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**CITY COUNCIL AGENDA  
WEDNESDAY, AUGUST 21, 2013  
250 NORTH 5<sup>TH</sup> STREET  
6:30 P.M. – PLANNING DIVISION CONFERENCE ROOM  
7:00 P.M. – REGULAR MEETING – CITY HALL AUDITORIUM**

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

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

Pledge of Allegiance  
Invocation – Pastor Kyle VanArsdol, Molina Baptist Church

[The invocation is offered for the use and benefit of the City Council. The invocation is intended to solemnize the occasion of the meeting, express confidence in the future and encourage recognition of what is worthy of appreciation in our society. During the invocation you may choose to sit, stand or leave the room.]

**Presentations**

July Yard of the Month

Update on Epic Rides, an Off Road Mountain Bike Endurance Event, and Appreciation of Council Support

**Proclamations**

Proclaiming the Month of September 2013 as “Western Heritage Month” in the City of Grand Junction

*Revised August 21, 2013*  
*\*\* Indicates Changed Item*  
*\*\*\* Indicates New Item*  
*® Requires Roll Call Vote*

**REVISED**

Proclaiming August 31<sup>st</sup> and September 1<sup>st</sup>, 2013 as “Western Colorado Classic Auto Event Days” in the City of Grand Junction

**Certificates of Appointment**

To the Riverfront Commission

To the Parks and Recreation Advisory Board

To the Urban Trails Committee

**Council Comments**

**Citizen Comments**

**\*\*\* CONSENT CALENDAR \*\*\*®**

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

*Action: Approve the Summary of the July 15, 2013 Readiness Session and Minutes of the August 7, 2013 Regular Meeting*

2. **Setting a Hearing on Amendments to Title 21 of the Grand Junction Municipal Code to Revise the Definition of Lot Coverage** [File # ZCA-2013-313] [Attach 2](#)

The amendments to Sections 21.03.030(e) and 21.10.020 will revise the definition of lot coverage.

Proposed Ordinance Amending Section 21.03.030(e) and 21.10.020 of the Grand Junction Municipal Code to Revise the Definition of Lot Coverage

*Action: Introduce a Proposed Ordinance and Set a Hearing for September 4, 2013*

Staff presentation: Lisa Cox, Planning Manager

\*\*\* 3. **Colorado Law Enforcement Training Center Grant Request** [Attach 3](#)

This request is for authorization to submit a request to the Garfield County Federal Mineral Lease District for a \$1,000,000 grant for the development of the Colorado Law Enforcement Training Center.

Resolution No. 56-13—A Resolution Authorizing the City Manager to Submit a Grant Request to the Garfield County Federal Mineral Lease District for the Development of the Colorado Law Enforcement Training Center

®Action: *Adopt Resolution No. 56-13*

Staff presentation: Rich Englehart, City Manager

\*\*\* END OF CONSENT CALENDAR \*\*\*

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\*\*\* ITEMS NEEDING INDIVIDUAL CONSIDERATION \*\*\*

4. **Public Hearing—Extending an Amendment to the Sales and Use Tax Code Exempting Aircraft Parts from Sales Tax** [Attach 4](#)

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

Ordinance No. 4596—An Ordinance Amending and Reinstating Section 3.12.070 of Title 3 of the Grand Junction Municipal Code Concerning the Exemption from Sales Tax of Seller Installed Aircraft Parts

®Action: *Hold a Public Hearing and Consider Final Passage and Final Publication in Pamphlet Form of Ordinance No. 4596*

Presentation: Kelly Flenniken, Grand Junction Economic Partnership Executive Director

5. **Transfer of Grand Valley Drainage District Drain (Wilsea Drain) to the City of Grand Junction** [Attach 5](#)

A Resolution to approve an agreement transferring ownership and maintenance responsibilities for the Wilsea Drain, located near 23 ¾ Road and G Road, for use by development to discharge urban storm water and transport such waters to the Colorado River.

Resolution No. 55-13—A Resolution Authorizing an Agreement Between the Grand Valley Drainage District and the City of Grand Junction Concerning the Wilsea Drain

*®Action: Adopt Resolution No. 55-13*

Staff presentation: Trent Prall, Engineering Manager

6. **Public Hearing—An Amendment to Section 9.04.230 of the Grand Junction Municipal Code Adopting Rules and Regulations Regarding the Possession/Use of Marijuana by a Minor** [Attach 6](#)

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

Ordinance No. 4597—An Ordinance Amending Section 9.04.230 of the Grand Junction Municipal Code Regarding Marijuana and Persons Under the Age of 21 Years

*®Action: Hold a Public Hearing and Consider Final Passage and Final Publication in Pamphlet Form of Ordinance No. 4597*

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

7. **Public Hearing—An Amendment to Section 9.04.070 of the Grand Junction Municipal Code Adopting Rules and Regulations Regarding Theft** [Attach 7](#)

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

Ordinance No. 4598—An Ordinance Amending Section 9.04.070 of the Grand Junction Municipal Code Regarding Thefts

*®Action: Hold a Public Hearing and Consider Final Passage and Final Publication in Pamphlet Form of Ordinance No. 4598*

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

8. **Contract for the Colorado Riverfront Trail Repair Project** [Attach 8](#)

Parks and Recreation is seeking approval to conduct repairs / reconstruction on the Riverfront Trail and on Watson Island.

*Action: Authorize the City Purchasing Division to Enter into a Contract with All Concrete Solutions, LLC of Grand Junction, CO for the Colorado Riverfront Trail Repair Project for the Bid Amount of \$86,783.51*

Staff presentation: Mike Vendegna, Park Superintendent  
Jay Valentine, Financial Operations Manager

9. **Non-Scheduled Citizens & Visitors**

10. **Other Business**

11. **Adjournment**

## GRAND JUNCTION CITY COUNCIL READINESS SUMMARY

**July 15, 2013 – Noticed Agenda Attached**

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

Meeting Adjourned: 7:08 p.m.

Council Members present: All except Councilmember Brainard. Staff present: Englehart, Shaver, Romero, Trainor, Moberg, Portner, Tice-Janda, Ranguet, and Tuin.

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### Agenda Topic 1. City Council Economic Development Budget – 2013

City Manager Englehart introduced the topic, reviewing a chart on the City's community investment overall and then specifically transportation projects. Next the list of Partnerships, Special Events, Sponsorships, and Dues was discussed. Councilmember Norris voiced concern about labeling these expenditures as economic development because these funds are not used to create jobs. Renaming these expenditures was suggested.

Jon Marachin, Incubator Director, described how the City funds help them expand and grow as well as leverage additional funds.

Kelly Flenniken, Grand Junction Economic Partnership (GJEP) Director, explained the use of the City's financial support. GJEP recruitment has been focusing on aviation, medical device manufacturing, and some energy related industries.

Other items on the list included dues and the membership fee paid to Mesa Land Trust which they use for operating expense.

### Agenda Topic 2. Commercial and Industrial Projects Under Review

City Manager Englehart referred to the list of commercial and industrial projects in the pipeline. Greg Moberg reviewed the projects that have come in for a meeting and those which have actually submitted an application over the last eighteen months.

### Agenda Topic 3. Listening to Business Update

City Manager Englehart advised that the Listening to Business program has been transferred to Kelly Flenniken as part of the Economic Development (ED) Partners. Ms. Flenniken provided an overview of the program and the tools that they use. She noted the adjustments made in the Planning Department to streamline the process have made a difference and were not issues with the companies interviewed this time. Four challenges came up in the last round of

interviews: implementation of the health care act, workforce, location (specifically as it relates to shipping and receiving and international travel), and quality of life. An overall report will be issued at the end of the year.

Jon Marachin added that the Incubator has retained a former engineer to interview some smaller companies to see if there are gaps to fill. There is also a manufacturing council which formed about seven years ago that meets in order to address some of the challenges like shipping, etc.

#### Agenda Topic 4. City Economic Development Activities

Regarding Grand Junction Staff participation in ED, City Manager Englehart reviewed how the City reorganized in order to form the Economic Development and Sustainability group. Greg Moberg explained how the group works promoting partnering. Both Mr. Marachin and Ms. Flenniken supported the efforts of the group. Mr. Moberg spoke about providing information to companies including available locations, site planning, and demographics to help make sure the business succeeds. Councilmember Boeschstein encouraged directing companies to the already developed industrial and business parks in the community.

City Manager Englehart then referred to an economic development tool that is about to sunset, specifically the Westar Aviation Sales Tax Exemption. He asked Ms. Flenniken to elaborate. Ms. Flenniken explained how the sales tax exemption for aircraft parts installed in a repair shop has helped a local business compete nationally and how this has directly helped the local company to expand. The City Council supported renewing the exemption for another three year term. Councilmember Chazen suggested that such exemptions be considered for other industries.

Next the Houston Trip was discussed. Councilmember Norris reviewed the history of trying to develop Grand Junction as an epicenter for energy. Houston has an energy development park thus the reason for the trip. Many of the attendees brought home ideas for Grand Junction, on a much smaller scale.

Lastly, Staff reviewed the development application process for the Tire Warehouse at 5th and Glenwood Avenue and what happened that caused that project to fall through. There was an issue with the applicant not responding to critical time frames and the project failed to go forward.

#### Agenda Topic 5. Next Steps

Public Works, Utilities, and Planning Director Trainor advised that a score card was developed that includes Comprehensive Plan accomplishments in the last three years. He offered to provide that information to the City Council. Councilmember Boeschenstein noted that it is good that the City has a Comprehensive Plan as businesses like to see planning in the community. Councilmember Norris said the City needs to continue to listen to businesses so she would like to see a group formed, with Deputy City Manager Moore facilitating it, to go out and hear what businesses have to say. The idea of a questionnaire being developed and given to the GJEP, the Incubator, and Chamber boards, and perhaps even expanded to others was discussed.

#### Agenda Topic 6. Other Business

Council President Susuras asked for each Councilmember to update the rest of Council on what is going on with the boards they sit on.

Councilmember Chazen said the DDA board discussed the funding agreements with DDA and the Avalon and also discussed White Hall. Regarding Associated Governments Northwest Colorado (AGNC), he will not be attending the next meeting which is in Steamboat.

Councilmember Norris said the Grand Valley Regional Transportation Committee (GVRTC) has not had a meeting since the last update.

Councilmember Doody said the Housing Authority is reviewing audits. Regarding the Public Safety Facilities Committee, the projects are moving along; Fire Station #2 is getting a new roof, Fire Administration is open, and they are working on some issues with the HVAC at the Police Department Building. The dedication date is September 7 for the Public Safety Complex.

Councilmember Boeschenstein said they interviewed applications and selected four new members. Riverfront Commission is excited about the progress for development of Las Colonias. Mesa Land Trust is working on their monument corridor plan to retain more open space. The Incubator Board meetings he attends have already been discussed.

Council President Susuras announced that the Airport Board has finally reached agreement on airport tenant leases. The Board approved a contract with Shaw Construction for an \$8 million administration building and all but \$300,000 is grant funded.

With no other business, the meeting was adjourned.



**GRAND JUNCTION CITY COUNCIL  
READINESS SESSION  
MONDAY, JULY 15, 2013, 5:00 P.M.  
CITY HALL AUDITORIUM  
250 N. 5<sup>TH</sup> STREET**

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

**Growth and Economic Development Issues**

- 1. City Council Economic Development Budget - 2013**
- 2. Commercial and Industrial Projects Under Review**
- 3. Listening to Business Update**
- 4. City Economic Development Activities**
  - Grand Junction Staff Participation in ED**
  - Westar Aviation Sales Tax Exemption**
  - Houston Trip**
  - Tire Warehouse at 5<sup>th</sup> and Glenwood Ave.**
- 5. Next Steps**
- 6. Other Agenda Topics**

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

**August 7, 2013**

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

Council President Susuras called the meeting to order. Councilmember Norris led the Pledge of Allegiance, followed by a moment of silence.

**Appointments**

Councilmember Boeschstein moved to appoint Dr. Terri Wenzlaff for a partial term expiring June 30, 2014, appoint Michelle Bailey and Daniel Fitzgerald for partial terms expiring June 30, 2015, and appoint Dr. Kristin Heumann, Eric Marchese, and Dr. Jeff Kuhr for three year terms expiring June 30, 2016, all to the Urban Trails Committee. Councilmember Doody seconded the motion. Motion carried by roll call vote.

Councilmember Chazen moved to re-appoint Scott Coleman and appoint Gary Schroen and Bob Wiig to the Parks and Recreation Advisory Board for three year terms expiring June 30, 2016. Councilmember Norris seconded the motion. Motion carried by roll call vote.

**Certificates of Appointment**

Kevin Reimer was present to receive his Certificate of Appointment to the Downtown Development Authority/Downtown Grand Junction Business Improvement District Board.

Claudette Konola, Bob Fuller, and Eric James were present to receive their Certificates of Appointment to the Riverfront Commission.

**Council Comments**

Councilmember McArthur stated that he attended the dedication of the Latter Day Saints (LDS) Church Bishop's Storehouse which recently relocated. The facility serves members of the Church and members of the public. The public can buy food at wholesale prices and people who are in need can get bulk food.

Councilmember Chazen said he toured Hilltop facilities including the Latimer House. He was impressed by the quality staff at Hilltop and he encouraged community support of the organization. He also toured the HomewardBound Shelter and was impressed with the new leadership and plans for their future expansion.

Councilmember Norris said she was part of the interview process in the past month for the volunteer boards and commissions. She thanked those who applied and interviewed and lauded the quantity and quality of volunteers.

Councilmember Boeschstein said he and Councilmember Norris attended the Incubator meeting. All of the Councilmembers attended the recent Grand Junction Economic Partnership (GJEP) meeting in Foresight Park. He noted that Foresight Park is no longer in the Enterprise Zone and the boundaries of the Enterprise Zones need some changes. There may be changes possible through the State legislature to get Foresight Park back into the Enterprise Zone.

### **Citizen Comments**

John Williams, 433 N. 7<sup>th</sup> Street, exclaimed it was a victory for the City when Rick Brainard stepped down from Council. He then talked about drones that look like birds and said they are a huge invasion of privacy. He said Grand Junction is the capital for drones as there are many in this area. He talked about a book that he is writing. He left the podium momentarily, then returned to comment that better laws are needed on the island.

Kathryn Christian, 960 White Avenue, extended an invitation to the City Council and the citizens to a community meeting regarding the FRAM oil and gas development in the Whitewater area. She has concerns with the Bureau of Land Management (BLM) assessment of this proposal and its failure to employ best management practices. The meeting is tomorrow at 7:00 p.m. at the Mesa County Road and Bridge building, second floor in Building B. The speakers will address air and water quality and the affect they have on property values.

Mare Charlesworth, 2712 Rincon Drive, addressed Councilmembers Doody and Boeschstein for standing up for the No Brainard group. She thanked Councilmember Doody for walking out of a Council meeting and for that she bestowed upon him a "lose the drama" sign. She then thanked Councilmember Boeschstein, and said that the citizens back him. She then thanked the three "chamber-mades" and presented them with a "thanks for nothing award". She gave Council President Susuras a "light bulb award" because he did not see that Rick Brainard was an abuser. She said the light came on after the Mayor and others were attacked in Mr. Brainard's resignation letter. She said the Mayor had been used. She challenged Council President Susuras to not seek a "chamber-made" to replace Councilmember Brainard. She had issues with Duncan McArthur being placed on the Council.

Christina Hoagland, 578 N. 26<sup>th</sup> Street, represented those who witnessed the Rick Brainard episode; the citizens are now paying closer attention. She expressed her appreciation for Harry Butler and his life. Her comments were about choosing Councilmembers by election, noting Councilmember Doody and Boeschstein supported having an election. Awards of Excellence were presented to Councilmembers Doody and Boeschstein.

## CONSENT CALENDAR

Councilmember Doody read the Consent Calendar Items #1-9 noting that the hearings for items 4 and 6 will be scheduled for September 4, 2013 and then moved for approval. Councilmember Boeschstein seconded the motion. Motion carried by roll call vote.

### 1. **Minutes of Previous Meetings**

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

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

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

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

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

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

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

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

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

4. **Setting a Hearing on Amending the Grand Junction Municipal Code to Prohibit Retail Sale of Marijuana**

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

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

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

5. **Setting a Hearing on Extending an Amendment to the Sales and Use Tax Code Exempting Aircraft Parts from Sales Tax**

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

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

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

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

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

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

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

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

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

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

8. **Amending Council Committee Assignments for 2013 – 2014**

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

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

*Action: Adopt Resolution No. 51-13*

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

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

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

## **ITEMS NEEDING INDIVIDUAL CONSIDERATION**

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

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

Scott D. Peterson, Senior Planner, presented this item. He described the site, the location, and the request. The purpose is for asphalt paving and landscaping for employee parking for Carville's AutoMart. Revocable permits may be granted if they are not detrimental to the public but the permit can be revoked anytime the City Council deems appropriate. The paving and landscaping do not interfere with any future planned City improvements. Staff believes the criteria of the Zoning and Development Code have been met and asks that conditions be placed on the permit: access for the storm drain and the applicant will have to replace any asphalt and landscaping if removed for repair of the storm drain. The applicant must also recognize that street maintenance including snow and ice removal may affect that property which lies below the 25 Road overpass and the City will not be responsible for any damage.

Councilmember Doody asked if the permit is reviewed over time. Mr. Peterson said the permit is recorded and passes with title. The City has the right at anytime to revoke the permit and ask that the improvements be removed.

Councilmember Boeschstein asked if there is only a bike lane on the east side of the overpass with no sidewalk. Mr. Peterson confirmed there is a sidewalk only on the west side.

Council President Susuras asked if Mr. Carville was interested in purchasing the property. Mr. Peterson said Mr. Carville bought adjacent property which was a remnant from the Riverside Parkway project, which is a separate parcel. There is no immediate use for the property.

City Attorney Shaver said Mr. Carville owns part of the property but the City retained the rest of the property to maintain access control of the overpass.

Councilmember McArthur asked if the lower section is part of the right-of-way of Independent Avenue. Mr. Peterson said it is but the area runs into the wall that supports

the elevated roadway. Mr. Carville does intend to landscape and pave the area and he has been asked to eliminate the access because it is a safety hazard.

Councilmember Chazen asked if the City will have any liability for vehicles stored on the lot. City Attorney Shaver said the permit includes an indemnity clause for that purpose, so the City will not be responsible.

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

Councilmember Boeschstein moved to adopt Resolution No. 52-13. Councilmember Norris seconded the motion. Motion carried by roll call vote.

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

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

Tim Moore, Deputy City Manager, introduced this item.

Doug Karl, Director of HomewardBound, made a presentation that included statistics for the Shelter and the program. He noted the number of families in need continues to grow as well as single women in need of services. The Shelter will also provide day medical assistance, in other words a bed for those who are ill and need a place to stay.

Mr. Karl then spoke to the organization's Guided Growth Plan prompted by their capacity/overflow situation and their renewed perspective that the Shelter is the first step in a person or family's life to help them return to the community. He described how their plans will meet those needs. They were recently awarded a grant to perform an audit to plan for energy efficiency at the existing Shelter. He detailed the medical day care, also called medical respite care.

Mr. Karl presented the conceptual plans for the Family Centre and said they are looking for a 2.5 acre site. He explained each element of the Family Centre, including an area where medical providers can come to the Centre to care for the clients, daycare for children, and separate residential pods.

They are trying to secure a contract by spring of 2014 and will begin their capital campaign. They are asking for approval of their grant award to help with that project.



Councilmember Norris commended HomewardBound Director, Doug Karl for the work to secure funds for the remodel of the old building and the plan to use this grant for what it was originally awarded.

Councilmember Chazen thanked Mr. Karl, the board chair, and other board members for the tour of the facility and for their work in making a plan for the new facility. He cautioned that there is a time frame for the funds and the City has a fiduciary responsibility for the funds as they are federal funds. The amount is a large one for CDBG. He asked that they come back to Council if the site search is not going as planned so the money can be reallocated. He is ready to support the plan.

Council President Susuras thanked HomewardBound for the service they provide the community.

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

Councilmember Doody moved to adopt Resolution No. 53-13. Councilmember McArthur seconded the motion. Motion carried by roll call vote.

### **Great Outdoors Colorado Grant Council Resolution for Las Colonias Park Phase I**

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

Rob Schoeber, Parks and Recreation Director, presented this item. He reviewed the project, the request, and how the development will be pursued in phases. Phase I includes the west end including parking, a native arboretum, a grassy parking area, and a restroom/shelter. Funding from the City will come from the parkland expansion fund which are funds collected over years from development. The request is for \$232,151 in City funds for 2014. The overall budget is just under \$850,000.

Council President Susuras said he has heard there are twelve phases in the development and asked if the plan is to take it one phase per year. Mr. Schoeber said the phases will be done as funding becomes available; timing will depend on the support, resources, and grant funding acquired.

Councilmember Chazen noted that some areas within the park have contaminated soils. He asked if any of the soil in Phase I is contaminated. Mr. Schoeber said there is no contamination in the area of Phase I, and the City will continue to work with the Department of Energy (DOE) for the future phases.

Councilmember Boeschstein thanked Mr. Schoeber and all the Staff who worked on this development. He lauded all the partners in the project and noted how this will stimulate other development in the area.

Councilmember Norris thanked Mr. Schoeber and said he did a good job going after available funds. She noted that a number of citizens have already been involved, particularly the disc golf group who have done a lot of cleanup. She lauded the Riverfront Commission and other partners.

Councilmember Chazen said he still has concern that the Council is committing funds for 2014 and this will only leave \$300,000 in the fund for all other parks expansion. He is not so much against the project but rather the process as he does not know what the other competing uses for the funds are. He appreciates the hard work of Staff and honors the partners but he would prefer to delay the application until Council has gone through the budget process.

Councilmember McArthur said Mr. Schoeber gave a presentation to the Associated Members of Growth and Development regarding the Master Plan for Las Colonias and Phase I was well received. He thanked Mr. Schoeber for answering all their questions and concerns.

Councilmember Doody said he was pleased to see the project get started, it has been a long time getting to this point. He believes it will be a huge economic boost for Grand Junction.

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

Councilmember Boeschstein moved to adopt Resolution No. 54-13. Councilmember Doody seconded the motion. Motion carried by roll call vote 5 to 1 with Councilmember Chazen voting NO.

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

There were none.

### **Other Business**

There was none.

### **Adjournment**

The meeting was adjourned and then reopened to allow an additional comment from Diane Cox.

Diane Cox, 3641 B ½ Road, Palisade, thanked Councilmembers for taking a stand against drug dealers in this community. She spoke of the serious issues stemming from medical marijuana and how it is infiltrating into the school system and creating many problems. She said the proposed Ordinance to adopt rules and regulations regarding the possession/use of marijuana by a minor represents the wishes of this community and has been reflected by how the people in this community voted on this issue in past elections. She again thanked Council for moving forward to oppose marijuana and protect the youth in this community.

The meeting was adjourned at 8:17 p.m.

Stephanie Tuin, MMC  
City Clerk



Date: August 6, 2013  
 Author: Lisa Cox, AICP  
 Title/ Phone Ext: Planning  
Manager/1448  
 Proposed Schedule:  
 1<sup>st</sup> Reading: August 21, 2013  
 2nd Reading: September 4, 2013  
 File #: ZCA-2013-313

**Attach 2**  
**CITY COUNCIL AGENDA ITEM**

<b>Subject:</b> Amendments to Title 21 of the Grand Junction Municipal Code to Revise the Definition of Lot Coverage
<b>Action Requested/Recommendation:</b> Introduce a Proposed Ordinance and Set a Public Hearing for September 4, 2013
<b>Presenter(s) Name &amp; Title:</b> Lisa Cox, Planning Manager

**Executive Summary:**

The amendments to Sections 21.03.030(e) and 21.10.020 will revise the definition of lot coverage.

**Background, Analysis and Options:**

On April 5, 2010 the Grand Junction City Council adopted the updated 2010 Zoning and Development Code, codified as Title 21 of the Grand Junction Municipal Code (GJMC). City Council has requested that staff propose amendments to Title 21 as needed to maintain a dynamic, responsive Zoning Code. The proposed amendments will enhance the responsiveness of the Zoning Code to the concerns of citizens and enhance its effectiveness.

The definition of lot coverage prior to 2001 was “*Lot coverage means that area of the lot or parcel which may be occupied by principal and accessory structures.*” In 2001, the City revised the Zoning Code definition of lot coverage to include “and other impervious surfaces.” This meant that driveways, patios, tennis courts, sidewalks and RV storage pads were now included in the calculation of lot coverage. In 2010, the City revised the Zoning Code and reduced the minimum lot size in several residential zone districts which further restricted the area available for lot coverage in those districts.

Lot coverage for nonresidential zone districts is generally not applicable because nonresidential lots are required to detain stormwater runoff on-site. Residential development utilizes on-site detention ponds, either as a separate parcel in the subdivision or in a regional detention facility, to detain runoff for the entire development (as opposed to a lot by lot basis).

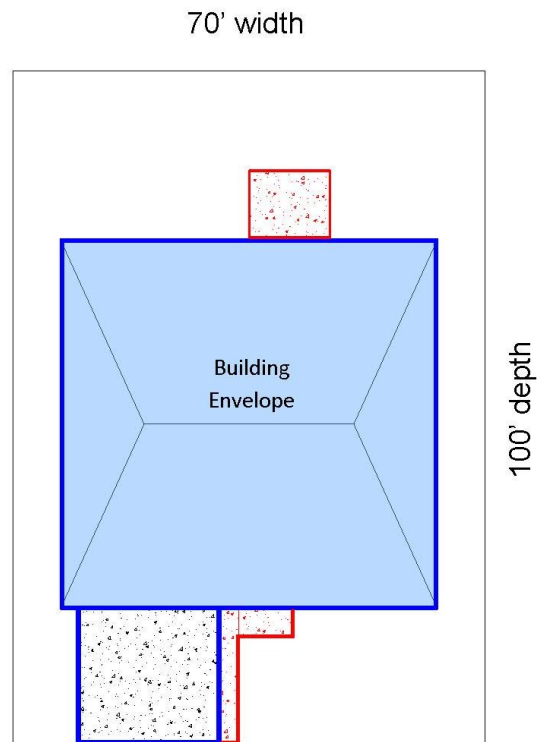
The issue with the current definition of lot coverage is not defining it to include principal and accessory structures, but including “and other impervious surfaces” as part of the definition. Because maximum lot coverage requirements apply to residential lots, the

more restrictive definition of lot coverage has created a problem for many residential lot owners as they seek to construct building additions, accessory structures or areas for outdoor living and recreation. The outdoor living space that often include patios, driveways, tennis courts, sidewalks, etc. that residents use and enjoy as part of their home environment is included as “other impervious surfaces” which has compounded the issue of lot coverage.

The City’s intention has been to regulate the residential built environment but not the surface environment. The two Code amendments made in 2001 and 2010 created nonconforming lots in all residential zone districts. For some residential zones, citizens desiring to expand their outdoor living or take greater advantage of larger lots by adding accessory structures or building additions have been denied because of the more restrictive method of calculating lot coverage since 2010. Many of these residential lots were already at the maximum allowed lot coverage due to the definition encompassing not only existing structures, but all of the hardscape and existing outdoor living space. Several citizens wanting to expand their residential living area to include more outdoor living space to take advantage of the pleasant climate in the Grand Valley have also been denied, or have unknowingly installed improvements that are not compliant with the maximum allowed lot coverage and are in violation of the Zoning Code. There are many do-it-yourself residents that spend weekends constructing patios and other amenities in their yards that are unaware that a permit may be required for their projects.

The graphic to the right shows a typical lot for the R4 zone district and the challenges that property owners face using the current definition of lot coverage:

- R4 minimum lot size:** 7,000 sf
- Front setback:** 20 feet
- Side setback:** 7 feet
- Rear setback:** 25 feet
- Maximum lot coverage:** 50%



- Allowed impervious surface area
- Typical improvements that would not be allowed (sidewalks, patio, standard width driveway)

Even in lower density zone districts, the current definition of lot coverage creates challenges. The map below shows a neighborhood zoned R1 (Residential 1du/ac with minimum lot size of 30,000 square feet) located west of 26 ½ Road, between Stepside Drive and Dahlia Drive. Each property shown with blue structures is over the allowed lot coverage for the R1 zone:



### Residential Lot Analysis

In an effort to analyze the impact of the current definition of lot coverage, Planning staff surveyed approximately 5.5% of all residential lots in the City (13,933 total residential lots). Of the 788 lots that were surveyed, it is estimated that at least 282 and possibly up to 357 lots are over the allowed lot coverage (between 33 to 50 percent of the sampled lots). In addition to the lots that exceed the allowed lot coverage, many residential lots were close to the maximum lot coverage and would not be allowed to add a patio or other area of impervious surface under the current definition of lot coverage.

As part of the analysis, Planning staff and the City Development Engineer also considered the potential overall impact to drainage based on the proposed amendments. The City Development Engineer stated that all new residential development in the last 15+ years have been required to detain runoff from each development on-site through a detention pond with a slow, controlled release over time. Water is treated as it is released to comply with stormwater management requirements.

Older developments tended to have larger lots with larger setbacks that allowed runoff to drain downhill to either a backyard swale or to a barrow ditch which led to a pipe or other drainage facility. The City Development Engineer does not anticipate a global or community problem with drainage for older existing development that may want to expand their principal or accessory structures or to add other impervious areas such as patios, sidewalks or driveways if the proposed amendments are adopted. If older developments were to redevelop they would be required to detain runoff under current regulations.

If the definition of lot coverage is revised as proposed, there is a potential that residential property owners could cover up to 100% of a lot with impervious material. Staff believes that this is very unlikely because of little need or desire to do so, and the expense involved. Problems from the proposed change are expected to be minimal and isolated and can be addressed on a case by case basis if and when they arise.

### Recommendation

Staff has recently received several requests from citizens who wish to make improvements that would increase, and exceed, the allowed lot coverage which have been denied due to the current definition of lot coverage.

After analysis of the impacts of the current definition of lot coverage, staff proposes that the definition of lot coverage be revised to the pre-2001 Zoning Code definition. The proposed amendments to Sections 21.03.030(e) and 21.10.020 would revise the definition of lot coverage to read as follows with deleted text shown by strikethrough:

*Lot coverage* means that area of the lot or parcel which may be occupied by principal and accessory structures, ~~and other impervious surfaces.~~

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

The proposed amendment is consistent with the following goal and policy of the Comprehensive Plan:

Goal 5: To provide a broader mix of housing types in the community to meet the needs of a variety of incomes, family types and life stages.

Policy 5A: In making land use and development decisions, the City and County will balance the needs of the community.

The vision of the Comprehensive Plan is to become the most livable community west of the Rockies. Part of being a livable community includes taking advantage of the mild climate of the Grand Valley by providing a range of housing types and lifestyles, including outdoor living. It supports the notion that a residential property owner can create a yard that includes amenities that fits his or her lifestyle. The proposed Code amendments support the vision and goals of the Comprehensive Plan by providing a broader range of housing types and opportunities that include both indoor and outdoor living that appeal to a diverse population of people in all life cycles: singles, couples, families and retirees.

**Board or Committee Recommendation:**

The Planning Commission heard the matter on August 13, 2013 and forwards a recommendation to adopt the amendments as proposed with the following findings of fact and conclusions:

1. The proposed amendments are consistent with the goals and policies of the Comprehensive Plan.
2. The proposed amendments will help implement the vision, goals and policies of the Comprehensive Plan.

**Financial Impact/Budget:**

There are no anticipated financial or budget impacts.

**Legal issues:**

The proposed amendments have been reviewed by the Legal Division and found to be compliant with applicable law.

**Other issues:**

Mesa County Planning Division reviewed the proposed amendments and provided comments.

**Previously presented or discussed:**

N/A

**Attachments:**

Proposed Ordinance



# CITY OF GRAND JUNCTION, COLORADO

## ORDINANCE NO.

### AN ORDINANCE AMENDING SECTION 21.03.030(E) AND 21.10.020 OF THE GRAND JUNCTION MUNICIPAL CODE TO REVISE THE DEFINITION OF LOT COVERAGE

#### Recitals:

On April 5, 2010 the Grand Junction City Council adopted the updated 2010 Zoning and Development Code, codified as Title 21 of the Grand Junction Municipal Code of Ordinances.

The Grand Junction City Council encourages updating of the Zoning and Development Code in order to maintain its effectiveness and responsiveness to the citizens' best interests.

The definition of lot coverage prior to 2001 was "*Lot coverage means that area of the lot or parcel which may be occupied by principal and accessory structures.*" In 2001, the City revised the Zoning Code definition of lot coverage to include "and other impervious surfaces." This meant that driveways, patios, sidewalks and RV storage pads were now included in the calculation of lot coverage. In 2010, the City revised the Zoning Code and reduced the minimum lot size in several residential zone districts which further restricted the area of lot coverage in those districts.

The two Code amendments made in 2001 and 2010 created nonconforming lots in all residential zone districts. For some residential zones, citizens desiring to expand their outdoor living or take greater advantage of larger lots by adding accessory structures or building additions have been denied because of the more restrictive method of calculating lot coverage since 2010. Many of these residential lots were already at the maximum allowed lot coverage due to the definition encompassing not only existing structures, but all of the hardscape and existing outdoor living space. Several citizens wanting to expand their residential living area to include more outdoor living space to take advantage of the pleasant climate in the Grand Valley have also been denied, or have installed improvements that are not compliant with the maximum allowed lot coverage and are in violation of the Zoning Code.

After analysis of the impacts of the current definition of lot coverage, staff proposes that the definition of lot coverage be revised to the pre-2001 Zoning Code definition.

After public notice and a public hearing as required by the Charter and Ordinances of the City, the Grand Junction Planning Commission recommended approval of the proposed amendments for the following reasons:

1. The request is consistent with the goals and policies of the Comprehensive Plan.

2. The proposed amendments will help implement the vision, goals and policies of the Comprehensive Plan.

After public notice and a public hearing before the Grand Junction City Council, the City Council hereby finds and determines that the amendments to revise the definition of lot coverage will implement the vision, goals and policies of the Comprehensive Plan and should be adopted.

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

Section 21.03.030(e) and Section 21.10.020 are amended as follows (deletions shown by strikethrough, additions are underlined):

21.030.030(e), Lot Coverage:

(e) Lot Coverage. Lot coverage is measured as the percentage of the total lot area covered by buildings ~~and other impervious surfaces~~. It is calculated by dividing the square footage of impervious surface by the square footage of the lot.

21.10.020, Terms Defined:

*Lot Coverage* means that area of the lot or parcel which may be occupied by principal and accessory structures, ~~and other impervious surfaces~~.

All other provisions of Sections 21.03.030(e) and 21.10.020 shall remain in full force and effect.

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

PASSED and ADOPTED on second reading the \_\_\_\_ day of \_\_\_\_\_, 2013 and ordered published in pamphlet form.

ATTEST:

\_\_\_\_\_  
President of the Council

\_\_\_\_\_  
City Clerk



Date: August 21, 2013  
 Author: Kathy Portner  
 Title/ Phone Ext: Econ Dev & Sustainability, ext. 1420  
 Proposed Schedule: Aug. 21, 2013  
 2nd Reading  
 (if applicable): N/A  
 File # (if applicable): N/A

Attach 3

**CITY COUNCIL AGENDA ITEM**

<b>Subject:</b> Colorado Law Enforcement Training Center Grant Request
<b>Action Requested/Recommendation:</b> Approve a Resolution Authorizing the City Manager to Submit a Grant Request to the Garfield County Federal Mineral Lease District for the Development of the Colorado Law Enforcement Training Center
<b>Presenter(s) Name &amp; Title:</b> Rich Englehart, City Manager

**Executive Summary:**

This request is for authorization to submit a request to the Garfield County Federal Mineral Lease District for a \$1,000,000 grant for the development of the Colorado Law Enforcement Training Center.

**Background, Analysis and Options:**

The City has partnered with Mesa County and Colorado Mesa University to develop the Colorado Law Enforcement Training Center (CLETC) to meet the training needs of law enforcement and first responder agencies throughout the region and state, as well as students in the CMU Peace Officer Standards and Training (POST) academy. The training center is located on 80 acres acquired from the U.S. Bureau of Land Management at Whitewater Hill.

The CLETC is a multi-phased project, including a driver training track, a simulated city block training area, a pistol shooting range, a POST classroom building, a fire training area and a fitness course. Phase I of the project, the driver training and high speed pursuit track, was recently dedicated. We have the opportunity to apply for a grant from the Garfield County Mineral Lease District for the development of the classroom building and simulated city block.

The Garfield County Federal Mineral Lease District grant can cover up to 70% of project cost, with a maximum grant award of \$1 million. The proposed grant request will not exceed \$1 million for an estimated \$1.4 million project cost. The required 10% cash match will be provided by CMU, with the remainder of the project cost being provided by the City of Grand Junction and Mesa County with in-kind engineering services and with CMU's purchase of houses near the main campus that will be relocated to the Whitewater site for the simulated city block.

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

*Goal 11: Public facilities and services for our citizens will be a priority in planning for growth.*

*Policy A: The City will plan for the locations and construct new public facilities to serve the public health, safety and welfare, and to meet the needs of existing and future growth.*

The Colorado Law Enforcement Training Center will serve the region's public health, safety and welfare needs.

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

*Policy A: Through the Comprehensive Plan's policies the City and County will improve as a regional center of commerce, culture and tourism.*

As does Colorado Mesa University and Western Colorado Community College, the Colorado Law Enforcement Training Center will strengthen the community's position as a regional center.

**Board or Committee Recommendation:**

NA

**Financial Impact/Budget:**

The required cash match will be provided by Colorado Mesa University.

**Legal issues:**

If awarded the grant funding documents shall be reviewed and approved by the City Attorney such that the same are consistent with the prior and now this Resolution.

**Other issues:**

NA

**Previously presented or discussed:**

NA

**Attachments:**

Resolution authorizing application to the Garfield County Federal Mineral Lease District in accordance with the representations made in this report.

**CITY OF GRAND JUNCTION, COLORADO**

**RESOLUTION NO. \_\_\_\_-13**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT A GRANT REQUEST TO THE GARFIELD COUNTY FEDERAL MINERAL LEASE DISTRICT FOR THE DEVELOPMENT OF THE COLORADO LAW ENFORCEMENT TRAINING CENTER**

**RECITALS.**

The City has partnered with Mesa County and Colorado Mesa University to develop the Colorado Law Enforcement Training Center (CLETC) to meet the training needs of law enforcement and first responder agencies throughout the region and state, as well as students in the CMU Peace Officer Standards and Training (POST) academy. The training center is located on 80 acres acquired from the U.S. Bureau of Land Management at Whitewater Hill.

The CLETC is a multi-phased project, including a driver training track, a simulated city block training area, a pistol shooting range, a POST classroom building, a fire training area and a fitness course. Phase I of the project, the driver training and high speed pursuit track, was recently dedicated. We have the opportunity to apply for a grant from the Garfield Mineral Lease District for the development of the classroom building and simulated city block.

The Garfield County Federal Mineral Lease District grant can cover up to 70% of project cost, with a maximum grant award of \$1 million. The proposed grant request will not exceed \$1 million for an estimated \$1.4 million project cost. The required 10% cash match will be provided by CMU, with the remainder of the project cost being provided by the City of Grand Junction and Mesa County with in-kind engineering services and with CMU's purchase of houses near the main campus that will be relocated to the Whitewater site for the simulated city block.

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council of the City of Grand Junction does hereby authorize the City Manager to submit a \$1 million grant request in accordance with and pursuant to the recitals stated above to the Garfield County Federal Mineral Lease District for the Development of the Colorado Law Enforcement Training Center.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
President of the Council

ATTEST:

\_\_\_\_\_  
City Clerk



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

**Attach 4**  
**CITY COUNCIL AGENDA ITEM**

<b>Subject:</b> Extending an Amendment to the Sales and Use Tax Code Exempting Aircraft Parts from Sales Tax
<b>Action Requested/Recommendation:</b> Hold a Public Hearing and Consider Final Passage and Final Publication in Pamphlet Form of the Proposed Ordinance
<b>Presenter(s) Name &amp; Title:</b> Kelly Flenniken, Grand Junction Economic Partnership  Executive Director

**Executive Summary:**

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

**Background, Analysis and Options:**

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

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

The City is committed to a fair and responsible tax code and the principles of economic development and local prosperity. The City, as a home rule municipality, and the City Council as the elected representatives of the citizens of Grand Junction have the

authority to enact tax policy that can help sustain and grow the local economy. From time to time adjustments have been made to the sales tax code for the betterment of the community.

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

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

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

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

**Board or Committee Recommendation:**

None

**Financial Impact/Budget:**

Loss of sales tax revenue on seller installed aircraft parts.

**Legal issues:**

None

**Other issues:**

None

**Previously presented or discussed:**

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

**Attachments:**

Proposed Ordinance

**ORDINANCE NO. \_\_\_\_**

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

**RECITALS:**

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

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

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

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

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

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

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

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



**3.12.070 Exemptions from sales tax.**

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

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

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

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

Introduced on first reading the 7th day of August, 2013 and ordered published in pamphlet form.

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

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President of the City Council

ATTEST:

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City Clerk



Attach 5

## CITY COUNCIL AGENDA ITEM

Date: May 23, 2013  
 Author: Greg Trainor  
 Title/ Phone Ext: Public Works, Utilities, Planning and Streets Director/244-1564  
 Proposed Schedule: Wednesday, August 21, 2013  
 2nd Reading  
 (if applicable): N/A  
 File # (if applicable): N/A

<b>Subject:</b> Transfer of Grand Valley Drainage District Drain (Wilsea Drain) to the City of Grand Junction
<b>Action Requested/Recommendation:</b> Adopt a Resolution Approving the Transfer of the Wilsea Drain from the Grand Valley Drainage District to the City of Grand Junction
<b>Presenter(s) Name &amp; Title:</b> Trent Prall, Engineering Manager

### Executive Summary:

A Resolution to approve an agreement transferring ownership and maintenance responsibilities for the Wilsea Drain, located near 23 ¾ Road and G Road, for use by development to discharge urban storm water and transport such waters to the Colorado River.

### Background, Analysis and Options:

The owner of the Wilsea Drain, the Grand Junction Drainage District, has requested that the City take ownership and maintenance responsibility for the Wilsea Drain because of use by the Medical Office Building, Community Hospital, and surrounding development to the north.

The original purpose of the Drain was to collect seep waters so that lands could be cultivated. Over time, as agricultural activities expanded within the Drainage District, return flows (“waste water”) from irrigation flowed into the drain via laterals and lands within the District. More recently, in large part due to residential and commercial development, water flowing in the Drain consists of seepage, surface drainage and used and unused waters from lands within the District and lands to the north of the District boundaries. The City and the District have concluded that the Drain will carry significant volumes of storm water from streets, undeveloped areas and residential, commercial and other developments within the City limits. The remaining volume in the Drain is from seepage and irrigation return flows (“Drainage”).

The City, as part of the land use and development review processes, requires that developers plan for storm water drainage. For years, developers have constructed facilities that direct storm water discharges into drains, and the District has allowed the same to occur.

In order to accommodate the storm water drainage needs of the community and recognizing that residential, commercial and other development will continue to expand into the areas historically served by the Grand Valley Drainage District, the City has indicated its willingness to, pursuant to the terms of a written Agreement, accept ownership, maintenance, and operational control of the Wilsea Drain, as specifically described on the Drain Exhibit Map.

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

**Goal 1:** To implement the Comprehensive Plan in a consistent manner between the City of Grand Junction and the Grand Valley Drainage District.

**Goal 3:** The Comprehensive Plan will create ordered and balanced growth. Management of storm water and development of flood control will insure that development can take place within the Grand Valley in a safe and orderly manner.

**Board or Committee Recommendation:** The Board of the Drainage District and staffs of the District and the City have reviewed the Agreement and are recommending its approval.

**Financial Impact/Budget:**

Costs are dependent on several factors:

1. Timing of urban development in the Wilsea drainage basin.
2. Impervious surfaces in the Wilsea drainage basin that create quantity of water.
3. Development of the 521 Stormwater Authority and its ability to raise funds for stormwater improvements.

Presently the City of Grand Junction has modest funds to maintain and operate drains to accommodate stormwater. These are located in the stormwater accounts of the Streets Department of Public Works and have ranged between \$0 and \$200,000 over the past five years. In 2013, there is \$100,000 for clearing work in Leach Creek and other areas.

Although pipe maintenance costs of \$3,171.00 per year are estimated, it is likely that only modest flows will be created in the Wilsea Drain from urban development in the near and intermediate term (1-10 years). These funds will eventually need to be budgeted. During this period the Drainage District has agreed to assist the City in maintaining the open portions of the Drain on an as-needed basis. However, pipe rehab work will have to happen at a cost of \$7,600 in 2014 and \$25,200 in 2016. This compares well with the \$27,000 cost of the 22 Road ROW, if the City had to purchase it.

Finally, the 521 Drainage Authority plays a role. The transfer of the Drain to the City is an interim step. The 521 Authority is working to create a utility fee, with a vote of the public that would allow all stormwater to become the responsibility of the Authority. In such a case, the Wilsea Drain and other drains in the urban growth boundary would be transferred from the City to the Authority.

**The “do-nothing” alternative:**

The transfer of the Wilsea Drain to the City was in exchange for the Drainage District transferring rights of way to the City for the construction of the 22 Road project. Should the transfer resolution not be passed, the City would be responsible for reimbursing the Drainage District for the 22 Road rights of way. Maximum exposure for this ROW would be approximately \$27,000.

In addition, alternative carriage of stormwater from the Medical Office Building, Community Hospital, and additional development in the Wilsea Drain basin would have to be devised as the Drainage District will not allow urban run-off into their facilities.

**Legal issues:**

Several dealing with municipal stormwater permit requirements

**Other issues:**

Stormwater/flood control with the 5-2-1 Drainage Authority

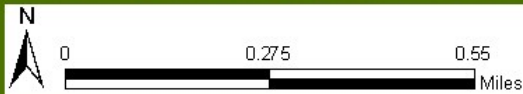
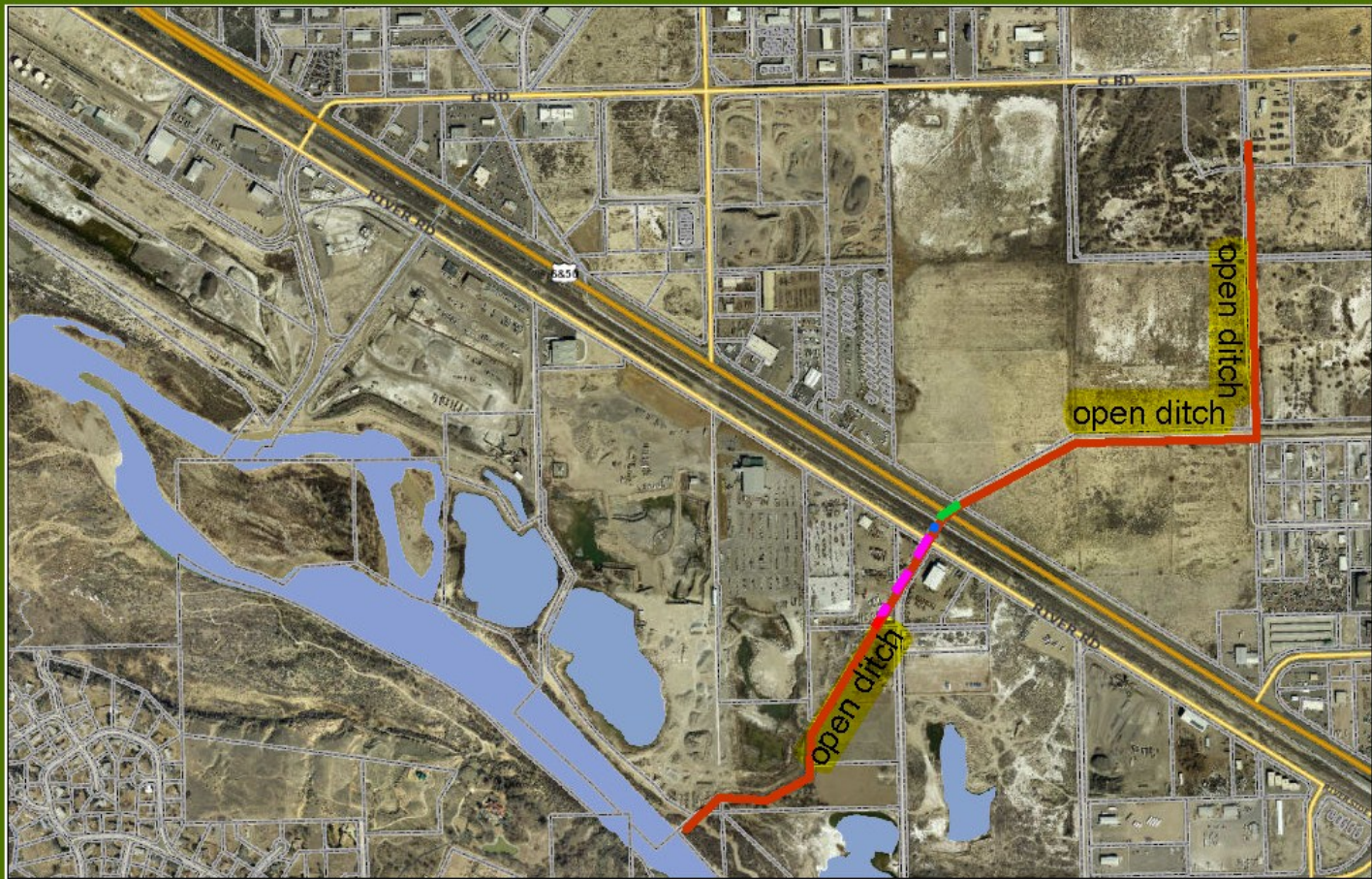
**Previously presented or discussed:**

Talked about previously at the June 17<sup>th</sup> Readiness Meeting and at the August 5, 2013 workshop.

**Attachments:**

Wilsea Drain Maps  
Resolution and Transfer Agreement

# Wilesea Drain Ditch Sections



Printed: 7/29/2013

1 inch = 952 feet



# Wilsea Drain Piped Sections



Printed: 7/30/2013

1 inch = 238 feet



**RESOLUTION NO. \_\_\_\_ -13**

**A RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE GRAND VALLEY DRAINAGE DISTRICT AND THE CITY OF GRAND JUNCTION CONCERNING THE WILSEA DRAIN**

Recitals.

The Grand Valley Drainage District owns the Wilsea drain in the vicinity of 24 and G Roads in Grand Junction. The Wilsea is just one of many of the District's drains. For many years, the agricultural uses of the lands originally served by the drains have diminished leaving little if any agricultural return flow water in the drain. The Wilsea drains original purpose was to collect water so that lands could be cultivated; more recently, in large part due to residential and other development, water in the drain originates from streets and developed and developing commercial and residential areas.

The City, as part of the land use and development review processes, requires that developers plan for storm water drainage. Two such developments, the medical office building and Community Hospital, are current relevant examples of the process. Both will discharge to the Wilsea drain. While developers have historically relied on the District's facilities to convey storm water discharges, and the District has allowed the same to occur in the past, it can no longer do so because the storm water drainage needs will continue to expand, including water quality, not just quantity.

In order to address the growing demand for storm water facilities the City has expressed its willingness to, pursuant to the terms of the attached written agreement, accept future ownership, maintenance and operational control of the Wilsea drain.

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

That the City Council finds and determines that the Wilsea Drain transfer agreement is in the best interest of the City and therefore authorizes and directs the City Manager to execute the agreement and act in accordance therewith.

PASSED and ADOPTED the \_\_\_\_ day of \_\_\_\_\_ 2013.

\_\_\_\_\_  
President of the City Council

ATTEST:

\_\_\_\_\_  
City Clerk

AGREEMENT  
FOR TRANSFER OF  
A GRAND VALLEY DRAINAGE DISTRICT DRAIN

The Grand Valley Drainage District, hereinafter referred to as “the District,” is a Title 37, C.R.S., Colorado political subdivision.

The City of Grand Junction, hereinafter referred to as the “City,” is a Colorado home rule city, authorized by Article XX of the Colorado constitution and the City’s home rule charter, and acts through its City Manager.

**RECITALS:**

A. The District represents that it owns the Drain described herein and the associated easements, right- of ways and interests in land (collectively the “Drain”). For the past 30 plus years, the agricultural uses of the lands originally served by the Drain have abated, leaving little if any seep or irrigation return flow (IRF) water in the Drain.

B. The District has maintained the Drain to the Colorado River even though very little seep or IRF water typically accumulates in it. The City is an urban service provider with one of the services that it provides for its citizens, in certain areas of the City, being municipal separate storm sewer system (MS4) collection.

C. The City and the District are members of the 5-2-1 Drainage Authority, an entity that is responsible for storm water management in the Grand Valley, including MS4 water.

D. The Drain is one in a series of ditches constructed and/or reconstructed by the District consistent with the District’s statutory mission to address drain, seep and IRF waters and to protect urban and rural properties from episodic torrential storms.

E. The original purpose of the Drain was to collect seep waters so that lands could be cultivated. Over time, as agricultural activities expanded within the District, IRF (“waste water”) from irrigation flowed into the Drain via laterals and lands within the District. More recently, in large part due to residential and other development, water flowing in the Drain consists of surface drainage and used and unused waters from lands within the District and lands to the north of the District boundaries.

F. The City and the District have concluded that the Drain will potentially carry significant volumes of storm water from streets, undeveloped areas and residential, commercial and other developments within the City limits. The remaining, minor (but not precisely measured) volume in the Drain is from seepage and irrigation return flows (“Drainage”).

G. The City, as part of the land use and development review processes, requires that developers plan for storm water drainage. For years, developers have constructed facilities that direct storm water discharges into the Drain, and the District has allowed the same to occur.

H. In order to accommodate the storm water drainage needs of the community and recognizing that residential, commercial and other development will continue to expand into the areas historically served by the District, the City has indicated its willingness to, pursuant to the terms of this written Agreement, accept future ownership, maintenance and operational control of the Drain, as specifically described on the Drain Exhibit Map, attached hereto as **Exhibit A** and incorporated herein by reference.

I. The District has determined that ownership of the Drain by the District is no longer necessary so long as the Drain continues to be owned, operated and maintained by the City



and/or the 5-2-1 Drainage Authority to provide for the continuing passage of Drainage from the lands of the District to the Colorado River, and so long as capacity for Drainage will be preserved upon transfer of ownership, maintenance and operational control of the Drain to the City. The District reserves and retains its rights to continue to discharge Drainage into the Drain.

NOW THEREFORE, the parties agree as follows:

1. The District agrees to indemnify and hold the City harmless with regard to existing and future seep water and IRF water, herein defined as "Drainage." Nothing herein shall be deemed to be a waiver, extension or modification of any statutes of limitations, governmental immunity(ies) or other defenses relating to any alleged act(s) of negligence by the District; further, the parties specifically intend that no person is an intended beneficiary of this Agreement or of the Quit Claim Deed from the District to the City.
2. The City agrees:
  - A. Effective on the date of mutual execution of the Quit Claim Deed to it, the City agrees to accept liability for and relating to any and all loss or damage of every description or kind whatsoever from the City's operation and maintenance of the Drain, including the receipt and conveyance of Drainage, after the date of mutual execution of the Quit Claim Deed.
  - B. On and after the date of mutual execution of the Quit Claim Deed to it, the City agrees to accept existing amounts and patterns of Drainage into the Drain. The City may modify the alignment of the Drain as shown on Exhibit A, provided that the new alignment shall be designed and constructed in a manner that will continue to accept the amount of Drainage discharge into the Drain which exists as of the date of this agreement.
  - C. The City agrees that the Drain is quitclaimed by the District to the City on an "AS-IS, WHERE-IS" basis with no representations, warranties or covenants of any kind (other than what is stated in Paragraph 1, above), express or implied, either oral or written, made by the District, or any agent or representative thereof, including without limitation; (i) the physical or structural condition of the Drain; (ii) the compliance of the Drain with any laws, ordinances or regulations of any federal, state, local or other governmental entity; (iii) title to the Drain; and (iv) the suitability or fitness of the Drain for any purpose, including without limitation use as a storm water and/or MS4 facility, all of which representations, warranties and covenants the District hereby expressly disclaims.
  - D. The City agrees to assume all costs incident to the ownership, operation and maintenance of the Drain, as of the date of mutual execution of the Quit Claim Deed.

GRAND VALLEY DRAINAGE DISTRICT

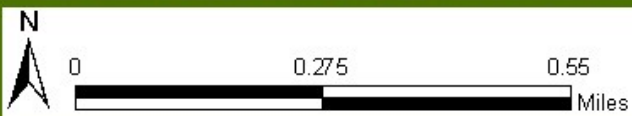
CITY OF GRAND JUNCTION

BY: \_\_\_\_\_  
Manager

BY: \_\_\_\_\_  
Mayor

# Exhibit A

## Wlsesea Drain Ditch Sections



Printed: 7/29/2013

1 inch = 952 feet





Date: 07-24-13

Author: Jamie B. Beard

Title/ Phone Ext: Assistant City

Attorney/4032

Proposed Schedule: August 7, 2013

2nd Reading (if applicable): August 21, 2013

File # (if applicable): \_\_\_\_\_

Attach 6

## CITY COUNCIL AGENDA ITEM

**Subject:** Amendment to Section 9.04.230 of the Grand Junction Municipal Code Adopting Rules and Regulations Regarding the Possession/Use of Marijuana by a Minor

**Action Requested/Recommendation:** Hold a Public Hearing and Consider Final Passage and Final Publication in Pamphlet Form of the Proposed Ordinance

**Presenter(s) Name & Title:** John Shaver, City Attorney  
Jamie B. Beard, Assistant City Attorney

### Executive Summary:

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

### Background, Analysis and Options:

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

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

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

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

**Board or Committee Recommendation:**

NA

**Financial Impact/Budget:**

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

**Legal issues:**

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

**Other issues:**

NA

**Previously presented or discussed:**

NA

**Attachments:**

Exhibit A - Illustrated Changes to GJMC Section 9.04.230  
Proposed Ordinance

## EXHIBIT A

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

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

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

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

#### ~~(c)~~ Penalties.

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

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

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

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

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

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

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

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

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

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

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

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO. \_\_\_\_**

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

**RECITALS:**

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

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

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

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

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

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

**(c) Penalties.**

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

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

**INTRODUCED** on first reading the 7th day of August, 2013 and ordered published in pamphlet form.

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

\_\_\_\_\_  
President of City Council

ATTEST:

\_\_\_\_\_  
City Clerk





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

**Attach 7**  
**CITY COUNCIL AGENDA ITEM**

<b>Subject:</b> Amendment to Section 9.04.070 of the Grand Junction Municipal Code Adopting Rules and Regulations Regarding Theft
<b>Action Requested/Recommendation:</b> Hold a Public Hearing and Consider Final Passage and Final Publication in Pamphlet Form of the Proposed Ordinance
<b>Presenter(s) Name &amp; Title:</b> John Shaver, City Attorney Jamie B. Beard, Assistant City Attorney

**Executive Summary:**

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

**Background, Analysis and Options:**

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

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

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

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

**Board or Committee Recommendation:**

NA

**Financial Impact/Budget:**

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

**Legal issues:**

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

**Other issues:**

NA

**Previously presented or discussed:**

NA

**Attachments:**

Exhibit A - Illustrated Changes to GJMC Section 9.04.070  
Proposed Ordinance

## EXHIBIT A

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

### **9.04.070 Theft.**

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

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

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO. \_\_\_\_**

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

**RECITALS:**

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

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

Section 9.04.070 is hereby amended as follows:

**9.04.070 Theft.**

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

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

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

**INTRODUCED** on first reading the 7th day of August, 2013 and ordered published in pamphlet form.

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

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President of City Council

ATTEST:

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City Clerk



Date: August 8, 2013  
 Author: Mike Vendegna  
 Title/ Phone Ext: Park Supt. 3843  
 Proposed Schedule: August 21, 2013  
 2nd Reading  
 (if applicable): \_\_\_\_\_  
 File # (if applicable): \_\_\_\_\_

**Attach 8**  
**CITY COUNCIL AGENDA ITEM**

<b>Subject:</b> Contract for the Colorado Riverfront Trail Repair Project
<b>Action Requested/Recommendation:</b> Authorize the City Purchasing Division to Enter into a Contract with All Concrete Solutions, LLC of Grand Junction, CO for the Colorado Riverfront Trail Repair Project for the Bid Amount of \$86,783.51
<b>Presenter(s) Name &amp; Title:</b> Mike Vendegna, Park Superintendent Jay Valentine, Financial Operations Manager

**Executive Summary:**

Parks and Recreation is seeking approval to conduct repairs / reconstruction on the Riverfront Trail and on Watson Island.

**Background, Analysis and Options:**

A trail inventory future needs assessment has been completed for over 19 miles of Riverfront and urban trails within City limits that the Parks Department maintains. The assessment was conducted to determine trail condition, safety concerns, hazardous situations and the total amount of concrete and asphalt trail. During the assessment process it was determined that throughout the trail system many areas are damaged to the point of being unusable. Large cracks had developed and concrete settled leaving large lips and dips creating dangerous safety hazards. Areas that would be repaired and/or reconstructed within this contract are:

- Reconstruction and relocation in 2 areas North of High Country Court on the Blue Heron section that were washed out during the extreme runoff of the Colorado River in 2012
- Concrete replacement in numerous sections on Watson Island
- Concrete replacement in numerous areas South of Bananas Fun Park on the Blue Heron section.

A total of 1,700 lineal feet of 8' concrete trail will be replaced.

A formal solicitation was issued through BidNet (an on-line site for governmental bid document distribution), posted on the City's internet bid page, advertised in the Daily Sentinel, and sent to the Western Colorado Contractors Association (WCCA).

Bids were received from the Following companies:

<b>Company</b>	<b>Location</b>	<b>Amount</b>
All Concrete Solutions, LLC	Grand Junction, CO	\$86,783,51
Vista Paving Corporation	Grand Junction, CO	\$90,867.98

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

The Riverfront Trail is very popular as a recreational resource within City limits. The City maintained sections of the trail are also becoming a key component in conjunction with the entire river front trail system as a commuter route to travel across the valley. This project is an infrastructure repair/upgrade necessary to maintain the quality, safety and integrity of the trail.

**Board or Committee Recommendation:**

The findings of the trail needs assessment has been discussed with the Riverfront Commission, Riverfront IGA committee and the Parks and Recreation Advisory Board. All groups agree and support efforts to complete necessary repairs to make the trail safe for users.

**Financial Impact/Budget:**

This project is budgeted within the City CIP at \$97,000.

**Legal issues:**

N/A

**Other issues:**

N/A

**Previously presented or discussed:**

N/A

**Attachments:**

Location Maps







  
NORTH



NORTH

1001

RIVERSIDE PKWY

4th AVE

5th STREET

COLORADO RIVER

401

ACCESS





2523

2525

2531

ACCESS

2530

HIGH COUNTRY CT

2523

RIVERSIDE PKWY

COLORADO RIVER

NORTH