s center. • May be located where public services and infrastructure are limited. Implementing Zone Districts • Residential-4 (R-4) • Residential-5 (R-5) • Community Services and Recreation (CSR)

Development Schedule and Phasing:

Property owners, Bob & Rosa Culver and Brian Scherping would like to start construction of the new homes as soon as time allows.

Current Use/Site Characteristics:

Currently the property is zoned residential and is vacant.

21.02.140 Code amendment and rezoning.

(a) **Approval Criteria.** In order to maintain internal consistency between this code and the zoning maps, map amendments must only occur if:

(1) Subsequent events have invalidated the original premises and findings; and/or
Subsequent events have invalidated the original premises as it did not account for the unforeseeable, continual growth and desire for residential low-density growth along G Rd.

(2) The character and/or condition of the area has changed such that the amendment is consistent with the Plan; and/or

The proposed new subdivision is similar and compatible with existing zoning to the north, south, east, and west and compatible with neighboring properties.

(3) Public and community facilities are adequate to serve the type and scope of land use proposed.

The impact on public facilities (i.e., schools, fire, police, roads, parks, etc...) is minimal given the size of this development and considering that the project proposal is to develop within the recommended density of the 2020 Comprehensive Plan. Additionally, Impact Fees will be collected contributing to future needs such as schools and parks.

All utilities are available and have capacity to serve the proposed development.

Water- Ute Water District

Sewer- GJ Persigo Sanitation District

Irrigation Water- Grand Valley Water Users Association

Drainage- Grand Valley Drainage District

Fire Protection- GJFD

Police- Mesa County Sheriff

Communications- Charter and Century Link

(4) An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use; and/or

Suitably designated land within the city limits of Grand Junction is becoming less & less available to meet the demand for R-4 (Residential 4 units per acre). The additional benefit of this proposed development is the promotion of infill and the reduction of leapfrog and/ or sprawling development.

(5) The community or area, as defined by the presiding body, will derive benefits from the proposed amendment.

The surrounding community will derive benefit from R-4 zoning simply because we are proposing a compatible and consistent neighborhood, instead of adding much higher or lower density in the middle of this low-density community. It is appropriate

and transitional to develop low density lots in this neighborhood that is mainly comprised of R-2 zoning.

In summary, the applicant is requesting approval of a Rezone Request from R2 to R4

Thank you.

Kim Kerk

Neighborhood Meeting- 696 Sperber Ln.

696 Sperber Ln. Grand Junction, CO 81506-Robert & Rosa Culver and Brian Scherping

A neighborhood meeting was held at Tope Elementary School Monday October 16th, 2023 @ 5:30pm.

The meeting started at 5:42pm. The three owners and 2 neighbors attended.

Kim Kerk (Project Manager) started the meeting by introducing herself & the owners Robert & Rosa Culver and Brian Scherping.

Kim explained to the neighbors that the plan is to do a rezone and split the 2 lots through Simple Subdivision process.

Questions from neighbors below:

1. Will these be apartments or duplexes?
 - A) No, the owners will be building a 3400 SF home with 3 car garage on the South end and a 1200 SF home with a 3-car garage on the North end.
2. Will these homes affect our property value?
 - A) The owners believe it will make the property value go up.
3. What happens next?
 - A) We will submit this to the City for the rezone to be approved first which includes public hearings before the Subdivision.

The owners mentioned that they plan to do very nice plants, trees, and landscaping.

There were no further questions and the neighbors left happy.

The meeting ended at 5:56pm

Kim Kerk 10/18/2023

Mailing Date: 10/2/2023

RE: A Neighborhood Meeting for the proposed Rezone-696 Sperber Ln.

Dear Neighbor:

This letter is to notify you that on Monday October 16th at 5:30pm a neighborhood meeting will be held to provide you with information on the proposed Rezone for Parcel # (2945-021-02-001). Approval of this Rezone would result in subdividing the property into two residential lots.



Brian Scherping and Robert & Rosa Culver own the property. This meeting will be held at Tope Elementary School located at 2220 N 7th St. Grand Junction, CO 81501. The neighborhood meeting is an opportunity for adjacent property owners to learn more about the proposed subdivision, ask questions, and submit written statements to the City of Grand Junction staff.

As a neighbor of this property, you will be notified of future development applications and public hearings (if any) by mail.

**342 North Ave., Grand Junction, CO 81501
Ph: 970-640-6913**



and is hereby certified that the
copy is a true and correct copy
of the original on file.

The list of property owners who have been notified for this neighborhood meeting was supplied by the City of Grand Junction and derived from current records of the Mesa County Assessors. As those records are not always current, please feel free to notify your neighbors of this meeting date so all may have the opportunity to participate.

If you are not available to attend this meeting, you can send written comment to kimk355@outlook.com or the City of Grand Junction Community Development Department at kristena@gjcity.org.

We look forward to your feedback on this project.

Regards,

Kim

Kim Kerk Land Consulting & Development, LLC

ADAMS WILLIAM V
ADAMS DIANNE E; ADAMS TAYLOR M
GRANTEE BENEFICIARY
7332 E HIGHLAND RD
CAVE CREEK AZ 85331

ASHCRAFT RICHIE ANN
ASHCRAFT MARTIN KAYE
703 CENTAURI DR
GRAND JUNCTION CO 81506

BARRETT CHARLES R
2659 G RD
GRAND JUNCTION CO 81506

BEBEE MARK H
695 SPERBER LN
GRAND JUNCTION CO 81506

BRAY ROBERT L
BRAY VICTORIA L
2660 G RD
GRAND JUNCTION CO 81506

BUSS MARY A
706 GALAXY DR
GRAND JUNCTION CO 81506

CITY OF GRAND JUNCTION
KRISTEN ASHBECK
250 N 5TH ST
GRAND JUNCTION CO 81501

CONFIDENTIAL OWNER
CONFIDENTIAL OWNER
2669 G RD
GRAND JUNCTION CO 81506

COOPER ANTHONY L II
705 VICTOR DR
GRAND JUNCTION CO 81506

CULVER ROBERT
CULVER ROBERT, SCHERPING BRIAN
2669 G RD
GRAND JUNCTION CO 81506

DRURY ROBERT L
DRURY TERRY L
701 CENTAURI DR
GRAND JUNCTION CO 81506

EBERHART FAMILY TRUST
702 GALAXY DR
GRAND JUNCTION CO 81506

ELLINWOOD FRANCES S
694 SPERBER LN
GRAND JUNCTION CO 81506

EMERSON STUART
EMERSON MARSHA L
702 CENTAURI DR
GRAND JUNCTION CO 81506

FARINA BEVERLY J
2673 HOMESTEAD RD
GRAND JUNCTION CO 81506

FRANCE RANDAL D
FRANCE MARY T
706 CENTAURI DR
GRAND JUNCTION CO 81506

FRANKE RACHEL D
2659 CRESTRIDGE CT
GRAND JUNCTION CO 81506

GLASSMEYER DAVID W
698 CASCADE DR
GRAND JUNCTION CO 81506

HOLMES MARY ANNE
705 CENTAURI DR
GRAND JUNCTION CO 81506

HORIZON GLEN
STEPHANIE N GRAHAM
3720 HORIZON GLEN CT
GRAND JUNCTION CO 81506

HUNTER ERIC
697 SPERBER LN
GRAND JUNCTION CO 81506

INGALLS JAMES G
NELMS-INGALLS ANGELA L
708 CENTAURI DR
GRAND JUNCTION CO 81506

KELLEY & NANCY BURFORD FAM
TRST DTD OCT 3 2016
697 CASCADE DR
GRAND JUNCTION CO 81506

KIM KERK LAND CONSULTING &
DEVELOPMENT
KIM KERK
342 NORTH AVE
GRAND JUNCTION CO 81501

LANDOLL DEBRA J
LANDOLL DONALD T
2664 SACOMA CT
GRAND JUNCTION CO 81506

MCCOY BRADLEY SHANE
MCCOY CYNTHIA L
707 GALAXY DR
GRAND JUNCTION CO 81506

MILBURN BARBARA J
MILBURN LAIRD T
2658 CRESTRIDGE CT
GRAND JUNCTION CO 81506

NAKANO JEFFREY M
NAKANO SHERRY G
699 CASCADE DR
GRAND JUNCTION CO 81506

NELSON KENNETH E
NELSON SANDRA J
2676 G RD
GRAND JUNCTION CO 81506

NORTH CREST SUBDIVISION
TOM VAGELL
2658 HEMLOCK CT
GRAND JUNCTION CO 81506

OLIVER DONNA M
DONNA OLIVER REV TRST DTD JUN 2
2023 GRANTEE BENEFICIARY
701 GALAXY DR
GRAND JUNCTION CO 81506

ORA M LEE LIVING TRUST DATED FEB
8 2021
BENJAMIN L LEE LIV TRST DTD FEB 8
2021
693 SPERBER LN
GRAND JUNCTION CO 81506

PRINSTER ELISE M
PRINSTER DANIEL E
679 SPERBER LN
GRAND JUNCTION CO 81506

REAMS CHARLES F
695 CASCADE DR
GRAND JUNCTION CO 81506

RIGG KAREN ANN
2682 G RD
GRAND JUNCTION CO 81506

ROBERT L LIPSON III TRUST
699 SPERBER LN
GRAND JUNCTION CO 81506

SCHERPING BRIAN
2673 G RD
GRAND JUNCTION CO 81505

SCHMIDT JOHN A
SCHMIDT JENNIFER L
2661 G RD
GRAND JUNCTION CO 81506

SCHRITTER PAUL
SCHRITTER KARLA
703 GALAXY DR
GRAND JUNCTION CO 81506

SNODGRASS JASPER DEAN
SNODGRASS JUDITH
704 GALAXY DR
GRAND JUNCTION CO 81506

VANZYL LUKAS
VANZYL MEGHAN
680 SPERBER LN
GRAND JUNCTION CO 81506

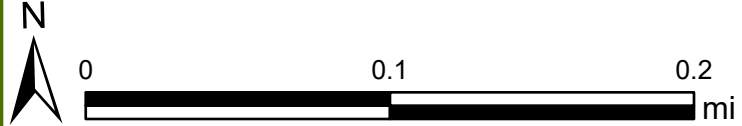
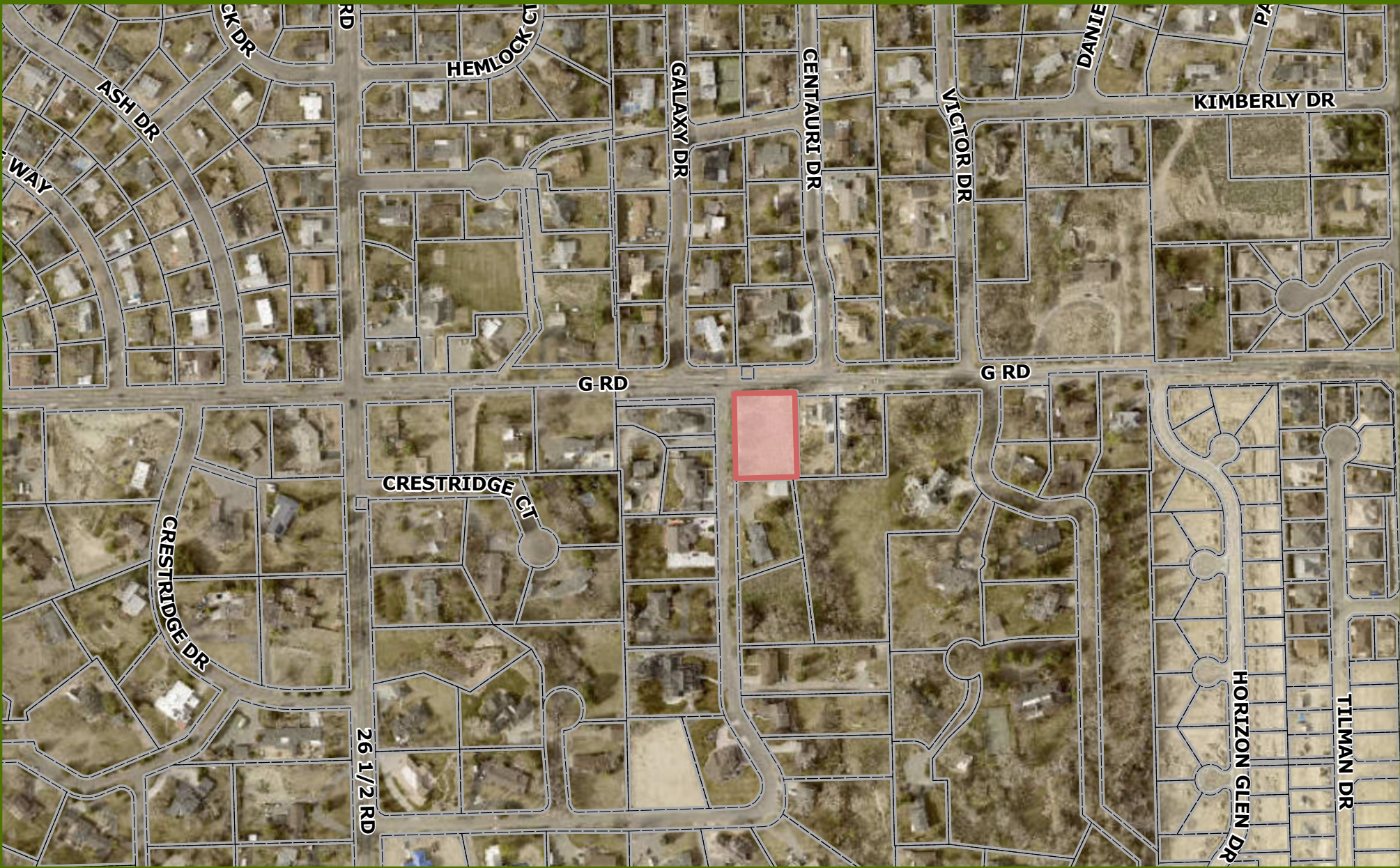
VILLAGE CENTER
WYLIE MILLER
2616 LIBERTY LN
GRAND JUNCTION CO 81506

WATSON KAREL J
WATSON RICHARD L II & ELIZABETH K
GRANTEE BENEFICIARIES
691 SPERBER LN
GRAND JUNCTION CO 81506

XCEL ENERGY
2538 BLICHMAN AVE
GRAND JUNCTION CO 81505

YOUNKER DEAN A
YOUNKER MEGAN M
684 CREST CT
GRAND JUNCTION CO 81506

Location Map



Printed: 12/28/2023
1 inch equals 333 feet
Scale: 1:4,000
Packet Page 40



Zoning Map



Printed: 12/28/2023
1 inch equals 333 feet
Scale: 1:4,000
Packet Page 41

GRAND JUNCTION PLANNING COMMISSION
January 9, 2024, 5:30 PM
MINUTES

The meeting of the Planning Commission was called to order at 5:39 p.m. by Commissioner Scissors.

Those present were Planning Commissioners; Shanon Secrest, Sandra Weckerly (online), and Keith Ehlers.

Also present were Jamie Beard (City Attorney), Tamra Allen (Community Development Director), Tim Lehrbach (Senior Planner), Madeline Robinson (Planning Technician), and Jacob Kaplan (Planning Technician).

There were 5 members of the public in attendance, and 0 virtually.

CONSENT AGENDA

1. Approval of Minutes

Minutes of Previous Meeting(s) from December 12, 2023.

REGULAR AGENDA

1. Culver-Scherping Rezone

RZN-2023-684

Consider a request by Robert Culver, Rosa Culver, and Brian Scherping to rezone approximately 0.75 acres located at 696 Sperber Lane from R-2 (Residential - 2 du/ac) to R-4 (Residential - 4 du/ac).

Staff Presentation

Tim Lehrbach, Senior Planner, introduced exhibits into the record and provided a presentation regarding the request.

Applicant Kim Kerk with Kerk Land Consulting LLC elaborated on Tim's presentation and was available for questions.

Questions for staff

Commissioner Secrest asked why the owner couldn't build what they wanted without the rezone.

Public Hearing

The public comment period was opened at 5:00 p.m. on Tuesday, January 2, 2024, via www.GJSpeaks.org.

Rob Lipson expressed concerns about drainage on the parcel. He noted that the parcel would likely be less than $\frac{3}{4}$ acre as the owners would need to dedicate a portion for ROW on G Rd. He asked if planning designated building envelopes on the property.

Mark Bebee expressed his opposition to the increased density. He asked what the increased density would allow that the current density did not.

Beverly Bebee commented that she felt the proposed project does not match the character of the neighborhood and that she opposed the rezone.

Kim Kerk responded that the owners also live in the neighborhood and intended to build two single family homes.

Commissioner Secret asked about required street improvements during development of the parcel. He asked if an engineered drainage plan would be required during development.

Commissioner Ehlers commented on the questions pertaining to uses allowed in R-4 zones and drainage concerns. He asked how the ROW dedication would impact density on the parcel and how the newly adopted Zoning and Development Code would affect the zone designations. He noted that future drainage easements created through the subdivision process could impact building envelopes once the site develops.

Tamra Allen clarified that on properties zoned R-4 and above get to apply $\frac{1}{2}$ of the area of the adjoining ROW for the purposes of calculating density.

The public comment period was closed at 6:19 p.m. on January 9, 2024.

Discussion

Commissioner Ehlers agreed with the staff report and appreciated the comments from the public.

Commissioner Secret commented on the safety of the intersection of G Road and Sperber Ln.

Commissioner Weckerly noted that the applicant could have asked for higher density but chose the lowest possible density allowed in the Comprehensive Plan.

Motion and Vote

Commissioner Ehlers made the following motion “Mr. Chairman, on the request to rezone the approximately 0.75 acres located at 696 Sperber Lane from R-2 (Residential – 2 du/ac) to R-4 (Residential – 4 du/ac), City file number RZN-2023-684, I move that the Planning Commission forward a recommendation of approval to the City Council with the findings of fact as listed in the staff report.”

Commissioner Secret seconded; motion passed 4-0.

OTHER BUSINESS

Commissioner Weckerly confirmed that she wanted to be on the Committee for Interim Housing.

ADJOURNMENT

Commissioner Ehlers moved to adjourn the meeting.

The vote to adjourn was 4-0.

The meeting adjourned at 6:25 p.m.

DRAFT

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE REZONING APPROXIMATELY 0.75 ACRES FROM R-2
(RESIDENTIAL - 2 DU/AC) TO R-4 (RESIDENTIAL – 4 DU/AC) ZONE DISTRICT**

LOCATED AT 696 SPERBER LANE

Recitals:

The property owners, Robert and Rosa Culver and Brian Scherping, propose to rezone 0.75 acres located at 696 Sperber Lane (“Property”) from R-2 (Residential – 2 du/ac) to R-4 (Residential – 4 du/ac).

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of changing the zoning from R-2 (Residential – 2 du/ac) to R-4 (Residential – 4 du/ac) for the Property, finding that the change conforms to and is consistent with the 2020 One Grand Junction Comprehensive Plan Land Use Map designation of Residential Low (2-5.5 du/ac) and the Comprehensive Plan’s goals and policies, and is generally compatible with land uses in the area.

After public notice and public hearing, the Grand Junction City Council finds that rezoning the Property from R-2 (Residential – 2 du/ac) to R-4 (Residential – 4 du/ac) is consistent with the vision, intent, goals, and policies of the Comprehensive Plan. The City Council also finds that the request for rezone to the R-4 (Residential – 4 du/ac) zone district meets at least one of the stated criteria of §21.02.140(a) of the Grand Junction Zoning and Development Code.

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

That the Recitals are incorporated herein, and that the Property described below is hereby duly and lawfully zoned R-4 (Residential – 4 du/ac).

The Property is as a parcel of land being LOT 1, BLOCK 2, MCMILLIN SUBDIVISION, same as recorded at Reception No. 877174, situated in Northeast 1/4 of Section 2, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, Colorado. Said parcel being comprised of 0.75 Acres, more or less.

INTRODUCED on first reading this 17th day of January 2024 and ordered published in pamphlet form.

ADOPTED on second reading this 7th day of February 2024 and ordered published in pamphlet form.

Anna M. Stout
President of the City Council

ATTEST:

Amy Phillips
City Clerk

DRAFT



Grand Junction City Council

Regular Session

Item #3.a.

Meeting Date: January 17, 2024
Presented By: Ken Sherbenou, Parks and Recreation Director
Department: Parks and Recreation
Submitted By: Ken Sherbenou

Information

SUBJECT:

A Resolution Authorizing an Application to Great Outdoors Colorado (GOCO) to Fund Outdoor Facilities at Grand Junction's First Community Recreation Center

RECOMMENDATION:

Staff recommends approval of the resolution.

EXECUTIVE SUMMARY:

This resolution authorizes application to Great Outdoors Colorado (GOCO) for the first phase of outdoor facility development at Matchett Park. The other regional park focused on field sports on the other side of town, Canyon View at 110 acres, is over capacity. At 205 acres, Matchett is the future for outdoor recreational field sports. Earning this \$1 million from GOCO and another substantial \$500,000 grant from the Daniels Fund would enable the project to happen. Without both, the development of the outdoor facility would not occur concurrent with the Community Recreation Center (CRC) construction.

BACKGROUND OR DETAILED INFORMATION:

Grand Junction is the largest community on the Western Slope and the only one without a multipurpose Community Recreation Center (CRC). Attempts to provide the necessary funding date back to 1979, with efforts repeatedly falling short until the successful ballot initiative in April 2023. That proposal, which emphasized a diversity of funding sources, including a realistic grant strategy, earned approval with 60 percent of voters voting yes. This request to GOCO for funding makes good on the promise to voters to pursue grants to support the development and demonstrates fiscal responsibility critical to achieving a successful ballot initiative.

This request specifically aims to maximize the success of the indoor recreation

improvements already funded by providing complementary outdoor components. Funding from GOCO and the Daniels Fund, the two largest potential funders, would enable the development of a first phase of outdoor facilities, with the primary feature being a versatile 360' X 200' synthetic turf field as part of the CRC construction. This would achieve \$120,000 in cost savings compared to adding these improvements later since architects, engineers, and contractors are already mobilized.

Additional improvements in this first phase of the expansive Matchett Park include a playground and the Burkey Pavilion. The playground will be adjacent to the field space to create synergy in use for sports participants and their family members. The Pavilion will be a nearby stand-alone structure available for various community gatherings, including activities tied to the field and the playground.

Installation of the synthetic turf field at the Community Recreation Center is anticipated to significantly increase utilization and youth engagement. The department plans to track the number of organized sports events, practices, and recreational activities held on the field. One of the key measurable outcomes of the synthetic turf field installation is the extension of the playing season for sports into the winter months. Monitoring winter usages such as games, practices, and activities will demonstrate its success in enabling year-round sports engagement and encouraging healthy, active lifestyles among our youth. These are goals that will be shared with potential grant funders to encourage their support.

The Parks and Recreation Advisory Board evaluated the proposal for the Outdoor Facilities Phase at the CRC at their regular January 4, 2024, meeting. Upon review and lengthy discussion, the PRAB board voted unanimously to support the project and also to write a letter of support to include in the GOCO grant application, should the application be approved by the City Council.

FISCAL IMPACT:

The total project cost is anticipated to be \$2,600,000, in addition to the existing CRC project. These outdoor facilities are proposed to be funded by foundation and grant funding as well as dedicated funds from the sale of Burkey Park. If funding is secured, this additional scope of the project for outdoor facilities will be added to the budget in either 2024 or 2025, depending on when the project will be completed.

SUGGESTED MOTION:

I move to (adopt/deny) Resolution No. 04-24, a resolution supporting the application for a Community Impact Grant from the State Board of the Great Outdoors Colorado Trust Fund to Fund Outdoor Facilities at Grand Junction's First Community Recreation Center.

Attachments

1. RES-GOCO Outdoor Facilities at GJ's First CRC 1 10 24

RESOLUTION NO. xx-24

A RESOLUTION SUPPORTING AN APPLICATION FOR A COMMUNITY IMPACT GRANT FROM THE STATE BOARD OF THE GREAT OUTDOORS COLORADO (GOCO) TRUST FUND TO FUND OUTDOOR FACILITIES AT THE GRAND JUNCTION COMMUNITY RECREATION CENTER (CRC)

Recitals:

Grand Junction is the largest community on the Western Slope of Colorado and is presently without a multi-purpose Community Recreation Center (CRC). Attempts to provide the necessary funding for a center date back to 1979, with efforts repeatedly falling short until the successful ballot initiative in April 2023. In April 2023 the voters approved a sales tax increase, together with other funding sources including a realistic grant strategy, with a resounding approval of 60%. This request to GOCO for funding makes good on the promise to voters to pursue grants to support the development of the center, a demonstration of fiscal responsibility that was critical in achieving the success of the ballot question.

This request specifically aims to maximize the success of the indoor recreation improvements already funded by providing complementary outdoor components. Funding from GOCO and the Daniels Fund, the two largest potential funders, would enable the development of a first phase of outdoor facilities with the primary feature being a versatile 360' X 200' synthetic turf field as part of the CRC construction. This would achieve \$120,000 in cost savings compared with adding in these improvements later since architects, engineers and contractors are already mobilized.

Additional improvements in this first phase at the expansive Matchett Park include a playground and the Burkey Pavilion. The playground will be adjacent to the field space to create synergy in use for sports participants and their family members. The Pavilion will be a nearby stand-alone structure available for various community gatherings including activities tied to the field and the playground.

Constructing the outdoor facilities phase at the CRC (Project) carries out a vision laid out by the residents of Grand Junction as stated in both the 2021 Parks and Recreation Open Space (PROS) Master Plan and the 2022 CRC Plan. This is an approximately \$2,600,000 endeavor to be funded by the land sale of Burkey Park in 2019, a large donation for the playground, a variety of foundations, the biggest of which is the Daniels Fund, and hopefully Great Outdoors Colorado (GOCO).

After due consideration, the Grand Junction City Council supports the Project and desires the City to submit a GOCO grant application to obtain the necessary funding for the Project, and if the grant is awarded, to enter into such further agreements as are necessary and proper to complete the Project.

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

1. The Recitals are incorporated herein with the City Council strongly expressing its support for the application to GOCO to obtain funds needed to complete the Project. The City Manager is authorized and directed to work to finalize and timely submit such GOCO grant application.
2. If the grant is awarded, the City Council strongly supports the completion of the Project and authorizes the City Manager to sign a grant agreement in a form acceptable to the City, as grantee of the GOCO grant.

This Resolution shall be in full force and effect from and after its passage and adoption.

Passed and adopted this 17th day of January 2024.

Anna M. Stout
President, Grand Junction City Council

ATTEST:

Amy Phillips
City Clerk

DRAFT



Grand Junction City Council

Regular Session

Item #3.b.

Meeting Date: January 17, 2024
Presented By: John Shaver, City Attorney
Department: Utilities
Submitted By: Jamie Beard

Information

SUBJECT:

A Resolution Authorizing the Extension of the Easement Agreement entered into with TransColorado Gas Transmission Company on May 21, 1998, with the Initial Term Commencing on February 15, 1999, and authorizing the City Manager to negotiate and execute the Addendum to Extend the existing Easement Agreement for an additional 25 years

RECOMMENDATION:

Staff recommends approval of the Resolution

EXECUTIVE SUMMARY:

By Joint Resolution in March 1998 (Resolution 24-98) the City and the Town of Palisade ("Town") agreed to cooperate and negotiate rights-of-way across Town and City lands to TransColorado Gas Transmission Company, a Colorado General Partnership ("TransColorado") for the construction, placement, operation, repair, and maintenance of a gas pipeline. Agreements were reached, and the pipeline has been in place and operating since early 1999. A successor in interest of TransColorado, TransColorado Gas Transmission Company LLC, a Delaware Limited Liability Company ("the LLC"), has requested an extension of the Easement Agreement with the City. The original agreement was for a term of 25 years. The request is for an additional 25 years.

BACKGROUND OR DETAILED INFORMATION:

In 1997, TransColorado began working with the City, the Town, private landowners and other public entities for its design and development of a gas transmission pipeline across a portion of the Grand Mesa slopes. Much time and review was provided by the various parties. The City and Town worked together to ensure the lands, including watershed areas, were adequately protected and that the City and Town were adequately compensated for the project and the necessary easement(s). The pipeline

came to fruition in 1999 and began operations. The pipeline traverses land owned by the City known as the Somerville Ranch. An Easement Agreement ("Agreement") was entered into between the City and TransColorado, which accounted for the construction, development, operation, maintenance, and repair of the pipeline and facilities.

The LLC has requested an extension of the Easement Agreement in accordance with the terms of the Agreement, which accounts for extension of the Agreement terms on the same conditions and requirements as the original Agreement with payment of the fair market value for the easement for an additional 25-year period. The LLC has offered \$56,250.00 as fair market value for the easement for the next 25 years. City staff recommends extending the Agreement with City Council authorization for the City Manager to negotiate the final terms in accordance with the Agreement.

FISCAL IMPACT:

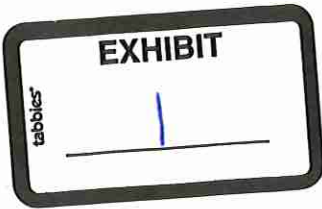
Revenue in 2024 from the extension in accordance with the terms of the Easement Agreement and the Addendum to Extend will be accounted for within the General Fund.

SUGGESTED MOTION:

I move to (adopt/deny) Resolution No. 05 -24, a resolution authorizing the extension of an Easement Agreement for 25 years with TransColorado Gas Transmission Company LLC as successor to TransColorado Gas Transmission Company, a Colorado general partnership, and authorizing the City Manager to negotiate and finalize the terms of the Addendum to Extend with compensation no less than \$56,250.00.

Attachments

- 1. Exhibit 1 to Resolution
- 2. RES-TC extenaion 20240110



EASEMENT AGREEMENT

THIS AGREEMENT ("Agreement") is made and entered into the 21st day of May, 1998, by and between the City of Grand Junction, a Colorado home rule municipality, referred to as the "City," and TransColorado Gas Transmission Company, a general partnership existing under the laws of the state of Colorado, referred to as "TransColorado." The City and TransColorado may be referred to collectively as the "Parties" and singularly as a "Party."

RECITALS

A. The City is the owner of the certain real property in an area commonly known as the Grand Mesa Slopes in the County of Mesa, state of Colorado, hereinafter referred to as the "City Property." The Parties have agreed to not resolve questions such as the purpose of the City Property, in order to ease the process of negotiating this Agreement.

B. The City Property is a source of water for the Town of Palisade, a statutory municipality of the state of Colorado. The City and the Town of Palisade have entered into a joint resolution which requires that the City and Town of Palisade negotiate jointly with TransColorado on right-of-way issues for TransColorado's proposed natural gas transmission pipeline project (the "Project").

C. The City Property is presently leased to Clifford V. Davis and Judy L. Davis, doing business as Broken Spoke Ranch (the "Davises").

D. The Parties desire to provide for the conveyance of a non-exclusive easement and temporary use access ("right-of-way" or "easement") required for the Project pursuant to the terms and conditions stated in this Agreement.

NOW, THEREFORE, in consideration of the recitals above and the terms, covenants, conditions, restrictions, duties and obligations contained herein, the Parties agree as follows:

1. Grant. The City hereby conveys and grants, by quit claim, to TransColorado a right-of-way over, under and across the City Property, and TransColorado accepts such conveyance and grant subject to the terms of this Agreement. The right-of-way is described on Exhibit "A", which is attached to and by this reference forms a part of this Agreement.

2. Term. The initial term of this right-of-way grant shall be twenty-five (25) years from the date the facilities which are identified in paragraph 4.1 of this Agreement are placed in service.

3. Options to Extend Grant.

3.1 TransColorado shall be entitled to exercise successive extensions of this conveyance and grant, and the City hereby grants such right, for additional twenty-five (25) year periods ("later terms"). If the grant is extended for later term(s), each such later term(s)

shall be upon the same terms and conditions of this Agreement, except as provided in paragraph 5, below. In order to exercise TransColorado's option for each such later term(s), TransColorado shall give written notice to the City of TransColorado's desire and intention to exercise TransColorado's option to extend no sooner than one (1) year and not less than six (6) months prior to the expiration of the initial term. The City Council acknowledges the terms of the City Charter and intends, by this provision, to grant such rights of extension to TransColorado to the fullest extent possible and to not subject TransColorado to any rights of referendum or initiative.

4. TransColorado's Use and Occupancy of the Right-of-Way

4.1 TransColorado's use and occupancy of the Right-of-Way shall be limited to the sole purpose of laying, constructing, operating, inspecting, maintaining, repairing, replacing, substituting, relocating and removing a varying (22 to 24 inches I.D.) pipeline (with valves, meters, fittings, appliances, and related facilities)(the "facilities"), as approved by its certificate of public convenience and necessity issued on June 3, 1994, by the Federal Energy Regulatory Commission in Docket No. CP90-1777, as amended September 30, 1996, for the transportation of natural gas and associated liquids and gases and for no other use or purpose, over and through the right-of-way.

4.2 Prior to the start of construction within the right-of-way, the City, TransColorado and TransColorado's contractor and agents involved with construction and/or surface disturbing activities shall conduct a preconstruction conference to review the stipulations and provisions of and provide for compliance with this Agreement, and the Plan of Development which is identified in Section 19 of this Agreement, and referred to as the "POD."

4.3 TransColorado shall at all times maintain the facilities in good and safe condition and in a manner that complies with this Agreement and all applicable federal requirements. TransColorado shall provide notice to the City no less than 72 hours prior to the anticipated start of any surface disturbing activities within the right-of-way. No prior notice is required in an emergency.

4.4 TransColorado agrees to construct the Project in strict conformity with the POD. Any deviation, relocation, additional construction or use that is not in accord with the POD or this Agreement shall not be initiated without prior written approval of the City.

5. Compensation. TransColorado agrees to compensate the City for its costs, subject to audit and not to exceed Thirty Five Thousand Dollars (~~\$50,000.00~~), to have a City inspector available during construction and reclamation when required by TransColorado. In addition, TransColorado agrees to pay for the right-of-way the lawful sum of Fifty Thousand Dollars (\$50,000.00). Such payment shall be made to the City's Finance Director prior to the start of construction. In addition, TransColorado shall pay fair market value for each of the later terms. If the parties are unable to agree on the fair market value, either party may initiate an action in a court of competent jurisdiction to determine fair market value.

35,000.00 *Shih*

6. General Indemnification.

6.1 TransColorado hereby releases, covenants not to bring suit and agrees to indemnify, defend and hold the City, its officers, employees, agents and assets harmless from any and all claims, costs, judgments, awards or liability, including reasonable attorneys' fees and costs (except those caused by the City's negligence or its willful or wanton acts) to any person or with regard to any property, including claims arising from injury or death, resulting from TransColorado's negligent or willful act or failure to act pursuant to this Agreement.

6.2 Inspection or acceptance by the City of work performed by TransColorado at the time of completion of construction shall not be grounds for avoidance of the indemnification provided in paragraph 6.1 of this Agreement. The indemnification obligations shall extend to claims which are not reduced to a suit and any claims which may be compromised by TransColorado prior to the culmination of any litigation or the institution of any litigation.

6.3 The provisions of this Section shall survive the expiration or termination of this Agreement.

7. Construction and Completion Bond. In connection with the Permit issued July 30, 1997, by the City, granting TransColorado access to the City Property for the purpose of preparing the POD and completing detailed engineering design, TransColorado deposited with the City's Finance Director the sum of One Hundred Thousand Dollars (\$100,000.00) to be placed by him in a fund to be designated the "Performance Fund," to correct any damage caused by or resulting from the acts or omissions of TransColorado, its agents and employees. The Parties agree that no such damage occurred, and that in accordance with the terms of paragraph 8(a) of the Permit, the City would have returned the deposit plus interest to TransColorado on July 30, 1998. Notwithstanding the permit requirement, the Parties agree to continue the Performance Fund to a date not less than three (3) years nor more than five (5) years following construction in the Right-of-Way to guarantee reclamation of the Right-of-Way in accordance with all applicable terms of the POD. The City may, after thirty (30) days following the mailing of written notice to TransColorado, provided TransColorado has not taken adequate steps to correct the deficiencies stated in the notice, make expenditures from the Performance Fund to complete such reclamation. Upon the release by the City of TransColorado's reclamation obligation, or five (5) years following the completion of the construction, whichever first occurs, any remaining monies shall be returned to TransColorado, plus any interest which has accrued on the monies in the Performance Fund at the rate earned on the City's investments of the City's other long-term monies.

8. Public Access. As a part of construction, TransColorado will use reasonable efforts to make the easement inaccessible to the general public.

9. Access Easement.

9.1 During the construction and restoration phases of the Project, TransColorado will be allowed to access the right-of-way with workers and equipment through the City Property by way of Whitewater Creek Road as depicted on Exhibit "B", which is attached and by this reference forms a part of this Agreement. TransColorado's use of Whitewater Creek road shall be subject to the following requirements:

(a) Prior to the start of construction TransColorado shall, at TransColorado's sole cost and expense, construct and install all improvements to Whitewater Creek Road which are necessary for TransColorado's projected average daily trips and to further accommodate the types and size of vehicle and equipment TransColorado will have upon the road;

(b) TransColorado shall employ reasonable dust suppression measures;

(c) All vehicles and equipment traveling upon Whitewater Creek Road shall not exceed a speed of fifteen (15) miles per hour;

(d) Upon the written request of the City, upon completion of the construction and again after the restoration phase of the Project, TransColorado shall restore Whitewater Creek Road and other roads used by TransColorado to a condition, as near as practicable to that which existed following the improvement of the road just prior to the start of construction.

(e) TransColorado agrees to comply with the additional requirements for the use of Whitewater Creek Road that are set forth in Exhibit "C", which is attached hereto and forms a part of this Agreement.

9.2 Following completion of the construction and restoration phases and during the operation and maintenance phase of the Project, ingress and egress to and from the right-of-way shall be limited and restricted to that required to inspect, maintain and repair the facilities installed on and in the right-of-way as required by the federal Pipeline Safety Act and TransColorado's operations requirements.

9.3 The City may access the City Property for its needs along, over and through the right-of-way; provided, however, prior to any excavation near the facilities, the City shall comply with the requirements of Colo. Rev. Stat. Ann. §9-1.5-103 *et seq.*

10. City's Development/Use of City Water. TransColorado agrees to bear the costs required to relocate or make accommodations for any City water conveyance systems which now exist, and as to City water conveyance systems which are built in the future, TransColorado shall pay the reasonable incremental additional costs to construct any such City systems or improvement as a result of the construction maintenance and/or repair of the Project.

11. Notice of Release. TransColorado shall promptly notify the City in the event of any release of any hazardous substance on the City Property.

12. Default. Should TransColorado: (a) default in the performance of this Agreement including the POD and any such default continue for a period of ninety (90) days after written notice thereof is given by the City to TransColorado; or (b) be declared bankrupt, insolvent, make an assignment for the benefit of creditors, or if a receiver is appointed; and (c) fail to timely cure such default, weather permitting, the City, at the City's option, may file an action to cancel and annul this Agreement and obtain an order from a court of competent jurisdiction to enter and take possession of the right-of-way. This Agreement shall terminate upon such occupation except paragraphs 6.1, 6.2 and 6.3. Nothing herein shall prejudice or be to the exclusion of any other rights or remedies which the City may have against TransColorado, including, but not limited to, the right of the City to obtain injunctive relief. If the City succeeds in any such effort, TransColorado shall pay the City's reasonable attorneys' fees.

13. Assignment. TransColorado shall not assign or sublease this Agreement or the right-of-way, or any right or privilege connected therewith, or allow any other person, except officers, employees, agents and contractors of TransColorado, to occupy the right-of-way or any part thereof without first obtaining the written consent of the City, which consent shall not be unreasonably withheld. In the event of an assignment, TransColorado shall not be released from its obligations and duties under this Agreement unless the assignee is fully able to perform TransColorado's obligations hereunder, *i.e.* by demonstration of financial responsibility, *e.g.* by net worth or insurance. Any consent by the City shall not be a consent to a subsequent assignment, sublease or occupation by any other party.

14. Termination/Abandonment of Right-of-Way.

(a) Prior to termination of the right-of-way or abandonment of the pipeline, or any portion thereof, TransColorado will contact the City to arrange for a pre-termination meeting and joint inspection of the right-of-way. This meeting and inspection will take place a minimum of thirty (30) days prior to termination. The meeting and inspection will be held so that an agreement on an acceptable termination and rehabilitation plan at TransColorado's sole cost and expense, can be reached. This plan will include TransColorado's obligation to include, but not be limited to, abandonment and/or removal of facilities, drainage structures and/or surface materials, recontouring, replacing of topsoil, seeding and monitoring. As used in this Section 14, the term "abandonment" means no use of the facilities for two (2) years.

(b) The Parties acknowledge and agree that the best management practices for abandoning and/or deactivating TransColorado's facilities may not be known until such time that the Project life-cycle is near its end, and that abandonment/deactivation will likely involve an altered scope, varied time line or additional stakeholders when compared to the issues of the Project installation and operation.

15. TransColorado Acceptance Subject to Existing Conditions.

15.1 TransColorado has inspected the right-of-way and accepts the same in its present condition and location. TransColorado agrees that the condition of the right-of-way is sufficient for the purposes of TransColorado. The City makes no warranties, promises or representations, express or implied, that the right-of-way is sufficient for the purposes of TransColorado. If the right-of-way is damaged due to fire, flood, or other casualty, or if the right-of-way is damaged or deteriorates to the extent where it is no longer functional for the purposes of TransColorado, the City shall have no obligation to repair the right-of-way nor to otherwise make the right-of-way usable or occupiable, since such damages shall be at TransColorado's own risk.

15.2 The City makes no representations or warranties regarding the presence or existence of any hazardous, toxic or regulated substances on, under or about the right-of-way, except to the extent that the City states that it has not deposited or caused to be deposited on, under or about the right-of-way any hazardous, toxic or regulated substances.

16. Notices. All notices to be given with respect to this Agreement shall be in writing delivered either by United States mail or Express mail, postage prepaid, or by facsimile transmission, personally by hand or courier service, as follows:

To the City: City of Grand Junction
 Attn: City Property Agent
 250 North 5th Street
 Grand Junction, Colorado 81501-2668
 Tel: (970) 244-1565
 Fax: (970) 256-4022

With copy to: City of Grand Junction
 Attn: City Utilities Manager
 250 North 5th Street
 Grand Junction, Colorado 81501-2668
 Tel: (970) 244-1564
 Fax: (970) 256-4022

With copy to: City of Grand Junction
 Attn: City Attorney
 250 North 5th Street
 Grand Junction, Colorado 81501-2668
 Tel: (970) 244-1505
 Fax: (970) 244-1456

To TransColorado: KN Energy, Inc.
Attn: Thomas E. Boita
819 21 ½ Road
Grand Junction, Colorado 81505
Tel: (970) 255-7522
Fax: (970) 255-7546

All notices shall be deemed given: (a) if sent by mail, when deposited in the mail; (b) if delivered by hand or courier service, when delivered; or (c) if transmitted by facsimile, when transmitted. The Parties may, by notice as provided above, designate a different address to which notice shall be given.

17. Enforcement, Partial Invalidity, Governing Law.

17.1 The invalidity of any portion of this Agreement shall not affect the validity of any other provision contained herein. In the event any provision of this Agreement is held to be invalid, the remaining provisions shall be deemed to be in full force and effect as if they had been executed by both Parties subsequent to the expungement of the invalid provisions.

17.2 This Agreement shall be governed by and construed in accordance with the laws of the state of Colorado.

18. Total Agreement; Applicable to Successors. This Agreement contains the entire agreement between the Parties and, except for automatic expiration or termination, cannot be changed or modified except by a written instrument subsequently executed by the Parties. This Agreement and the terms and conditions hereof apply to and are binding upon the successors and authorized assigns of both Parties.

19. Documents which govern the Project and the conduct of the Parties and which are incorporated in this Agreement by this reference, are:

1992 Final EIS
1992 ROD
1994 FERC Certificate
1998 Final Supplement to the EIS
1998 Palisade Water Permit
1998 Plan of Development
1998 Record of Decision

The foregoing documents, along with any documents referred to or incorporated, together constitute the POD.

IN WITNESS WHEREOF the Parties hereto have each executed and entered into this Easement Agreement as of the day and year first above written.



Attest:

Christine English
Acting City Clerk

The City of Grand Junction,
a Colorado home rule municipality

By

Mark Dechen
City Manager

Attest:

Connie Holbrook
Connie Holbrook, Secretary

TransColorado Gas Transmission Company
a Colorado general partnership, by Questar
TransColorado, Inc., partner

By

G.W. DeBernardi
G.W. DeBernardi, Vice President
Technical Support

Attachments:

Exhibit "A": Legal Descriptions

Exhibit "B": Whitewater Road

Exhibit "C": Additional Conditions for use of Whitewater Road

R97-036\EASEMENT.K

Exhibit "A"
to the
Easement Agreement
between
City of Grand Junction (the "City")
and
TransColorado Gas Transmission Company ("TransColorado")
(Legal Description)

TRACT "1"

A strip of land situated in Sections 19 and 30, of Township 11 South, Range 97 West, 6th Principal Meridian, Mesa County, Colorado, the centerline of said strip of land being described as follows:

COMMENCING at the East Quarter corner of Section 18, Township 11 South, Range 97 West, 6th Principal Meridian, Mesa County, Colorado, being a found standard brass GLO monument stamped 1907.

- THENCE: S 18° 51' 05" W, a distance of 6882.23 feet to a point on a gas pipeline right-of-way to serve as TransColorado Gas Transmission Company's mainline, being a point on the North line of the South half of the Southeast Quarter of Section 19 and the Northerly line of City of Grand Junction lands;
- THENCE: S 07° 03' 41" W, a distance of 88.20 feet;
- THENCE: S 00° 11' 05" E, a distance of 265.05 feet;
- THENCE: S 12° 22' 45" E, a distance of 561.03 feet;
- THENCE: S 06° 29' 19" W, a distance of 124.67 feet;
- THENCE: S 33° 38' 41" W, a distance of 316.76 feet;
- THENCE: S 29° 55' 42" W, a distance of 1,091.00 feet;
- THENCE: N 88° 48' 33" W, a distance of 528.20 feet;
- THENCE: S 27° 30' 23" W, a distance of 709.53 feet;
- THENCE: S 38° 42' 03" W, a distance 524.30 feet;

To a point on the West line of the Northwest Quarter of said Section 30 and on the Westerly line of City of Grand Junction lands, S 63° 54' 54" W, a distance of 4,259.69 feet from the Northeast corner of Section 30, Township 11 South, Range 97 West, 6th Principal Meridian, Mesa County, Colorado, being a found standard brass GLO monument stamped 1907.

The total length of the gas pipeline right-of-way, described as Tract 1, across City of Grand Junction lands, as described above is 4,208.74 feet or 255.08 rods or 0.80 miles, more or less.

The above-described strip of land shall be shortened or extended to commence on the Northerly line and to terminate on the Westerly line of City of Grand Junction lands.

TRACT "2"

A strip of land situated in Section 30, of Township 11 South, Range 97 West, 6th Principal Meridian, Mesa County, Colorado, the centerline of said strip of land being described as follows:

COMMENCING at the Southeast Section corner of said Section 30, Township 11 South, Range 97 West, 6th Principal Meridian, Mesa County, Colorado, being a found standard brass GLO monument stamped 1907.

THENCE: N 71° 03' 45" W, a distance of 3,945.26 feet to a point on a gas pipeline right-of-way to serve as TransColorado Gas Transmission Company's mainline, being a point on the West line of the East half of the Southwest Quarter of said Section 30, and the Westerly line of City of Grand Junction lands;
THENCE: S 15° 50' 10" E, a distance of 88.77 feet;
THENCE: S 26° 19' 17" E, a distance of 404.74 feet;
THENCE: S 13° 54' 05" E, a distance of 272.07 feet;
THENCE: S 22° 58' 53" W, a distance of 534.32 feet;

To a point on the South line of the East half of the Southwest Quarter of said Section 30 and on the Southerly line of City of Grand Junction lands, N 88° 48' 41" W, a distance of 3,672.07 feet from the Southeast Section corner of said Section 30, being a found standard brass GLO monument stamped 1907.

The total length of the gas pipeline right-of-way, described as Tract 2, across City of Grand Junction lands, as described above is 1,299.90 feet or 78.78 rods or 0.25 miles, more or less.

The above-described strip of land shall be shortened or extended to commence on the Westerly line and to terminate on the Southerly line of City of Grand Junction lands.

All bearings and distances reported herein for Tracts 1 & 2 are referred to the Colorado State Plane Coordinate System, Colorado Central Zone. (North American 1983 Horizontal Datum) as determined by survey to the National Geodetic Survey Control Stations. All GLO and BLM record bearings used for calculated intersections, if any, were rotated to Grid North reference.

AND

A strip of land situated in Section 31, of Township 11 South, Range 97 West, 6th Principal Meridian, Mesa County, Colorado, the centerline of said strip of land being described as follows:

COMMENCING at the Northeast Section corner of said Section 31, Township 11 South, Range 97 West, 6th Principal Meridian, Mesa County, Colorado, being a found standard brass GLO monument stamped 1907.

THENCE: S 68° 39' 17" W, a distance of 2,867.23 feet to a point on a gas pipeline right-of-way to serve as TransColorado Gas Transmission Company's mainline, being a point on the West line of the Northeast Quarter of Section 31, and the Westerly line of City of Grand Junction lands;
THENCE: S 58° 31' 47" E, a distance of 708.69 feet;
THENCE: S 50° 43' 16" W, a distance of 814.80 feet;

To a point on the West line of the Northeast Quarter of said Section 31 and on the Westerly line of City of Grand Junction lands, S 54° 26' 02" W, a distance of 3,317.20 feet from the Northeast corner of Section 31, Township 11 South, Range 97 West, 6th Principal Meridian, Mesa County, Colorado, being a found standard brass GLO monument stamped 1907.

The total length of the gas pipeline right-of-way across City of Grand Junction lands, as described above is 1,523.49 feet or 92.33 rods or 0.29 miles, more or less.

The above-described strip of land shall be shortened or extended to commence on the Westerly line and to terminate on the Westerly line of City of Grand Junction lands.

All bearings and distances reported herein are referred to the Colorado State Plane Coordinate System, Colorado Central Zone. (North American 1983 Horizontal Datum) as determined by survey to the National Geodetic Survey Control Stations. All GLO and BLM record bearings used for calculated intersections, if any, were rotated to Grid North reference.

AND

STRIP 1

A strip of land situated in Section 1, of Township 2 South, Range 2 East, Ute Meridian, Mesa County, Colorado, the centerline of said strip of land being described as follows:

COMMENCING at the Northwest corner of said Section 1, Township 2 South, Range 2 East, Ute Meridian, Mesa County, Colorado, being a found mound of stones.

THENCE: S 56° 02' 12" E, a distance of 2531.61 feet to a point on a gas pipeline right-of-way to serve as TransColorado Gas Transmission Company's mainline, being a point on the North line of the South half of the Northwest Quarter of said Section 1, and the Northerly line of City of Grand Junction lands;

THENCE: S 65° 15' 07" W, a distance of 1481.57 feet;

THENCE: S 78° 38' 02" W, a distance of 833.14 feet;

To a point on the West line of the South half of the Northwest Quarter of said Section 1 and on the Westerly line of City of Grand Junction lands, N 01° 37' 50" E, a distance of 459.60 feet from the West Quarter corner of said Section 1, Township 2 South, Range 2 East, Ute Meridian, Mesa County, Colorado, being a found mound of stones.

The total length of the gas pipeline right-of-way across City of Grand Junction lands, as described above is 2314.71 feet or 140.29 rods or 0.44 miles, more or less.

The above-described strip of land shall be shortened or extended to commence on the Northerly line and to terminate on the Westerly line of City of Grand Junction lands.

All bearings and distances reported herein are referred to the Colorado State Plane Coordinate System, Colorado Central Zone. (North American 1983 Horizontal Datum) as determined by survey to the National Geodetic Survey Control Stations. All GLO and BLM record bearings used for calculated intersections, if any, were rotated to Grid North reference.

AND

STRIP 2

A strip of land situated in Section 2, of Township 2 South, Range 2 East, Ute Meridian, Mesa County, Colorado, the centerline of said strip of land being described as follows:

COMMENCING at the East Quarter corner of said Section 2, Township 2 South, Range 2 East, Ute Meridian, Mesa County, Colorado, being a found mound of stones.

- THENCE: N 88° 40' 05" W, a distance of 926.27 feet to a point on a gas pipeline right-of-way to serve as TransColorado Gas Transmission Company's mainline, being a point on the North line of the Northeast Quarter of the Southeast Quarter of said Section 2, and the Northerly line of City of Grand Junction lands;
- THENCE: S 63° 12' 55" W, a distance of 300.47 feet;
- THENCE: N 83° 41' 53" W, a distance of 120.31 feet;

To a point on the West line of the Northeast Quarter of the Southeast Quarter of said Section 2 and on the Westerly line of City of Grand Junction lands, S 85° 37' 07" W, a distance of 1317.68 feet from the East Quarter corner of said Section 2, Township 2 South, Range 2 East, Ute Meridian, Mesa County, Colorado, being a found mound of stones.

The total length of the gas pipeline right-of-way across City of Grand Junction lands, as described above is 420.78 feet or 25.50 rods or 0.08 miles, more or less.

The above-described strip of land shall be shortened or extended to commence on the Northerly line and to terminate on the Westerly line of City of Grand Junction lands.

All bearings and distances reported herein are referred to the Colorado State Plane Coordinate System, Colorado Central Zone. (North American 1983 Horizontal Datum) as determined by survey to the National Geodetic Survey Control Stations. All GLO and BLM record bearings used for calculated intersections, if any, were rotated to Grid North reference.

AND

A strip of land situated in the SE¼ of the NW¼ of Section 4, Township 2 South, Range 2 East, Ute Meridian, Mesa County, Colorado, the centerline of said strip of land being described as follows:

COMMENCING at the West Quarter corner of said Section 4, Township 2 South, Range 2 East, Ute Meridian, Mesa County, Colorado, being a found rebar with yellow cap.

- THENCE: N 80° 12' 32" E, a distance of 2,706.03 feet to a point on a gas pipeline right-of-way to serve as TransColorado Gas Transmission Company's mainline, being a point on the East line of the Southeast Quarter of the Northwest Quarter of said Section 4, and the Easterly line of City of Grand Junction lands;
- THENCE: S 76° 33' 57" W, a distance of 82.54 feet;
- THENCE: N 89° 37' 43" W, a distance of 417.58 feet;
- THENCE: S 68° 43' 19" W, a distance of 488.32 feet;
- THENCE: S 45° 40' 12" W, a distance of 416.91 feet;

To a point on the South line of the Northwest Quarter of said Section 4 and on the Southerly line of City of Grand Junction lands, S 88° 59' 4" E, a distance of 1,415.72 feet from the West Quarter corner of said Section 4, Township 2 South, Range 2 East, Ute Meridian, Mesa County, Colorado, being a found rebar with yellow cap.

The total length of the gas pipeline right-of-way across City of Grand Junction lands, as described above is 1,405.35 feet or 85.17 rods or 0.27 miles, more or less.

The above-described strip of land shall be shortened or extended to commence on the Easterly line and to terminate on the Southerly line of City of Grand Junction lands.

All bearings and distances reported herein are referred to the Colorado State Plane Coordinate System, Colorado Central Zone (North American 1983 Horizontal Datum) as determined by survey to National Geodetic Survey Control Stations. All GLO and BLM record bearings used for calculated intersections, if any, were rotated to Grid North reference.

The permanent easement herein granted shall be fifty foot (50.0') in width, being twenty-five feet (25.0') on each side of the centerline described above, and in addition, GRANTEE shall have the right to use i) an additional temporary work space during construction, maintenance, repair, replacement and removal of the facilities, which shall be an additional width of twenty-five feet (25.0') along the permanent easement, ii) as specifically described in the 1998 Plan of Development, the right to use an additional work space of one hundred feet by one hundred fifty feet (100.0' x 150.0') along the permanent easement at the crossing of roads, railroads, streams, terraces and uneven terrain, and iii) if the consent of the City is obtained in advance, which shall not be unreasonably withheld, additional temporary work space adjacent and along the permanent easement as may be reasonably necessary to safely construct the facilities in extended areas and distances of uneven terrain.

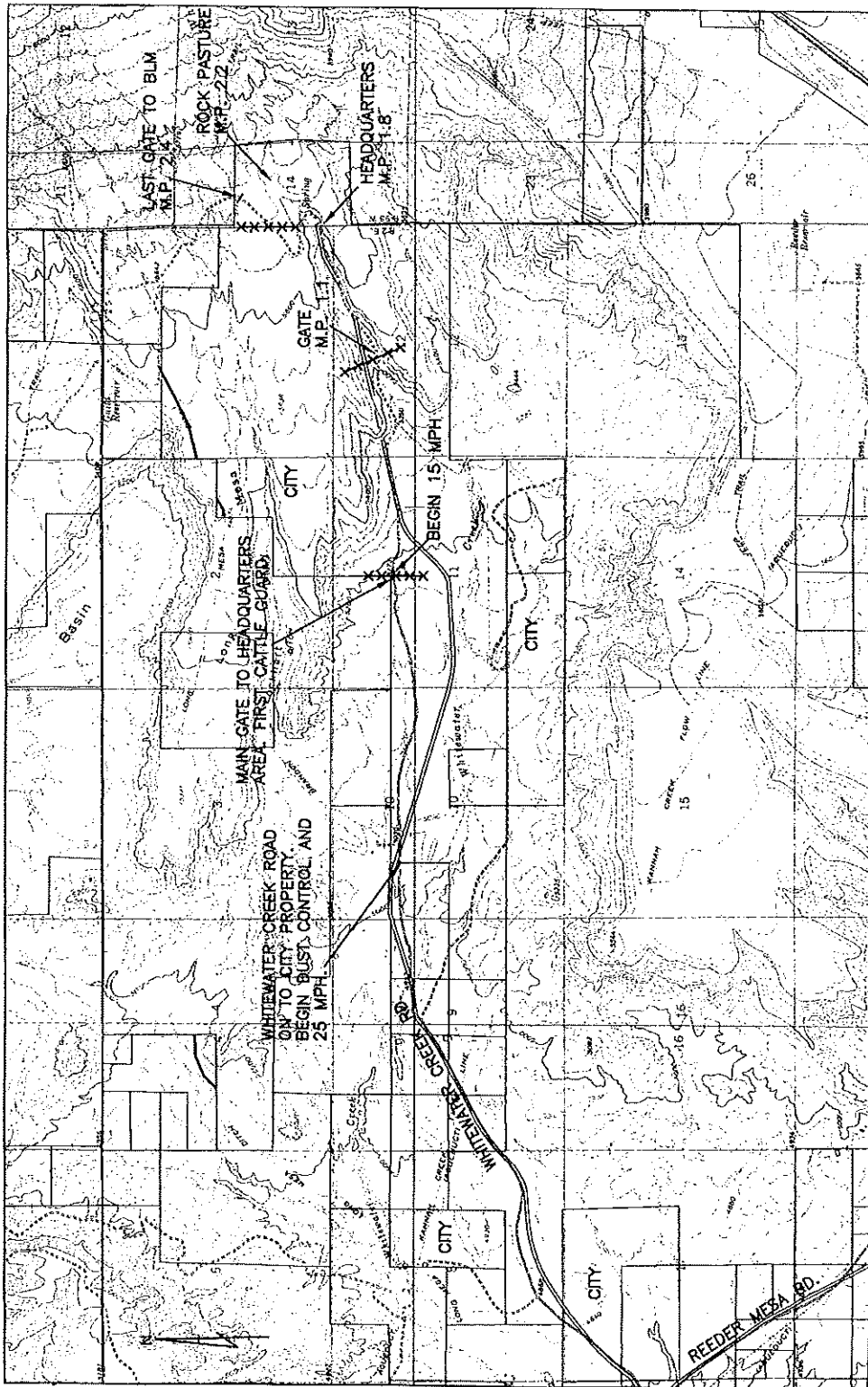


EXHIBIT B

Exhibit "C"
to the
Easement Agreement
between
City of Grand Junction (the "City")
and
TransColorado Gas Transmission Company ("TransColorado")

1. TransColorado shall install a new cattle guard at the main gate after the main part of the construction is complete, unless there is damage to the existing cattle guard, in which event, it will be replaced immediately.

2. TransColorado shall grade and maintain the road into the ranch, installing gravel turn-outs for passing lanes where required to permit two-way traffic on the road.

3. TransColorado shall install two new 18" by 20' culverts .7 miles in from the gate in the irrigation canal.

4. TransColorado shall remove the gate and 20' of fence at 1.1 miles in to allow wider loads to go through the fence, reinstalling the fence and a new gate after construction. TransColorado shall also gravel this area to permit passing in this area.

5. TransColorado will address a spring that has appeared in the road 1.8 miles in from the main gate. This portion of road will not hold up to heavy traffic and will have to be repaired before construction. It is contemplated that by installing a drain line, with at least 2" minus rock with drainage to the barrow ditch and installing additional road base, this seep can be efficiently drained to allow the road to be used by heavy traffic.

6. TransColorado shall install two new 18" by 20' culverts 2.0 miles in from the gate in the low area of the road just past the second house. This area is also boggy and will need additional road base installed for about 200'.

7. The gate at 2.2 miles in the fence to Rock Pasture is too narrow to allow trucks to pass. TransColorado will install a double gate.

8. The gate and culvert at 2.4 miles from the main gate is too narrow to allow trucks to pass. TransColorado will match up another gate with an existing one to make a double gate and install a new 30" by 20' flat bottom culvert to make a straight approach to the gate. During stringing operations, TransColorado will assign someone to open and close this gate. At all other times, it shall remain closed.

9. TransColorado will install signs limiting speed to 15 MPH through the ranch at the main gate and near the ranch house.

10. Dust will be suppressed, especially near the structures. In addition, dust control will be maintained in accordance with the POD by installing new gravel in the area next to the houses. Water, dust abatement or mag chloride will be used to suppress dust. The County has applied mag chloride to the County road for the first 3 miles of Whitewater Creek Road. TransColorado will extend its dust suppression measures application to the main gate, to hold down dust.

RESOLUTION NO. ____-24
A RESOLUTION AUTHORIZING AN EXTENSION OF THE EASEMENT
AGREEMENT ENTERED INTO WITH TRANSCOLORADO GAS TRANSMISSION
COMPANY IN 1998 AN AUTHORIZING THE CITY MANAGER TO ACT TO FINALIZE
AN ADDENDUM TO THE AGREEMENT

Recitals:

The City of Grand Junction ("City") is the owner of the certain real property in an area commonly known as the Grand Mesa Slopes in the County of Mesa, State of Colorado, including the Somerville Ranch, hereinafter referred to as the "City Property."

The City Property is a source of water for the Town of Palisade ("Town"). In 1998, the City and the Town entered into a joint resolution (City Resolution No. 24-98) which provided authority for the City to negotiate jointly with the Town right-of-way issues for a natural gas transmission pipeline project proposed by TransColorado Gas Transmission Company ("TransColorado").

An Easement Agreement (a copy is attached hereto as Exhibit 1 and incorporated herein) ("Agreement") was entered into between the City and TransColorado on May 21, 1998. The terms of the Agreement indicate that the easement was for a period of 25 years and became effective upon the facilities (pipeline) being placed in service which was February 15, 1999.

By the terms of the Agreement, TransColorado is entitled to an extension of the conveyance and grant for additional 25-year periods ("later terms") on the same terms and conditions of the Agreement, except for compensation which shall be determined to be fair market value. A request to extend the Agreement for its first later term has been made to the City in accordance with the Agreement with an offer of no less than \$56,250.00, with the final sum to be determined by the City Manager, for another 25-year term.

City Council deems it appropriate to extend the Agreement and authorizes the City Manager to negotiate and finalize the final terms of an Addendum to the Agreement.

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

That the foregoing Recitals are incorporated herein and in consideration of the same the City Manager is hereby authorized on behalf of the City to negotiate and finalize an Addendum Agreement for the extension of the Easement Agreement for the TransColorado gas transmission pipeline on the City's Somerville Ranch for a term of 25 years in accordance with the terms of the Easement Agreement and for no less compensation than the \$56,250.00.

Passed and adopted this 17th day of January 2024.

Anna M. Stout
President of the City Council

ATTEST:

Amy Phillips
City Clerk



Grand Junction City Council

Regular Session

Item #3.c.

Meeting Date: January 17, 2024
Presented By: Matt Smith, Chief of Police
Department: Police
Submitted By: Matt Smith

Information

SUBJECT:

A Resolution Supporting the Application for the FY 2023-2024 Peace Officers Behavioral Health Support and Community Partnership Grant from the Colorado Department of Local Affairs (DOLA)

RECOMMENDATION:

Staff recommends adoption of the resolution.

EXECUTIVE SUMMARY:

The purpose of this item is to authorize the application for the FY 2023-2024 Peace Officers Behavioral Health Support and Community Partnerships Grant Program.

BACKGROUND OR DETAILED INFORMATION:

On April 4, 2017, Governor Hickenlooper signed into law House Bill 17-1215 Concerning Mental Health Support for Peace Officers. This bill has been amended by House Bill 21-1030. As a result, C.R.S. 24-32-3501 authorizes the Peace Officers Behavioral Health Support and Community Partnerships grant program within the Department of Local Affairs (DOLA) for law enforcement agencies, peace officer organizations, and public safety agencies for purposes one through six, stated below. Behavioral health or community-based social services providers are eligible to apply in partnerships with law enforcement or public safety agencies for the purposes identified in one through two, below.

1. Co-responder community responses
2. Community-based alternative responses
3. Counseling services for peace officers and their immediate family members
4. Assistance for development and implementation of policies to support peace officers who are involved in shootings or fatal use of force

- 5. Training and education programs that teach peace officers and their immediate family members the symptoms of job-related mental trauma and how to prevent and treat such trauma
- 6. Peer support programs for peace officers

GJPD would like to be able to offer every authorized peace officer the opportunity to meet with a mental health professional, to receive trauma counseling when necessary, and for Peer Support members to receive additional training.

For the 2023-2024 cycle, the Colorado Department of Local Affairs has total funding of \$1.8 million available. GJPD plans to apply for grant funds which will allow for mental health support and counseling services for our peace officers. GJPD will be requesting \$45,650 in grant funding to cover the costs for three local licensed professional counselors who have backgrounds working with first responders. The grant will cover the costs for clinicians to spend 90 minutes per week in the Police Department building for drop-ins, six pieces of training per year with the Peer Support Team, which provides additional mental health support to officers, attend briefings and ride-alongs, and other functions as needed to establish connections with GJPD employees. Funding will also support annual wellness checks with mental health professionals and additional training opportunities for Peer Support members.

FISCAL IMPACT:

The costs associated with the clinician support is included in the 2024 Budget. If this funding of \$45,650 is awarded, it will offset that cost.

SUGGESTED MOTION:

I move to (adopt/deny) Resolution 06-24, a resolution authorizing the City Manager to submit a grant request to the Department of Local Affairs (DOLA) for the FY 2023-2024 Peace Officers Behavioral Health Support and Community Partnerships Grant Program.

Attachments

- 1. RES-2024 POMH Grant 20240110

RESOLUTION NO. ___-24

A RESOLUTION SUPPORTING THE APPLICATION FOR THE FY 2023-2024 PEACE OFFICERS BEHAVIORAL HEALTH SUPPORT AND COMMUNITY PARTNERSHIP GRANT (POMH) FROM THE COLORADO DEPARTMENT OF LOCAL AFFAIRS (DOLA)

Recitals:

On April 4, 2017, Governor Hickenlooper signed HB 17-1215 into law. That bill which concerned mental health support for peace officers was amended by HB 21-1030, which is codified a C.R.S. 24-32-3501. That statute authorizes *The Peace Officers Behavioral Health Support and Community Partnerships* grant program within the Department of Local Affairs (DOLA) for law enforcement agencies, peace officer organizations, public safety agencies for certain purposes such co-responder community responses; community-based alternative responses; counseling services for peace officers and their immediate family members; assistance for development and implementation of policies to support peace officers who are involved in shootings or fatal use of force; training and education programs that teach peace officers and their immediate family members the symptoms of job-related mental trauma and how to prevent and treat such trauma; and, peer support programs for peace officers.

Behavioral health or community-based social services providers are eligible to apply in partnerships with law enforcement or public safety agencies for co-responder community responses, and community-based alternative responses. The Grand Junction Police Department (GJPD) would like to be able to offer every authorized peace officer the opportunity to meet with a mental health professional, to receive trauma counseling when necessary, and for Peer Support members to receive additional training.

For the 2023-2024 cycle, the Colorado Department of Local Affairs has total funding of \$1.8 million available. The GJPD plans to apply for grant funds which will allow for mental health support and counseling services for our peace officers. GJPD will be requesting \$45,650 in grant funding to cover the costs for three local licensed professional counselors who have backgrounds working with first responders. The grant will cover the costs for clinicians to spend 90 minutes per week in the Police Department building for drop-in's, six trainings per year with the Peer Support Team which provides additional mental health support to officers, attending briefings and ride-alongs, and other functions as needed to establish connections with GJPD employees. Funding will also support annual wellness checks with mental health professionals and additional training opportunities for Peer Support members.

The City Council has considered, and for the reasons stated herein, authorizes an application by the City for the 2024 Peace Officers Behavioral Health Support and Community Partnership Grant. The grant will provide financial assistance to the GJPD to provide mental health support to officers and training to the Department's Peer Support Team collectively the Project.

With approval of this Resolution the City will apply for the 2023-2024 cycle to help fund the Project. A grant application cannot be submitted unless approved by the City Council.

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

1. The foregoing Recitals are incorporated and in consideration of the same the Grand Junction City Council by and with the adoption of the Resolution strongly expresses its support for an application to DOLA to obtain funds needed to complete the Project and authorizes and directs the City Manager to work to finalize and timely submit such grant application.
2. If the Grant is awarded, the City Council strongly supports the completion of the Project and authorizes the City Manager to sign a grant agreement in a form acceptable to the City, as grantee of the DOLA POMH Grant.

This Resolution shall be in full force and effect from and after its passage and adoption.

Passed and adopted this 17TH day of January 2024.

Anna M. Stout
Grand Junction City Council President

ATTEST:

Amy Phillips
City Clerk



Grand Junction City Council

Regular Session

Item #4.a.i.

Meeting Date: January 17, 2024
Presented By: Shelley Caskey, Human Resources Director
Department: Human Resources
Submitted By: Shelley Caskey, Human Resources Director

Information

SUBJECT:

An Ordinance Approving 457 Match

RECOMMENDATION:

Approve an ordinance approving a 457 match.

EXECUTIVE SUMMARY:

Article XI, Section 88, of the City Charter, requires that the City Council act by ordinance to continue, alter, establish, provide for, and amend pension plans. While the City does not provide pensions for most retired employees, it does provide certain retirement plans, one of which is a deferred compensation plan in accordance with Section 457 of the Internal Revenue Code ("457 Plan"). Consistent with past City practice, the City Council considers and approves, in accordance with the Charter, changes to retirement plans. This is such an ordinance.

BACKGROUND OR DETAILED INFORMATION:

On December 6, 2023, the City Council adopted Ordinance 5186, setting the City's 2024 budget and making appropriations in support of expenditures planned by the budget. That Ordinance included a 1 percent City contribution to participating employees' 457 Plans so long as each participating employee is electing to defer at least 2 percent of the employee's base salary to his or her 457 Plan. The City will contribute, on behalf of each participant, for a Plan Year 1 percent of the participating employee's base salary. The City contribution is offered as an incentive to attract and retain employees and to encourage employees to save for retirement.

FISCAL IMPACT:

The 2024 estimated cost for the 457 match is \$273,000. These funds are included in the 2024 Adopted Budget.

SUGGESTED MOTION:

I move to (adopt/deny) Ordinance No 5197. An Ordinance approving a 457 match, and ordered final publication in pamphlet form.

Attachments

- 1. ORD-457 1% 20231221

ORDINANCE NO. _____

AN ORDINANCE ADOPTING AMENDMENTS TO THE CITY OF GRAND JUNCTION
EMPLOYEE 457 DEFERRED COMPENSATION RETIREMENT PLAN

Recitals:

Article XI, Section 88, of the City Charter requires that the City Council act by ordinance to continue, alter, establish, provide for, and amend pension plans. While the City does not provide *pensions* to most retired employees, it does provide certain retirement plans, one of which is a deferred compensation plan in accordance with Section 457 of the Internal Revenue Code ("457 Plan"). Consistent with past City practice, the City Council considers and approves in accordance with the Charter changes to retirement plans. This is such an ordinance.

On December 6, 2023, the City Council adopted Ordinance 5186 setting the City's 2024 budget and making appropriations in support of expenditures planned by the budget. That Ordinance included a 1% City contribution to participating employees' 457 Plans so long as each participating employee is electing to defer at least 2% of the employee's base salary to his or her 457 Plan. The City will contribute on behalf of each participant for a Plan Year 1% of the participating employee's base salary. The City contribution is offered as an incentive to attract and retain employees and to encourage employees to save for retirement.

Subsequent City contributions to pay employee benefits such as the 1% addition to the 457 Plan will be similarly considered, and as determined proper, approved by the City Council in accordance with annual appropriations practices.

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

1. The foregoing Recitals are incorporated and in consideration thereof, the City Council does continue, alter provide for and amend as generally set forth below, and as specifically provided in the plan documents for the City of Grand Junction Section 457 Deferred Compensation Plan, adopted and amended in accordance with Article XI, Section 88 of the Charter of the City of Grand Junction, a City contribution of 1% of participating employees base salary.
2. All lawful acts heretofore and hereafter taken by the City and its officers, agents, and employees in funding, managing, and administering the 457 Plan as adopted and amended are hereby ratified.
3. Any ordinance(s) or part thereof and/or any plan document inconsistent with the provisions of this Ordinance are hereby repealed.

INTRODUCED ON FIRST READING this ____ day of ____ 2024 and authorized to be published in pamphlet form.

PASSED, ADOPTED AND APPROVED this ____ day of ____ 2024 and authorized to be published in pamphlet form.

Anna M. Stout
President of the City Council

ATTEST:

Amy Phillips
City Clerk

DRAFT