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**CITY COUNCIL AGENDA
WEDNESDAY, OCTOBER 2, 2013
250 NORTH 5TH STREET
6:30 P.M. – PLANNING DIVISION CONFERENCE ROOM
7:00 P.M. – REGULAR MEETING – CITY HALL AUDITORIUM**

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

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

Pledge of Allegiance
Invocation – Don Brantley, Director of Healing Rooms of
Grand Junction

[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.]

Proclamations

Proclaiming October 3, 2013 as “4-H Shotgun Grand Champion Day” in the City of Grand Junction

Proclaiming October 4, 2013 as “Manufacturing Day” in the City of Grand Junction

Proclaiming the Week of October 6 through October 12, 2013 as “Fire Prevention Week” in the City of Grand Junction

Proclaiming the Month of October 2013 as “Conflict Resolution Month” in the City of Grand Junction

*Revised October 2, 2013
** Indicates Changed Item
*** Indicates New Item
® Requires Roll Call Vote*

REVISED

Proclaiming the Month of October 2013 as “National Disability Employment Awareness Month” in the City of Grand Junction

*** Proclaiming October 2013 as “Childhood Cancer Awareness Month” in the City of Grand Junction

Appointments

To the Housing Authority

Certificates of Appointment

To the Planning Commission / Zoning Board of Appeals

Council Comments

Citizen Comments

***** CONSENT CALENDAR ***®**

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

Action: Approve the Summary of the July 31, 2013 Workshop, the Summary of the September 16, 2013 Workshop, and the Minutes of the September 18, 2013 Regular Meeting

2. **Setting a Hearing on an Amendment to Chapter 2.40 of the Grand Junction Municipal Code Adopting Rules and Regulations Regarding Cemeteries** [Attach 2](#)

Changes to Chapter 2.40 are proposed to update and clarify the rules and regulations regarding the cemeteries specifically the requirements for vaults and eliminating references to the development fee as well as other housekeeping changes.

Proposed Ordinance Amending Chapter 2.40 of the Grand Junction Municipal Code Regarding Cemeteries

Action: Introduce a Proposed Ordinance and Set a Hearing for October 16, 2013

Staff presentation: Tom Ziola, Forestry/Horticulture/Cemetery Supervisor

3. **Setting a Hearing on an Amendment to the Grand Junction Municipal Code Relative to Forestry Licensing** [Attach 3](#)

Changes to Section 8.32.110 of the Grand Junction Municipal Code are proposed to clarify and update requirements for a license to engage in the business of cutting, pruning, trimming or removing, and/or spraying of trees (collectively Tree Maintenance).

Proposed Ordinance Repealing and Replacing Section 8.32.110 of the Grand Junction Municipal Code Regarding License to Engage in the Business of Cutting, Pruning, Trimming or Removing, or Spraying Trees

Action: Introduce a Proposed Ordinance and Set a Hearing for October 16, 2013

Staff presentation: Tom Ziola, Forestry/Horticulture/Cemetery Supervisor

4. **Setting a Hearing on Zoning the Bibeau Enclave Annexation, Located Along D ½ Road Between Approximately 29 ¼ and 29 ½ Roads** [File #ANX-2013-338] [Attach 4](#)

A request to zone the Bibeau Enclave Annexation, located along D ½ Road between approximately 29 ¼ and 29 ½ Roads, consisting of 16.10 acres, less 0.26 acres of public right-of-way, in seven parcels, to an R-8 (Residential 8 du/ac) zone district.

Proposed Ordinance Zoning the Bibeau Enclave Annexation to R-8 (Residential 8 DU/Ac) Located Along D ½ Road between Approximately 29 ¼ and 29 ½ Roads

Action: Introduce a Proposed Zoning Ordinance and Set a Hearing for October 16, 2013

Staff presentation: Brian Rusche, Senior Planner

5. **Setting a Hearing on Zoning the Wild Enclave Annexation, Located at 3122 and 3124 E Road** [File #ANX-2013-334] [Attach 5](#)

A request to zone the Wild Enclave Annexation, located at 3122 and 3124 E Road, which consists of two (2) parcels, to an R-8 (Residential 8 du/ac) zone district.

Proposed Ordinance Zoning the Wild Enclave Annexation to R-8 (Residential 8 DU/Ac) Located at 3122 and 3124 E Road

Action: Introduce a Proposed Zoning Ordinance and Set a Hearing for October 16, 2013

Staff presentation: Brian Rusche, Senior Planner

6. **Setting a Hearing on the Elementary Enclave Annexation, Located at 2977 B Road** [File #ANX-2013-316] [Attach 6](#)

A request to annex one acre of enclaved property, located at 2977 B Road. The Elementary Enclave consists of one parcel and no public right-of-way.

Resolution No. 63-13—A Resolution of the City of Grand Junction, Giving Notice that a Tract of Land Known as the Elementary Enclave, Located at 2977 B Road, Consisting of Approximately One Acre, Will be Considered for Annexation to the City of Grand Junction, Colorado and Exercising Land Use Control

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Elementary Enclave Annexation, Located at 2977 B Road, Consisting of Approximately One Acre

®Action: Adopt Resolution No. 63-13, Introduce a Proposed Annexation Ordinance, and Set a Hearing for November 20, 2013

Staff presentation: Brian Rusche, Senior Planner

7. **Setting a Hearing on the Twenty Nine Thirty Enclave Annexation, Located on the North and South Side of B ½ Road at Crista Lee Way** [File #ANX-2013-377] [Attach 7](#)

A request to annex 12.08 acres of enclaved property, located on the north and south side of B ½ Road at Crista Lee Way. The Twenty Nine Thirty Enclave consists of six parcels and 0.51 acres of public right-of-way.

Resolution No. 64-13—A Resolution of the City of Grand Junction, Giving Notice that a Tract of Land Known as the Twenty Nine Thirty Enclave, Located on the North and South Side of B ½ Road at Crista Lee Way, Consisting of Approximately 12.08 Acres, will be Considered for Annexation to the City of Grand Junction, Colorado and Exercising Land Use Control

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Twenty Nine Thirty Enclave Annexation, Located on Both Sides of B ½ Road at Crista Lee Way, Consisting of Approximately 12.08 Acres

®Action: Adopt Resolution No. 64-13, Introduce a Proposed Annexation Ordinance, and Set a Hearing for November 20, 2013

Staff presentation: Brian Rusche, Senior Planner

8. **Setting a Hearing on the Ray Annexation, Located at 416 29 Road** [File #ANX-2013-403] [Attach 8](#)

A request to annex 1.14 acres, located at 416 29 Road. The Ray Annexation consists of one parcel and approximately 0.144 acres (6,261 square feet) of the 29 Road right-of-way.

Resolution No. 65-13—A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation, and Exercising Land Use Control, Ray Annexation, Located at 416 29 Road

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Ray Annexation, Approximately 1.14 Acres, Located at 416 29 Road

®Action: Adopt Resolution No. 65-13, Introduce a Proposed Annexation Ordinance, and Set a Hearing for November 20, 2013

Staff presentation: Brian Rusche, Senior Planner

9. **CDBG Subrecipient Contract with Hilltop Community Resources, Inc. for Previously Allocated Funds within the 2013 Community Development Block Grant (CDBG) Program Year** [File #CDBG 2013-11] [Attach 9](#)

The Subrecipient Contract formalizes the City's award of \$86,840 to Hilltop Community Resources, Inc. allocated from the City's 2013 CDBG Program as previously approved by Council. The grant funds will be used to replace the roof

and the heating, ventilation, and air conditioning systems at The Opportunity Center located at 1129 Colorado Avenue.

Action: Authorize the City Manager to Sign the Subrecipient Contract with Hilltop Community Resources, Inc. for the City's 2013 Program Year Funds

Staff presentation: Kristen Ashbeck, Senior Planner/CDBG Administrator

10. **Contract for the Wingate Irrigation Pump Replacement and Sedimentation Structure Construction** [Attach 10](#)

Parks and Recreation is seeking approval to replace the irrigation pumping/filtration system and construct a sedimentation structure at Wingate Park/Elementary School.

Action: Authorize the City Purchasing Division to Enter into a Contract with Sorter Construction, Inc., of Grand Junction, CO for the Wingate Irrigation Pump Replacement and Sedimentation Structure Construction Project for the Bid Amount of \$113,139.00

Staff presentation: Rob Schoeber, Parks and Recreation Director
Jay Valentine, Financial Operations Manager

11. **Colorado Water Conservation Board Water Efficiency Grant** [Attach 11](#)

This is a request to approve a resolution authorizing the City Manager to submit a water efficiency grant application to the Colorado Water Conservation Board (CWCB) for \$45,450. The purpose of the grant application is to provide funding for water efficiency audits of 100 residential customers using domestic water for irrigation and six large commercial/industrial water users.

Resolution No. 66-13—A Resolution Authorizing the City Manager to Submit a Water Efficiency Grant Application to the Colorado Water Conservation Board for Water Efficiency Audits

®Action: Adopt Resolution No. 66-13

Staff presentation: Rick Brinkman, Water Services Manager

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

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

12. **Contract for the 2013 Pavement Management Data Collection** [Attach 12](#)

This request is to award a consulting contract for the data collection and analysis of the City's street pavement conditions. This data and subsequent analysis will help determine the pavement condition index of over 365 centerline miles and 4,500 individual street segments and help prioritize where street maintenance dollars should be invested.

Action: Authorize the City Purchasing Division to Enter into a Contract with IMS Infrastructure Management Services, Tempe AZ for the 2013 Pavement Management Data Collection in the Amount of \$69,994

Staff presentation: Terry Franklin, Utility and Streets Manager

13. **Purchase a Single Axle 4X2 Hook Lift Truck with a 5-yard Dump Body and Snow Removal Equipment** [Attach 13](#)

This request is for the purchase of a scheduled equipment replacement of a single axle 5-yard dump truck with snow removal equipment. The purchase proposed is a hook lift truck with a separate dump body, and snow removal equipment which can be interchanged at any point. Other versatile pieces of equipment will be added in the future that can be used with this same truck such as water truck, flat bed, stake bed, or any other needed body options.

Action: Authorize the City Purchasing Division to Purchase a Single Axle 4X2 Hook Lift Truck with a 5-yard Dump Body and Snow Removal Equipment from Trans West Freightliner with Kois Brothers Equipment for \$132,202.00

Staff presentation: Darren Starr, Manager, Streets, Storm Water, and Solid Waste
Jay Valentine, Internal Services Manager

14. **Contract Approval for Employee Life, Accidental Death and Dismemberment (AD&D), and Disability Insurance** [Attach 14](#)

The current vendor for Life, AD&D and Long-Term Disability (LTD) coverage advised the City that effective January 1, 2014 a 22% increase would be imposed on current LTD rates. A request for proposals (RFP) was issued to determine if an equal benefit level could be provided through another vendor at an equivalent or

lower cost. UNUM is the recommended vendor at a rate that is much less than current cost.

Action: Authorize the City Manager to Negotiate and Enter into a Contract with UNUM Life Insurance Company of America to Provide Employee Life, Accidental Death and Dismemberment, and Disability Insurance to the City of Grand Junction Employees

Staff presentation: Claudia Hazelhurst, Human Resources Director
Dave Roper, Risk Manager
Shelly Williams, Benefits Coordinator

15. **Non-Scheduled Citizens & Visitors**
16. **Other Business**
17. **Adjournment**

GRAND JUNCTION CITY COUNCIL WORKSHOP SUMMARY

July 31, 2013 – Noticed Agenda Attached

Meeting Convened: 11:32 a.m. in the Administration Conference Room

Meeting Adjourned: 1:29 p.m.

Council Members present: All. Staff present: Englehart, Shaver, Schoeber, Camper, Watkins, Cohn, Smith (Matt), Krouse, Rainguet, and Tuin.

Agenda Topic 1. Homelessness Discussion

City Manager Englehart introduced the topic and then Police Chief John Camper presented an overview and statistics. He differentiated between homeless and vagrants/transients noting that the vagrancy/transient issues are the most visible. The Chief stated that this has been an issue in this community for a long time (since the 1930's) and will continue due to geography; the City has an interstate, the rivers, the railroad, and is the only major city between Denver and Salt Lake City. He said the best that can be done is to manage it. He referred to a "Municipal Cost of Homelessness" report that had been provided to the City Council.

The Police Department has taken a two prong approach: enforcement and intervention with the implementation of the Homeless Outreach Team (HOT). He introduced Commander Matt Smith, Sergeant Dave Krouse, and Officer Cindy Cohn as members of HOT.

Chief Camper said he resists the City being a dumping ground from other communities and if he hears about towns sending their vagrants to Grand Junction he will call them, however, Grand Junction is where the services are available. The Department has spent significant time and resources addressing the issue. Chief Camper believes they are making an impact. When asked for the number of transients, Officer Cohn estimated there are about 100 to 150 visible homeless in the community.

Council President Susuras inquired about revitalizing the former program of not handing out money but rather donating to the various assistance programs. Officer Cohn advised that the HOT team does provide a lot of education about giving to the service providers but some people still give money to the homeless.

Councilmember Norris inquired if any of the homeless people are doing harm to other citizens. Chief Camper replied only a very few but there is that perception that many are dangerous.

The Chief addressed the Trends and Observations. He said they are seeing younger, able bodied people passing through. The HOT team has been trying to work on where these people

are coming from and why are they coming here but typically they are not creating more calls for service.

Chief Camper advised that panhandling is not a violation of the law and there are Constitutional issues with prohibiting the activity. They are considering restricting the activity by addressing time, place, and/or manner, not necessarily to write more tickets, but rather it is a tool to get compliance. Several ideas were mentioned but the question arose as to where they go once displaced.

Chief Camper then addressed issues in the downtown area including aggressive panhandling. City Attorney Shaver noted that an ordinance was drafted in 2009 that addressed aggressive panhandling but it did not go forward. Chief Camper said that Police can deal with aggressive panhandling with increased patrols and bike patrols. Councilmembers expressed appreciation for the return of the bike patrols and there were concerns expressed as to whether there are enough patrols.

Chief Camper said he is in favor of the City adopting an ordinance but they just have to be careful about how it is written and how it approaches the activity. They can take a strategic approach to address some of the issues such as limiting alcohol in any park in partnership with the Parks Department. The splash pad issue was addressed. It was not a transient issue but rather a misuse issue and he suggested an age restriction be placed on the use of the fountain.

Chief Camper advised that if he hears about another locale sending their homeless to Grand Junction he will personally contact the sheriff or chief in that community and tell them to stop. However, Grand Junction is where the services are.

The difficulty in dealing with homeless sex offenders is going to take a legislative solution mandating they have a residence. Regarding parolees that are paroled to Grand Junction without a plan, the Chief said they need to be contacting those agencies sending them here and address it. The hospitals are refusing to take the "frequent fliers" but then what is the solution? The City Attorney's office is also working with the HOT team to get a list of the chronically inebriated and then work with liquor establishments so they refuse service to those on the list.

Chief Camper said the HOT team has been 80% effective; they have relocated 25 of 65 and 27 of the 65 are managing their own needs. They provide intensive intervention from the ground up.

Fire Chief Ken Watkins then addressed the emergency medical service (EMS) side of the homeless issue. He advised that out of 571 incidents last year involving alcohol, 160 of the patients were homeless (listed general delivery as their address). On the fire side, they have

concerns about illegal burning relative to safety such as when a campfire gets out of hand and causes a brush fire. For 2013, the Fire Department calls have been to Whitman Park 17 times, HomewardBound 60 times, and Emerson Park 20 times. The average responses from Fire Station #1 are three per day and most of those are transports. There are approximately 15 to 20 “frequent fliers” in the homeless community. Regarding ambulance billing, there were 401 transports in the last year based on “homeless” addresses. For those transports, they have billed \$294, 270 and there is \$203,761 still uncollected. There are limited solutions but they are working with the medical director to develop protocols where they may be able to avoid some of the transports.

Councilmember Chazen asked about the population of the homeless. Chief Camper said there are about 150 chronically homeless and the total homeless population at any given time is around 600 to 700. He noted there is a difference, i.e., vagrancy versus homelessness. Council President Susuras asked if the homeless are covered under the Affordable Care Act (ACA). City Attorney Shaver said they are looking into that relative to the Fire Department billing issues.

Returning back to Chief Camper, he noted that other than the HOT team, they approach the issue with enforcement and clean-up efforts. For example, when they cleaned up the “Point”, they removed forty tons of trash. For the most part the large wholesale camps are gone. However, there has been some displacement.

Chief Camper pointed out that the HOT team in their work has become the de facto point of entry into the system of services. They are looking for another solution. Officer Cohn said HomewardBound is looking at stepping into that role. Another request was for the Parks Department to limit alcohol consumption at Emerson and Hawthorne Parks which has been implemented.

Chief Camper then addressed some recommendations: one point of entry for services (HomewardBound), evaluate the Police Department’s role, pursue the legislative solution on sex offenders, limit parole and probation transfers to Grand Junction, bring ordinances forward for consideration, and recognize this is a community issue, not just a Police Department issue.

City Manager Englehart suggested that Councilmember Chazen, as the Council’s Downtown Development Authority (DDA) representative, carry the message about the age restriction for the splash pad back to the DDA board.

Councilmember Boeschstein mentioned the Fort Lyons model and suggested using the State Regional home for housing.

In conclusion, the City Manager noted that there are lots of efforts to address the issue and he appreciates the support of City Council.

Councilmember Boeschstein left the meeting.

Agenda Topic 2. County Meeting

City Manager Englehart reviewed the format of the upcoming meeting with the County Commissioners. He referred to the agenda but did not know how in depth the discussions would get.

There was a brief discussion on Amendment 64 and the ordinance drafted for the Council's consideration.

Councilmember Norris stated that the County has related to her that they want to be able to review any planned improvements to the Orchard Mesa Pool. Parks and Recreation Director Schoeber said they have always sent them proposed capital requests. City Attorney Shaver confirmed that is in the agreement. He advised that there are termination provisions in the agreement and the County has not exercised those provisions. Councilmember Norris said the County brought up the purchase of development rights (PDR) agreements. She was provided the history on those agreements.

Councilmember Chazen suggested the Council work to get the County's agreement to reinstate their participation with the Pool and then have the City and County Managers work out the agreement.

City Manager Englehart stated the Pool is aging and he is happy to provide a tour of the facility.

City Attorney Shaver brought up the idea of forming a district to develop some structure to the Pool operations. He has spoken with Commissioner Pugliese about that idea.

Councilmember Chazen asked for a little history on the agreement with Mesa Land Trust which was provided by City Manager Englehart and City Attorney Shaver.

Councilmember Boeschstein returned to the meeting (1:20 p.m.). He added some information about what Mesa Land Trust does and how their work prevents sprawl and makes each community (Fruita, Grand Junction, Palisade) its own. Councilmember Norris asked for a map of all the properties where development rights have been purchased.

Council President Susuras questioned the allocation of funds for the purchase of development rights when there are so many other needs in the City. Councilmember Boeschstein disagreed noting that contributing to this cause triples the money due to GOCO grants.

Agenda Topic 3. Other Business

City Manager Englehart advised that the bio-methane project with XCEL is ramping up.

Council President Susuras advised that newly appointed Councilmember McArthur would like to serve on the 521 Drainage Authority. Staff was directed to bring that change forward on the Consent Calendar at the next meeting.

Council President Susuras noted that the Public Safety Facilities dedication is scheduled for September 7. He suggested Councilmember Doody be the speaker.

With no other business, the meeting was adjourned.

**GRAND JUNCTION CITY COUNCIL
WORKSHOP**

WEDNESDAY, JULY 31, 2013, 11:30 A.M.

**ADMINISTRATION CONFERENCE ROOM
2ND FLOOR, CITY HALL
250 N. 5TH STREET**

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

- 1. Homelessness Discussion**
- 2. County Meeting**
- 3. Other Business**

GRAND JUNCTION CITY COUNCIL WORKSHOP SUMMARY

September 16, 2013 – Noticed Agenda Attached

Meeting Convened: 11:30 a.m. in the Administration Conference Room

Meeting Adjourned: 2:00 p.m.

Council Members present: All except Councilmembers Doody and Norris. Staff present: Englehart, Shaver, Moore, Camper, and Tuin.

Agenda Topic 1. Museum of Western Colorado (MWC) Director

Council President Sam Susuras introduced the Executive Director of the MWC Peter Booth. Accompanying Mr. Booth was incoming Board President Laurena Mayne Davis and Marketing Director Christy Pollard.

Mr. Booth distributed a six-month Progress Report and their latest newsletter. He reviewed MWC's mission and purpose. He addressed their Strategic Plan which includes four areas: maintaining financial stability and providing an opportunity for growth; protect and enhance collections; provide public programs and community outreach; and full utilization and care of facilities. He noted that the Museum was subject to a funding cut in 2008/2009. He lauded the economic impact and importance of heritage tourism. Important elements of their financials include partnerships, both private and public; memberships and donations; grants and sponsorships; investment and endowments; admissions and programs; and earned revenues.

Mr. Booth identified MWC's needs and challenges: the need for improved way-finding signage; to develop a positive homeless policy relative to the Whitman Park; address petty crime near the Museum including in their parking lot; improve the downtown neighborhood; and an increase of promotion of the City.

When asked what the estimated immediate capital improvement need, Mr. Booth said there are a number of maintenance items that have been deferred and are critical. He estimated the cost of those items to be \$130,000. There was a discussion of the ballot question in 1974 where the voters authorized a mill levy for support of the Museum. Due to a legal interpretation, the Museum has not been receiving a full mill levy but has been allocated \$375,000 in recent years from the County.

Mr. Booth described some of the retrofits needed at the Museum of the West building downtown and estimated their cost at \$250,000.

Councilmember Boeschstein, who serves on the Museum Board, provided a little history of the Museum and then identified some steps the City could take to improve the situation with the Museum: post rules in Whitman Park so that enforcement can take place, have events in Whitman Park such as festivals, improve way-finding signage to the Museum, and improve the Museum image as a tourism attraction. He said the City needs to reclaim Whitman Park.

Councilmember McArthur voiced concern that if the vagrants are misplaced from the Park, where will they go? He said there is no easy answer.

City Manager Englehart suggested the next step will be to discuss the City Council's vision with them on the work day scheduled in October. He noted there have been other discussions on how to improve that neighborhood. He asked Mr. Booth if some of those were to be put in motion, if that would influence what investment the Museum puts into the downtown location.

Mr. Booth responded that was part of the reason for the presentation.

Councilmember Chazen inquired if the same presentation has been made to the County to which Mr. Booth responded affirmatively. The Museum funding by the County was discussed.

City Attorney Shaver asked if there is a written legal opinion on the mill levy allocation. Christy Pollard replied that they have an opinion from Scott McInnis and a written opinion from the County Attorney.

Councilmember McArthur indicated he would like to know what the long term commitment would be to the Museum.

That concluded the presentation, with Council President Susuras thanking the Museum representatives.

Agenda Topic 2. Release of the 7th Street Natural Gas Leak - After Action Report

City Manager Englehart introduced the topic and deferred to Fire Chief Ken Watkins to present the report.

Chief Watkins distributed the complete report and explained what an After Action Report is as well as stating it is not an official investigation of the incident. An eleven member task force reviewed how the incident was handled and have made some findings and recommendations on what things were done well as well as things that could be done better in the event of another emergency incident. The task force looked at seven areas and put forward findings and recommendations. Those areas were: command, operations, incident communications, public communications, security, recovery, and prevention. He identified specific actions for improvements that will happen over the course of time as well as the many things they have already put into place from the recommendations. He expressed appreciation to the City Council for their support during and after the incident.

City Manager Englehart advised that they are working to get the sites cleaned up. Ownership on the two properties has changed.

Councilmember Boeschstein asked Staff to request maps on utility lines from the utility companies. City Manager Englehart said that request has been made but the utility companies have security concerns with providing that information.

With no other business, the meeting was adjourned.

**GRAND JUNCTION CITY COUNCIL
WORKSHOP**

**MONDAY, SEPTEMBER 16, 2013, 11:30 A.M.
ADMINISTRATION CONFERENCE ROOM
2ND FLOOR CITY HALL
250 N. 5TH STREET**

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

1. **Museum of Western Colorado (MWC) Director Peter Booth:** The MWC would like to discuss with the City Council members and key City staff several issues now confronting the MWC's downtown institution, the Museum of the West.
2. **Release of the 7th Street Natural Gas Leak - After Action Report:** The 7th Street Natural Gas Leak Task Force has completed the After Action Report (AAR) on the gas leak incident that occurred on March 19, 2013. A presentation will be made to City Council to review the executive summary and findings and recommendations sections of the report. In addition, Council will be briefed on any comparisons or lessons learned from the White Hall Fire AAR that were applied.
3. **Other Business**

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

September 18, 2013

The City Council of the City of Grand Junction convened into regular session on the 18th day of September, 2013 at 7:00 p.m. in the City Auditorium. Those present were Councilmembers Bennett Boeschstein, Martin Chazen, Jim Doody, Duncan McArthur, Barbara Traylor Smith, and Council President Sam Susuras. Councilmember Phyllis Norris was absent. Also present were City Manager Rich Englehart, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Susuras called the meeting to order. Boy Scout Troop #328 led the Pledge of Allegiance, followed by a moment of silence.

Presentation

Forestry Board Chair Kami Long presented the August Yard of the Month to Earl and Floy Young of 2303 N. First Street. She described the trees the Young's have in their yard and thanked them for making the street beautiful. They have lived in the house for forty-five years. Dr. Young thanked the Forestry Board for the award. Mrs. Young said they love living in the valley and they appreciate the honor.

Proclamations

**Proclaiming the Week of September 17 through September 23, 2013 as
"Constitution Week" in the City of Grand Junction**

Councilmember Chazen read the proclamation. Lori Ann Parrott, Regent of the Mt. Garfield Chapter, National Society of Daughters of the American Revolution and Katey Kelly, Chairman of Constitution Week were present to receive the proclamation. They spoke to the importance of recognizing the week and said they were present at a citizenship ceremony on the Monument the day before.

**Proclaiming the Weekend of September 26 through 29, 2013 as "Peace Corps
Reunion Weekend - Kilimanjaro Comes to the Rockies!" in the City of Grand
Junction**

Councilmember Boeschstein read the proclamation. He then described the gathering where 23 former Peace Corps volunteers will gather from all over the Country. He invited others to join them and listed the activities planned. He also distributed some honorary stickers to the City Council.

Appointments

Councilmember McArthur moved to appoint Kathy Deppe, re-appoint Christian Reece and Ebe Eslami for four year terms expiring October 31, 2017, appoint Cody Wagner as first alternate/Zoning Board of Appeals, and appoint Keith Ehlers as second alternate/Zoning Board of Appeals, both terms expiring October 31, 2014. Steve Tolle and William Wade will move up to be regular members of the Planning Commission from the alternate positions. Councilmember Boeschstein seconded the motion. Motion carried by roll call vote.

Certificate of Appointment

Michelle Bailey was present to receive her Certificate of Appointment to the Urban Trails Committee. She thanked the City Council for the appointment.

Council Comments

Councilmember Boeschstein said he and his wife had visitors from the United Kingdom stay in their home. Their visitors were impressed by the main attractions the valley has to offer. He noted that the Amtrak line from Grand Junction to Denver is under repair and many passengers are being bused from Grand Junction to Denver.

Councilmember Doody said he attended the grand opening of Help Hospitalized Veterans (HHV) Arts and Crafts Center who furnish kits to Veterans. This is a new community based arts and crafts center who provide craft kits to Veterans to aid with the healing process.

Councilmember Chazen said he attended Dinosaur Journey sponsored by the Fruita Dinosaur Museum and lauded the facility. He also attended a volunteer appreciation luncheon at the Salvation Army. He noted the Salvation Army makes a difference in the community.

Councilmember Traylor Smith said she attended the lighting of the 9-1-1 sculpture at the Fire Administration Building after Farmer's Market last week. She also encouraged everyone to attend Farmer's Market next Thursday for the Men in Heels event to benefit Latimer House.

Councilmember McArthur said he attended a reception of the Colorado Health Foundation Board at Colorado Mesa University (CMU). He sat with three of the directors. He described a program on STRIVE being led by Lorena Thompson, a Grand Junction High School teacher. He also attended the Colorado River District's water seminar which discussed that more water is taken out of the River than is coming in. The keynote speaker was from Las Vegas. The City of Las Vegas is building a new facility to draw water from Lake Mead. They are also putting conservation efforts in place in order to

minimize their impact on the Colorado River.

Citizen Comments

John Williams, 433 North 7th Street, voiced disapproval on Council's approval for an oversized monstrous garage in the Dahlia Drive neighborhood. He said the residents do not think it fits in. He doesn't think the neighbors were aware. He also addressed cannabis and said he will provide each member of Council a "free bud". He feels cannabis is misunderstood. He also complained about the cops being rude.

Tylor McGowan, 393 East Valley Circle #1, distributed a fact sheet to the Council on the effects of fluoride in drinking water. He then described the history and the purpose of putting fluoride in the water. He said the fluoride affects the endocrine system and believes it is poisoning users' bodies. He blamed it for several ailments. He felt the current water supply has a high concentration of fluoride when one drinks the normal amount of water per day.

Dennis Simpson, 2306 E. Piazza Way, spoke to the policy of what citizens can speak about, how long they can speak, and that the Council will not respond. He specifically objected to not being able to speak to anything that is on the agenda. He referred to the Solar Garden item; he is precluded from speaking about it until the end of the agenda. He objected to the time limitation. He thought the policy could be better. The refusal to engage in a dialog he also objected to. He referred to the way it is handled by the County Commissioners.

Karl Antunes, 3169 D ½ Road, addressed the newspaper article about Dennis Simpson. He took exception to the quote from Councilmember Boeschenstein. He said he has a video of City Attorney Shaver not telling the truth. He also has excerpts from minutes where Staff has made incorrect statements and he listed a number of Staff members who he alleged lied. He quoted statements made by former Councilmembers. He said he hopes the current Council will check into these allegations.

CONSENT CALENDAR

Councilmember Doody read Consent Calendar items #1-6 correcting the actions on Items #5 and #6, and then moved to adopt the Consent Calendar. Councilmember Boeschenstein seconded the motion. Motion carried by roll call vote.

1. Minutes of Previous Meetings

Action: Approve the Summary of the July 23, 2013 Workshop, Minutes of the September 4, 2013 Regular Meeting, and the Minutes for the September 5, 2013 Candidate Forum and Special Meeting

2. **CDBG Subrecipient Contract with the Counseling and Education Center for Previously Allocated Funds within the 2013 Community Development Block Grant (CDBG) Program Year** [File #CDBG-2013-05]

The Subrecipient Contract formalizes the City's award of \$7,000 to the Counseling and Education Center allocated from the City's 2013 CDBG Program as previously approved by Council. The grant funds will be used for counseling services to low income persons and families within the City limits.

Action: Authorize the City Manager to Sign the Subrecipient Contract with the Counseling and Education Center for the City's 2013 Program Year Funds

3. **Amending the Planning Commission Bylaws to Eliminate an Outdated Provision and Modify Some of the Rules**

The Planning Commission Bylaws are reviewed periodically and changes are suggested for improved operations and services by the Commissioners. After discussion and much consideration the Planning Commissioners have approved and request the City Council approve the proposed amended Bylaws.

Resolution No. 60-13—A Resolution Amending the Bylaws of the Grand Junction Planning Commission

Action: Adopt Resolution No. 60-13

4. **Sole Source Approval for Smeal Fire Apparatus and Approval for the Purchase of a Smeal Aerial Ladder Truck for the Fire Department**

This request is to authorize the City Purchasing Division to sole source purchase future Smeal Fire Apparatus and approve a request to purchase a Smeal Aerial Ladder Truck. The new unit is a scheduled replacement of a 15 year old aerial ladder truck that has a history of mechanical and service issues. A future fire apparatus purchase is expected in 2014 with the replacement of a 14 year old pumper truck.

Action: Authorize the City Purchasing Division to Sole Source Smeal Fire Apparatus and Authorize the Purchase of a Smeal Aerial Ladder Truck from Mile-Hi Fire Apparatus, Inc, for the Amount of \$667,733

5. **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 and

August 7, 2013, the City Council amended those assignments. The proposed resolution amends those assignments.

Resolution No. 61-13—A Resolution ~~Amending the Bylaws of the Grand Junction Planning Commission~~ the Council Committee Assignments

Action: Adopt Resolution No. 61-13

6. **Community Solar Garden Subscription and Lease Agreement**

This is a request to approve a resolution authorizing the City Manager to enter into an agreement with Ecoplexus, Inc. as a subscriber to the Pear Park Community Solar Garden and a lease agreement for the use of a portion of City-owned property.

Resolution No. 62-13—A Resolution Authorizing the City Manager to ~~enter into an~~ Negotiate an Agreement with Ecoplexus, Inc. as a Subscriber to the Pear Park Community Solar Garden and a Lease Agreement for the Use of a Portion of City-Owned Property

Action: Adopt Resolution No. 62-13

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Public Hearing—Zoning the Cunningham Investment Company Annexation (Crispell Property), Located at 2098 E 1/2 Road [File #GPA-2007-263]

A request to zone the 27.7 +/- acre Cunningham Investment Company Annexation consisting of one unplatted parcel located at 2098 E 1/2 Road to R-E (Residential – Estate, 1 dwelling unit/acre) zone district.

The public hearing was opened at 7:45 p.m.

Scott D. Peterson, Senior Planner, presented this item. He described the site, the location, and the request. The City is representing the property owner LL Crispell. Mr. Peterson provided a history of the property which was annexed into the City in 2008 but was not zoned pending a Growth Plan Amendment. The request to amend the Growth Plan was denied. Subsequently, the Comprehensive Plan was adopted. The property has since gone through two changes of ownership. The City has been working with the current property owner in order to get the property zoned as required by State law. The proposed zoning will allow the construction of one house and a septic system. Additional development of the property would require connection to the Persigo Wastewater Treatment Plant.

Mr. Peterson described the surrounding zoning and uses. A neighborhood meeting was held on June 17, 2013. Six residents of the neighborhood attended the meeting and Staff has not heard any comments from those neighbors. The request meets the requirements of the Code for zoning.

There was no public comment.

The public hearing was closed at 7:50 p.m.

Councilmember Boeschstein noted the annexation was starting to create an enclave. He felt there should be another access but at the low density it is probably not an issue.

Councilmember Doody asked why the original zoning and Growth Plan Amendment was denied. Mr. Peterson said the neighborhood thought the street system and other infrastructure was inadequate to handle the additional density.

Council President Susuras asked if there were any objections to this zoning. Mr. Peterson said the neighborhood had no objection to the residential estate zoning.

Ordinance No. 4602—An Ordinance Zoning the Crispell Property, also known as the Cunningham Investment Company Annexation, to the R-E (Residential – Estate) Zone District, Located at 2098 E ½ Road

Councilmember Boeschstein moved to adopt Ordinance No. 4602 and ordered it published in pamphlet form. Councilmember Doody seconded the motion. Motion carried by roll call vote.

Non-Scheduled Citizens & Visitors

Dennis Simpson, 2306 E. Piazza Way, commented on the Solar Garden proposal. He described the questions asked at the workshop by Council which were in regards to the vendor, Ecoplexus, and how this proposal would benefit the vendor. The answer given was the company would receive tax credits and accelerated depreciation which indicated there would be no downside for the City. He said he studied the spreadsheet and the source of all money is Xcel Energy who will give credits to Ecoplexus and then Xcel can then claim that on their tax returns. Xcel is also going to provide money to fund this whole project by providing credits to the subscribers, however 65% of the credits will go to the vendor, Ecoplexus. He asked the City Council to rescind the approval. He said the City has not done their due diligence and research on this new vendor as the company is only five years old. He thinks solar is a great idea and the concept is wonderful but this is the wrong deal. The Council allowed Staff to direct what they are doing. A news report from December said the Council would seek public input and he thinks they have not. He also pointed out that Colorado Mesa University (CMU) is not part of the deal and he thinks Council should find out why. The maintenance aspect was not questioned in detail. Typically this kind of company spends more money on sales than taking care of their

product. He questioned who will tear down the solar panels and who will own the solar panels at the end of twenty years. Lastly, the City Attorney was asked if TABOR applied to this situation and City Attorney Shaver said no because there are no payments involved. Mr. Simpson disagreed, it is a twenty year financial commitment and that is a violation of TABOR. He said they were given bad legal advice again.

There were no other citizen comments.

Other Business

Council President Susuras thanked Boy Scout Troop #328 for being in attendance.

Adjournment

The meeting adjourned at 8:03 p.m.

Stephanie Tuin, MMC
City Clerk



Date: Sept. 6, 2013
 Author: Jamie B. Beard
 Title/ Phone Ext: Assistant City Attorney,
x4032
 Proposed Schedule: 1st Reading : Sept.
18, 2013
 2nd Reading: October 2, 2013
 File # (if applicable): _____

Attach 2
CITY COUNCIL AGENDA ITEM

<p>Subject: Amendment to Chapter 2.40 of the Grand Junction Municipal Code Adopting Rules and Regulations Regarding Cemeteries</p>
<p>Action Requested/Recommendation: Introduce a Proposed Ordinance and Set a Hearing for October 16, 2013</p>
<p>Presenter(s) Name & Title: Tom Ziola, Forestry/Horticulture/Cemetery Supervisor</p>

Executive Summary:

Changes to Chapter 2.40 are proposed to update and clarify the rules and regulations regarding the cemeteries specifically the requirements for vaults and eliminating references to the development fee as well as other housekeeping changes.

Background, Analysis and Options:

City staff who work regularly for the cemeteries have reviewed Chapter 2.40 of the Grand Junction Municipal Code and have proposed changes to clarify and update the Code to reflect that the much of the management of the cemeteries is no longer done within the City Clerk’s realm but through the Parks and Recreation Division as determined by the City Manager. The reference in the Code to development fees is no longer applicable and has been proposed to be deleted. Additional language has been proposed for the following: (1) reflect the requirement for all interments below ground to be in a vault, (2) clarify that proof of worker’s compensation coverage must be provided annually by monument companies and that a monument company may be denied the ability to do work or activity in the cemeteries if it is determined that it is not in the best interest of the cemetery. It has been the City’s policy to work with monument companies when there have been problems with work done in the past. The City will continue to work with the companies, but if a company has numerous complaints, creates various problems with its work within the cemeteries, or fails to promptly remedy an issue, then the City may deny the company the ability to provide services within the cemeteries.

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

The amendment to Chapter 2.40 does not impact or affect the goals and policies of the Comprehensive Plan.

Board or Committee Recommendation: None

Financial Impact/Budget: None

Legal issues: The Assistant City Attorney has prepared the ordinance, reviewed and approved the proposed amendments.

Other issues: None

Previously presented or discussed: No

Attachments:

Changes to Chapter 2.4 with strikethroughs in language to be deleted and new language to be added underlined.

Proposed Ordinance

Proposed Changes

2.40.110 Sale of lots – Certificates of ownership.

(a) The City Manager shall keep accurate record of all burial spaces in the City cemeteries. The City shall sell burial spaces at such price or prices as may be directed by the City Council and contained in the rules and regulations for the City cemeteries. The City Manager shall issue a certificate of ownership to the purchaser of each burial space, which certificate shall contain a description of the burial space, purchase price, the name and address of the space owner and will include statement of perpetual care. The certificate shall state that it represents only a right to be buried and in no way conveys a title to the real estate and shall also state:

(1) The ownership of that right is not transferable without the approval of the City Manager or ~~the City Manager's his~~ designee and the reissuance of a new certificate to the new owner of the burial right, except that transfer of ownership may be effected by last will and testament or intestacy as provided for in GJMC 2.40.180. All transfers must be recorded by the City and a fee for such transfer as established by resolution of City Council will be charged.

(2) Any transfer of ownership interest by last will and testament or applicable laws of intestacy shall be reported immediately to the City Manager's ~~s-or his~~ designee by the person receiving the ownership interest.

(3) All changes in address of the owner shall be reported immediately to the City Manager's ~~s-or his~~ designee.

(4) A portion of the purchase price, such portion to be specified, shall be deposited into a trust fund and held as a permanent fund with the income of the fund to be devoted to the perpetual care and keeping of the burial space so endowed, except for spaces in areas designated for the burial of indigent persons. Indigence shall be demonstrated by affidavit or other documentary proof satisfactory to the City ~~Manager's designee~~ Clerk.

(5) Prior to the resale of any vacant burial space by the owner to any other individual or to the City, all monuments or markers must be removed at the owner's expense.

(b) The certificate of transfer shall be signed with a facsimile of the City Manager's signature and attested by the signature of the City Clerk under the seal of the City.

2.40.120 Records.

Records of the City ~~Clerk~~, other than the certificate as provided for in GJMC 2.40.110, shall show the date of purchase, the name of the purchaser, the description designating the burial right(s) space purchased and the purchase price. Indexing maintained by the City shall permit determination of location of the burial space by location as well as by owner's name.

(a) Certificates of ownership are evidence of ownership of a right to be buried in spaces listed on the certificate.

(b) The owner of a certificate of ownership seeking to reconvey one or more spaces to another shall apply for and obtain a certificate of transfer from the City ~~Clerk~~ in the name of the other person. Upon submission of an application to convey the burial space rights, the original certificate of ownership shall be returned, canceled and reissued to the new owner by the City Manager's designee~~Clerk~~. If any spaces enumerated on the original certificate of ownership are to be retained by the owner, then certificates of ownership shall be reissued by the City Manager's designee~~Clerk~~ for each space in the name of each owner.

(1) Upon application for reconveyance, the applicant shall provide the following information:

(i) The grave space right(s) owned;

(ii) The spaces then used, if any;

(iii) Which owners have been issued a certificate of transfer, if any, for the particular space;

(iv) A statement that the owner truthfully believes that the owner holds and fully controls burial rights to the spaces for which the owner is applying for certificates of transfer and that the owner does indemnify the City as to all costs should any person(s) other than the transferee named subsequently present a certificate of transfer for the same space or spaces.

(2) Upon submission of a complete application, the City Manager's designee shall investigate and determine:

(i) If any spaces for which certificates of transfer are sought are filled.

(ii) If any spaces are held by persons or firms other than the current certificate of ownership holder.

(3) The City Manager's designee~~Clerk~~ shall then issue the certificate(s) of ownership to the person(s) indicated by the then owner; however, any title impairment affecting the ownership of the burial right(s) shall be noted upon the respective certificate of ownership ~~by the City Clerk~~. If any space is unendowed (except in areas platted for burial of indigent persons), then the endowment then payable shall be paid prior to the reissuance of the new certificate of ownership. A record containing the application, the investigation results and a copy of the certificate(s) of transfer along with the chain of title notations, if any, shall be retained by the City ~~Clerk~~.

(c) The City may purchase back any unused certificate of ownership or any unused portion thereof under the terms and conditions listed below. The City Manager's designee~~Clerk~~ shall purchase only those spaces for which ownership is clear. The City Manager's designee~~Clerk~~ shall require an application for all purchase back requests. Upon submission of a completed application to the City Manager's designee~~Clerk~~ and upon completion of the City Manager's designee's~~Clerk's~~ investigation, the City ~~Clerk~~ may purchase the certificate of ownership for any number of spaces identified on the certificate, except

that the City ~~Clerk~~ shall not purchase spaces already filled, nor spaces where an apparently valid certificate of ownership remains outstanding. The purchase back price shall be the original purchase price including development fee, if paid, not to exceed the current prices and exclusive of the endowment fee less the following:

- (1) Twenty-five percent of the total current purchase price, excluding the endowment fee, or \$50.00, whichever is greater, shall be retained as administrative cost.
- (2) In no case will the City buy back any space for more than the price of the lot and development fee, if any, at the time of purchase. The endowment fee will not be refunded.
- (3) If a current installment contract for payment exists, the City shall retain 25 percent of the amount paid excluding the pro rata share of the endowment fee, or \$50.00, whichever is greater.

(d) Certificate of ownership holders may consent to the burial of any deceased person. Such consent shall be in the form of an affidavit signed and notarized and shall bear the signature of at least one owner as shown on the certificate of ownership.

(e) **Lost Certificate of Ownership.** The owner may apply for a lost title upon payment of a fee established by resolution of the City Council.

~~2.40.160 Development fee.~~

~~The development fee was established in 1986 to fund cemetery improvement projects. These projects are beyond the routine operations and maintenance costs that are funded by the perpetual care endowment interest earnings. As of January 1, 1998, the development fee was incorporated into the purchase fee.~~

~~(a) No certificate of ownership shall be issued for any lot(s) or space(s) without the development fee first being paid.~~

~~(b) No burial shall be allowed on any lot for which such development fee has not been paid. For burial of cremated remains, an infant or a child, such development fee shall be prorated in accordance with the graduated fee schedule for interment.~~

~~(c) The development fee is established by resolution of the City Council.~~

~~(d) Any transfer of ownership performed under GJMC 2.40.180 requires that any outstanding development fee be paid. No certificate of ownership will be issued by the City Clerk until such fee is paid in full.~~

2.40.170 Rights of burial space owners.

(a) **Interment Rights.** All lots, grave spaces and burial spaces conveyed shall be considered as a grant of a right by the City to the grantee for the purpose of burial, shall be presumed to be the sole and separate burial right of the person named as grantee; however, a grantee may inter the grantee's deceased immediate family member in the space, in accordance with the rules and regulations and fee

schedule at the time of interment of spouse, child, mother, father or sibling. The burial of animals shall not be allowed.

(b) **Consent to Burial.** Upon the death of any other relative than listed above or nonrelative, the owner of a certificate of ownership may convey the right to burial in the space enumerated on the owner's certificate. The consent shall be evidenced by an approved certificate of transfer, which certificate shall be available only from the City [Manager's designee](#)~~Clerk~~. A certified death certificate shall be presented at the time of issuance of a certificate of transfer to a decedent by the City [Manager's designee](#)~~Clerk~~. Once burial occurs, the body may be disinterred only with an authorization pursuant to GJMC [2.40.310](#). Upon disinterment, burial rights for the space shall remain in the name of the certificate of transfer holder. The City ~~Clerk~~ shall maintain records of all burials.

(c) **Right of Descent.** Upon the death of the owner, any unused burial spaces shall pass as provided in the owner's last will and testament to the owner's beneficiaries. Any unused burial spaces not effectively disposed of by the owner's last will and testament or otherwise shall pass to the owner's heirs as prescribed by the Colorado Probate Code.

(d) **Official Records.** The official records of burial space owners shall be maintained by the City [Manager's designee](#)~~Clerk~~, and each burial space owner shall be registered by name and address. Such registration shall be the final governing record in determination of burial rights ownership.

(e) **No Transfer Without Consent.** No burial spaces shall be transferable except with compliance with the procedures of the City Manager or as provided by law.

(f) **Change of Address.** It shall be the duty of each and every burial rights owner to keep the City [Manager's designee](#)~~Clerk~~ fully informed as to the owner's mailing address and to notify said City [Manager's designee](#)~~Clerk~~ as to any changes thereof. Notice sent to any burial space owner at the last registered address on file with the City [Manager's designee](#)~~Clerk~~ shall be considered sufficient and proper legal notice.

(g) **Right to Ingress and Egress Reserved.** The City reserves to itself, and to those lawfully within the cemetery, a perpetual right to enter and to leave and conduct any lawful activity on or over any burial space and/or for passage to and from other spaces.

(h) **No Right Granted in Alleyways.** No easement or right of interment is granted to any burial space rights owner in any road, drive, alley or walk within the cemetery, but such road, drive, alley or walk may be used as a means of access to the cemetery grounds or buildings as long as the cemetery uses the accessways for that purpose.

2.40.180 Transfer of ownership.

(a) **Method of Transfer.** The transfer of right or any interest in any burial space shall be made only on forms provided by the City ~~Clerk~~.

(b) **Consent and Approval.** No transfer of any burial space shall be valid without the consent, in writing, of the City [Manager's designee](#)~~Clerk~~ and endorsed upon such a transfer and thereafter recorded on the books of the City ~~Clerk~~.

(c) **Time of Recognition.** A certificate of transfer, in order to be valid, must be proper on its face and it must also be delivered to the grantee or some third person during the lifetime of the grantor, with the full intent to divest the grantor of grantor's interest. The transfer must also be presented to, approved by and transferred upon the record of the City ~~Clerk~~ during the lifetime of the grantor; provided, however, that a transfer may also be made by the grantor in a last will and testament, or by the applicable laws of intestacy. An affidavit stating the applicant for the transfer is the heir must be submitted along with a copy of the will and application for transfer.

(d) **Indebtedness.** The City ~~Clerk~~ may refuse to consent to a transfer of any burial space so long as there is any indebtedness due thereon by the registered owner thereof.

(e) **Care and Maintenance Must Be Provided.** Except for areas designated for the burial of indigent persons, no transfer of any burial space or interment right therein shall be approved and registered upon the books of the City ~~Clerk~~ nor shall interments therein be permitted until provision shall have been made for care and maintenance of such space by payment of the endowment amount specified in the rules and regulations for City cemeteries. This provision shall not apply to burial spaces conveyed by the City for which perpetual care endowment has been already provided.

(f) **Transfer Charges.** All conveyances or transfers of rights in any burial space shall be subject to a charge fixed, from time to time, by resolution of the City Council, which charge must be paid when the transfer request is received for filing by the City [Manager's designee](#)~~Clerk~~.

2.40.190 Abandoned burial spaces.

(a) **Reversion.** The ownership or right in or to any unoccupied cemetery burial space shall upon disinterment and subsequent abandonment revert to the City.

(b) **Presumption.** Failure to inter in any burial space(s) after 21 years plus a life (defined as 100 years) from purchase, transfer or interment in adjacent spaces commonly owned, whichever is later in time, shall create and establish a presumption that the same has been abandoned; except that this presumption shall not apply when a letter of intent is annually filed by the owner or heir in title with the City ~~Clerk~~ stating the intention to keep specified spaces vacant.

(c) **Notice Required.** Abandonment or reversion by disinterment shall not be deemed complete unless the registered owner(s) or their heirs or assigns shall be notified in writing, mailed to the last known or registered address, by the City ~~Clerk~~. In the event that the address of the owner or owner's heirs cannot be ascertained, then notice of such abandonment shall be published in a newspaper of general circulation in Mesa County at least once a week for four weeks.

The City may thereafter sell, transfer and convey the rights to use the space. The funds derived from any sale of an abandoned space shall be considered as a new grave space.

2.40.210 Compliance with applicable laws.

Besides being subject to these rules and regulations for the City cemeteries, all interments, disinterments and removals are subject to the orders, rules, regulations and laws of the properly constituted authorities of the City and State.

(a) **Authorization for Interment.** The City reserves the right to refuse burial in any burial space if complete, correct and proper procedures are not followed or the death is suspicious and under criminal investigation.

(b) **Facsimile, Electronic, and Telephone Authorization.** The City may but shall not be obligated to complete certificates of transfer, endowment contracts or any or all other applications, contracts or paperwork via facsimile, electronic means, or telephone. The City shall not be held responsible for any order given by telephone, facsimile, other electronic means, or for any mistake occurring from the want of precise and proper telephonic, electronic and/or facsimile transmissions. Any changes, adjustments or corrections necessitated by such mistakes shall be at the expense of the burial space owner or the owner's agent.

(c) **Burial Permits Issued.** The Mesa County Bureau of Vital Statistics or other appropriate agencies shall issue a burial permit addressed to the City Clerk. No burial shall take place without a burial permit from the appropriate agency. In the case of cremated remains, such burial permit will accompany the body to the crematorium.

2.40.220 Time and notice of interments.

~~The~~ right is reserved by the City to insist upon notice at least 24 hours prior to any cremation or interment, and at least 10 days' notice prior to any disinterment or removal. Any exceptions must be approved by the City Manager's designee~~emetery Supervisor~~.

All interments, disinterments and removals must be arranged for in advance, but no interments, disinterments, removals, cremation or interment service shall be permitted on the Saturday or Sunday before or on Memorial Day. Exceptions may be granted for extenuating circumstances by the City Manager's designee~~Clerk~~; however, the additional grave opening fee for Sundays and holidays will be charged.

2.40.230 Conditions for interment.

(a) **No Interment Unless Paid in Full.** No interment shall be permitted or memorial placed in or on any space not fully paid for. A promissory note or installment contract for purchase shall not be considered as payment and no rights shall be acquired by the burial space purchaser of said interment or interments until such is fully paid for in good funds. The City Manager's designee~~Clerk~~ may accept from the legal representative of a deceased a bond or other surety or guaranty of payment.

(b) **More Than One Body.** Not more than one body, or the remains of more than one body, shall be interred in one grave, vault, crypt or niche; however, with the written consent of the City Manager's designee~~Clerk~~, with the consent attached to the certificate of ownership, the remains of an infant may be buried in the grave space with the parent or cremated remains may be placed in the same grave, crypt or

niche with one adult or infant burial or other cremated remains; provided, proper identification is made of such interment or interments on one crypt, niche, memorial or marker; and provided, the appropriate fees have been paid. In no event shall more than five remains be allowed in one full size space (four feet by 10 feet approximately).

(c) [No interments, including cremated remains, shall be buried in a grave space without a vault.](#)

2.40.290 Removal of bodies prior to interment.

Once a casket containing a body is within the confines of the cemetery and has been accepted for interment by the City [Manager's designee Cemetery Supervisor](#), no funeral director, embalmer, assistant, employee or agent, nor any cemetery employee shall remove or permit the removal of the casket or body contained therein without the written consent of a member of the immediate family, nearest of kin, legal representative of the deceased or without a court order. A casket containing a body cannot be accepted for interment by the City [Manager's designee Cemetery Supervisor](#) until the [City supervisor](#) receives a signed, properly completed burial order form and burial permit for the deceased.

2.40.430 Responsibility for monument/memorial placement, foundation and bases.

(a) Foundations for memorials must be built of concrete, solid masonry or granite to the satisfaction of the City [Manager's designee cemetery Supervisor](#). Foundations for above-grade memorials shall be the length and at least the width of the memorial to be placed. The foundation shall be at least four inches deep. The top of the foundation shall be flush with the ground and have a six-inch square apron around the memorial.

(b) Monument/memorial placement is the sole and absolute responsibility and liability of the company, person, employee or agent selling and placing the monument. Such liability and responsibility shall include safety of the public and cemetery personnel as well as liability for damage to other monuments, memorials, plantings, trees and cemetery equipment while in, on or installing a monument or memorial.

(c) Monument companies' installer(s) shall fully cover foundation holes, if left unattended, with a material strong enough to withstand 300 pounds of weight and must place orange safety cones around the hole.

(d) Where an existing foundation must be removed in order to add a new burial, the cost of replacing the foundation and memorial shall be the owner's responsibility.

(e) Bases for monuments, markers or other memorials must be squared. No wedging will be permitted. The base must be rock pitch (rough cut) at least four inches above the ground. If smooth cut, the corners must be rounded. The City accepts no responsibility for any damage incurred to such bases.

(f) Vases or urns made of metal or other nonbreakable material may be attached to the granite or marble base, or may be placed into the foundation.

2.40.440 Installation.

(a) Persons engaged in erecting monuments shall not attach ropes to other monuments or trees. They shall not scatter any material, to include soil or waste material, over adjacent lots or to leave the same on the ground longer than is absolutely necessary. They are required to set work as soon as possible after

entering the cemetery. They shall be financially responsible for any damage done by them to other monuments, the grass, trees, or any other object whatsoever in the cemetery. Monument companies shall annually file with the City ~~Manager's designee~~Clerk a certificate of liability insurance in an amount determined by the City Council, which in no event shall be less than \$500,000. The monument companies shall also annually file proof of Colorado employee's liability (or worker's compensation insurance). If there are no employees, a waiver of worker's compensation, in a form as required by the City Attorney, shall be permitted. If the certificate of liability insurance or proof of the worker's compensation coverage for a monument company is not on file with the City or if the insurance policies are not in effect, then the monument company shall not do any work or activity in a City cemetery.

(b) Monument installers within the immediate vicinity of a funeral shall suspend their labors until the conclusion of the funeral service.

(c) Monument companies and others, including but not limited to stone masons, monument purveyors and employees or agents thereof, are prohibited from placing their names on any work, monument or memorial.

(d) No memorial work shall be done in the cemetery on Sundays or holidays. Advance approval shall be required from the ~~City Manager's designee~~cemetery Supervisor for memorial work to take place on the Saturday before Memorial Day. The placement of floral pieces, flowers, flags or other nonpermanent commemoration is permissible without advance authorization.

(e) City Manager's designee may deny a monument company to do any work or activity in a City cemetery if the designee determines that it is not in the best interest of the cemetery.

2.40.510 Grave care.

(a) **Perpetual Care.** Perpetual care as supported by the endowment fund shall be held to mean:

- (1) Cutting of the grass at reasonable intervals;
- (2) Raking, cleaning and watering at reasonable intervals;
- (3) Reseeding or resodding, if necessary;
- (4) Machine trimming as closely as possible around markers, monuments and memorials at reasonable intervals; and
- (5) Removal of seedlings, saplings and weeds from, on and around monuments and markers;
- (6) It shall also be held to mean the general preservation of the cemetery roads, walks, fences, plantings and the pruning of shrubs and trees to the end that the cemetery shall remain and be reasonably cared for as a cemetery;

(7) Perpetual care shall not be construed as meaning the maintenance, repair or resetting of any grave marker or memorial placed upon any lot or grave space. Neither does the term "perpetual care" mean doing of any special or unusual work on any lot nor the reconstruction of any marble, granite, bronze, concrete or stone work or rebuilding or repair of any monument, memorial or marker damaged by the elements, an act of God, common enemy, thieves, vandals, strikes, malicious mischief, unavoidable accidents, invasions, insurrections or riot whether the damage be direct or collateral, other than as herein provided.

(b) **Planting.** The [City Manager's designee cemetery Supervisor](#) shall have charge of the planting of trees and shrubs in accordance with appropriate ornamentation of the grounds. No trees, spreading plants or shrubbery shall be planted or grown on the lots or spaces. Roses and certain evergreens, as determined by [City Manager's designee supervisor](#), may be planted in blocks specifically authorizing them but only by cemetery personnel.

(c) **Grading of Lots.**

(1) In order to produce a pleasing effect and to ensure proper drainage, the grade of all lots and graves will be determined by the [City Manager's designee cemetery Supervisor](#) and, if need be, may be changed as required.

(2) Grading and digging on the lots by persons other than City employees may be done only under the direction of the [City Manager's designee cemetery Supervisor](#).

(3) All graves will be sodded level. No mounding will be allowed on any grave.

(d) **Unauthorized Work by Cemetery Employees.** The employees of the cemetery are not permitted to perform any extra work for lot owners except at the direction of the [City Manager's designee cemetery Supervisor](#).

(e) **Ornamental Appurtenances.** No trellises, baskets, boxes, shells, toys, crockery, glassware or other objects are permitted on any lot or grave space, unless specifically authorized by the [City Manager's designee cemetery Supervisor](#). The City is not responsible for any such items and they may be removed by cemetery personnel for maintenance.

(f) **American Flags Allowed.** American flags of small or memorial size may be displayed in any part of the entire cemetery when flags are customarily displayed. The American flag is defined for this purpose as the flag of the United States of America.

(g) **Expense of Maintenance.**

(1) No expense for cleaning a monument necessitated by any cause whatsoever will be assumed by the cemeteries nor paid by the City.

(2) The City shall not be responsible for scratching or chipping of any type of monument or marker resulting from routine maintenance of the cemetery.

(h) **Fences, Enclosures.** No fences, railings, copings or other enclosures shall be permitted around graves.

(i) **Artificial Flowers.**

(1) No plastic flowers, arrangements or wreaths shall be placed in the City cemeteries between April 15th and November 1st each year with the exception of 10 days before and after Memorial Day. On April 15th of each year and 10 days after Memorial Day, City crews will remove all plastic flowers, arrangements and wreaths from grave sites in the City cemeteries.

(2) When placement is allowed, artificial flowers will be permitted in the City cemeteries only when placed in urns or other containers made of some durable material, excluding glass, pottery or other such material which are permanently attached to the foundation base or marker. Urns or containers shall be placed and located so that they will not interfere with or hinder the mowing operations or other care required.

(3) Artificial flowers, when placed in permanent containers and maintained as herein provided, will be allowed in the cemeteries at all times except during those periods as prescribed in this regulation.

(j) **Placement and Removal of Natural Flowers and Wreaths.** Natural flowers and floral arrangements may be placed or used throughout the year. These objects may be removed by the cemetery staff if the objects become injurious to the grass on the grave spaces, unsightly, dilapidated or if they hinder mowing operations or other care of the cemeteries.

(k) **Removal of Articles Considered Objectionable.** The [City Manager's designee cemetery Supervisor](#) may prohibit or remove from lots any article that the [City Manager's designee cemetery Supervisor](#) may consider objectionable.

2.40.520 Visitor regulations.

(a) Entrance into the cemeteries shall be through the designated entrance(s) only.

(b) All persons are welcome to visit the cemeteries during the posted visiting hours while gates are open. Visitors shall at all times be orderly and shall not walk on flower beds or borders. Children shall not run at will in the cemeteries.

(c) All persons are forbidden to pick or remove the flowers or plants without the [City Manager's designee cemetery Supervisor's](#) permission, or to injure trees or shrubs on any lot or grave, or to injure or deface any monument, vault, structure or other property.

(d) Litter is prohibited; litter, including but not limited to cigarette butts, must be disposed of in trash cans.

(e) No persons with firearms shall enter the cemeteries except for military funerals or similar occasions, and any peace officer, sheriff or other law enforcement officer.

(f) Pets are strictly prohibited, except for seeing eye or other physical assistance dogs on the cemetery grounds; pets shall minimally be confined to vehicles but are generally discouraged from being taken to the cemeteries.

(g) No driving or riding of any vehicle, bicycle or other conveyance shall be allowed on lots or upon the lawns or walks. Physical assistance conveyances are exempt from this provision. All persons driving in the cemeteries shall be responsible for any damage done by them. The speed limit in cemeteries is 10 miles per hour.

(h) The cemeteries are devoted to the interment and repose of the dead. All persons shall show due respect and observe the ordinances, rules and regulations of the City for the use of the cemeteries.

(i) The City cemeteries are not public forums; demonstrations, protests, parades, speeches or other forms of public activities are expressly forbidden in the City cemeteries. Educational activities may be allowed by the ~~Cemetery Supervisor or the~~ City Manager or the City Manager's designee. Nothing shall be construed as prohibiting any funeral service or the uniformed services of the United States, the military forces of the State, or any Colorado law enforcement or fire organization, when the service is approved by the City and held for the purpose of interring remains or honoring the dead.

CITY OF GRAND JUNCTION, COLORADO
ORDINANCE NO. _____

**AN ORDINANCE AMENDING CHAPTER 2.40 OF THE
GRAND JUNCTION MUNICIPAL CODE REGARDING CEMETERIES**

RECITALS:

The City Council of the City of Grand Junction has reviewed and approved changes to various sections of Chapter 2.40 of the City of Grand Junction's Code of Ordinances to update the Code, eliminating the development fee requirement as it is no longer applicable, and clarifying additional authority to the City Manager and/or the City Manager's designee to require more of monument companies to do work or activity within the cemeteries.

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

The sections of Chapter 2.40 of the City of Grand Junction's Code of Ordinance included herein are hereby amended as follows:

2.40.110 Sale of lots – Certificates of ownership.

(a) The City Manager shall keep accurate record of all burial spaces in the City cemeteries. The City shall sell burial spaces at such price or prices as may be directed by the City Council and contained in the rules and regulations for the City cemeteries. The City Manager shall issue a certificate of ownership to the purchaser of each burial space, which certificate shall contain a description of the burial space, purchase price, the name and address of the space owner and will include statement of perpetual care. The certificate shall state that it represents only a right to be buried and in no way conveys a title to the real estate and shall also state:

- (1) The ownership of that right is not transferable without the approval of the City Manager or the City Manager's designee and the reissuance of a new certificate to the new owner of the burial right, except that transfer of ownership may be effected by last will and testament or intestacy as provided for in GJMC [2.40.180](#). All transfers must be recorded by the City and a fee for such transfer as established by resolution of City Council will be charged.
- (2) Any transfer of ownership interest by last will and testament or applicable laws of intestacy shall be reported immediately to the City Manager's designee by the person receiving the ownership interest.
- (3) All changes in address of the owner shall be reported immediately to the City Manager's designee.
- (4) A portion of the purchase price, such portion to be specified, shall be deposited into a trust fund and held as a permanent fund with the income of the fund to be devoted to the perpetual care and keeping of the burial space so endowed, except for spaces in areas designated for the

burial of indigent persons. Indigence shall be demonstrated by affidavit or other documentary proof satisfactory to the City Manager's designee.

(5) Prior to the resale of any vacant burial space by the owner to any other individual or to the City, all monuments or markers must be removed at the owner's expense.

(b) The certificate of transfer shall be signed with a facsimile of the City Manager's signature and attested by the signature of the City Clerk under the seal of the City.

2.40.120 Records.

Records of the City, other than the certificate as provided for in GJMC [2.40.110](#), shall show the date of purchase, the name of the purchaser, the description designating the burial right(s) space purchased and the purchase price. Indexing maintained by the City shall permit determination of location of the burial space by location as well as by owner's name.

(a) Certificates of ownership are evidence of ownership of a right to be buried in spaces listed on the certificate.

(b) The owner of a certificate of ownership seeking to reconvey one or more spaces to another shall apply for and obtain a certificate of transfer from the City in the name of the other person. Upon submission of an application to convey the burial space rights, the original certificate of ownership shall be returned, canceled and reissued to the new owner by the City Manager's designee. If any spaces enumerated on the original certificate of ownership are to be retained by the owner, then certificates of ownership shall be reissued by the City Manager's designee for each space in the name of each owner.

(1) Upon application for reconveyance, the applicant shall provide the following information:

(i) The grave space right(s) owned;

(ii) The spaces then used, if any;

(iii) Which owners have been issued a certificate of transfer, if any, for the particular space;

(iv) A statement that the owner truthfully believes that the owner holds and fully controls burial rights to the spaces for which the owner is applying for certificates of transfer and that the owner does indemnify the City as to all costs should any person(s) other than the transferee named subsequently present a certificate of transfer for the same space or spaces.

(2) Upon submission of a complete application, the City Manager's designee shall investigate and determine:

(i) If any spaces for which certificates of transfer are sought are filled.

(ii) If any spaces are held by persons or firms other than the current certificate of ownership holder.

(3) The City Manager's designee shall then issue the certificate(s) of ownership to the person(s) indicated by the then owner; however, any title impairment affecting the ownership of the burial right(s) shall be noted upon the respective certificate of ownership. If any space is unendowed (except in areas platted for burial of indigent persons), then the endowment then payable shall be paid prior to the reissuance of the new certificate of ownership. A record containing the application, the investigation results and a copy of the certificate(s) of transfer along with the chain of title notations, if any, shall be retained by the City.

(c) The City may purchase back any unused certificate of ownership or any unused portion thereof under the terms and conditions listed below. The City Manager's designee shall purchase only those spaces for which ownership is clear. The City Manager's designee shall require an application for all purchase back requests. Upon submission of a completed application to the City Manager's designee and upon completion of the City Manager's designee's investigation, the City may purchase the certificate of ownership for any number of spaces identified on the certificate, except that the City shall not purchase spaces already filled, nor spaces where an apparently valid certificate of ownership remains outstanding. The purchase back price shall be the original purchase price including development fee if paid, not to exceed the current prices and exclusive of the endowment fee less the following:

(1) Twenty-five percent of the total current purchase price, excluding the endowment fee, or \$50.00, whichever is greater, shall be retained as administrative cost.

(2) In no case will the City buy back any space for more than the price of the lot and development fee, if any, at the time of purchase. The endowment fee will not be refunded.

(3) If a current installment contract for payment exists, the City shall retain 25 percent of the amount paid excluding the pro rata share of the endowment fee, or \$50.00, whichever is greater.

(d) Certificate of ownership holders may consent to the burial of any deceased person. Such consent shall be in the form of an affidavit signed and notarized and shall bear the signature of at least one owner as shown on the certificate of ownership.

(e) **Lost Certificate of Ownership.** The owner may apply for a lost title upon payment of a fee established by resolution of the City Council.

2.40.160 Repealed.

2.40.170 Rights of burial space owners.

(a) **Interment Rights.** All lots, grave spaces and burial spaces conveyed shall be considered as a grant of a right by the City to the grantee for the purpose of burial, shall be presumed to be the sole and separate burial right of the person named as grantee; however, a grantee may inter the grantee's deceased immediate family member in the space, in accordance with the rules and regulations and fee

schedule at the time of interment of spouse, child, mother, father or sibling. The burial of animals shall not be allowed.

(b) **Consent to Burial.** Upon the death of any other relative than listed above or nonrelative, the owner of a certificate of ownership may convey the right to burial in the space enumerated on the owner's certificate. The consent shall be evidenced by an approved certificate of transfer, which certificate shall be available only from the City Manager's designee. A certified death certificate shall be presented at the time of issuance of a certificate of transfer to a decedent by the City Manager's designee. Once burial occurs, the body may be disinterred only with an authorization pursuant to GJMC [2.40.310](#). Upon disinterment, burial rights for the space shall remain in the name of the certificate of transfer holder. The City shall maintain records of all burials.

(c) **Right of Descent.** Upon the death of the owner, any unused burial spaces shall pass as provided in the owner's last will and testament to the owner's beneficiaries. Any unused burial spaces not effectively disposed of by the owner's last will and testament or otherwise shall pass to the owner's heirs as prescribed by the Colorado Probate Code.

(d) **Official Records.** The official records of burial space owners shall be maintained by the City Clerk, and each burial space owner shall be registered by name and address. Such registration shall be the final governing record in determination of burial rights ownership.

(e) **No Transfer Without Consent.** No burial spaces shall be transferable except with compliance with the procedures of the City Manager or as provided by law.

(f) **Change of Address.** It shall be the duty of each and every burial rights owner to keep the City Manager's designee fully informed as to the owner's mailing address and to notify said City Manager's designee as to any changes thereof. Notice sent to any burial space owner at the last registered address on file with the City Manager's designee shall be considered sufficient and proper legal notice.

(g) **Right to Ingress and Egress Reserved.** The City reserves to itself, and to those lawfully within the cemetery, a perpetual right to enter and to leave and conduct any lawful activity on or over any burial space and/or for passage to and from other spaces.

(h) **No Right Granted in Alleyways.** No easement or right of interment is granted to any burial space rights owner in any road, drive, alley or walk within the cemetery, but such road, drive, alley or walk may be used as a means of access to the cemetery grounds or buildings as long as the cemetery uses the accessways for that purpose.

2.40.180 Transfer of ownership.

(a) **Method of Transfer.** The transfer of right or any interest in any burial space shall be made only on forms provided by the City.

(b) **Consent and Approval.** No transfer of any burial space shall be valid without the consent, in writing, of the City Manager's designee and endorsed upon such a transfer and thereafter recorded on the books of the City.

(c) **Time of Recognition.** A certificate of transfer, in order to be valid, must be proper on its face and it must also be delivered to the grantee or some third person during the lifetime of the grantor, with the full intent to divest the grantor of grantor's interest. The transfer must also be presented to, approved by and transferred upon the record of the City during the lifetime of the grantor; provided, however, that a transfer may also be made by the grantor in a last will and testament, or by the applicable laws of intestacy. An affidavit stating the applicant for the transfer is the heir must be submitted along with a copy of the will and application for transfer.

(d) **Indebtedness.** The City may refuse to consent to a transfer of any burial space so long as there is any indebtedness due thereon by the registered owner thereof.

(e) **Care and Maintenance Must Be Provided.** Except for areas designated for the burial of indigent persons, no transfer of any burial space or interment right therein shall be approved and registered upon the books of the City nor shall interments therein be permitted until provision shall have been made for care and maintenance of such space by payment of the endowment amount specified in the rules and regulations for City cemeteries. This provision shall not apply to burial spaces conveyed by the City for which perpetual care endowment has been already provided.

(f) **Transfer Charges.** All conveyances or transfers of rights in any burial space shall be subject to a charge fixed, from time to time, by resolution of the City Council, which charge must be paid when the transfer request is received for filing by the City Manager's designee.

2.40.190 Abandoned burial spaces.

(a) **Reversion.** The ownership or right in or to any unoccupied cemetery burial space shall upon disinterment and subsequent abandonment revert to the City.

(b) **Presumption.** Failure to inter in any burial space(s) after 21 years plus a life (defined as 100 years) from purchase, transfer or interment in adjacent spaces commonly owned, whichever is later in time, shall create and establish a presumption that the same has been abandoned; except that this presumption shall not apply when a letter of intent is annually filed by the owner or heir in title with the City stating the intention to keep specified spaces vacant.

(c) **Notice Required.** Abandonment or reversion by disinterment shall not be deemed complete unless the registered owner(s) or their heirs or assigns shall be notified in writing, mailed to the last known or registered address, by the City. In the event that the address of the owner or owner's heirs cannot be ascertained, then notice of such abandonment shall be published in a newspaper of general circulation in Mesa County at least once a week for four weeks.

The City may thereafter sell, transfer and convey the rights to use the space. The funds derived from any sale of an abandoned space shall be considered as a new grave space.

2.40.210 Compliance with applicable laws.

Besides being subject to these rules and regulations for the City cemeteries, all interments, disinterments and removals are subject to the orders, rules, regulations and laws of the properly constituted authorities of the City and State.

(a) **Authorization for Interment.** The City reserves the right to refuse burial in any burial space if complete, correct and proper procedures are not followed or the death is suspicious and under criminal investigation.

(b) **Facsimile, Electronic, and Telephone Authorization.** The City may but shall not be obligated to complete certificates of transfer, endowment contracts or any or all other applications, contracts or paperwork via facsimile, electronic means, or telephone. The City shall not be held responsible for any order given by telephone, facsimile, other electronic means, or for any mistake occurring from the want of precise and proper telephonic, electronic and/or facsimile transmissions. Any changes, adjustments or corrections necessitated by such mistakes shall be at the expense of the burial space owner or the owner's agent.

(c) **Burial Permits Issued.** The Mesa County Bureau of Vital Statistics or other appropriate agencies shall issue a burial permit addressed to the City Clerk. No burial shall take place without a burial permit from the appropriate agency. In the case of cremated remains, such burial permit will accompany the body to the crematorium.

2.40.220 Time and notice of interments.

The right is reserved by the City to insist upon notice at least 24 hours prior to any cremation or interment, and at least 10 days' notice prior to any disinterment or removal. Any exceptions must be approved by the City Manager's designee.

All interments, disinterments and removals must be arranged for in advance, but no interments, disinterments, removals, cremation or interment service shall be permitted on the Saturday or Sunday before or on Memorial Day. Exceptions may be granted for extenuating circumstances by the City Manager's designee; however, the additional grave opening fee for Sundays and holidays will be charged.

2.40.230 Conditions for interment.

(a) **No Interment Unless Paid in Full.** No interment shall be permitted or memorial placed in or on any space not fully paid for. A promissory note or installment contract for purchase shall not be considered as payment and no rights shall be acquired by the burial space purchaser of said interment or interments until such is fully paid for in good funds. The City Manager's designee may accept from the legal representative of a deceased a bond or other surety or guaranty of payment.

(b) **More Than One Body.** Not more than one body, or the remains of more than one body, shall be interred in one grave, vault, crypt or niche; however, with the written consent of the City Manager's designee, with the consent attached to the certificate of ownership, the remains of an infant may be buried in the grave space with the parent or cremated remains may be placed in the same grave, crypt or niche with one adult or infant burial or other cremated remains; provided, proper identification is made of such interment or interments on one crypt, niche, memorial or marker; and provided, the appropriate fees have been paid. In no event shall more than five remains be allowed in one full size space (four feet by 10 feet approximately).

(c) No interments, including cremated remains, shall be buried in a grave space without a vault.

2.40.290 Removal of bodies prior to interment.

Once a casket containing a body is within the confines of the cemetery and has been accepted for interment by the City Manager's designee, no funeral director, embalmer, assistant, employee or agent, nor any cemetery employee shall remove or permit the removal of the casket or body contained therein without the written consent of a member of the immediate family, nearest of kin, legal representative of the deceased or without a court order. A casket containing a body cannot be accepted for interment by the City Manager's designee until the City receives a signed, properly completed burial order form and burial permit for the deceased.

2.40.430 Responsibility for monument/memorial placement, foundation and bases.

- (a) Foundations for memorials must be built of concrete, solid masonry or granite to the satisfaction of the City Manager's designee. Foundations for above-grade memorials shall be the length and at least the width of the memorial to be placed. The foundation shall be at least four inches deep. The top of the foundation shall be flush with the ground and have a six-inch square apron around the memorial.
- (b) Monument/memorial placement is the sole and absolute responsibility and liability of the company, person, employee or agent selling and placing the monument. Such liability and responsibility shall include safety of the public and cemetery personnel as well as liability for damage to other monuments, memorials, plantings, trees and cemetery equipment while in, on or installing a monument or memorial.
- (c) Monument companies' installer(s) shall fully cover foundation holes, if left unattended, with a material strong enough to withstand 300 pounds of weight and must place orange safety cones around the hole.
- (d) Where an existing foundation must be removed in order to add a new burial, the cost of replacing the foundation and memorial shall be the owner's responsibility.
- (e) Bases for monuments, markers or other memorials must be squared. No wedging will be permitted. The base must be rock pitch (rough cut) at least four inches above the ground. If smooth cut, the corners must be rounded. The City accepts no responsibility for any damage incurred to such bases.
- (f) Vases or urns made of metal or other nonbreakable material may be attached to the granite or marble base, or may be placed into the foundation.

2.40.440 Installation.

- (a) Persons engaged in erecting monuments shall not attach ropes to other monuments or trees. They shall not scatter any material, to include soil or waste material, over adjacent lots or to leave the same on the ground longer than is absolutely necessary. They are required to set work as soon as possible after entering the cemetery. They shall be financially responsible for any damage done by them to other monuments, the grass, trees, or any other object whatsoever in the cemetery. Monument companies shall annually file with the City Manager's designee a certificate of liability insurance in an amount determined by the City Council, which in no event shall be less than \$500,000. The monument companies shall also annually file proof of Colorado employee's liability (or worker's compensation insurance). If there are no employees, a waiver of worker's compensation, in a form as required by the City Attorney, shall be permitted. If the certificate of liability insurance or proof of the worker's compensation coverage for a

monument company is not on file with the City or if the insurance policies are not in effect, then the monument company shall not do any work or activity in a City cemetery.

(b) Monument installers within the immediate vicinity of a funeral shall suspend their labors until the conclusion of the funeral service.

(c) Monument companies and others, including but not limited to stone masons, monument purveyors and employees or agents thereof, are prohibited from placing their names on any work, monument or memorial.

(d) No memorial work shall be done in the cemetery on Sundays or holidays. Advance approval shall be required from the City Manager's designee for memorial work to take place on the Saturday before Memorial Day. The placement of floral pieces, flowers, flags or other nonpermanent commemoration is permissible without advance authorization.

(e) City Manager's designee may deny a monument company to do any work or activity in a City cemetery if the designee determines that it is not in the best interest of the cemetery.

2.40.510 Grave care.

(a) **Perpetual Care.** Perpetual care as supported by the endowment fund shall be held to mean:

- (1) Cutting of the grass at reasonable intervals;
- (2) Raking, cleaning and watering at reasonable intervals;
- (3) Reseeding or resodding, if necessary;
- (4) Machine trimming as closely as possible around markers, monuments and memorials at reasonable intervals; and
- (5) Removal of seedlings, saplings and weeds from, on and around monuments and markers;
- (6) It shall also be held to mean the general preservation of the cemetery roads, walks, fences, plantings and the pruning of shrubs and trees to the end that the cemetery shall remain and be reasonably cared for as a cemetery;
- (7) Perpetual care shall not be construed as meaning the maintenance, repair or resetting of any grave marker or memorial placed upon any lot or grave space. Neither does the term "perpetual care" mean doing of any special or unusual work on any lot nor the reconstruction of any marble, granite, bronze, concrete or stone work or rebuilding or repair of any monument, memorial or marker damaged by the elements, an act of God, common enemy, thieves, vandals, strikes, malicious mischief, unavoidable accidents, invasions, insurrections or riot whether the damage be direct or collateral, other than as herein provided.

(b) **Planting.** The City Manager's designee shall have charge of the planting of trees and shrubs in accordance with appropriate ornamentation of the grounds. No trees, spreading plants or shrubbery shall

be planted or grown on the lots or spaces. Roses and certain evergreens, as determined by City Manager's designee, may be planted in blocks specifically authorizing them but only by cemetery personnel.

(c) **Grading of Lots.**

(1) In order to produce a pleasing effect and to ensure proper drainage, the grade of all lots and graves will be determined by the City Manager's designee and, if need be, may be changed as required.

(2) Grading and digging on the lots by persons other than City employees may be done only under the direction of the City Manager's designee.

(3) All graves will be sodded level. No mounding will be allowed on any grave.

(d) **Unauthorized Work by Cemetery Employees.** The employees of the cemetery are not permitted to perform any extra work for lot owners except at the direction of the City Manager's designee.

(e) **Ornamental Appurtenances.** No trellises, baskets, boxes, shells, toys, crockery, glassware or other objects are permitted on any lot or grave space, unless specifically authorized by the City Manager's designee. The City is not responsible for any such items and they may be removed by cemetery personnel for maintenance.

(f) **American Flags Allowed.** American flags of small or memorial size may be displayed in any part of the entire cemetery when flags are customarily displayed. The American flag is defined for this purpose as the flag of the United States of America.

(g) **Expense of Maintenance.**

(1) No expense for cleaning a monument necessitated by any cause whatsoever will be assumed by the cemeteries nor paid by the City.

(2) The City shall not be responsible for scratching or chipping of any type of monument or marker resulting from routine maintenance of the cemetery.

(h) **Fences, Enclosures.** No fences, railings, copings or other enclosures shall be permitted around graves.

(i) **Artificial Flowers.**

(1) No plastic flowers, arrangements or wreaths shall be placed in the City cemeteries between April 15th and November 1st each year with the exception of 10 days before and after Memorial Day. On April 15th of each year and 10 days after Memorial Day, City crews will remove all plastic flowers, arrangements and wreaths from grave sites in the City cemeteries.

(2) When placement is allowed, artificial flowers will be permitted in the City cemeteries only when placed in urns or other containers made of some durable material, excluding glass, pottery or other such material which are permanently attached to the foundation base or marker. Urns or containers shall be placed and located so that they will not interfere with or hinder the mowing operations or other care required.

(3) Artificial flowers, when placed in permanent containers and maintained as herein provided, will be allowed in the cemeteries at all times except during those periods as prescribed in this regulation.

(j) **Placement and Removal of Natural Flowers and Wreaths.** Natural flowers and floral arrangements may be placed or used throughout the year. These objects may be removed by the cemetery staff if the objects become injurious to the grass on the grave spaces, unsightly, dilapidated or if they hinder mowing operations or other care of the cemeteries.

(k) **Removal of Articles Considered Objectionable.** The City Manager's designee may prohibit or remove from lots any article that the City Manager's designee may consider objectionable.

2.40.520 Visitor regulations.

(a) Entrance into the cemeteries shall be through the designated entrance(s) only.

(b) All persons are welcome to visit the cemeteries during the posted visiting hours while gates are open. Visitors shall at all times be orderly and shall not walk on flower beds or borders. Children shall not run at will in the cemeteries.

(c) All persons are forbidden to pick or remove the flowers or plants without the City Manager's designee's permission, or to injure trees or shrubs on any lot or grave, or to injure or deface any monument, vault, structure or other property.

(d) Litter is prohibited; litter, including but not limited to cigarette butts, must be disposed of in trash cans.

(e) No persons with firearms shall enter the cemeteries except for military funerals or similar occasions, and any peace officer, sheriff or other law enforcement officer.

(f) Pets are strictly prohibited, except for seeing eye or other physical assistance dogs on the cemetery grounds; pets shall minimally be confined to vehicles but are generally discouraged from being taken to the cemeteries.

(g) No driving or riding of any vehicle, bicycle or other conveyance shall be allowed on lots or upon the lawns or walks. Physical assistance conveyances are exempt from this provision. All persons driving in the cemeteries shall be responsible for any damage done by them. The speed limit in cemeteries is 10 miles per hour.

(h) The cemeteries are devoted to the interment and repose of the dead. All persons shall show due respect and observe the ordinances, rules and regulations of the City for the use of the cemeteries.

(i) The City cemeteries are not public forums; demonstrations, protests, parades, speeches or other forms of public activities are expressly forbidden in the City cemeteries. Educational activities may be allowed by the City Manager or the City Manager's designee. Nothing shall be construed as prohibiting any funeral service or the uniformed services of the United States, the military forces of the State, or any Colorado law enforcement or fire organization, when the service is approved by the City and held for the purpose of interring remains or honoring the dead.

Any section not included herein from Chapter 2.40 shall remain in full force and effect.

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

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

President of City Council

ATTEST:

City Clerk



Date: Sept. 6, 2013

Author: Jamie B. Beard

Title/ Phone Ext: Assistant City Attorney,
X4032

Proposed Schedule: 1st Reading : Sept.
18, 2013

2nd Reading: October 2, 2013

File # (if applicable): _____

Attach 3

CITY COUNCIL AGENDA ITEM

Subject: Amendment to the Grand Junction Municipal Code Relative to Forestry Licensing

Action Requested/Recommendation: Introduce a Proposed Ordinance and Set a Hearing for October 16, 2013

Presenter(s) Name & Title: Tom Ziola, Forestry/Horticulture/Cemetery Supervisor

Executive Summary:

Changes to Section 8.32.110 of the Grand Junction Municipal Code are proposed to clarify and update requirements for a license to engage in the business of cutting, pruning, trimming or removing, and/or spraying of trees (collectively Tree Maintenance).

Background, Analysis and Options:

The Forestry Board with the assistance of City Staff has discussed and considered issues that have arisen over the last few years concerning businesses operating within the City limits without a license or not maintaining a qualified competent person to supervise and/or do the work authorized under a license. The discussions included a person/companies liabilities and responsibilities for providing services to a citizen of the City regarding the care of trees. The proposed changes to Section 8.32.110 come out of those discussions. The proposed changes are believed to be the minimum necessary to protect the trees within the City and in turn protect the citizens who hire the persons/companies providing such services.

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

The proposed Section 8.32.110 does not impact or affect the goals and policies of the Comprehensive Plan.

Board or Committee Recommendation: The Forestry Board reviewed the proposal at their August 9, 2013 meeting and recommended the changes be made.

Financial Impact/Budget: None

Legal issues: The City Attorney has prepared the ordinance, reviewed and approved the proposed changes.

Other issues: None

Previously presented or discussed: No

Attachments:

Present Section 8.32.110

Proposed Ordinance

Section Proposed to be replaced

8.32.110 License required.

- (a) No person shall engage in the business of cutting, pruning, removing, trimming or spraying of trees in the City without first obtaining from the Forestry Board a license each year authorizing such person to engage in such business.
- (b) The license required by this section shall be issued in the manner and form and subject to the conditions and regulations prescribed by Chapter [5.04](#) GJMC.
- (c) The applicant receiving a license under this section shall pay an annual license fee as established by resolution of the City Council and on file in the City Clerk's office beginning January 1st of each year.
- (d) Every license issued under this section shall show on its face the types, classification or kinds of services for which the licensee is licensed and authorized to perform. All motor vehicles and other major equipment of any person licensed under this section used in conducting the licensed business shall be clearly identified with the name of the licensee and the license number.
- (e) No license shall be issued under this section until the applicant therefor has presented to the City Manager a satisfactory public liability insurance policy covering all proposed operations of the applicant in such business in the City in the sum of at least \$150,000 for the injury or death of any one person; \$600,000 for the injury or death of any number of persons in any one accident; and \$75,000 for damage to property. Such policy may allow the first \$100.00 of liability to be deductible. Such insurance policy must be prepared for at least the term of the license and shall require at least 30 days' advance notice to the City before cancellation. In the event of the cancellation or termination of any such required insurance policy during the licensed term, the license shall be terminated and the holder thereof shall surrender such license to the City Manager unless the licensee presents to the City Manager a substitute insurance policy meeting the requirements of this section.

CITY OF GRAND JUNCTION, COLORADO
ORDINANCE NO. _____

**AN ORDINANCE REPEALING AND REPLACING SECTION 8.32.110 OF THE
GRAND JUNCTION MUNICIPAL CODE REGARDING LICENSE TO ENGAGE IN THE
BUSINESS OF CUTTING, PRUNING, TRIMMING OR REMOVING, OR SPRAYING
TREES**

RECITALS:

The City Council of the City of Grand Junction has reviewed and approved changes to Section 8.32.110 of the City of Grand Junctions Code of Ordinances relating to the requirements for one to engage in the business of cutting, pruning, trimming or removing, or spraying trees (collectively Tree Maintenance) in the City of Grand Junction. City Council finds that the changes as proposed are beneficial to the health, safety, and welfare of the citizens of the community with the proper care of trees.

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

Section 8.32.110 of the Grand Junction Municipal Code is repealed and replaced with the following language:

8.32.110 License required.

(a) No person shall engage in the business of cutting, pruning, trimming or removing, and/or spraying of trees (collectively Tree Maintenance) in the City without first obtaining an annual license from the Forestry Board authorizing the person to engage in such business. Tree Maintenance licenses may be issued to a person or to a business entity. If the person who completes the examination in accordance with Section 2.36.030 for or on behalf of a business entity leaves the employ of the business entity, then another responsible person shall be required to take and pass the examination within 14 days. A person taking/passing an examination for or on behalf of a business entity shall not be deemed to be a licensee after he/she leaves the employ of the business on whose behalf he/she took the examination. A person may hold a license only if he/she complies with all of the conditions of licensure; failure to continuously maintain compliance shall cause the license to be void.

(b) It shall be unlawful for any business entity to conduct or offer to conduct Tree Maintenance in the City unless at least one person within each crew performing and/or offering to perform Tree Maintenance is licensed by the City.

(c) The license required by this section shall establish minimum qualifications and competency. The manner and form of the license and the conditions and regulations imposed thereon are prescribed by Section 2.36.030 and Chapter [5.04](#) GJMC.

(d) The annual license fee shall be established by resolution of the City Council and be on file in the City Clerk's office beginning January 1st of each year.

(e) Every license shall show on its face the type(s) and classification or kind(s) of Tree Maintenance services that the licensee may perform.

(f) All motor vehicles and major equipment (chippers, stump grinders, trailers etc.) used in conducting Tree Maintenance services shall be clearly identified with the name of the licensee and the license number.

(g) No license shall be issued until the applicant therefor has presented to the City Manager a satisfactory liability insurance policy by a company licensed and duly operating lawfully in the State of Colorado covering all proposed operations of the applicant in such business in the City, including Colorado employee's liability (or worker's compensation insurance). The liability policy shall minimally provide coverage in the sum of at least \$350,000 for the injury or death of any one person; \$990,000 for the injury or death of any number of persons in any one accident; and \$150,000 for damage to property. The policy may allow the first \$1000.00 of liability to be deductible. The policies must be valid for at least the term of the license and shall require at least 30 days' advance notice to the City before cancellation. If there are no employees of the company, a waiver of worker's compensation, in a form acceptable to the City Attorney, shall be permitted. In the event of the cancellation or termination of any such required insurance policy during the licensed term, the license shall be terminated and the holder thereof shall surrender such license to the City Manager unless the licensee presents to the City Manager a substitute insurance policy meeting the requirements of this section.

Effective Date: The new provisions will be effective January 1, 2014.

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

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

President of City Council

ATTEST:

City Clerk



Attach 4

CITY COUNCIL AGENDA ITEM

Date: September 10, 2013
 Author: Brian Rusche
 Title/ Phone Ext:
Senior Planner x. 4058
 Proposed Schedule: _____ 1st Reading;
Wednesday, October 2, 2013
 2nd Reading: Wednesday, October 16,
2013
 File #: ANX-2013-338

Subject: Zoning the Bibeau Enclave Annexation, Located Along D ½ Road Between Approximately 29 ¼ and 29 ½ Roads
Action Requested/Recommendation: Introduce a Proposed Zoning Ordinance and Set a Public Hearing for October 16, 2013
Presenters Name & Title: Brian Rusche, Senior Planner

Executive Summary: A request to zone the Bibeau Enclave Annexation, located along D ½ Road between approximately 29 ¼ and 29 ½ Roads, consisting of 16.10 acres, less 0.26 acres of public right-of-way, in seven parcels, to an R-8 (Residential 8 du/ac) zone district.

Background, Analysis and Options:

The 16.10 acre Bibeau Enclave Annexation encompasses seven parcels and 0.26 acres (11,280 square feet) of public right-of-way, located along D ½ Road between approximately 29 ¼ and 29 ½ Roads. The Bibeau Enclave was created by the Ajarian Annexation on May 5, 2009. Under the 1998 Persigo Agreement with Mesa County, the City is required to annex all enclaved areas within five years.

The enclave is centered on D ½ Road, beginning east of the future alignment of 29 ¼ Road and ending east of 29 ½ Road, which does not intersect with D ½ Road but rather terminates within the Westland Estates subdivision.

The properties on the north side of D ½ Road have a split County I-2 (General Industrial) zone adjacent to the railroad with the balance zoned County RSF-R (Residential Single-Family Rural). The south side properties are all County RSF-R (Residential Single-Family Rural) with the exception of 2941 D ½, which is zoned County RSF-E (Residential Single Family Estate).

Land annexed to the City shall be zoned in accordance with Grand Junction Municipal Code (GJMC) Section 21.02.140 to a district that is consistent with the adopted Comprehensive Plan and the criteria set forth. The Comprehensive Plan Future Land Use designation of the property is Residential Medium (4-8 du/ac). The requested zoning of R-8 (Residential 8 du/ac) will implement this land use designation.

The review criteria in Section 21.02.140 of the Grand Junction Municipal Code have all been met. See attached Staff Report/Background Information for additional detail.

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.

Zoning this enclave will create consistent land use jurisdiction and allow for efficient provision of municipal services. The proposed R-8 (Residential 8 du/ac) implements the Comprehensive Plan Future Land Use Map, which has designated the enclave property as Residential Medium (4-8 du/ac). The proposed zone will provide consistency with the adjacent properties on both sides of D ½ Road.

Board or Committee Recommendation: On September 10, 2013 the Planning Commission forwarded a recommendation of approval of the R-8 (Residential 8 du/ac) zone district.

Financial Impact/Budget: None.

Legal issues: It is noted that upon annexation the existing lawful land use(s) may continue, though there do not appear to be any that would be rendered nonconforming by the zoning proposed.

Other issues: None.

Previously presented or discussed: A Resolution of Intent to Annex was adopted on September 4, 2013.

Attachments:

1. Staff report/Background information
2. Annexation Map
3. Aerial Photo Map
4. Comprehensive Plan - Future Land Use Map
5. Existing City and County Zoning Map
6. Zoning Ordinance

STAFF REPORT / BACKGROUND INFORMATION					
Location:		Along D ½ Road between approximately 29 ¼ Road and 29 ½ Road			
Address Ranges:		2929, 2937, 2941, 2943, 2944, 2952, and 2952 ½ D ½ Road			
Applicant:		City of Grand Junction			
Existing Land Use:		Single Family Residential / Vacant			
Proposed Land Use:		Residential			
Surrounding Land Use:	North	Union Pacific Railroad / Vacant			
	South	Vacant – Future Solar Power Generation Facility (CUP-2013-202)			
	East	Single Family Residential / Vacant			
	West	Agricultural / Vacant			
Existing Zoning:		County RSF-R (Residential Single-Family Rural) County RSF-E (Residential Single-Family Estate) County I-2 (General Industrial)			
Proposed Zoning:		R-8 (Residential 8 du/ac)			
Surrounding Zoning:	North	R-8 (Residential 8 du/ac)			
	South	R-8 (Residential 8 du/ac) CSR (Community Services and Recreation)			
	East	R-8 (Residential 8 du/ac)			
	West	R-8 (Residential 8 du/ac)			
Future Land Use Designation:		Residential Medium (4-8 du/ac)			
Zoning within density range?		X	Yes		No

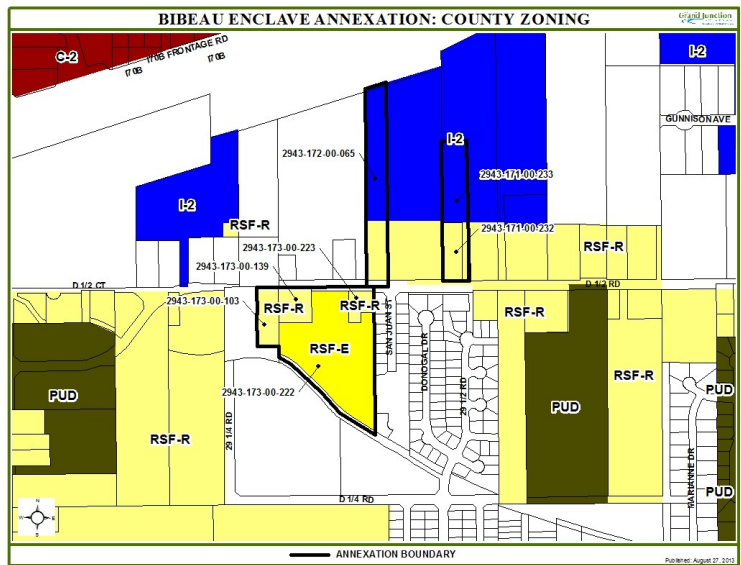
ANALYSIS:

1. Background:

The 16.10 acre Bibeau Enclave Annexation encompasses seven parcels and 0.26 acres (11,280 square feet) of public right-of-way, located along D ½ Road between approximately 29 ¼ and 29 ½ Roads. The Bibeau Enclave was created by the Ajarian Annexation on May 5, 2009. Under the 1998 Persigo Agreement with Mesa County, the City is required to annex all enclaved areas within five years.

The enclave is centered on D ½ Road, beginning east of the future alignment of 29 ¼ Road and ending east of 29 ½ Road, which does not intersect with D ½ Road but rather terminates within the Westland Estates subdivision.

The properties on the north side of D ½ Road have a split County I-2 (General Industrial) zone adjacent to the railroad with the balance zoned County RSF-R (Residential Single-Family Rural). The south side properties are all County RSF-R (Residential Single-Family Rural) with the exception of 2941 D ½, which is zoned County RSF-E (Residential Single Family Estate).



Land annexed to the City shall be zoned in accordance with Grand Junction Municipal Code (GJMC) Section 21.02.140 to a zone district that is consistent with the adopted Comprehensive Plan and the criteria set forth.

The Comprehensive Plan Future Land Use designation of the enclaved property is Residential Medium (4-8 du/ac). The requested zoning of R-8 (Residential 8 du/ac) will implement this land use designation.

Existing conditions:

The existing land uses are as follows (from west to east):

- Mobile home at 2929 D ½ Road
- Single Family residence at 2937 D ½ Road, built in 1946
- Vacant acreage at 2941 D ½ Road with no structures
- Single Family residence at 2943 D ½ Road, built in 1937
- Two Single Family residences at 2944 D ½ Road, built in 1987 and 1995
- Single Family residence at 2952 D ½ Road, built in 1940
- Vacant acreage at 2952 ½ D ½ Road, with no structures

It is noted that upon annexation the existing lawful land use(s) may continue, though there do not appear to be any that would be rendered nonconforming by the zoning proposed.

The enclaved area is generally bounded on the north by the Union Pacific Railroad and on the south by the Mesa County Ditch, a Grand Valley Irrigation Company canal. Across the canal is property that has been acquired by the City and Mesa County Valley School District #51, in anticipation of a future elementary school and park site. In the interim, the property has been approved for a utility scale solar farm (CUP-2013-202) that, if constructed, is anticipated to occupy the property for approximately 20 years.

Development pattern:



1954



1994



2008



2012

Based on aerial photographs, this part of the community has undergone a transition from farms situated along the main east/west roads (fed by the canal), to a few small acreages (and less actual farming) in the mid-1990s, with very little change until about 2008, when the first of the new subdivisions was constructed.

The properties adjacent to the enclave were annexed beginning with the Siena View Annexation in 2003, the Pear Park School and Beagley Annexations in 2005, the Crespín and Wexford Annexations in 2007, and finally the Ajarian Annexation in 2009. All of the annexations were completed in accordance with the Persigo agreement in anticipation of residential development, with the exception of the Pear Park School site.

Residential development did commence at Siena View, which has 15 single-family dwellings. Phase II (PFP-2008-208) included 10 additional dwelling units, for a total density of 5.8 du/ac, however Phase II was not constructed and has expired. Wexford Subdivision (FP-2008-096) has 72 platted lots with a density of 5.0 du/ac, but no residences can be constructed until public improvements are completed.

A proposed subdivision known as Desert Shadows (PP-2007-308) was approved at 2930 D ½ Road, with 106 single and multi-family units with a density of 6.3 du/ac. While approval of this development has expired, the zoning would allow for the previous plans to be “restarted” when the economics warrant.

The intersection D ½ Road with 29 Road was recently rebuilt in conjunction with the now completed 29 Road viaduct over the Union Pacific Railroad and the I-70 Business Loop. This viaduct connects the Pear Park neighborhood with points north, including North Avenue and Patterson Road.

2. Grand Junction Municipal Code – Chapter 21.02 – Administration and Procedures:

Section 21.02.160 of the Grand Junction Municipal Code states: Land annexed to the City shall be zoned in accordance with GJMC Section 21.02.140 to a district that is consistent with the adopted Comprehensive Plan and the criteria set forth.

The requested zone of annexation to an R-8 (Residential 8 du/ac) zone district is consistent with the Comprehensive Plan Future Land Use Map designation of Residential Medium (4-8 du/ac).

Section 21.02.140(a) states: *In order to maintain internal consistency between this code and the zoning maps, map amendments must only occur if:*

- 1) *Subsequent events have invalidated the original premises and findings; and/or*

In 1998, Mesa County and the City of Grand Junction adopted the Persigo Agreement. Under this agreement, the City is required to annex all enclaved areas within five (5) years. The property has been enclaved since May 5, 2009 by the Ajarian Annexation.

The properties on the north side have a split County I-2 (General Industrial) zone adjacent to the railroad with the balance zoned County RSF-R (Residential Single-Family Rural). These zone districts implemented the 1996 Growth Plan, which designated an area parallel to the railroad between 29 and 30 Roads as Commercial/Industrial and Residential Low (1/2 to 2 acre lots) south to D Road.

These designations were modified to Residential Medium in 2005 with the Pear Park Neighborhood Plan.

The south side properties are all County RSF-R (Residential Single-Family Rural) with the exception of 2941 D ½, which is zoned County RSF-E (Residential Single Family Estate).

The proposed zoning of R-8 (Residential 8 du/ac) implements the Comprehensive Plan Future Land Use Map, adopted in 2010, which has designated the property as Residential Medium (4-8 du/ac).

The Comprehensive Plan and the annexation of the property into the City of Grand Junction invalidate the original premises of the existing unincorporated Mesa County zoning. Therefore, this criterion has been met.

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

Based on aerial photographs, this part of the community has undergone a transition from farms situated along the main east/west roads (fed by the canal), to a few small acreages (and less actual farming) in the mid-1990s, with very little change until about 2008, when the first of the new subdivisions was constructed.

The 1996 Growth Plan designated an area parallel to the railroad between 29 and 30 Roads as Commercial/Industrial and Residential Low (1/2 to 2 acre lots) south to D Road. These designations were modified to Residential Medium in 2005 with the Pear Park Neighborhood Plan.

Across the canal is property that has been acquired by Mesa County Valley School District #51, in anticipation of a future elementary school; in the interim, the property has been approved for a utility scale solar farm that is permitted to occupy the property for approximately 20 years.

The adjacent properties were annexed beginning in 2003 until 2009. All of these annexations were in accordance with the 1998 Persigo agreement, which requires annexation for future development.

The only new residential development is located at Siena View, which has 15 single-family dwellings. Wexford Subdivision has 72 platted lots but public improvements are not yet completed.

The intersection D ½ Road with 29 Road was recently rebuilt in conjunction with the now completed 29 Road viaduct over the Union Pacific Railroad and the I-70 Business Loop. This viaduct connects the Pear Park neighborhood with points north, including North Avenue and Patterson Road.

The maximum density in the County RSF-R Zone is one dwelling unit per five (5) acres. All of the existing residences are on smaller parcels than five acres.

In summary, while the area has not experienced the same level of residential development as other portions of Pear Park, large tracts of land are no longer agricultural and sit idle waiting for market conditions to improve for residential development.

This criterion has been met.

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

D ½ Road is a minor arterial providing east/west access through the Pear Park neighborhood between 29 Road and 32 Road. The intersection D ½ Road with 29 Road was recently rebuilt in conjunction with the now completed 29 Road viaduct over the Union Pacific Railroad and the I-70 Business Loop. This viaduct connects the Pear Park neighborhood with points north, including North Avenue and Patterson Road.

The Pear Park Neighborhood Plan anticipates restricted access to D ½ Road, which is to be implemented by the construction of local streets parallel to D ½ Road as part of future subdivisions.

An 8" Ute Water line and 12" Persigo sanitary sewer line exist in D ½ Road. The existing residences are already served by appropriate infrastructure, including sanitary sewer taps. Adequate infrastructure exists to accommodate, with upgrades as necessary, additional development all of the enclaved parcels.

The enclave is already served by the Grand Junction Fire Department, through the Rural Fire District. Discussions have begun about a new fire station within the Pear Park planning area to improve emergency response times.

This criterion has been met.

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

The Pear Park neighborhood has historically seen significant residential development, with an anticipated built-out population of about 22,000 people, according to the Pear Park Neighborhood Plan.

The intent of the R-8 (Residential 8 du/ac) zone is to provide for medium-high density attached and detached dwellings, two-family dwelling(s) and multifamily. It is a transitional zone district between lower density single-family districts and higher density multifamily or business development. A mix of dwelling types is allowed in this district. The enclave is part of a larger segment of the neighborhood that anticipates commercial/industrial development on each end (at 29 Road and 30 Road) and is physically constrained on the north by the railroad, with existing single-family development to the south and east. These features define this area of transition.

This criterion has been met.

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

The annexation of enclaved unincorporated areas adjacent to the City is critical to providing efficient urban services and infrastructure, minimizing costs to the City and therefore the community.

The proposed R-8 zone district will provide the opportunity, when the market is ripe, for additional residential development at a higher density along an established corridor in an urbanizing area of the valley. Additional residential density allows for more efficient use of City services and infrastructure, minimizing costs to the City and therefore the community.

This criterion has been met.

Alternatives: The following zone districts would also implement the Comprehensive Plan Future Land Use Map designation of Residential Medium for the property:

1. R-4 (Residential 4 du/ac)
2. R-5 (Residential 5 du/ac)
3. R-12 (Residential 12 du/ac)
4. R-16 (Residential 16 du/ac)
5. R-O (Residential Office)

The R-4 and R-5 zone districts implement the Residential Medium category but do not support the mix of housing types that the Comprehensive Plan encourages.

An R-O zone would not be appropriate, since the enclave is not located at a roadway intersection or along a transitioning commercial corridor.

The R-8 zone is consistent with zoning of the adjacent properties on the east, west, and south. The R-12 and R-16 zone districts would allow density that exceeds that of the surrounding neighborhoods as well as would render the existing single-family residences nonconforming.

If the City Council chooses an alternative zone designation, specific alternative findings must be made.

PLANNING COMMISSION RECOMMENDATION:

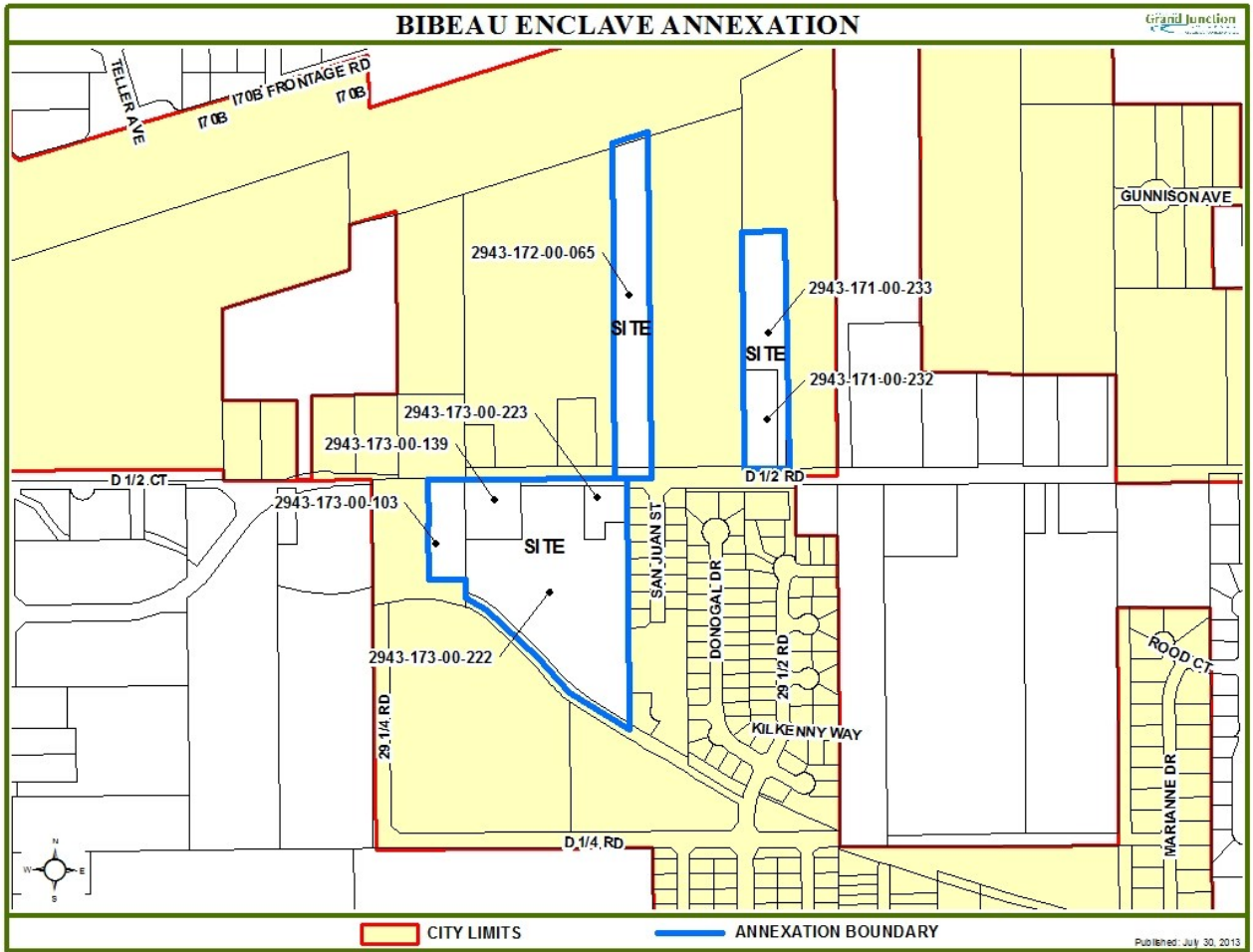
After reviewing the Bibeau Enclave Zone of Annexation, ANX-2013-338, for a Zone of Annexation, the Planning Commission made the following findings of fact and conclusions:

1. The proposed R-8 (Residential 8 du/ac) zone district is consistent with the goals and policies of the Comprehensive Plan.

2. The review criteria in Section 21.02.140 of the Grand Junction Municipal Code have all been met.

Annexation Map

Figure 1

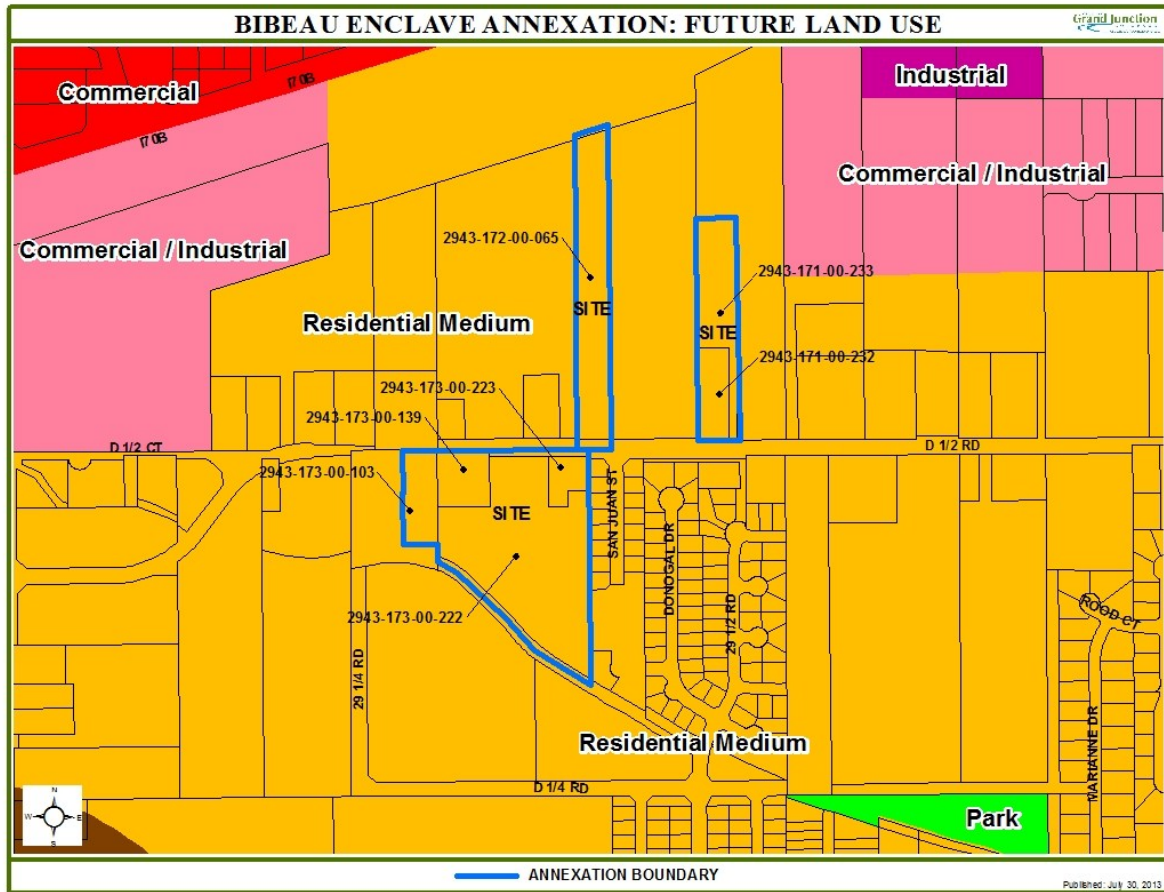


Aerial Photo

Figure 2

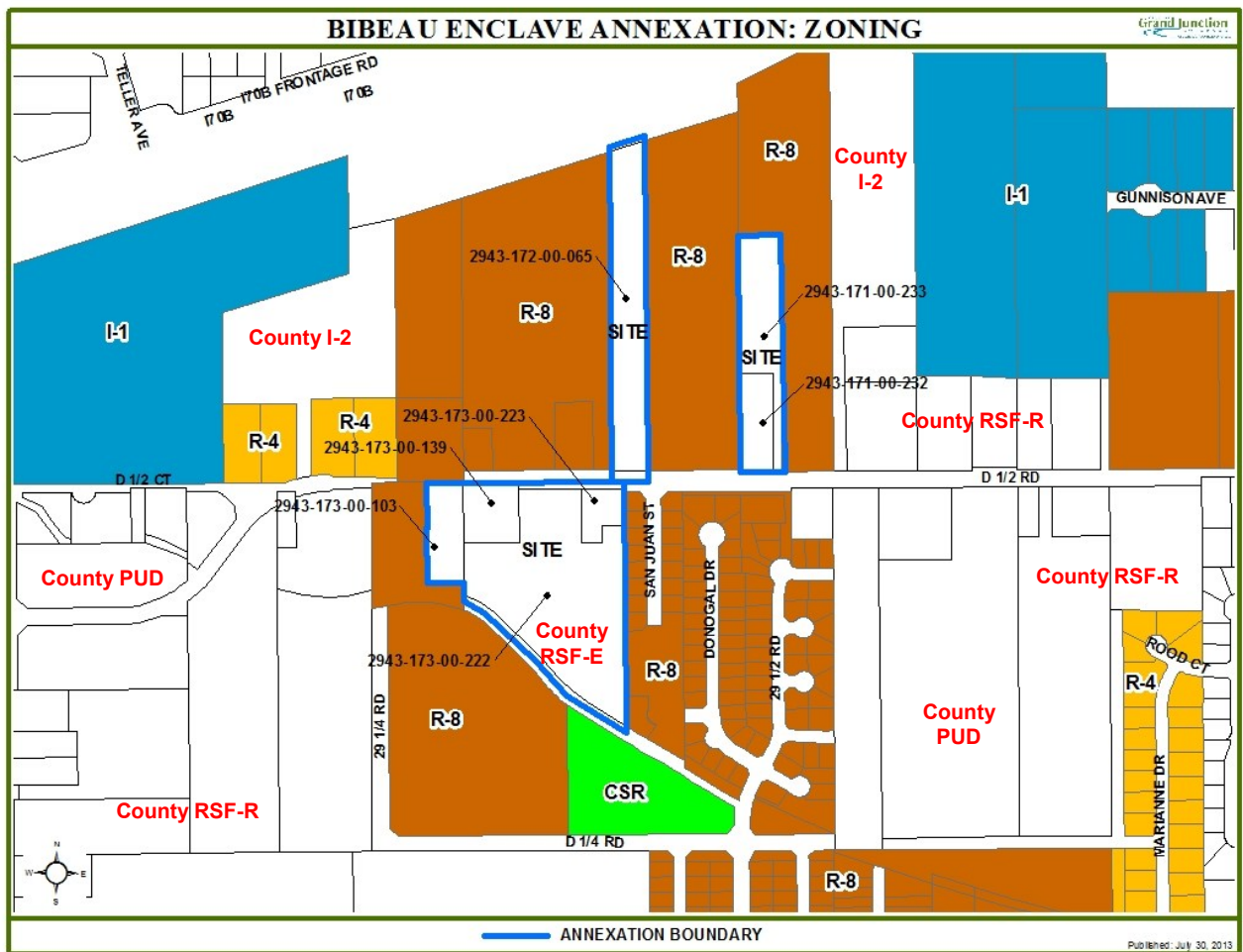


Comprehensive Plan – Future Land Use Map Figure 3



Existing City and County Zoning Map

Figure 4



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ZONING THE BIBEAU ENCLAVE ANNEXATION
TO R-8 (RESIDENTIAL 8 DU/AC)**

**LOCATED ALONG D 1/2 ROAD BETWEEN APPROXIMATELY
29 1/4 AND 29 1/2 ROADS**

Recitals

The Bibeau Enclave Annexation has been initiated by the City of Grand Junction ("City") pursuant to the 1998 Persigo Agreement with Mesa County ("Agreement"). With the annexation of the property included in the Ajarian Annexation on May 5, 2009, the area is enclaved. The terms of the Agreement state that an "enclaved" area shall be annexed into the City. ("Enclaved" means that an unincorporated area is completely surrounded by the City.)

The City has also agreed to zone newly annexed areas using a zone district that implements the Comprehensive Plan. The proposed zoning of R-8 (Residential 8 du/ac) implements the Comprehensive Plan Future Land Use Map, which has designated the enclaved area as Residential Medium (4-8 du/ac).

After public notice and public hearing as required by the Grand Junction Municipal Code, the Grand Junction Planning Commission recommended approval of zoning the Bibeau Enclave Annexation to the R-8 (Residential 8 du/ac) zone district, finding conformance with the recommended land use category as shown on the Future Land Use Map of the Comprehensive Plan and the Comprehensive Plan's goals and policies and is compatible with land uses located in the surrounding area. The zone district meets criteria found in Section 21.02.140 of the Grand Junction Municipal Code.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the R-8 (Residential 8 du/ac) zone district is in conformance with criteria found in Section 21.02.140 of the Grand Junction Municipal Code.

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

The following property be zoned R-8 (Residential 8 du/ac):

BIBEAU ENCLAVE ANNEXATION

Three (3) certain enclaved parcels of land lying in the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4), Southwest Quarter of the Northeast Quarter (SW 1/4 NE 1/4) and the Northeast Quarter of the Southwest Quarter (NE 1/4 SW 1/4) of

Section 17, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

PARCEL 1: ALL of that certain parcel of land lying in the SE 1/4 NW 1/4 of said Section 17 bounded on the North by Southern Pacific Railroad Annexation No. 1, City of Grand Junction Ordinance 3158, as same is recorded in Book 2616, Page 708; bounded on the East by Ajarian Annexation, City of Grand Junction Ordinance 4348, as same is recorded in Book 4834, Page 847; bounded on the West by Beagley II Annexation, City of Grand Junction Ordinance 3795, as same is recorded in Book 3939, Page 157 and bounded on the South by Siena View Annexation No. 1, City of Grand Junction Ordinance 3500, as same is recorded in Book 3275, Page 228, all in the Public Records of Mesa County, Colorado.

CONTAINING 157,746 Sq. Ft. or 3.62 Acres, more or less, as described.

PARCEL 2: ALL of that certain parcel of land lying in the SW 1/4 NE 1/4 of said Section 17 bounded on the North, South, East and West by Ajarian Annexation, City of Grand Junction Ordinance 4348, as same is recorded in Book 4834, Page 847, Public Records of Mesa County, Colorado.

CONTAINING 129,705 Sq. Ft. or 2.98 Acres, more or less, as described.

PARCEL 3: ALL of that certain parcel of land lying in the NE 1/4 SW 1/4 of said Section 17 bounded on the North and East by Siena View Annexation No. 2, City of Grand Junction Ordinance 3501, as same is recorded in Book 3275, Page 231; bounded on the South by Pear Park School Annexation No. 3, City of Grand Junction Ordinance 3996, as same is recorded in Book 4315, Page 806 and bounded on the West by Pear Park School Annexation No. 2, City of Grand Junction Ordinance 3806, as same is recorded in Book 3961, Page 336, all in the Public Records of Mesa County, Colorado.

CONTAINING 415,723 Sq. Ft. or 9.54 Acres, more or less, as described.

LESS approximately 0.26 Acres, or 11,280 square feet, of public right-of-way

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



Attach 5

CITY COUNCIL AGENDA ITEM

Date: September 9, 2013

Author: Brian Rusche

Title/ Phone Ext:

Senior Planner x. 4058

Proposed Schedule: _____ 1st Reading;

Wednesday, October 2, 2013

2nd Reading: Wednesday, October 16,

2013

File #: ANX-2013-334

Subject: Zoning the Wild Enclave Annexation, Located at 3122 and 3124 E Road
Action Requested/Recommendation: Introduce a Proposed Zoning Ordinance and Set a Public Hearing for October 16, 2013
Presenters Name & Title: Brian Rusche, Senior Planner

Executive Summary: A request to zone the Wild Enclave Annexation, located at 3122 and 3124 E Road, which consists of two (2) parcels, to an R-8 (Residential 8 du/ac) zone district.

Background, Analysis and Options:

The 3.65 acre Wild Enclave Annexation consists of two (2) parcels, located at 3122 and 3124 E Road. The Wild Enclave was created by the Freedom Meadows Annexation on January 19, 2009. Under the 1998 Persigo Agreement with Mesa County, the City is required to annex all enclaved areas within five (5) years.

Each parcel is occupied by a single-family residence. The properties are currently zoned County RSF-R (Residential Single-Family Rural). Refer to the Zoning Map included in this report.

Land annexed to the City shall be zoned in accordance with Grand Junction Municipal Code (GJMC) Section 21.02.140 to a district that is consistent with the adopted Comprehensive Plan and the criteria set forth. The Comprehensive Plan Future Land Use designation of the property is Residential Medium (4-8 du/ac). The requested zoning of R-8 (Residential 8 du/ac) will implement this land use designation.

The review criteria in Section 21.02.140 of the Grand Junction Municipal Code have all been met. See attached Staff Report/Background Information for additional detail.

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.

Zoning this enclave will create consistent land use jurisdiction and allow for efficient provision of municipal services. The proposed R-8 (Residential 8 du/ac) implements the Comprehensive Plan Future Land Use Map, which has designated

the property as Residential Medium (4-8 du/ac). The proposed zone will provide consistency with the adjacent properties on the north side of E Road.

Board or Committee Recommendation: On September 10, 2013 the Planning Commission forwarded a recommendation of approval of the R-8 (Residential 8 du/ac) zone district.

Financial Impact/Budget: None.

Legal issues:

It is noted that upon annexation the existing lawful land use(s) may continue. The owner of 3122 E Road presently has one mule on about 1.85 acres. Grand Junction Municipal Code Section 21.04.030(a) addresses the keeping of livestock, permitting one large animal (such as a mule) for every one-half (1/2) acre of property. The mule, and additional animals, would therefore be allowed under the above cited section.

Other issues: None.

Previously presented or discussed: A Resolution of Intent to Annex was adopted on September 4, 2013.

Attachments:

1. Staff report/Background information
2. Annexation Map
3. Aerial Photo Map
4. Comprehensive Plan - Future Land Use Map
5. Existing City and County Zoning Map
6. Zoning Ordinance

STAFF REPORT / BACKGROUND INFORMATION			
Location:		3122 and 3124 E Road	
Applicant:		City of Grand Junction	
Existing Land Use:		Single Family Residential	
Proposed Land Use:		Residential	
Surrounding Land Use:	North	Vacant	
	South	Single Family Residential / Agricultural	
	East	Agricultural	
	West	Single Family Residential / Agricultural	
Existing Zoning:		County RSF-R (Residential Single-Family Rural)	
Proposed Zoning:		R-8 (Residential 8 du/ac)	
Surrounding Zoning:	North	R-8 (Residential 8 du/ac)	
	South	R-5 (Residential 5 du/ac)	
	East	R-8 (Residential 8 du/ac)	
	West	R-8 (Residential 8 du/ac)	
Future Land Use Designation:		Residential Medium (4-8 du/ac)	
Zoning within density range?		X	Yes
			No

ANALYSIS:

2. Background:

The 3.65 acre Wild Enclave Annexation consists of two (2) parcels, located at 3122 and 3124 E Road. The Wild Enclave was created by the Freedom Meadows Annexation on January 19, 2009. Under the 1998 Persigo Agreement with Mesa County, the City is required to annex all enclaved areas within five (5) years.

Each parcel is occupied by a single-family residence. The properties are currently zoned County RSF-R (Residential Single-Family Rural). Refer to the Zoning Map included in this report.

Land annexed to the City shall be zoned in accordance with Grand Junction Municipal Code (GJMC) Section 21.02.140 to a district that is consistent with the adopted Comprehensive Plan and the criteria set forth.

The Comprehensive Plan Future Land Use designation of the property is Residential Medium (4-8 du/ac). The requested zoning of R-8 (Residential 8 du/ac) will implement this land use designation.

Existing conditions:

The existing residences at 3122 and 3124 E Road were built in 1951 and 1947, respectively. Both properties include pasture and other structures typically found in a rural area.

It is noted that upon annexation the existing lawful land use(s) may continue. A meeting was held by the planner with Mr. Gordon Wild, the owner of 3122 E Road. Mr. Wild presently has one mule on about 1.85 acres. Section 21.04.030(a) addresses the keeping of livestock, permitting one (1) large animal (such as a mule) for every one-half (1/2) acre of property. The mule, and additional animals, would therefore be allowed under the above cited section.

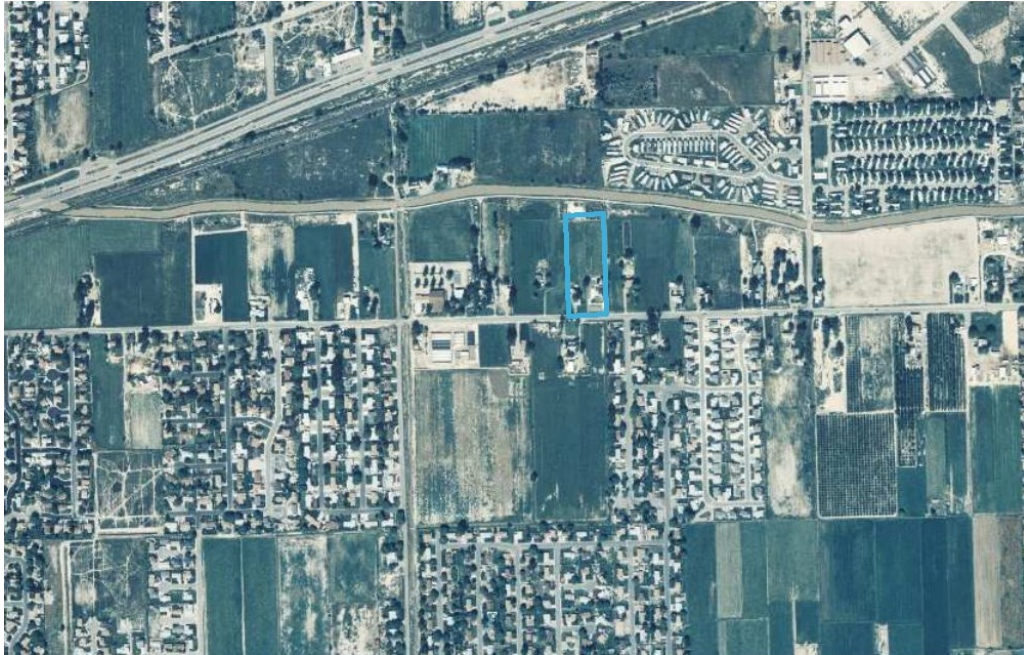
Development pattern:



1966



1986



1997



2012

Based on aerial photographs, this part of the community has undergone a transition from farms situated along the main east/west roads, to the first subdivisions in the mid-1970s, to incremental residential expansion from the mid-1990s through the early 2000s.

The properties adjacent to 3122 and 3124 E Road were annexed in 2008 and 2009 in anticipation of residential development. These developments include Pioneer Meadows on the east (PP-2008-393) with a proposed density of 7.41 du/ac (valid until January 2015) and Freedom Meadows on the west (no formal plan submitted). While these developments were not constructed, their zoning would allow for the previous plans to be “restarted” when the economics warrant.

Further from the enclave, but within the same neighborhood are Willow Wood Village (SUB-2013-130) at D ¾ Road and Duffy Drive. The first phase of 12 lots is approved for construction. New residential developments with similar zoning just outside the Persigo boundary to the east at 31 ½ and E Road (KC Farms and Chatfield IV) have approximately 25 lots available for construction.

2. Grand Junction Municipal Code – Chapter 21.02 – Administration and Procedures:

Section 21.02.160 of the Grand Junction Municipal Code states: Land annexed to the City shall be zoned in accordance with GJMC Section 21.02.140 to a district that is consistent with the adopted Comprehensive Plan and the criteria set forth.

The requested zone of annexation to an R-8 (Residential 8 du/ac) zone district is consistent with the Comprehensive Plan Future Land Use Map designation of Residential Medium (4-8 du/ac).

Section 21.02.140(a) states: *In order to maintain internal consistency between this code and the zoning maps, map amendments must only occur if:*

6) *Subsequent events have invalidated the original premises and findings; and/or*

In 1998, Mesa County and the City of Grand Junction adopted the Persigo Agreement. Under this agreement, the City is required to annex all enclaved areas within five (5) years. The property has been enclaved since January 19, 2009 by the Freedom Meadows Annexation.

The proposed zoning of R-8 (Residential 8 du/ac) conforms to the Comprehensive Plan Future Land Use Map, adopted in 2010, which has designated the property as Residential Medium (4-8 du/ac).

The Comprehensive Plan and the annexation of the property into the City of Grand Junction invalidate the original premises of the existing unincorporated Mesa County RSF-R (Residential Single Family Rural) zoning. Therefore, this criterion has been met.

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

The existing residences were built in 1951 and 1947.

Based on aerial photographs, this part of the community has undergone a transition from farms situated along the main east/west roads, to the first subdivisions in the mid-1970s, to incremental residential expansion from the mid-1990s through the early 2000s.

The properties adjacent to 3122 and 3124 E Road were annexed in 2008 and 2009 in anticipation of residential development. These developments include Pioneer Meadows on the east (PP-2008-393) with a proposed density of 7.41 du/ac (valid until January 2015) and Freedom Meadows on the west (no formal plan submitted).

The maximum density in the County RSF-R zone is one (1) dwelling unit per five (5) acres. The existing density is two (2) dwelling units on a total of 3.65 acres.

This criterion has been met.

- 8) *Public and community facilities are adequate to serve the type and scope of land use proposed; and/or*

E Road is a major collector providing east/west access through the Pear Park neighborhood between 30 Road and 32 Road. The Pear Park Neighborhood Plan anticipates restricted access to E Road, which is to be implemented by the construction of a local street parallel to E Road as part of future subdivisions.

A 6" Clifton Water line and an 8" Persigo sanitary sewer line exist in E Road. The existing residences are already served by appropriate infrastructure, including sanitary sewer taps. Adequate infrastructure exists to accommodate, with upgrades as necessary, additional development on these parcels.

The enclave is served by the Clifton Fire Protection District, which has been in discussions with the Grand Junction Fire Department about a new fire station within the Pear Park planning area to improve emergency response times.

This criterion has been met.

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

The Pear Park neighborhood has historically seen significant residential development, with an anticipated built-out population of about 22,000 people, according to the Pear Park Neighborhood Plan.

The intent of the R-8 (Residential 8 du/ac) zone is to provide for medium-high density attached and detached dwellings, two-family dwelling(s) and multifamily. It is a transitional zone district between lower density single-family zone districts and higher density multifamily or business development. A mix of dwelling types is allowed in this zone district. The presence of E Road, separating existing

single-family neighborhoods on the south side and the canal to the north define this area of transition.

There is approximately 45 acres of undeveloped land between the railroad and D Road, 30 Road and 32 Road, within the city limits currently zoned R-8. [If built at maximum density (8 du/ac), this acreage would accommodate only 828 persons (at 2.3 persons per unit), which is a small portion of the anticipated growth]. This acreage includes the first phase of Willow Wood Village (SUB-2013-130) with 12 lots approved for construction. Also, new residential developments with similar zoning just outside the Persigo boundary to the east (KC Farms and Chatfield IV) are nearing build-out, with approximately 25 lots remaining.

This criterion has been met.

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

The annexation of enclaved unincorporated areas adjacent to the City is critical to providing efficient urban services and infrastructure, minimizing costs to the City and therefore the community.

The proposed R-8 zone district will provide the opportunity, when the market is ripe, for additional residential development at a higher density along an established corridor in an urbanizing area of the valley. Additional residential density allows for more efficient use of City services and infrastructure, minimizing costs to the City and therefore the community.

This criterion has been met.

Alternatives: The following zone districts would also implement the Comprehensive Plan Future Land Use Map designation of Residential Medium for the property:

6. R-4 (Residential 4 du/ac)
7. R-5 (Residential 5 du/ac)
8. R-12 (Residential 12 du/ac)
9. R-16 (Residential 16 du/ac)
10. R-O (Residential Office)

The R-4 and R-5 zone districts implement the Residential Medium category but do not support the mix of housing types that the Comprehensive Plan encourages.

An R-O zone would not be appropriate, since the enclave is not located at a roadway intersection or along a transitioning commercial corridor.

The R-8 zone is consistent with zoning of the adjacent properties on the east and west. The R-12 and R-16 zone districts would allow density that exceeds that of the surrounding neighborhoods and are therefore not appropriate zone districts for this property.

If the City Council chooses an alternative zone designation, specific alternative findings must be made.

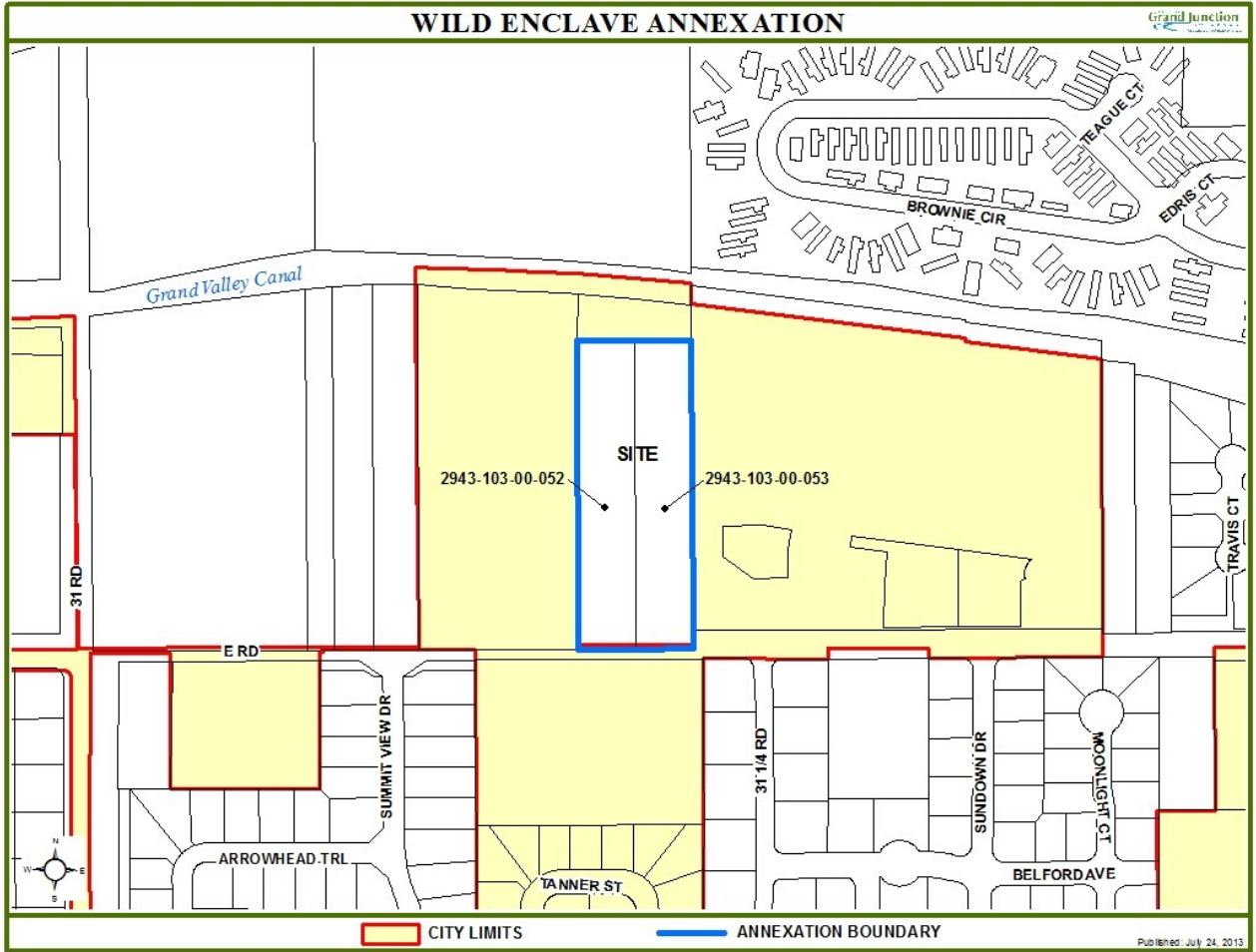
PLANNING COMMISSION RECOMMENDATION:

After reviewing the Wild Enclave Zone of Annexation, ANX-2013-334, for a Zone of Annexation, the Planning Commission made the following findings of fact and conclusions:

3. The proposed R-8 (Residential 8 du/ac) zone district is consistent with the goals and policies of the Comprehensive Plan.
4. The review criteria in Section 21.02.140 of the Grand Junction Municipal Code have all been met.

Annexation Map

Figure 1



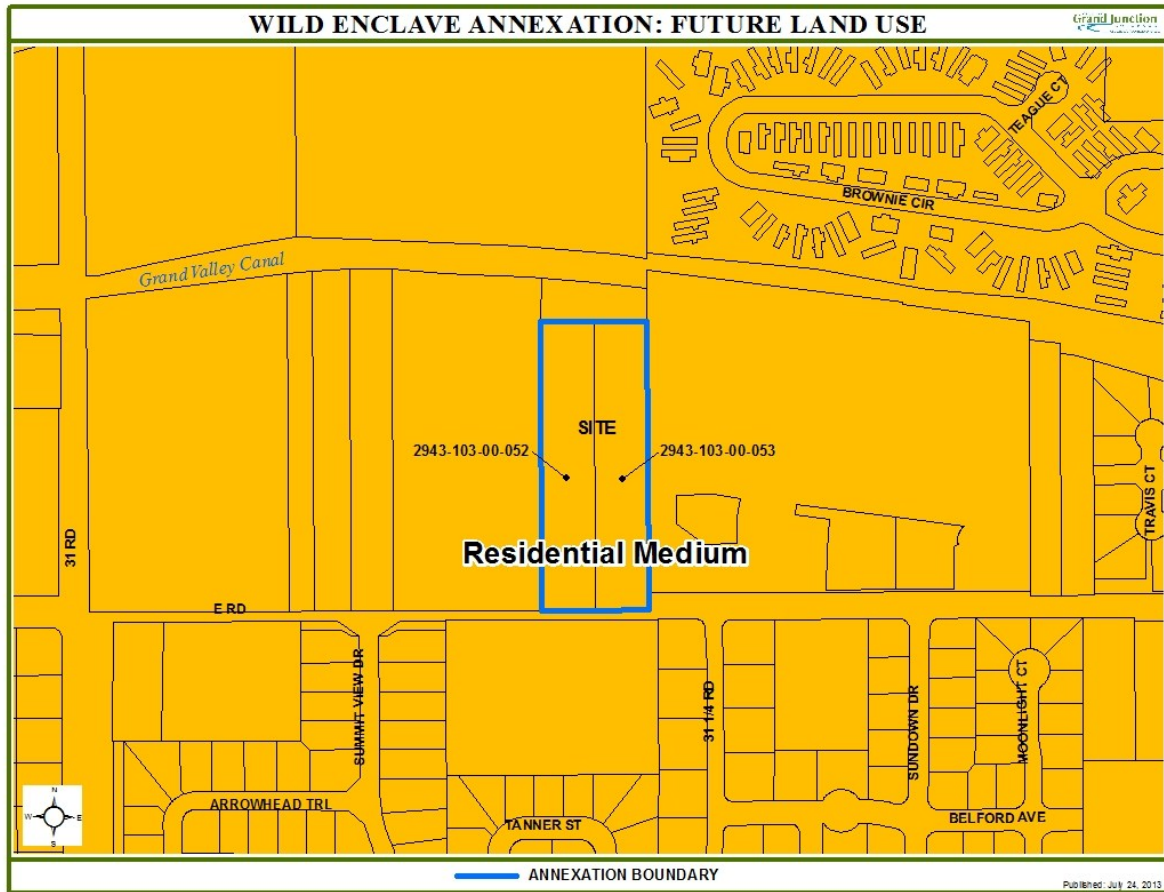
Aerial Photo

Figure 2



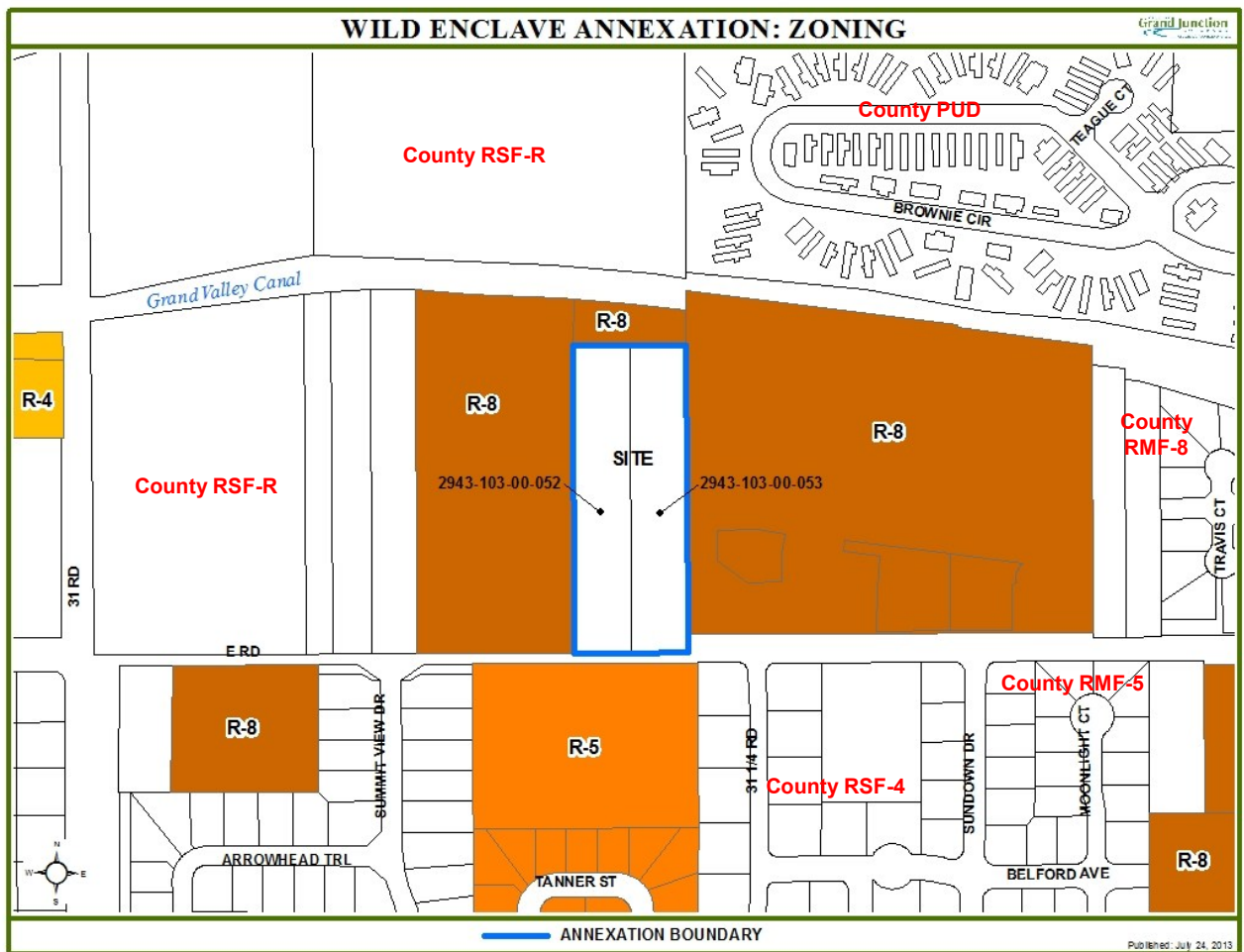
Comprehensive Plan – Future Land Use Map

Figure 3



Existing City and County Zoning Map

Figure 4



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ZONING THE WILD ENCLAVE ANNEXATION
TO R-8 (RESIDENTIAL 8 DU/AC)**

LOCATED AT 3122 AND 3124 E ROAD

Recitals

The Wild Enclave Annexation has been initiated by the City of Grand Junction ("City") pursuant to the 1998 Persigo Agreement with Mesa County ("Agreement"). With the annexation of the property included in the Freedom Meadows Annexation on January 19, 2009, the area is enclaved. The terms of the Agreement state that an "enclaved" area shall be annexed into the City. ("Enclaved" means that an unincorporated area is completely surrounded by the City.)

The City has also agreed to zone newly annexed areas using a zone district that implements the Comprehensive Plan. The proposed zoning of R-8 (Residential 8 du/ac) implements the Comprehensive Plan Future Land Use Map, which has designated the enclaved area as Residential Medium (4-8 du/ac).

After public notice and public hearing as required by the Grand Junction Municipal Code, the Grand Junction Planning Commission recommended approval of zoning the Wild Enclave Annexation to the R-8 (Residential 8 du/ac) zone district, finding conformance with the recommended land use category as shown on the Future Land Use Map of the Comprehensive Plan and the Comprehensive Plan's goals and policies and is compatible with land uses located in the surrounding area. The zone district meets criteria found in Section 21.02.140 of the Grand Junction Municipal Code.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the R-8 (Residential 8 du/ac) zone district is in conformance with criteria found in Section 21.02.140 of the Grand Junction Municipal Code.

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

The following property be zoned R-8 (Residential 8 du/ac):

WILD ENCLAVE ANNEXATION

A certain enclaved parcel of land lying in the Southwest Quarter of the Southwest Quarter (SW 1/4 SW 1/4) of Section 10, Township 1 South, Range 1 East of the Ute

Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

ALL the lands bounded on the East by Pioneer Meadows Annexation, City of Grand Junction Ordinance 4267, as same is recorded in Book 4700, Page 883 and bounded on the North, West and South by Freedom Meadows Annexation, City of Grand Junction Ordinance 4312, as same is recorded in Book 4772, Page 465, all in the Public Records of Mesa County, Colorado.

CONTAINING 159,417 Square Feet or 3.65 Acres, more or less, as described.

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 20, 2013
 Author: Brian Rusche
 Title/ Phone Ext:
Senior Planner x. 4058
 Proposed Schedule: Notice of Intent to Annex – October 2, 2013
 2nd Reading: November 20, 2013
 File #: ANX-2013-316

**Attach 6
 CITY COUNCIL AGENDA ITEM**

Subject: Annexation of the Elementary Enclave, Located at 2977 B Road
Action Requested/Recommendation: Adopt a Resolution of Intent to Annex and Exercising Land Use Control of the Elementary Enclave, Introduction of the Proposed Annexation Ordinance, and Set a Hearing for November 20, 2013
Presenters Name & Title: Brian Rusche, Senior Planner

Executive Summary:

A request to annex one acre of enclaved property, located at 2977 B Road. The Elementary Enclave consists of one parcel and no public right-of-way.

Background, Analysis and Options:

Under the 1998 Persigo Agreement with Mesa County, the City is required to annex all enclaved areas within five years. State law allows a municipality to annex enclave areas unilaterally after they have been enclaved for a period of three years. The property has been enclaved since October 17, 2008 by the Mesa View Elementary Annexation.

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.

Annexation of this enclave will create consistent land use jurisdiction and allow for efficient provision of municipal services.

Board or Committee Recommendation: The Zone of Annexation is scheduled before the Planning Commission on October 8, 2013.

Financial Impact/Budget: The provision of municipal services will be consistent with adjacent properties already in the City. Property tax levies and municipal sales/use taxes will be collected within the enclaved area upon annexation.

Legal issues: It is noted that upon annexation the existing lawful land use(s) may continue, though there do not appear to be any that would be rendered nonconforming by the zoning proposed.

Other issues: There is only one property included in this annexation. The property owner has been contacted via letter about the annexation.

Answers to common questions about this annexation are addressed in the attached FAQ, which was sent to the property owners.

Previously presented or discussed: No

Attachments:

1. Staff report/Background information
2. Annexation Summary
3. Frequently Asked Questions (FAQ)
4. Annexation Map
5. Aerial Photo
6. Future Land Use Map
7. Existing City/County Zoning Map
8. Resolution
9. Ordinance

<i>STAFF REPORT / BACKGROUND INFORMATION</i>				
Location:		2977 B Road		
Applicant:		City of Grand Junction		
Existing Land Use:		Agricultural		
Proposed Land Use:		Residential		
Surrounding Land Uses:	North	Single Family Residential		
	South	Agricultural		
	East	Agricultural		
	West	Mesa View Elementary School		
Existing Zoning:		County RSF-R (Residential Single-Family Rural)		
Proposed Zoning:		R-4 (Residential 4 du/ac)		
Surrounding Zoning:	North	PD (Planned Development – Chipeta Pines) R-4 (Residential 4 du/ac)		
	South	R-4 (Residential 4 du/ac)		
	East	R-4 (Residential 4 du/ac)		
	West	R-4 (Residential 4 du/ac)		
Future Land Use Designation:		Residential Medium (4-8 du/ac)		
Zoning within density range?		X	Yes	No

The annexation area consists of one acre, encompassing one (1) parcel and no public right-of-way.

Under the 1998 Persigo Agreement with Mesa County, the City is required to annex all enclaved areas within five (5) years. State law allows a municipality to annex enclaved areas unilaterally after they have been enclaved for a period of three (3) years. The property has been enclaved since October 17, 2008 by the Mesa View Elementary Annexation.

The following annexation and zoning schedule is being proposed:

<i>ANNEXATION SCHEDULE</i>	
October 2, 2013	Notice of Intent to Annex (30 Day Notice), Exercising Land Use
October 8, 2013	Planning Commission considers Zone of Annexation
November 6, 2013	Introduction Of A Proposed Ordinance on Zoning by City Council
November 20, 2013	Public Hearing on Annexation and Zoning by City Council
December 22, 2013	Effective date of Annexation and Zoning

ELEMENTARY ENCLAVE ANNEXATION SUMMARY

File Number:	ANX-2013-316	
Location:	2977 B Road	
Tax ID Number(s):	2943-321-00-166	
# of Parcels:	1	
Population (2010 Census):	2	
# of Parcels (owner occupied):	1	
# of Dwelling Units:	1	
Acres land annexed:	1.0	
Developable Acres Remaining:	1.0	
Right-of-way in Annexation:	None	
Previous County Zoning:	County RSF-R (Residential Single-Family Rural)	
Proposed City Zoning:	R-4 (Residential 4 du/ac)	
Current Land Use:	Agricultural	
Future Land Use:	Residential	
Values:	Assessed:	\$9250
	Actual:	\$105,080
Address Ranges:	2977 B Road	
Special Districts:	Water:	Ute Water Conservancy District
	Sewer:	Persigo 201 sewer service boundary
	Fire:	Grand Junction Rural Fire District
	Drainage:	Orchard Mesa Irrigation District
	School:	Mesa County Valley School District #51
	Irrigation:	Orchard Mesa Irrigation District
	Pest:	Grand River Mosquito Control District



Elementary Enclave Annexation **FREQUENTLY ASKED QUESTIONS**

WHY ARE WE BEING ANNEXED?

The City and County signed the Persigo Agreement in 1998 to ensure that all development within the 201 Sewer Service area is eventually incorporated into the City. As property is annexed and developed, existing development can become "enclaved". These gaps are to be incorporated into the City within five (5) years, according to the agreement.

WHAT SERVICES CAN THE CITY PROVIDE?

The City offers Police, Street Maintenance, and Planning Services to all its citizens, including programs such as Spring Cleanup and Fall Leaf Collection. You may sign up for garbage service from the City or maintain your current hauler.

WHAT WILL HAPPEN TO MY TAXES?

The City will assess a mill levy (currently 8 mills or \$8 per \$1000 of assessed valuation) on all taxable real property within the enclaved area. Fire Protection is provided by the City as one of its services, so the existing levy (currently 5.938 mills) which goes to the Rural Fire Protection District will be discontinued after annexation. Therefore, the total increase in levy is only 2.062 mills. Purchases within the enclaved area and/or for delivery to a City address will be subject to the 2.75% City Sales Tax. In addition, certain franchise utilities, such as cable and electric, will include a franchise fee on future statements.

WHAT IF I WANT TO BUILD SOMETHING ON MY PROPERTY?

The City Planning Division can assist you in obtaining the proper permits for new construction, building additions, change of use, or other development on your property.

CAN WE OPPOSE THIS ANNEXATION?

State Law permits unilateral annexations (meaning without consent of property owners) and the Persigo Agreement requires annexation of enclaved properties, to provide for orderly development and provision of services.

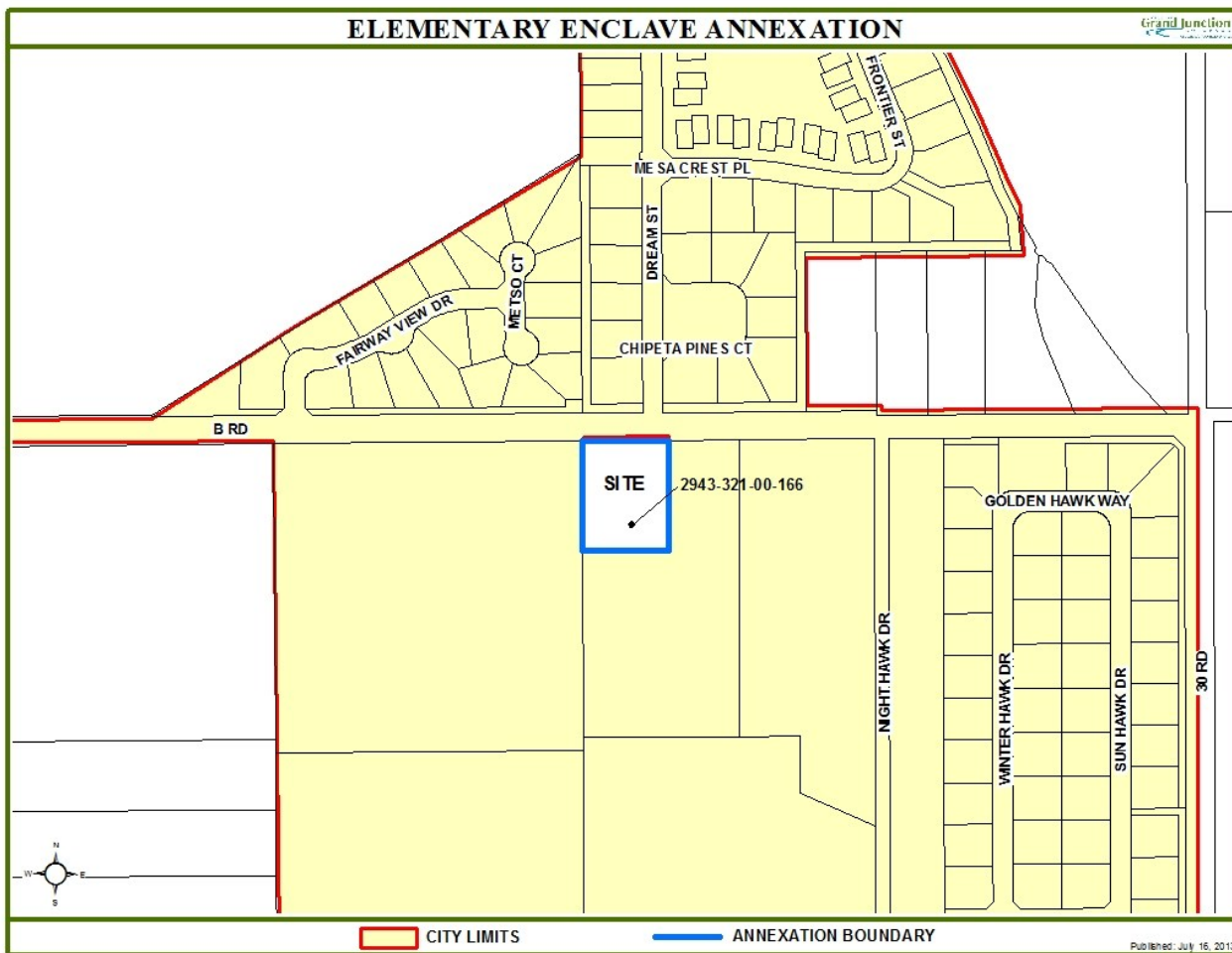
HOW DO I GET MORE INFORMATION?

Contact Brian Rusche (970-256-4058).

For information about the City, go to www.gjcity.org

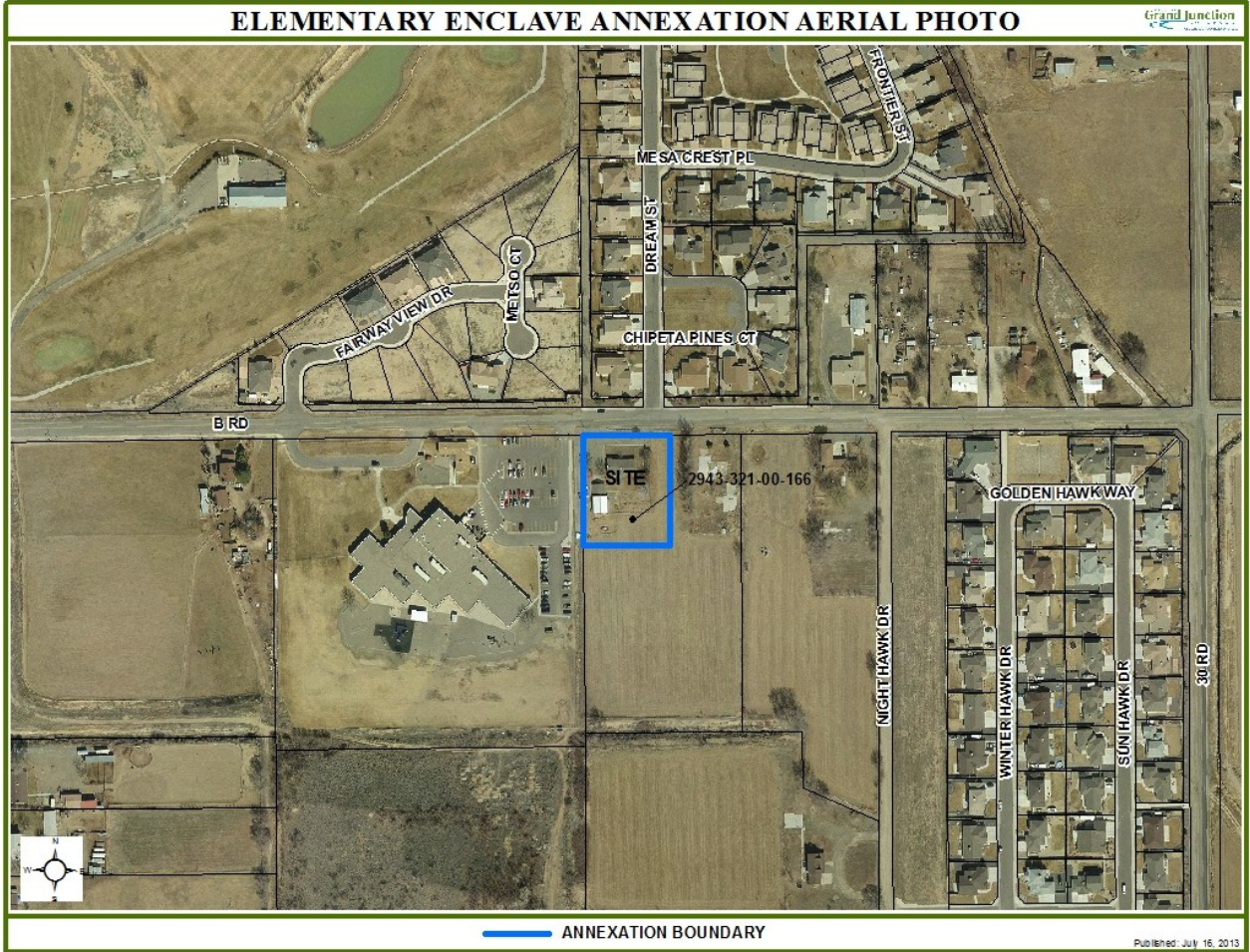
Annexation Map

Figure 1



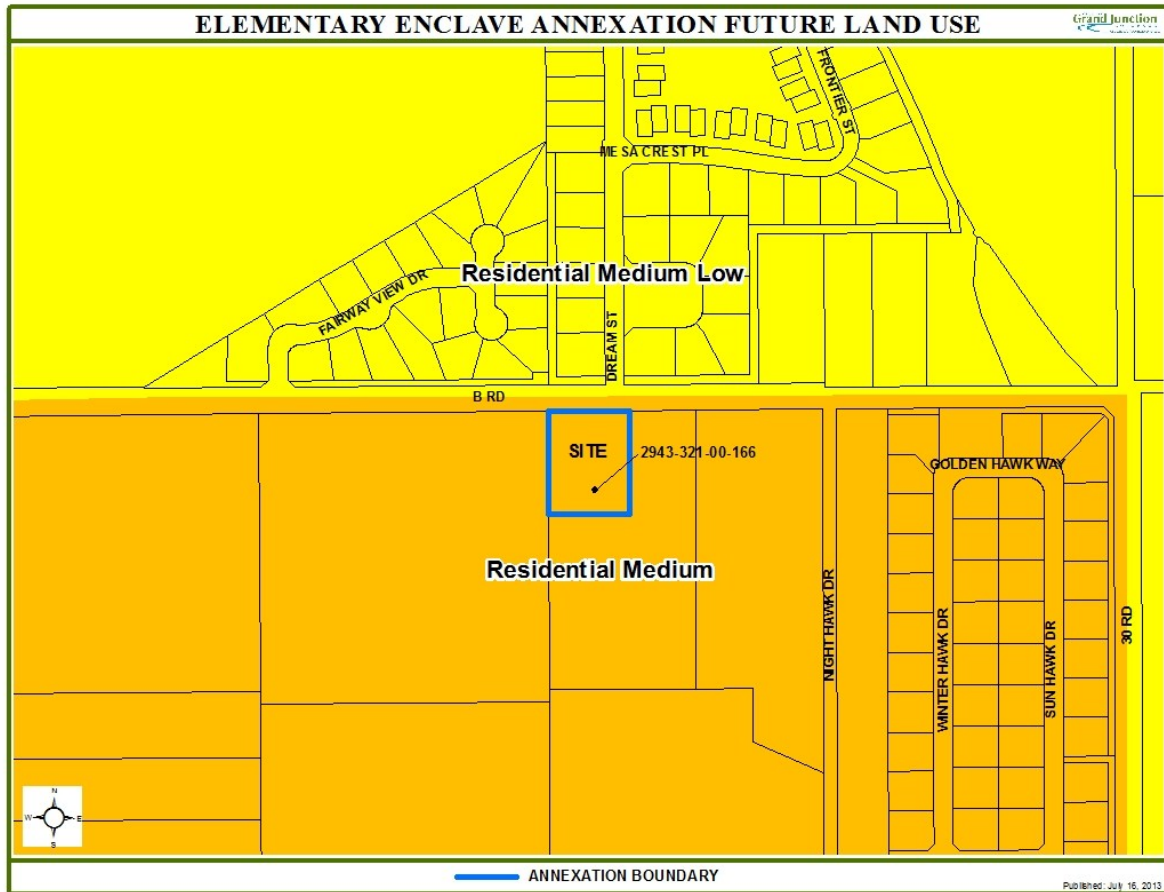
Aerial Photo

Figure 2



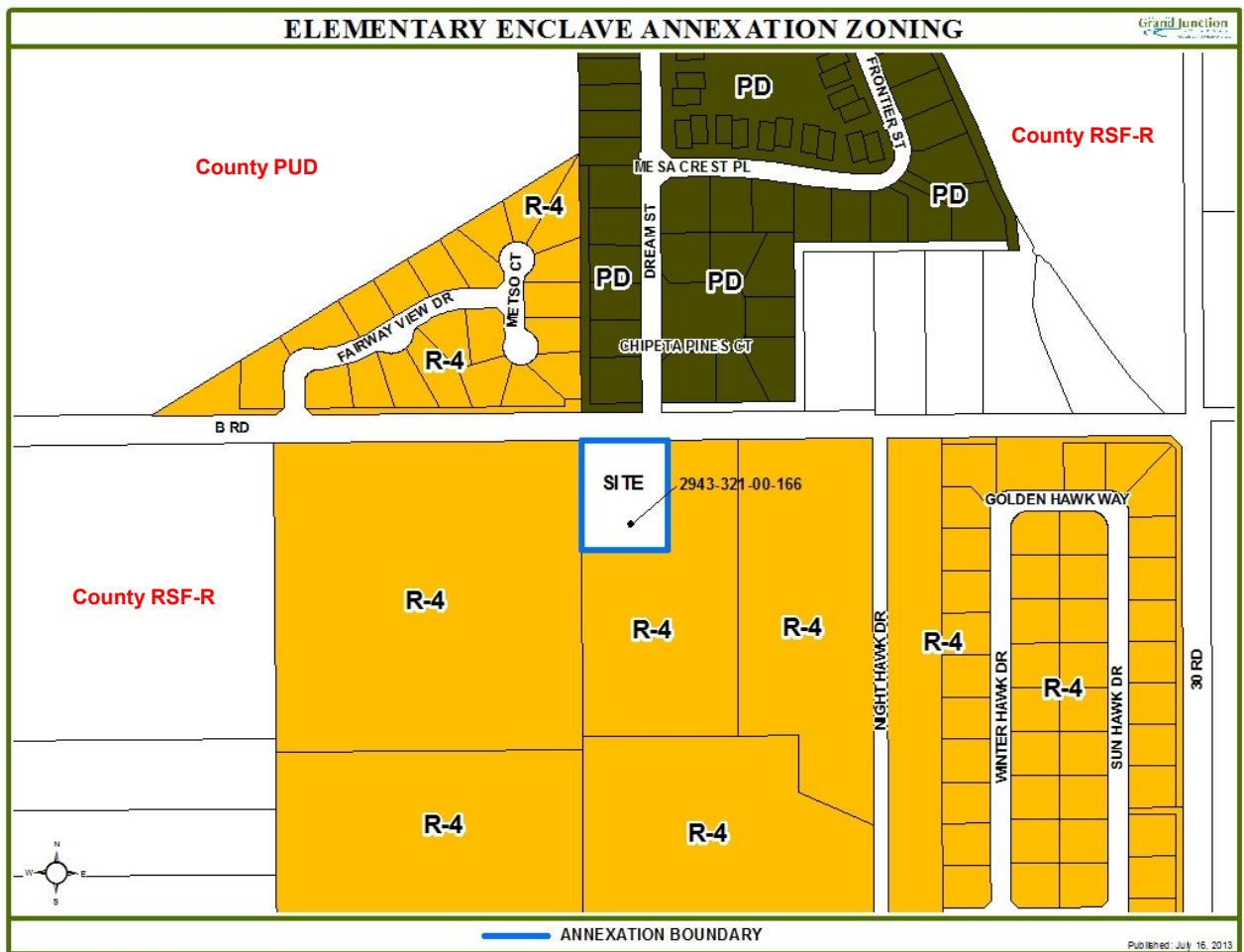
Comprehensive Plan – Future Land Use Map

Figure 3



Existing City and County Zoning Map

Figure 4



**NOTICE OF INTENT
ON PROPOSED ANNEXATION OF LANDS
TO THE CITY OF GRAND JUNCTION, COLORADO**

NOTICE IS HEREBY GIVEN that at a regular meeting of the City Council of the City of Grand Junction, Colorado, held on the 2nd day of October, 2013, the following Resolution was adopted:

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. ____

**A RESOLUTION OF THE CITY OF GRAND JUNCTION
GIVING NOTICE THAT A TRACT OF LAND KNOWN AS THE**

ELEMENTARY ENCLAVE

LOCATED AT 2977 B ROAD

CONSISTING OF APPROXIMATELY ONE ACRE

**WILL BE CONSIDERED FOR ANNEXATION
TO THE CITY OF GRAND JUNCTION, COLORADO**

AND EXERCISING LAND USE CONTROL

WHEREAS, on the 2nd day of October, 2013, the Public Works, Utilities and Planning Director filed with the City Clerk of the City of Grand Junction, Colorado, a request that the City Council of the City of Grand Junction commence proceedings to annex to the City of Grand Junction a certain tract of land in the County of Mesa, State of Colorado, commonly known as the Elementary Enclave and more particularly described as follows:

ELEMENTARY ENCLAVE ANNEXATION

A certain enclaved parcel of land lying in the Northeast Quarter of the Northeast Quarter (NE 1/4 NE 1/4) of Section 32, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

ALL the lands bounded on the East and South by Dyer/Green/Ottenberg Annexation No. 1, City of Grand Junction Ordinance 4056, as same is recorded in Book 4402, Page 970; bounded on the North by Chipeta Pines Annexation No. 2, City of Grand Junction Ordinance 3191, as same is recorded in Book 2646, Page 301, and, bounded on the West by Mesa View Elementary School Annexation, City of Grand Junction Ordinance 4290, as same is recorded in Book 4731, Page 815, all in the Public Records of Mesa County, Colorado.

CONTAINING 43,527 Square Feet or 1.00 Acres, more or less, as described.

WHEREAS, the area proposed to be annexed is entirely contained within the boundaries of the City of Grand Junction and said area has been so surrounded for a period of not less than three (3) years, pursuant to C.R.S. 31-12-106(1);

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

1. That the City Clerk of the City of Grand Junction is hereby directed to give notice of the City Council's intent to annex the aforementioned area, pursuant to the Municipal Annexation Act of 1965.
2. That the ordinance annexing the subject area was introduced and given first reading on this 2nd day of October, 2013, with a second reading and public hearing on the proposed annexation ordinance to be held on the 20th day of November, 2013, in the City Hall auditorium, located at 250 North 5th Street, City of Grand Junction, Colorado, at 7:00 PM.
3. Pursuant to the State's Annexation Act, the City Council determines that the City may now, and hereby does, exercise jurisdiction over land use issues in the said territory. Requests for building permits, subdivision approvals, and zoning approvals shall, as of this date, be submitted to the Public Works, Utilities and Planning Department of the City.

ADOPTED the ___ day of _____, 2013.

Attest:

President of the Council

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. ____

**AN ORDINANCE ANNEXING TERRITORY TO THE
CITY OF GRAND JUNCTION, COLORADO**

ELEMENTARY ENCLAVE ANNEXATION

LOCATED AT 2977 B ROAD

CONSISTING OF APPROXIMATELY ONE ACRE

WHEREAS, on the 2nd day of October, 2013, the City Council of the City of Grand Junction gave notice that they will consider for annexation to the City of Grand Junction the following described territory, commonly known as the Elementary Enclave; and

WHEREAS, a hearing and second reading on the proposed annexation ordinance was duly held after proper notice on the 20th day of November, 2013; and

WHEREAS, the area proposed to be annexed is entirely contained within the boundaries of the City of Grand Junction and said area has been so surrounded for a period of not less than three (3) years, pursuant to C.R.S. 31-12-106(1); and

WHEREAS, the requirements of Section 30, Article II of the Colorado Constitution have been met, specifically that the area is entirely surrounded by the annexing municipality.

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

That the property situate in Mesa County, Colorado, and described to wit:

ELEMENTARY ENCLAVE ANNEXATION

A certain enclaved parcel of land lying in the Northeast Quarter of the Northeast Quarter (NE 1/4 NE 1/4) of Section 32, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

ALL the lands bounded on the East and South by Dyer/Green/Ottenberg Annexation No. 1, City of Grand Junction Ordinance 4056, as same is recorded in Book 4402, Page 970; bounded on the North by Chipeta Pines Annexation No. 2, City of Grand Junction Ordinance 3191, as same is recorded in Book 2646, Page 301, and, bounded on the West by Mesa View Elementary School Annexation, City of Grand Junction Ordinance 4290, as same is recorded in Book 4731, Page 815, all in the Public Records of Mesa County, Colorado.

Be and is hereby annexed to the City of Grand Junction, Colorado.

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 28, 2013
 Author: Brian Rusche
 Title/ Phone Ext:
Senior Planner x. 4058
 Proposed Schedule: Notice of Intent to Annex – October 2, 2013
 2nd Reading: November 20, 2013
 File #: ANX-2013-377

Attach 7
CITY COUNCIL AGENDA ITEM

Subject: Annexation of the Twenty Nine Thirty Enclave, Located on the North and South Side of B ½ Road at Crista Lee Way
Action Requested/Recommendation: Adopt a Resolution of Intent to Annex and Exercising Land Use Control of the Twenty Nine Thirty Enclave, Introduction of the Proposed Annexation Ordinance, and Set a Hearing for November 20, 2013
Presenters Name & Title: Brian Rusche, Senior Planner

Executive Summary:

A request to annex 12.08 acres of enclaved property, located on the north and south side of B ½ Road at Crista Lee Way. The Twenty Nine Thirty Enclave consists of six parcels and 0.51 acres of public right-of-way.

Background, Analysis and Options:

Under the 1998 Persigo Agreement with Mesa County, the City is required to annex all enclaved areas within five years. State law allows a municipality to annex enclave areas unilaterally after they have been enclaved for a period of three years. The property has been enclaved since September 5, 2008 by the Level III Annexation.

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.

Annexation of this enclave will create consistent land use jurisdiction and allow for efficient provision of municipal services.

Board or Committee Recommendation: The Zone of Annexation is scheduled before the Planning Commission on October 8, 2013.

Financial Impact/Budget: The provision of municipal services will be consistent with adjacent properties already in the City. Property tax levies and municipal sales/use taxes will be collected within the enclaved area upon annexation.

Legal issues: It is noted that upon annexation the existing lawful land use(s) may continue, specifically the continuation of agricultural operations at 2936 B ½ Road.

Other issues: There six (6) properties included in this annexation. All of the property owners have been contacted via letter about the annexation.

Answers to common questions about this annexation are addressed in the attached FAQ, which was sent to the property owners.

Previously presented or discussed: No

Attachments:

6. Staff report/Background information
7. Annexation Summary
8. Frequently Asked Questions (FAQ)
9. Annexation Map
10. Aerial Photo
6. Future Land Use Map
7. Existing City/County Zoning Map
8. Resolution
9. Ordinance

STAFF REPORT / BACKGROUND INFORMATION

Location:		North and south side of B ½ Road at Crista Lee Way		
Applicant:		City of Grand Junction		
Existing Land Use:		Single Family Residential / Agricultural		
Proposed Land Use:		Residential		
Surrounding Land Uses:	North	Single Family Residential / Agricultural		
	South	Single Family Residential		
	East	Single Family Residential / Agricultural		
	West	Agricultural / Vacant		
Existing Zoning:		County RSF-R (Residential Single-Family Rural)		
Proposed Zoning:		R-4 (Residential 4 du/ac)		
Surrounding Zoning:	North	R-4 (Residential 4 du/ac)		
	South	R-4 (Residential 4 du/ac)		
	East	R-4 (Residential 4 du/ac)		
	West	R-4 (Residential 4 du/ac)		
Future Land Use Designation:		Residential Medium Low (2-4 du/ac)		
Zoning within density range?		X	Yes	No

The annexation area consists of 12.08 acres, encompassing six (6) parcels and 0.51 acres of public right-of-way.

Under the 1998 Persigo Agreement with Mesa County, the City is required to annex all enclaved areas within five (5) years. State law allows a municipality to annex enclave areas unilaterally after they have been enclaved for a period of three (3) years. The property has been enclaved since September 5, 2008 by the Level III Annexation.

The following annexation and zoning schedule is being proposed:

<i>ANNEXATION SCHEDULE</i>	
October 2, 2013	Notice of Intent to Annex (30 Day Notice), Exercising Land Use
October 8, 2013	Planning Commission considers Zone of Annexation
November 6, 2013	Introduction Of A Proposed Ordinance on Zoning by City Council
November 20, 2013	Public Hearing on Annexation and Zoning by City Council
December 22, 2013	Effective date of Annexation and Zoning

TWENTY NINE THIRTY ENCLAVE ANNEXATION SUMMARY

File Number:	ANX-2013-377	
Location:	North and south side of B ½ Road at Crista Lee Way	
Tax ID Number(s):	2943-292-00-019 2943-293-00-118 2943-292-00-089 2943-292-00-090 2943-292-00-066 2943-293-00-065	
# of Parcels:	6	
Population (2010 Census):	17	
# of Parcels (owner occupied):	5	
# of Dwelling Units:	5	
Acres land annexed:	12.08	
Developable Acres Remaining:	11.57	
Right-of-way in Annexation:	0.51 acres (22,402 square feet)	
Previous County Zoning:	County RSF-R (Residential Single-Family Rural)	
Proposed City Zoning:	R-4 (Residential 4 du/ac)	
Current Land Use:	Single Family Residential / Agricultural	
Future Land Use:	Residential	
Values (2013):	Assessed:	\$63,050
	Actual:	\$773,110
Address Ranges:	2930, 2931, 2934, 2935, 2936 B ½ Road	
Special Districts:	Water:	Ute Water Conservancy District
	Sewer:	Persigo 201 sewer service boundary
	Fire:	Grand Junction Rural Fire District
	Drainage:	Orchard Mesa Irrigation District
	School:	Mesa County Valley School District #51
	Irrigation:	Orchard Mesa Irrigation District
	Pest:	Grand River Mosquito Control District



Twenty Nine Thirty Enclave Annexation **FREQUENTLY ASKED QUESTIONS**

WHY ARE WE BEING ANNEXED?

The City and County signed the Persigo Agreement in 1998 to ensure that all development within the 201 Sewer Service area is eventually incorporated into the City. As property is annexed and developed, existing development can become "enclaved". These gaps are to be incorporated into the City within five (5) years, according to the agreement.

WHAT SERVICES CAN THE CITY PROVIDE?

The City offers Police, Street Maintenance, and Planning Services to all its citizens, including programs such as Spring Cleanup and Fall Leaf Collection. You may sign up for garbage service from the City or maintain your current hauler.

WHAT WILL HAPPEN TO MY TAXES?

The City will assess a mill levy (currently 8 mills or \$8 per \$1000 of assessed valuation) on all taxable real property within the enclaved area. Fire Protection is provided by the City as one of its services, so the existing levy (currently 5.938 mills) which goes to the Rural Fire Protection District will be discontinued after annexation. Therefore, the total increase in levy is only 2.062 mills. Purchases within the enclaved area and/or for delivery to a City address will be subject to the 2.75% City Sales Tax. In addition, certain franchise utilities, such as cable and electric, will include a franchise fee on future statements.

WHAT IF I WANT TO BUILD SOMETHING ON MY PROPERTY?

The City Planning Division can assist you in obtaining the proper permits for new construction, building additions, change of use, or other development on your property.

CAN WE OPPOSE THIS ANNEXATION?

State Law permits unilateral annexations (meaning without consent of property owners) and the Persigo Agreement requires annexation of enclaved properties, to provide for orderly development and provision of services.

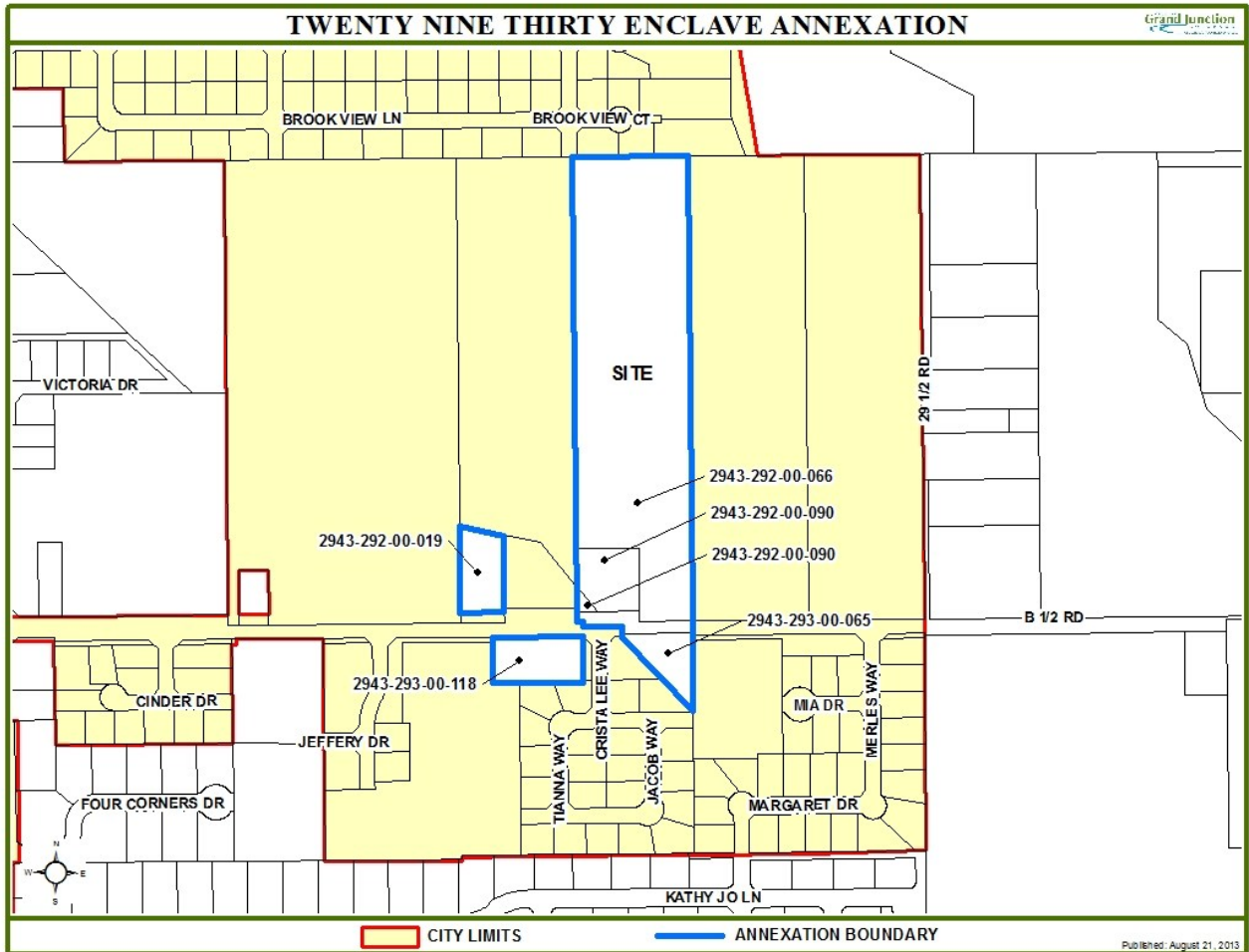
HOW DO I GET MORE INFORMATION?

Contact Brian Rusche (970-256-4058).

For information about the City, go to www.gjcity.org

Annexation Map

Figure 1



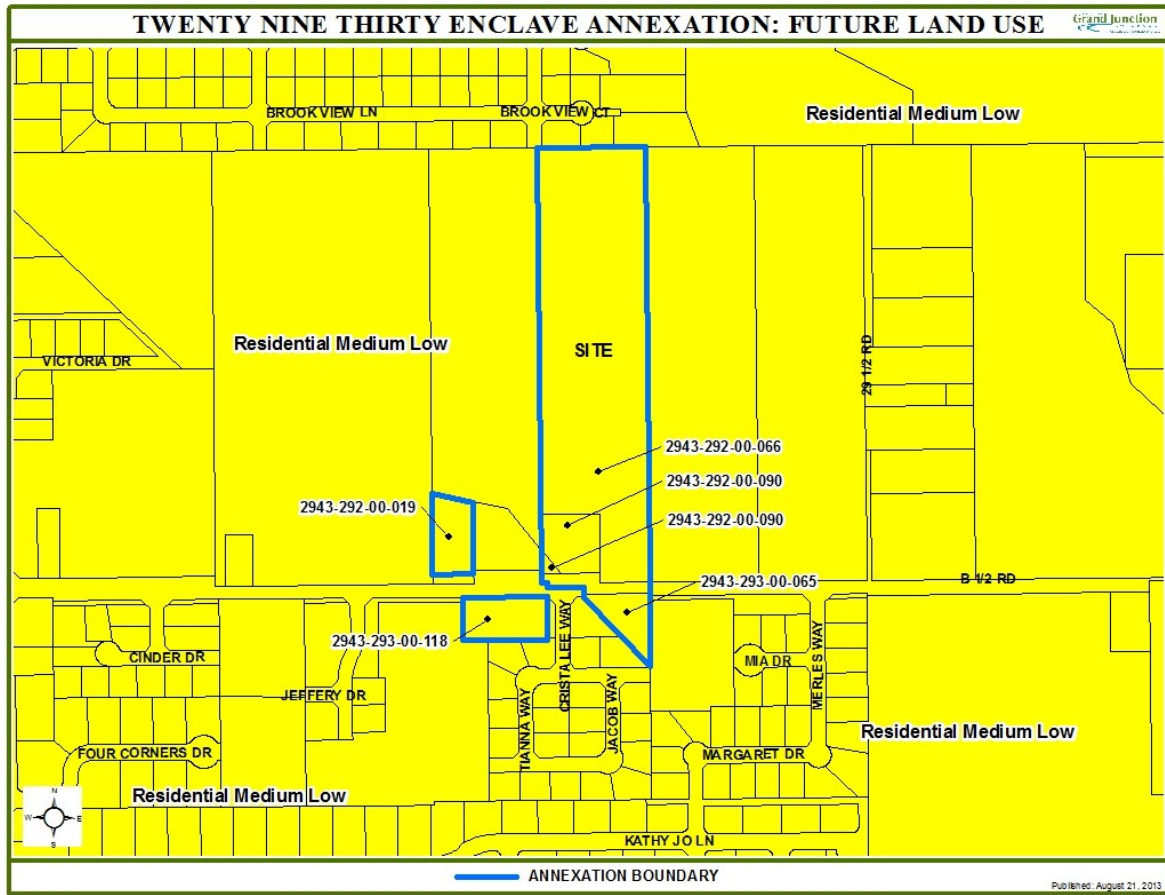
Aerial Photo

Figure 2



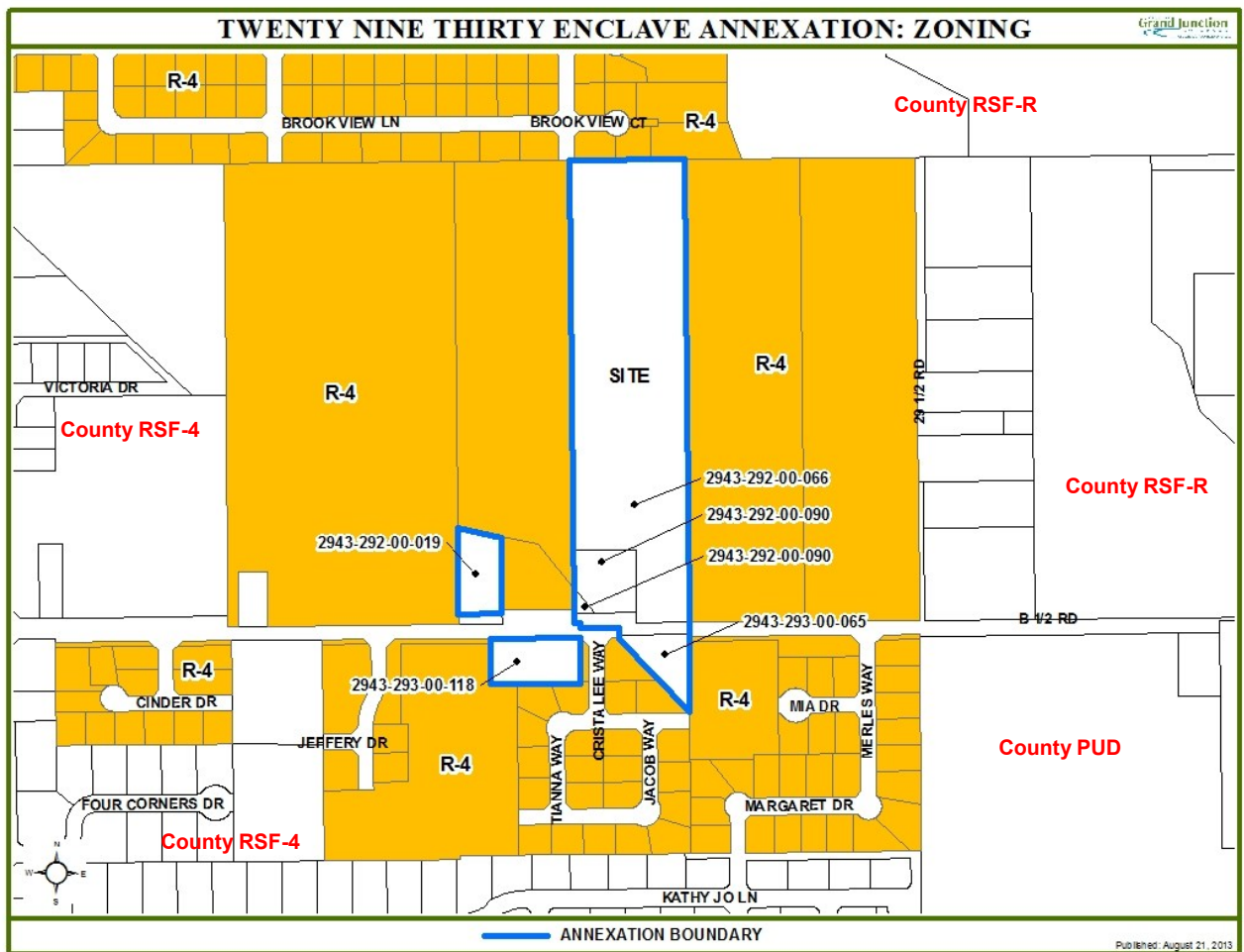
Comprehensive Plan – Future Land Use Map

Figure 3



Existing City and County Zoning Map

Figure 4



**NOTICE OF INTENT
ON PROPOSED ANNEXATION OF LANDS
TO THE CITY OF GRAND JUNCTION, COLORADO**

NOTICE IS HEREBY GIVEN that at a regular meeting of the City Council of the City of Grand Junction, Colorado, held on the 2nd day of October, 2013, the following Resolution was adopted:

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. ____

**A RESOLUTION OF THE CITY OF GRAND JUNCTION
GIVING NOTICE THAT A TRACT OF LAND KNOWN AS THE**

TWENTY NINE THIRTY ENCLAVE

**LOCATED ON THE NORTH AND SOUTH SIDE OF B ½ ROAD
AT CRISTA LEE WAY**

CONSISTING OF APPROXIMATELY 12.08 ACRES

**WILL BE CONSIDERED FOR ANNEXATION
TO THE CITY OF GRAND JUNCTION, COLORADO**

AND EXERCISING LAND USE CONTROL

WHEREAS, on the 2nd day of October, 2013, the Public Works, Utilities and Planning Director filed with the City Clerk of the City of Grand Junction, Colorado, a request that the City Council of the City of Grand Junction commence proceedings to annex to the City of Grand Junction a certain tract of land in the County of Mesa, State of Colorado, commonly known as the Twenty Nine Thirty Enclave and more particularly described as follows:

TWENTY NINE THIRTY ENCLAVE ANNEXATION

PARCEL ONE

A certain parcel of land lying in the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of Section 29, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

ALL of the lands bounded on the North, East and South by Krogh Annexation, City of Grand Junction Ordinance 4286, as same is recorded in Book 4731, Page 823 and bounded on the West by Level III Annexation, City of Grand Junction Ordinance 4271, as same is recorded in Book 4715, Page 612, all in the Public Records of Mesa County, Colorado.

CONTAINING 28,876 Square Feet or 0.66 Acres, more or less, as described.

PARCEL TWO

A certain parcel of land lying in the Northeast Quarter of the Southwest Quarter (NE 1/4 SW 1/4) of Section 29, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

ALL of the lands bounded on the North by Krogh Annexation, City of Grand Junction Ordinance 4286, as same is recorded in Book 4731, Page 823; bounded on the West

and a portion of the South by Larson Annexation No. 3, City of Grand Junction Ordinance 3425, as same is recorded in Book 3084, Page 980 and bounded on the East and a portion of the South by Crista Lee Annexation, City of Grand Junction Ordinance 3471, as same is recorded in Book 3214, Page 293, all in the Public Records of Mesa County, Colorado.

CONTAINING 32,668 Square Feet or 0.75 Acres, more or less, as described.

PARCEL THREE

A certain parcel of land lying in the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of Section 29, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

ALL of the lands bounded on the West by Krogh Annexation, City of Grand Junction Ordinance 4286, as same is recorded in Book 4731, Page 823; bounded on the North by Summit Annexation No. 2, City of Grand Junction Ordinance 3713, as same is recorded in Book 3819, Page 694; bounded on the East by the following: Colvin Annexation No. 2, City of Grand Junction Ordinance 3971, as same is recorded in Book 4253, Page 716, Colvin Annexation No. 1, City of Grand Junction Ordinance 3970, as same is recorded in Book 4253, Page 712 and by Whaley Annexation No. 1, City of Grand Junction Ordinance 3748, as same is recorded in Book 3881, Page 450 and bounded on the South by Crista Lee Annexation, City of Grand Junction Ordinance 3471, as same is recorded in Book 3214, Page 293, all in the Public Records of Mesa County, Colorado.

CONTAINING 464,769 Square Feet or 10.67 Acres, more or less, as described.

WHEREAS, the area proposed to be annexed is entirely contained within the boundaries of the City of Grand Junction and said area has been so surrounded for a period of not less than three (3) years, pursuant to C.R.S. 31-12-106(1);

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

4. That the City Clerk of the City of Grand Junction is hereby directed to give notice of the City Council's intent to annex the aforementioned area, pursuant to the Municipal Annexation Act of 1965.
5. That the ordinance annexing the subject area was introduced and given first reading on this 2nd day of October, 2013, with a second reading and public hearing on the proposed annexation ordinance to be held on the 20th day of November, 2013, in the City Hall auditorium, located at 250 North 5th Street, City of Grand Junction, Colorado, at 7:00 PM.
6. Pursuant to the State's Annexation Act, the City Council determines that the City may now, and hereby does, exercise jurisdiction over land use issues in the said territory. Requests for building permits, subdivision approvals, and zoning approvals shall, as of this date, be submitted to the Public Works, Utilities and Planning Department of the City.

ADOPTED the ____ day of _____, 2013.

Attest:

President of the Council

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. ____

**AN ORDINANCE ANNEXING TERRITORY TO THE
CITY OF GRAND JUNCTION, COLORADO**

TWENTY NINE THIRTY ENCLAVE ANNEXATION

**LOCATED ON BOTH SIDES OF B ½ ROAD
AT CRISTA LEE WAY**

CONSISTING OF APPROXIMATELY 12.08 ACRES

WHEREAS, on the 2nd day of October, 2013, the City Council of the City of Grand Junction gave notice that they will consider for annexation to the City of Grand Junction the following described territory, commonly known as the Twenty Nine Thirty Enclave; and

WHEREAS, a hearing and second reading on the proposed annexation ordinance was duly held after proper notice on the 20th day of November, 2013; and

WHEREAS, the area proposed to be annexed is entirely contained within the boundaries of the City of Grand Junction and said area has been so surrounded for a period of not less than three (3) years, pursuant to C.R.S. 31-12-106(1); and

WHEREAS, the requirements of Section 30, Article II of the Colorado Constitution have been met, specifically that the area is entirely surrounded by the annexing municipality.

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

That the property situate in Mesa County, Colorado, and described to wit:

TWENTY NINE THIRTY ENCLAVE ANNEXATION

PARCEL ONE

A certain parcel of land lying in the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of Section 29, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

ALL of the lands bounded on the North, East and South by Krogh Annexation, City of Grand Junction Ordinance 4286, as same is recorded in Book 4731, Page 823 and bounded on the West by Level III Annexation, City of Grand Junction Ordinance 4271, as same is recorded in Book 4715, Page 612, all in the Public Records of Mesa County, Colorado.

CONTAINING 28,876 Square Feet or 0.66 Acres, more or less, as described.

PARCEL TWO

A certain parcel of land lying in the Northeast Quarter of the Southwest Quarter (NE 1/4 SW 1/4) of Section 29, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

ALL of the lands bounded on the North by Krogh Annexation, City of Grand Junction Ordinance 4286, as same is recorded in Book 4731, Page 823; bounded on the West and a portion of the South by Larson Annexation No. 3, City of Grand Junction Ordinance 3425, as same is recorded in Book 3084, Page 980 and bounded on the East and a portion of the South by Crista Lee Annexation, City of Grand Junction Ordinance 3471, as same is recorded in Book 3214, Page 293, all in the Public Records of Mesa County, Colorado.

CONTAINING 32,668 Square Feet or 0.75 Acres, more or less, as described.

PARCEL THREE

A certain parcel of land lying in the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of Section 29, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

ALL of the lands bounded on the West by Krogh Annexation, City of Grand Junction Ordinance 4286, as same is recorded in Book 4731, Page 823; bounded on the North by Summit Annexation No. 2, City of Grand Junction Ordinance 3713, as same is recorded in Book 3819, Page 694; bounded on the East by the following: Colvin Annexation No. 2, City of Grand Junction Ordinance 3971, as same is recorded in Book 4253, Page 716, Colvin Annexation No. 1, City of Grand Junction Ordinance 3970, as same is recorded in Book 4253, Page 712 and by Whaley Annexation No. 1, City of Grand Junction Ordinance 3748, as same is recorded in Book 3881, Page 450 and bounded on the South by Crista Lee Annexation, City of Grand Junction Ordinance 3471, as same is recorded in Book 3214, Page 293, all in the Public Records of Mesa County, Colorado.

CONTAINING 464,769 Square Feet or 10.67 Acres, more or less, as described.

Be and is hereby annexed to the City of Grand Junction, Colorado.

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



Attach 8

CITY COUNCIL AGENDA ITEM

Date: September 16, 2013

Author: Brian Rusche

Title/ Phone Ext: Senior Planner/4058

Proposed Schedule: Resolution Referring
Petition, October 2, 2013.

1st Reading Zoning: November 6, 2013

2nd Reading: November 20, 2013

File #: ANX-2013-403

Subject: Ray Annexation, Located at 416 29 Road

Action Requested/Recommendation: Adopt a Resolution Referring the Petition and Exercising Land Use Control for the Ray Annexation, Introduce a Proposed Annexation Ordinance and Set a Hearing for November 20, 2013

Presenters Name & Title: Brian Rusche, Senior Planner

Executive Summary:

A request to annex 1.14 acres, located at 416 29 Road. The Ray Annexation consists of one parcel and approximately 0.144 acres (6,261 square feet) of the 29 Road right-of-way.

Background, Analysis and Options:

The property is home to Colorado Custom Elevator and Lift Inc., which provides design, installation, service and maintenance for both residential and commercial elevators, stair lifts, wheelchair platform lifts, dumbwaiters and freight lifts, according to the business website. The property owners have requested annexation into the City and a zoning of C-1 (Light Commercial) to facilitate a proposed expansion of the facility. Under the 1998 Persigo Agreement with Mesa County proposed development within the Persigo Wastewater Treatment Facility boundary requires annexation and processing in the City.

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.

Annexation of this property will allow for efficient provision of municipal services.

Goal 3: The Comprehensive Plan will create ordered and balanced growth and spread future growth throughout the community.

The property is located within a Village Center, so its annexation and concurrent commercial zoning will implement the “centers” concept within the Comprehensive Plan.

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

The City will provide appropriate commercial and industrial development opportunities in order to implement this goal. The annexation, proposed zoning and subsequent expansion of an existing business qualifies as one of those opportunities.

Board or Committee Recommendation:

The Planning Commission will consider the Zone of Annexation on October 8, 2013. Their recommendation will be forwarded for 1st Reading of the Zoning Ordinance on November 6, 2013.

Financial Impact/Budget:

The provision of municipal services will be consistent with adjacent properties already in the City. Property tax levies and municipal sales/use tax will be collected, as applicable, upon annexation.

Legal issues:

The property is currently subject to a code enforcement action by Mesa County related to the operation of the business and the permitting of the existing buildings. The proposed zoning would allow a business operation, subject to approval by the City. The permitting of the buildings will be addressed by the Mesa County Building Department. The petitioner, who owns the business, has submitted an application for a proposed expansion and site improvements, which is currently in review.

Other issues: None.

Previously presented or discussed:

A Neighborhood Meeting was held on June 3, 2013. A copy of those in attendance is attached.

Attachments:

1. Staff report/Background information
2. Neighborhood Meeting sign-in sheet
3. Annexation Map
4. Aerial Photo
5. Comprehensive Plan Future Land Use Map
6. Existing City and County Zoning Map
7. Resolution Referring Petition
8. Annexation Ordinance

STAFF REPORT / BACKGROUND INFORMATION				
Location:		416 29 Road		
Applicants:		John W. Ray II and Tiffany A. Ray		
Existing Land Use:		Commercial (subject of code enforcement action)		
Proposed Land Use:		Commercial		
Surrounding Land Use:	North	Agricultural		
	South	Agricultural		
	East	Agricultural		
	West	Public (Colorado Mesa University property)		
Existing Zoning:		County RSF-R, (Residential Single-Family Rural)		
Proposed Zoning:		C-1 (Light Commercial)		
Surrounding Zoning:	North	County RSF-R, (Residential Single-Family Rural)		
	South	County RSF-R, (Residential Single-Family Rural)		
	East	County RSF-R, (Residential Single-Family Rural)		
	West	PD (Planned Development)		
Future Land Use Designation:		Village Center Mixed Use Mixed Use Opportunity Corridor (along 29 Road)		
Zoning within density range?		X	Yes	No

Staff Analysis:

ANNEXATION:

This annexation area consists of 1.14 acres of land and is comprised of one (1) parcel and approximately 0.144 acres (6,261 square feet) of the 29 Road right-of-way.

The property owners have requested annexation into the City to allow for development of the property. Under the 1998 Persigo Agreement with Mesa County proposed development within the Persigo Wastewater Treatment Facility boundary requires annexation and processing in the City.

It is staff's opinion, based on review of the petition and knowledge of applicable state law, including the Municipal Annexation Act Pursuant to C.R.S. 31-12-104, that the Ray Annexation is eligible to be annexed because of compliance with the following:

- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;
- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;
- c) A community of interest exists between the area to be annexed and the City. This is so in part because the Central Grand Valley is essentially a single demographic and economic unit and occupants of the area can be expected to, and regularly do, use City streets, parks and other urban facilities;
- d) The area is or will be urbanized in the near future;
- e) The area is capable of being integrated with the City;

- f) No land held in identical ownership is being divided by the proposed annexation;
- g) No land held in identical ownership comprising 20 contiguous acres or more with an assessed valuation of \$200,000 or more for tax purposes is included without the owner's consent.

The following annexation and zoning schedule is being proposed:

<i>ANNEXATION SCHEDULE</i>	
October 2, 2013	Referral of Petition (30 Day Notice), Introduction of a Proposed Ordinance, Exercising Land Use
October 8, 2013	Planning Commission considers Zone of Annexation
November 6, 2013	Introduction of a Proposed Ordinance on Zoning by City Council
November 20, 2013	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
December 22, 2013	Effective date of Annexation and Zoning

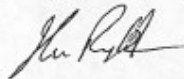
RAY ANNEXATION SUMMARY

File Number:	ANX-2013-403	
Location:	416 29 Road	
Tax ID Number:	2943-173-00-097	
# of Parcels:	1	
Estimated Population:	0	
# of Parcels (owner occupied):	0	
# of Dwelling Units:	1	
Acres land annexed:	1.14	
Developable Acres Remaining:	0.996	
Right-of-way in Annexation:	0.144 acres (6,261 sq. ft.)	
Previous County Zoning:	RSF-R, (Residential Single Family – Rural)	
Proposed City Zoning:	C-1, (Light Commercial)	
Current Land Use:	Commercial (subject of code enforcement action)	
Future Land Use:	Commercial	
Values:	Assessed:	\$14,140
	Actual:	\$177,640
Address Ranges:	416 29 Road	
Special Districts:	Water:	Ute Water Conservancy District
	Sewer:	Persigo 201 sewer service boundary
	Fire:	Grand Junction Rural Fire District
	Irrigation/ Drainage:	Grand Valley Irrigation Company/ Grand Valley Drainage District
	School:	Mesa County Valley School District #51
	Pest:	Grand River Mosquito Control District

Neighborhood Meeting
Proposed Annexation and Business Expansion
Located at 416 29 Road

Existing Zoning is County RSF-R (Residential Single-Family Rural)
Future land Use Designation is Village Center

Please Sign In

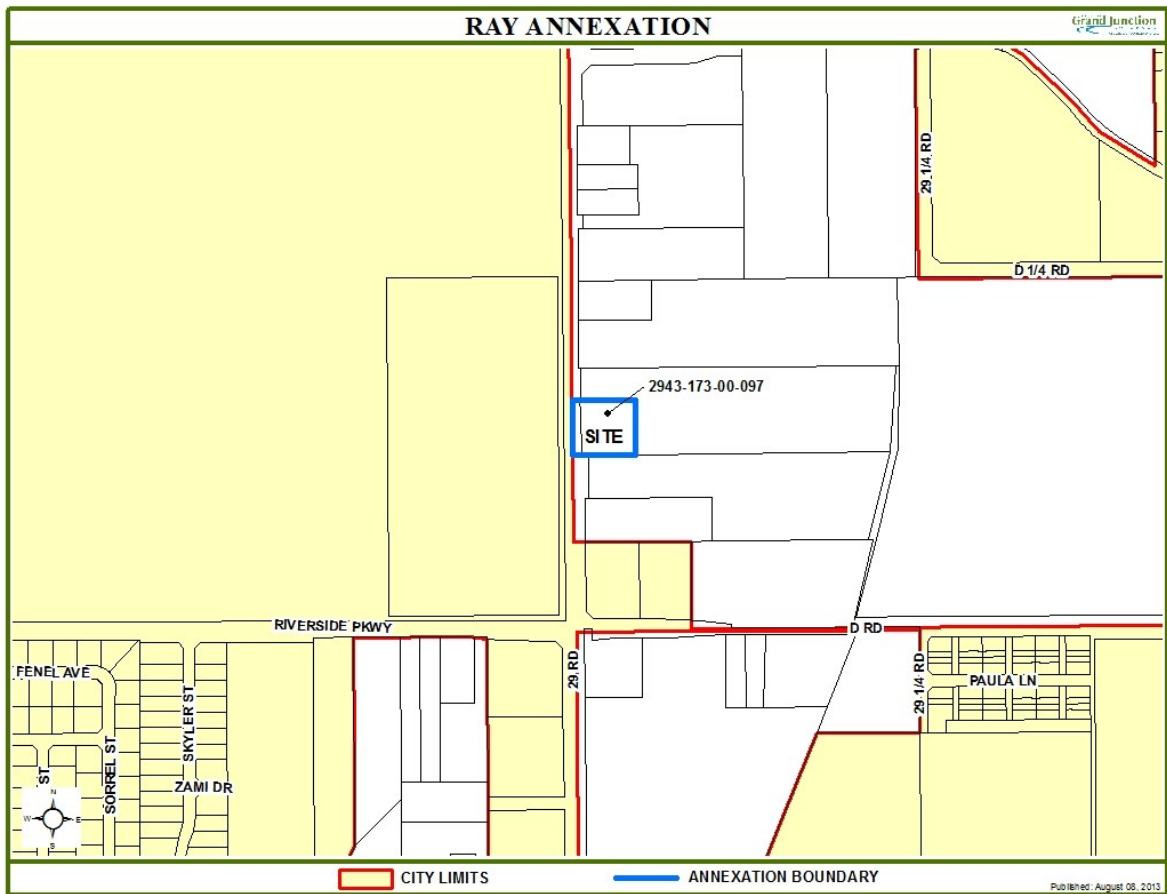
Name	Address	Contact info
DORIS A STEPHENS	410 29 RD	GJ CO 81504
Kim Wright	408 29 Rd	GJ CO 81504
Mark Wright	408 29 Rd	GJ CO 81504
	420-29R	GJ. CO 81504
Brian Rusche	250 N. 5TH ST.	GJ, 81501

City of Grand Junction Planning Division
250 North Fifth Street, Grand Junction, CO 81501



Annexation Map

Figure 1



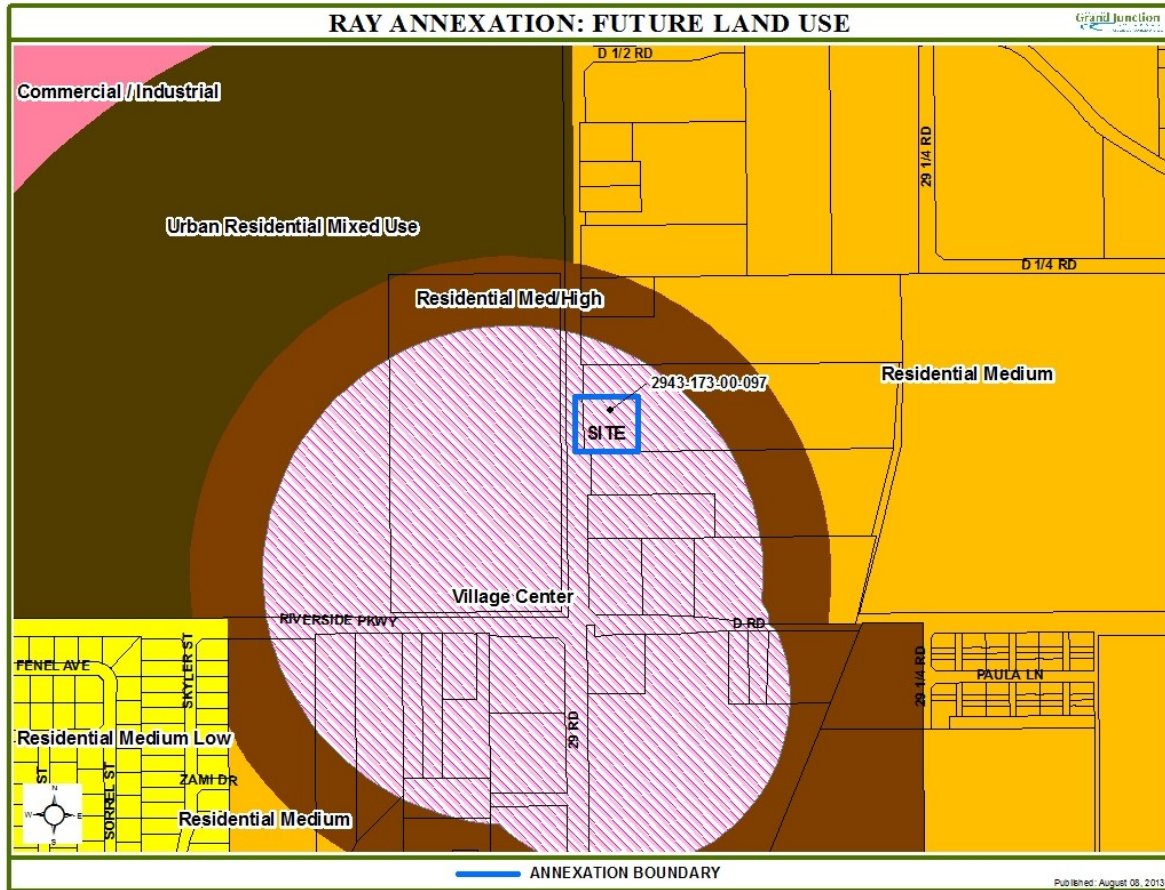
Aerial Photo

Figure 2



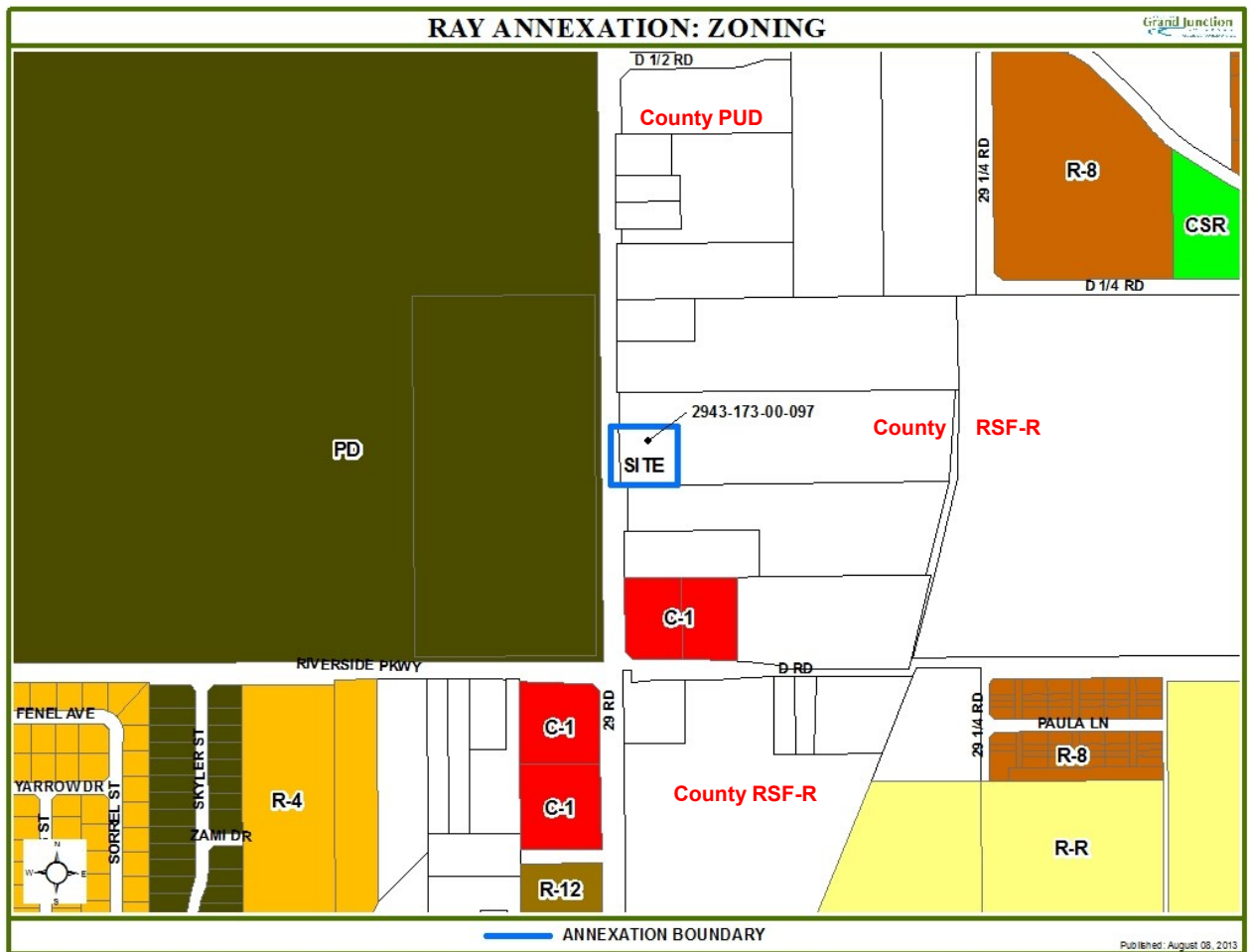
Comprehensive Plan – Future Land Use Map

Figure 3



Existing City and County Zoning Map

Figure 4



**NOTICE OF HEARING
ON PROPOSED ANNEXATION OF LANDS
TO THE CITY OF GRAND JUNCTION, COLORADO**

NOTICE IS HEREBY GIVEN that at a regular meeting of the City Council of the City of Grand Junction, Colorado, held on the 2nd day of October, 2013, the following Resolution was adopted:

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. ____

**A RESOLUTION
REFERRING A PETITION TO THE CITY COUNCIL
FOR THE ANNEXATION OF LANDS
TO THE CITY OF GRAND JUNCTION, COLORADO,
SETTING A HEARING ON SUCH ANNEXATION,
AND EXERCISING LAND USE CONTROL**

RAY ANNEXATION

LOCATED AT 416 29 ROAD

WHEREAS, on the 2nd day of October, 2013, a petition was referred to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

RAY ANNEXATION

A certain parcel of land lying in the Southwest Quarter of the Southwest Quarter (SW 1/4 SW 1/4) of Section 17, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Southwest corner of said Section 17 and assuming the West line of the SW 1/4 SW 1/4 of said Section 17 bears N 00°13'10" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 00°13'10" W along the West line of the SW 1/4 SW 1/4 of said Section 17, a distance of 660.80 feet to the POINT OF BEGINNING; thence from said Point of Beginning, continue N 00°13'10" W along the West line of the SW 1/4 SW 1/4 of said Section 17, a distance of 208.70 feet; thence N 89°57'50" E, along the North line of that certain parcel of land described in Book 4136, Page 171, Public Records of Mesa County, Colorado, a distance of 238.70 feet; thence S 00°13'10" E, along the East line of that certain parcel of land described in Book 4136, Page 171, a distance of 208.70 feet; thence S 89°57'50" W, along the South line of that certain parcel of land described in Book 4136, Page 171, a distance of 238.70 feet, more or less, to the Point of Beginning.

CONTAINING 49,816 Square Feet or 1.14 Acres, more or less, as described.

WHEREAS, the Council has found and determined that the petition complies substantially with the provisions of the Municipal Annexation Act and a hearing should be held to determine whether or not the lands should be annexed to the City by Ordinance;

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

1. That a hearing will be held on the 20th day of November, 2013, in the City Hall auditorium, located at 250 North 5th Street, City of Grand Junction, Colorado, at 7:00 PM to determine whether one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; whether a community of interest exists between the territory and the city; whether the territory proposed to be annexed is urban or will be urbanized in the near future; whether the territory is integrated or is capable of being integrated with said City; whether any land in single ownership has been divided by the proposed annexation without the consent of the landowner; whether any land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; whether any of the land is now subject to other annexation proceedings; and whether an election is required under the Municipal Annexation Act of 1965.
2. Pursuant to the State's Annexation Act, the City Council determines that the City may now, and hereby does, exercise jurisdiction over land use issues in the said territory. Requests for building permits, subdivision approvals and zoning approvals shall, as of this date, be submitted to the Public Works, Utilities and Planning Department of the City.

ADOPTED the _____ day of _____, 2013.

Attest:

President of the Council

City Clerk

NOTICE IS FURTHER GIVEN that a hearing will be held in accordance with the Resolution on the date and at the time and place set forth in the Resolution.

City Clerk

<i>DATES PUBLISHED</i>
October 4, 2013
October 11, 2013
October 18, 2013
October 25, 2013

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ANNEXING TERRITORY TO THE
CITY OF GRAND JUNCTION, COLORADO**

RAY ANNEXATION

APPROXIMATELY 1.14 ACRES

LOCATED AT 416 29 ROAD

WHEREAS, on the 2nd day of October, 2013, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 20th day of November, 2013; and

WHEREAS, the City Council determined that said territory was eligible for annexation and that no election was necessary to determine whether such territory should be annexed;

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

That the property situate in Mesa County, Colorado, and described to wit:

RAY ANNEXATION

A certain parcel of land lying in the Southwest Quarter of the Southwest Quarter (SW 1/4 SW 1/4) of Section 17, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Southwest corner of said Section 17 and assuming the West line of the SW 1/4 SW 1/4 of said Section 17 bears N 00°13'10" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 00°13'10" W along the West line of the SW 1/4 SW 1/4 of said Section 17, a distance of 660.80 feet to the POINT OF BEGINNING; thence from said Point of Beginning, continue N 00°13'10" W along the West line of the SW 1/4 SW 1/4 of said Section 17, a distance of 208.70 feet; thence N 89°57'50" E, along the North line of that certain parcel of land described in Book 4136, Page 171, Public Records of Mesa County, Colorado, a distance of 238.70 feet; thence S 00°13'10" E, along the East line of that certain parcel of land described in Book 4136, Page 171, a distance of 208.70 feet; thence S 89°57'50" W, along the South line of that certain parcel of land described in Book 4136, Page 171, a distance of 238.70 feet, more or less, to the Point of Beginning.

CONTAINING 49,816 Square Feet or 1.14 Acres, more or less, as described.

be and is hereby annexed to the City of Grand Junction, Colorado.

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

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

Attest:

President of the Council

City Clerk



Date: September 17, 2013
 Author: Kristen Ashbeck
 Title/ Phone Ext: Senior Planner x1491
 Proposed Schedule:
Approval October 2, 2013; Execute
agreement following approval.
 File #: CDBG 2013-11

Attach 9

CITY COUNCIL AGENDA ITEM

Subject: CDBG Subrecipient Contract with Hilltop Community Resources, Inc. for Previously Allocated Funds within the 2013 Community Development Block Grant (CDBG) Program Year
Action Requested/Recommendation: Authorize the City Manager to Sign the Subrecipient Contract with Hilltop Community Resources, Inc. for the City’s 2013 Program Year Funds
Presenter(s) Name & Title: Kristen Ashbeck, Senior Planner/CDBG Administrator

Executive Summary: The Subrecipient Contract formalizes the City’s award of \$86,840 to Hilltop Community Resources, Inc. allocated from the City’s 2013 CDBG Program as previously approved by Council. The grant funds will be used to replace the roof and the heating, ventilation, and air conditioning systems at The Opportunity Center located at 1129 Colorado Avenue.

Background, Analysis and Options:

Hilltop Community Resources, Inc. owns and operates The Opportunity Center at 1129 Colorado Avenue. The programs housed at the Center primarily serve at-risk youth receiving services to stay in school, prevent pregnancy, parenting group sessions, and job training and employment. Hilltop will utilize \$86,840 CDBG funds and \$40,000 in other funding to replace the roof materials and replace and upgrade the heating, ventilation, and air conditioning (HVAC) units of the Center. New systems will decrease operating cost of the programs by increasing energy efficiency of the building.

Hilltop Community Resources, Inc. is considered a “subrecipient” to the City. The City will “pass through” a portion of its 2013 Program Year CDBG funds to Hilltop Community Resources, Inc. but the City remains responsible for the use of these funds. The contract with Hilltop Community Resources, Inc. outlines the duties and responsibilities of each party/program and is used to ensure that the subrecipient complies with all Federal rules and regulations governing the use of these funds. The contract must be approved before the subrecipient may spend any of these Federal funds. Exhibit A of the contract (Attachment 1) contains the specifics of the project and how the money will be used by Hilltop Community Resources, Inc.

How this item relates to the draft Comprehensive Plan Goals and Policies: This project funded through the 2013 CDBG grant year allocation will include steps towards the City’s Comprehensive Plan goal listed below:

Goal 12: Goods and Services that Enhance a Healthy, Diverse Economy: The CDBG project for Hilltop Community Resources, Inc. described above provides services that enhance our community including improved services for low income persons, youth and families.

Board or Committee Recommendation: There is no board or committee review of this request.

Financial Impact/Budget: Previously approved 2013 CDBG Budget

Legal issues: Funding is subject to Subrecipient Agreement. The City Attorney has reviewed and approved the form of agreement.

Other issues: None

Previously presented or discussed:

City Council discussed and approved the allocation of CDBG funding to this project at its May 22, 2013 meeting.

Attachments:

1. Exhibit A, Subrecipient Agreement – Hilltop Community Resources, Inc.

**2013 SUBRECIPIENT CONTRACT FOR
CITY OF GRAND JUNCTION
COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS
WITH
Hilltop Community Resources, Inc.**

**EXHIBIT "A"
SCOPE OF SERVICES**

1. The City agrees to pay the Subrecipient, subject to the subrecipient agreement, \$86,840.00 from its 2013 Program Year CDBG Entitlement Funds for the rehabilitation of the Opportunity Center building operated by Hilltop Community Resources, Inc. located at 1129 Colorado Avenue in Grand Junction, Colorado ("Property") primarily to improve energy efficiency of the building. The Opportunity Center is used for programs that primarily serve at-risk youth receiving services to stay in school, prevent pregnancy, parenting group sessions, and job training and employment.
2. The Subrecipient certifies that it will meet the CDBG National Objective of low/moderate income clientele benefit (570.201(c)). It shall meet this objective by providing the above-referenced services to low/moderate income persons in Grand Junction, Colorado. In addition, this project meets CDBG eligibility requirements under section 570.208(a)(1), Youth Services.
3. The project consists of capital construction/improvement to the existing Opportunity Center building at 1129 Colorado Avenue. The building was originally constructed as a hospital in 1925 and there have been many modifications to it over the past 85 years and the HVAC systems are in need of updating. CDBG funds will be used to increase energy efficiency of the building by replacing and upgrading the heating, ventilation and air conditioning units and upgrading roofing materials. The Property is currently owned by Hilltop Community Resources, Inc. which will continue to operate the facility. It is understood that the City's grant of \$86,840 in CDBG funds shall be used only for the remodel improvements described in this agreement. Costs associated with any other elements of the project shall be paid for by other funding sources obtained by the Subrecipient.
4. This project shall commence upon the full and proper execution of the 2013 Subrecipient Agreement and the completion of all appropriate environmental, Code, State and Local permit review and approval and compliance. The project shall be completed on or before December 31, 2014.
5. The total project budget for the project is estimated to be \$126,840. The specific improvements to the 1129 Colorado Avenue building to be funded with CDBG include: new HVAC equipment and new roofing.

_____ Hilltop

_____ City of Grand Junction

6. Over a year's time, The Opportunity Center is used by over 800 individuals. Annually 230 youth attend school daily, as well as 580 participate in the Get Real, Family First and the Workforce Investment Act programs. This project will increase the energy efficiency of the building thereby reducing operating costs.
7. The City shall monitor and evaluate the progress and performance of the Subrecipient to assure that the terms of this agreement are met in accordance with City and other applicable monitoring and evaluating criteria and standards. The Subrecipient shall cooperate with the City relating to monitoring, evaluation and inspection and compliance.
8. The Subrecipient shall provide quarterly financial and performance reports to the City. Reports shall describe the progress of the project, what activities have occurred, what activities are still planned, financial status, compliance with National Objectives and other information as may be required by the City. A final report shall also be submitted when the project is completed.
9. During a period of five (5) years following the date of completion of the project the use of the Properties improved may not change unless: A) the City determines the new use meets one of the National Objectives of the CDBG Program, and B) the Subrecipient provides affected citizens with reasonable notice and an opportunity to comment on any proposed changes. If the Subrecipient decides, after consultation with affected citizens that it is appropriate to change the use of the Properties to a use which the City determines does not qualify in meeting a CDBG National Objective, the Subrecipient must reimburse the City a prorated share of the City's \$86,840 CDBG contribution. At the end of the five-year period following the project closeout date and thereafter, no City restrictions under this agreement on use of the Property shall be in effect.
10. The Subrecipient understands that the funds described in the Agreement are received by the City from the U.S. Department of Housing and Urban Development under the Community Development Block Grant Program. The Subrecipient shall meet all City and federal requirements for receiving Community Development Block Grant funds, whether or not such requirements are specifically listed in this Agreement. The Subrecipient shall provide the City with documentation establishing that all local and federal CDBG requirements have been met.
11. A blanket fidelity bond equal to cash advances as referenced in Paragraph V.(E) will not be required as long as no cash advances are made and payment is on a reimbursement basis.
12. A formal project notice will be sent to the Subrecipient once all funds are expended and a final report is received.

_____ Hilltop

_____ City of Grand Junction



Date: September 20, 2013
 Author: Mike Vendegna
 Title/ Phone Ext: Park
Superintendent, 254-3843
 Proposed Schedule: October 2, 2013
 2nd Reading
 File # (if applicable): _____

Attach 10

CITY COUNCIL AGENDA ITEM

<p>Subject: Contract for the Wingate Irrigation Pump Replacement and Sedimentation Structure Construction</p>
<p>Action Requested/Recommendation: Authorize the City Purchasing Division to Enter into a Contract with Sorter Construction, Inc., of Grand Junction, CO for the Wingate Irrigation Pump Replacement and Sedimentation Structure Construction Project for the Bid Amount of \$113,139.00</p>
<p>Presenter(s) Name & Title: Rob Schoeber, Parks and Recreation Director Jay Valentine, Financial Operations Manager</p>

Executive Summary:

Parks and Recreation is seeking approval to replace the irrigation pumping/filtration system and construct a sedimentation structure at Wingate Park/Elementary School.

Background, Analysis and Options:

A Park Inventory Future Needs Assessment was completed in 2011 that included all park amenities as well as infrastructure such as pumping / filtration / irrigation systems. Infrastructure components were evaluated and tested for condition, efficiency and operating performance. The pumping/filtration and irrigation systems at Wingate Park/School rated a score of one (very poor). This system uses ditch water running through a pond to the pump delivering water to the irrigation system within the park and school site. Upon completion of the evaluation, it was determined the pump efficiency test rated the pump at less than 30% of peak efficiency and the internal components of the filter were completely destroyed due to ditch “dirty” water used. It was also determined the sedimentation area in the pond was inadequate and the sediment was not being properly settled out before reaching the pumping system, thus causing excessive wear. In addition to the many pump problems this system is outdated and many of the repair parts are no longer available. The request is to replace the pump/filtration system to a turbo direct feed system, and construct a concrete sedimentation structure at the east end of the pond.

A formal solicitation was posted on the City’s internet bid page, advertised in the Daily Sentinel, and sent to the Western Colorado Contractors Association (WCCA). Initially, no bids were received. Three contractors that had previously completed similar

projects for the City were then contacted and asked to reconsider their interest in the project.

Bids were received from the following companies:

Company	Location	Amount
Sorter Construction, Inc	Grand Junction, CO	\$113,139.00
PNCI Construction, Inc	Grand Junction, CO	\$124,356.11
Skyline Contracting, Inc	Grand Junction, CO	\$146,224.00

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

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

Wingate Park and School is a unique entity in that it combines the outdoor facilities for both park and school use. The Parks Department maintains the grounds of both areas through an intergovernmental agreement. This site is very popular for education purposes and serves as a neighborhood park.

Board or Committee Recommendation:

The findings of the park needs assessment have been discussed with the Parks and Recreation Advisory Board. They agree and support efforts to complete necessary repairs and replacements to the Wingate irrigation system.

Financial Impact/Budget:

This project is budgeted within the City CIP at \$160,000.00

Project Expenses:

Total Construction Amount	\$113,139.00
Design Services	\$ 18,850.00
Estimate for Electrical Work	\$ 17,000.00
Estimate for Pump House Structure	<u>\$ 10,000.00</u>
Total	\$158,989.00

Legal issues:

There are no legal issues associated with the purchase. Standard contract documents, previously reviewed and approved by the City Attorney will be used to make the purchase.

Other issues:

None

Previously presented or discussed:

This project was presented to Council through the needs assessment report in 2011 and again during the budget process in 2012.

Attachments:

None



Date: Sept. 5, 2013
 Author: Kathy Portner
 Title/ Phone Ext: Econ Dev & Sustainability/1420
 Proposed Schedule: Oct. 2, 2013
 2nd Reading: _____
 File # (if applicable): _____

Attach 11

CITY COUNCIL AGENDA ITEM

Subject: Colorado Water Conservation Board Water Efficiency Grant
Action Requested/Recommendation: Approve a Resolution to Submit a Grant Request to the Colorado Water Conservation Board Water Efficiency Grant Program Fund to Fund Water Efficiency Audits
Presenter(s) Name & Title: Rick Brinkman, Water Services Manager

Executive Summary:

This is a request to approve a resolution authorizing the City Manager to submit a water efficiency grant application to the Colorado Water Conservation Board (CWCB) for \$45,450. The purpose of the grant application is to provide funding for water efficiency audits of 100 residential customers using domestic water for irrigation and six large commercial/industrial water users.

Background, Analysis and Options:

In 2012 the City of Grand Junction, along with Clifton Water District and Ute Water Conservancy District, completed the Grand Valley Regional Water Conservation Plan, with a mission statement “to promote water conservation by example, education, and innovation for the purpose of securing the future water needs of the Grand Valley”. The plan recognizes the current and on-going water conservation measures already in place and identifies the following four goals:

- Goal 1: Continue to educate the community, landscape contractors and customers regarding codes and ordinances that promote xeric landscapes and water conservation.
- Goal 2: Continue to create public awareness of wise water use and conservation.
- Goal 3: Reduce residential sector water demand in the Grand Valley by 10% over the next seven years.
- Goal 4: Promote water saving awareness in the commercial/industrial sectors.

The Plan identifies a number of water conservation measures and programs, including:

- Water efficient fixtures and appliances
- Low water use landscapes
- Water efficient commercial and industrial processes
- Water reuse systems

- Distribution system leak identification and repair
- Dissemination of information regarding water use efficiency measures
- Water rate structures and billing designed to encourage water use efficiency
- Regulatory measures designed to encourage water conservation

The CWCB Water Efficiency Grant Program provides funding for the implementation of Water Conservation Plans. This project will implement two regional water and conservation measures and programs identified in the Grand Valley Regional Water Conservation Plan. The Low Water Use Landscape program will provide 100 landscape audits to residential customers that utilize domestic water for outdoor irrigation, resulting in an estimated water savings of 10%-15% with implemented measures. The 100 residential landscape audits will be offered to City water customers and all conducted in 2014. In addition, water audits will be provided for six of the top commercial/industrial water users, (two customers in each of the three water districts) resulting in a potential 3%-5% water savings with implemented measures.

The requested grant of \$45,450 will fund the water efficiency audits, to be completed by the Center for ReSource Conservation for the residential audits and The Brendle Group for the commercial/industrial audits. The required 25% match of \$15,450 will be provided with in-kind services by the City of Grand Junction, Clifton Water District and Ute Water Conservancy District to manage the project and provide technical assistance, as well as through DRIP funding for education and outreach.

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.

This project will assure the continued provision of adequate water for the community, serving the public health, safety and welfare, and meeting the needs of existing and future growth.

Board or Committee Recommendation: N/A

Financial Impact/Budget: The required match of 25% is \$15,450 and will be provided as in-kind services by the City of Grand Junction, Clifton Water District and Ute Water Conservancy, as well as through DRIP funding for education and outreach. This match along with the grant of \$45,450 will result in a total project cost of \$60,900.

Legal issues: There are no legal issues arising out of acceptance of the grant. The documents will be reviewed and approved by legal if the grant is awarded.

Other issues: None.

Previously presented or discussed: The City Council adopted the Grand Valley Regional Water Conservation Plan on June 20, 2012 with Resolution No. 24-12. The Plan was also adopted by the Clifton Water District Board on June 7, 2012 and the Ute Water Conservancy District Board on June 13, 2012.

Attachments:
Resolution

**CITY OF GRAND JUNCTION, COLORADO
RESOLUTION NO. ____-13**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT A WATER
EFFICIENCY GRANT APPLICATION TO THE COLORADO WATER CONSERVATION
BOARD FOR WATER EFFICIENCY AUDITS**

RECITALS

The CWCB Water Efficiency Grant Program provides funding for the implementation of Water Conservation Plans. This project will implement two regional water and conservation measures and programs identified in the Grand Valley Regional Water Conservation Plan. The Low Water Use Landscape program will provide 100 landscape audits to residential customers that utilize domestic water for outdoor irrigation, resulting in an estimated water savings of 10%-15% with implemented measures. The 100 residential landscape audits will be offered to City water customers and all conducted in 2014. In addition, water audits will be provided for six of the top commercial/industrial water users, (two customers in each of the three water districts) resulting in a potential 3%-5% water savings with implemented measures.

The requested grant of \$45,450 will fund the water efficiency audits, to be completed by the Center for ReSource Conservation for the residential audits and The Brendle Group for the commercial/industrial audits. The required 25% match of \$15,450 will be provided with in-kind services by the City of Grand Junction, Clifton Water District and Ute Water Conservancy District to manage the project and provide technical assistance, as well as through DRIP funding for education and outreach.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Grand Junction does hereby authorize the City Manager to submit a Water Efficiency Grant request to the Colorado Water Conservation Board Grant Program Fund.

Dated this ____ day of _____ 2013.

President of the Council

ATTEST:

City Clerk



Date: September 19, 2013
 Author: Trent Prall
 Title/ Phone Ext: Engineering
 Manager ext. 4047
 Proposed Schedule: October 2, 2013
 2nd Reading
 (if applicable): N/A
 File # (if applicable): N/A

Attach 12

CITY COUNCIL AGENDA ITEM

Subject: Contract for the 2013 Pavement Management Data Collection
Action Requested/Recommendation: Authorize the City Purchasing Division to Enter into a Contract with IMS Infrastructure Management Services, Tempe, AZ for the 2013 Pavement Management Data Collection in the Amount of \$69,994
Presenter(s) Name & Title: Terry Franklin, Utility and Streets Manager

Executive Summary:

This request is to award a consulting contract for the data collection and analysis of the City’s street pavement conditions. This data and subsequent analysis will help determine the pavement condition index of over 365 centerline miles and 4,500 individual street segments and help prioritize where street maintenance dollars should be invested.

Background, Analysis and Options:

Professional firms experienced in the field of pavement management data collection were solicited for this project. The City’s street system consists of 345 miles of 2-lane roadways and 23 miles of 3-lane or greater roadways. The project will include collection of pavement distress data for the City’s roadway network which is comprised of over 4500 individual segments.

Pavement quality data was last collected in 2008 and uploaded into the pavement management database. The data is used to annually help prioritize street overlay and chip seal investments within the City. The selected firm will survey all streets for pavement quality to develop a pavement condition index (PCI). All data collected is to be uploaded into City’s Lucity asset management software.

Since 2008, the database was modified annually with rough approximation of improvements as different street segments received maintenance. This new data collection will confirm the actual condition of the various street segments and help Staff determine if the approximations used since 2008 were accurate.

A formal request for proposal was issued, advertised in The Daily Sentinel, and sent to a source list of firms. Three companies submitted formal offers in the following amounts:

- MDS Technologies Inc, Park Ridge, IL \$33,800
- GIE, Montreal, Quebec, Canada \$68,000
- IMS Infrastructure Management Services, Tempe AZ \$69,994

MDS Technologies utilized visual inspection which staff believes is too subjective. Furthermore, the firm was only going to provide 2/3 of the requested data and therefore was not selected.

GIE proposed to utilize four lasers and ground penetrating radar, however there was still a human element to the data collection which again introduces subjectivity. No cost proposal was provided to upload data into Lucity, nor did the firm have any experience with Lucity and therefore was not selected.

IMS evaluation is to utilize eleven lasers to collect all of the data requested with the least amount of subjectivity. They are very familiar with the City's Lucity software. IMS also completed the 2008 data collection and in order to provide PCI data that could be compared with some level of confidence, IMS is recommended by staff.

This project is scheduled to begin on early November with an expected final completion date of early 2014.

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

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

Street overlays improve the existing streets, provide longevity of the asphalt and prevent having to reconstruct the street cross section. This data and subsequent analysis will help determine the pavement condition index of City street network to help prioritize where street maintenance dollars should be invested.

Board or Committee Recommendation:

There are no boards or committees formed to oversee this City function.

Financial Impact/Budget:

The project is budgeted in the Sales Tax Capital Improvements Fund:

Sources

Sales Tax CIP Fund	\$69,994
--------------------	----------

Uses

<i>Pavement Condition Assessment / Calibration</i>	\$69,994
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Legal issues:

There are no legal issues associated with the award of this bid.

Other issues:

This project will review existing pavement conditions during 2013 and 2014 and allow for street maintenance costs to be accurately funded in 2015.

Previously presented or discussed:

This topic discussed at the Budget Philosophy and Budget work session on August 5, 2013 and as well as at the August 19th Readiness meeting.

Attachments:

None



Date: 9/18/13

Author: Darren Starr

Title/ Phone Ext: 1493

Proposed Schedule: 10/02/13

2nd Reading

(if applicable): _____

File # (if applicable): _____

Attach 13

CITY COUNCIL AGENDA ITEM

Subject: Purchase a Single Axle 4X2 Hook Lift Truck with a 5-yard Dump Body and Snow Removal Equipment
Action Requested/Recommendation: Authorize the City Purchasing Division to Purchase a Single Axle 4X2 Hook Lift Truck with a 5-yard Dump Body and Snow Removal Equipment from Trans West Freightliner with Kois Brothers Equipment for \$132,202.00
Presenter(s) Name & Title: Darren Starr, Manager, Streets, Storm Water, and Solid Waste Jay Valentine, Internal Services Manager

Executive Summary:

This request is for the purchase of a scheduled equipment replacement of a single axle 5 yard dump truck with snow removal equipment. The purchase proposed is a hook lift truck with a separate dump body, and snow removal equipment which can be interchanged at any point. Other versatile pieces of equipment will be added in the future that can be used with this same truck such as water truck, flat bed, stake bed, or any other needed body options.

Background, Analysis and Options:

This single axle 5 yard dump truck with snow removal equipment is a part of the resources needed to provide ongoing maintenance in the Streets and Storm Water divisions. This equipment will be used for digging, trenching, patching, placing pipe, snow removal, and other departmental functions. This equipment is a scheduled replacement for the Department and has gone through the equipment replacement committee.

A formal Invitation for Bids was issued via BidNet (an on-line site for government agencies to post solicitations) and advertised in The Daily Sentinel. Four companies submitted formal bids, all of which were found to be responsive and responsible. All vendors offered a trade-in allowance for the truck currently in the City's fleet. The following amounts reflect pricing after the trade-in is taken:

FIRM	LOCATION	COST
Transwest – Kois	Grand Junction, CO	\$132,202.00
Transwest – OJ Watson	Grand Junction, CO	\$134,394.00
Transwest – McDonald	Grand Junction, CO	\$138,480.00
Hanson International – Kois	Grand Junction, CO	\$140,937.55
Grand Junction Peterbilt - Kois	Grand Junction, CO	\$143,940.00
Grand Junction Peterbilt – OJ Watson	Grand Junction, CO	\$146,132.00
Grand Junction Peterbilt – McDonald	Grand Junction, CO	\$150,218.00
Mountain West Truck Center – Kois	Grand Junction, CO	\$151,468.00
Mountain West Truck Center – OJ Watson	Grand Junction, CO	\$153,660.00
Mountain West Truck Center – McDonald	Grand Junction, CO	\$157,746.00

The option for CNG fuel was bid on this particular unit with an additional cost of between \$51,341-\$56,900. The design of this type of unit requires the operator to look through the rear window of the truck in order to position the hydraulic hook mechanism on the different bodies being loaded. The City Purchasing and Fleet divisions bid this truck with CNG option as well as fuel tank location options. The fuel tank would need to be placed in a location that prevents the use of the truck's back window. It is for this reason the CNG option is not being recommended for this particular unit.

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.*

Timely replacement of aging equipment insures that vital community services will continue to be provided.

Board or Committee Recommendation:

This equipment replacement was approved by the equipment committee and Fleet Services.

Financial Impact/Budget:

Budgeted funds for this purchase have been accrued in the Fleet Replacement Internal Service Fund.

Legal issues:

There are no legal issues associated with the recommended purchase.

Other issues:

None

Previously presented or discussed:

None

Attachments:

None



Date: 9/20/13
 Author: Shelly Williams & Dave Roper
 Title/ Phone Ext: Benefits
Coordinator, x1551
 Proposed Schedule: 10/2/13
 2nd Reading
 (if applicable): _____
 File # (if applicable): _____

Attach 14

CITY COUNCIL AGENDA ITEM

<p>Subject: Contract Approval for Employee Life, Accidental Death and Dismemberment (AD&D), and Disability Insurance</p>
<p>Action Requested/Recommendation: Authorize the City Manager to Negotiate and Enter into a Contract with UNUM Life Insurance Company of America to Provide Employee Life, Accidental Death and Dismemberment, and Disability Insurance to the City of Grand Junction Employees</p>
<p>Presenter(s) Name & Title: Claudia Hazelhurst, Human Resources Director Dave Roper, Risk Manager Shelly Williams, Benefits Coordinator</p>

Executive Summary:

The current vendor for Life, AD&D and Long-Term Disability (LTD) coverage advised the City that effective January 1, 2014 a 22% increase would be imposed on current LTD rates. A request for proposals (RFP) was issued to determine if an equal benefit level could be provided through another vendor at an equivalent or lower cost. UNUM is the recommended vendor at a rate that is much less than current cost.

Background, Analysis and Options:

The Standard Insurance Company is the current vendor for Life, AD&D and Long-Term Disability (LTD) coverage. On August 21, 2013 the City of Grand Junction was notified by The Standard Insurance Company that effective January 1, 2014 a 22% increase would be imposed on current Long-Term Disability (LTD) rates. The annualized impact of that increase would result in an estimated additional \$100,000 of expense. The City has offered LTD coverage for full-time employees as part of our benefit programs for many years. The benefit is typical for other municipal governments in our market; a July 2013 market survey showed our benchmark cities continued to provide similar life and long-term disability benefits as a component of their compensation packages.

The RFP was prepared and distributed according to established procedures on August 26, 2013. In keeping with responsible use of public monies, the RFP process was for carrier participation only and did not utilize the services of a consultant or Brokers Services which can increase premiums by 8% or more.

The City received eight (8) responses to the RFP; selecting any of the responding vendor proposals could result in estimated savings ranging from \$22,817 to \$136,901 on LTD, \$20,719 on Basic Life & AD&D and employee savings of \$25,075 on Additional Employee Voluntary Life Insurance Premiums annually.

Upon completion of the financial analysis, references were contacted to confirm each vendor had a consistent track record of paying 100% of all legitimate employee claims and the vendor was responsive to requests that arise from either legislative or managerial changes. Additionally, we surveyed references to substantiate customer service levels and other resources (*i.e.* website, tools, forms) provided by the vendor.

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

This is a Human Resources contract and the goals and policies of the Comprehensive Plan are implicated by the RFP/an award of a contract.

Board or Committee Recommendation:

There is no board or committee to review this request. Staff has reviewed the proposals and recommends a contract with UNUM.

Financial Impact/Budget:

A contract with UNUM for Employee Life, AD&D and Disability Insurance services will cost the City approximately \$254,000, a \$157,600 reduction in annual cost from the current carrier. In addition, Employee cost for the purchase of supplemental insurance will be reduced by an average of 8%, depending on type of coverage, amount of coverage and the age of the covered individual.

Legal issues:

A contract will need to be negotiated and executed on and consistent with the terms of the RFP and the recommended proposal. Staff requests authorization to engage in negotiation and upon completion of those negotiations authorization for the City Manager to sign. The form of the agreement will be reviewed and approved by the City Attorney.

Other issues:

The Human Resources and Purchasing Staff recommend that the City Council authorize the City Manager to sign a contract with UNUM for Employee Life, AD&D and Disability Insurance services effective January 1, 2014 and that the contract, subject to annual appropriation, continue until further notice.

Previously presented or discussed:

This has not been discussed previously.

Attachments:

None.

