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**CITY COUNCIL AGENDA  
WEDNESDAY, NOVEMBER 6, 2013  
250 NORTH 5<sup>TH</sup> STREET  
5:30 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 – Boy Scout Troop #303 – Post the Colors and Lead in the Pledge of Allegiance  
Moment of Silence

**Proclamations**

Proclaiming the Month of November, 2013 as “National Alzheimer’s Disease Awareness Month” in the City of Grand Junction

Proclaiming the Month of November, 2013 as “Pulmonary Hypertension Awareness Month” in the City of Grand Junction

Proclaiming November 11, 2013 as “A Salute to All Veterans 2013” in the City of Grand Junction

\*\*\*Proclaiming November 2013 as “Hospice and Palliative Care Month” in the City of Grand Junction

*Revised November 6, 2013*

*\*\* Indicates Changed Item*

*\*\*\* Indicates New Item*

*® Requires Roll Call Vote*

**REVISED**

**Certificate of Appointment**

To the Planning Commission

**Council Comments**

**Citizen Comments**

**\*\*\* CONSENT CALENDAR \*\*\*®**

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

*Action: Approve the Summary of the September 16, 2013 Readiness Session, the October 16, 2013 Regular Meeting, and the October 28, 2013 Special Meeting*

2. **Setting a Hearing on Bonito Avenue Alley Right-of-Way Vacation, Located Between 1220 and 1224 Bonito Avenue** [File #VAC-2013-415] [Attach 2](#)

This is a request made by the property owner of 1224 Bonito Avenue to vacate the public right-of-way, located between 1220 Bonito Avenue and 1224 Bonito Avenue. The right-of-way is approximately 12-foot wide and 123.37 feet long. It runs in a north/south direction between 1220 and 1224 Bonito Avenue, and functions as an alley for these two properties.

Proposed Ordinance Vacating Right-of-Way for Bonito Avenue Alley, Located between 1220 and 1224 Bonito Avenue

*Action: Introduce a Proposed Ordinance and Set a Hearing for November 20, 2013*

Staff presentation: Lori V. Bowers, Senior Planner

3. **Setting a Hearing on Zoning the Elementary Enclave Annexation, Located at 2977 B Road** [File #ANX-2013-316] [Attach 3](#)

A request to zone the Elementary Enclave Annexation, which consists of a one acre parcel, located at 2977 B Road, to an R-4 (Residential 4 du/ac) zone district.

Proposed Ordinance Zoning the Elementary Enclave Annexation to R-4 (Residential 4 DU/Ac), Located at 2977 B Road

*Action: Introduce a Proposed Zoning Ordinance and Set a Hearing for November 20, 2013*

Staff presentation: Brian Rusche, Senior Planner

4. **Setting a Hearing on Zoning 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 4](#)

A request to zone the Twenty Nine Thirty Enclave Annexation, which consists of 12.08 acres, less 0.51 acres of public right-of-way, in six parcels located on the north and south side of B ½ Road at Crista Lee Way, to an R-4 (Residential 4 du/ac) zone district.

Proposed Ordinance Zoning the Twenty Nine Thirty Enclave Annexation to R-4 (Residential 4 DU/Ac), Located on Both Sides of B ½ Road at Crista Lee Way

*Action: Introduce a Proposed Zoning Ordinance and Set a Hearing for November 20, 2013*

Staff presentation: Brian Rusche, Senior Planner

5. **Setting a Hearing on Zoning the Ray Annexation, Located at 416 29 Road** [File #ANX-2013-403] [Attach 5](#)

A request to zone the Ray Annexation, consisting of one parcel of 0.996 acres, located at 416 29 Road, to a C-1 (Light Commercial) zone district.

Proposed Ordinance Zoning the Ray Annexation to C-1 (Light Commercial), Located at 416 29 Road

*Action: Introduce a Proposed Zoning Ordinance and Set a Hearing for November 20, 2013*

Staff presentation: Brian Rusche, Senior Planner

6. **Setting a Hearing on the Addition of City Property to the Downtown Development Authority (DDA) District** [Attach 6](#)

The City and DDA Staff are recommending the addition of a number of City-owned parcels into the DDA district.

Proposed Ordinance Expanding the Boundaries of the Grand Junction, Colorado Downtown Development Authority

*Action: Introduce a Proposed Ordinance and Set a Hearing for November 20, 2013*

Staff presentation: John Shaver, City Attorney  
Harry Weiss, DDA Executive Director

7. **Construction Contract for the Water Tank Painting Project** [Attach 7](#)

The Water Tank Painting Project will repaint the inside of two 4 million gallon steel water tanks used for storing finished potable water at the City's Water Treatment Plant.

*Action: Authorize the City Purchasing Division to Enter into a Contract with Spiegel Industrial, LLC of Steamboat Springs, CO for the Water Tank Painting Project in the Amount of \$512,705.96*

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

8. **Colorado Law Enforcement Training Center Grant Request** [Attach 8](#)

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

Resolution No. 67-13—A Resolution Authorizing the City Manager to Submit a Grant Request to the Mesa County Federal Mineral Lease District for the Development of the Colorado Law Enforcement Training Center

*®Action: Adopt Resolution No. 67-13*

Staff presentation: Rich Englehart, City Manager

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



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

9. **Avalon Theatre Naming Rights** [Attach 9](#)

This item is a review of and request for approval for the marketing of the naming opportunities for the Avalon Theatre. Establishing naming opportunities will make it possible to attempt to generate additional private contributions for the Avalon Theatre renovation project.

Resolution No. 68-13—A Resolution Authorizing the Offering for Sale of the Naming and Sponsorship Rights for the Avalon Theatre

®Action: *Adopt Resolution No. 68-13*

Staff presentation: Debbie Kovalik, Economic, Convention, and Visitor Services Director

\*\*10. **Rates and Fees Effective January 1, 2014** [Attach 10](#)

Proposed rate/fee increases which would be effective January 1, 2014 are for Water, Irrigation, Wastewater, Solid Waste, Two Rivers Convention Center, and Parks and Recreation as presented and discussed during City Council budget workshops.

Resolution No. 69-13—A Resolution Adopting Fees and Charges for Water, Irrigation, Wastewater, Solid Waste, Ambulance Transport, Two Rivers Convention Center, and Parks and Recreation

®Action: *Adopt Resolution No. 69-13*

Staff presentation: Jodi Romero, Financial Operations Director

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

12. **Other Business**

13. **Adjournment**

## GRAND JUNCTION CITY COUNCIL READINESS SUMMARY

**September 16, 2013 – Noticed Agenda Attached**

Meeting Convened: 5:04 p.m. in the City Auditorium

Meeting Adjourned: 7:18 p.m.

Council Members present: All except Councilmember Norris. Staff present: Englehart, Shaver, Portner, Thornton, Franklin, and Tuin.

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### Agenda Topic 1. Orchard Mesa Neighborhood Plan Update

City Manager Englehart introduced the topic and briefed the Council on the schedule for the process of review including a more detailed review in a workshop prior to it coming before them at a formal meeting.

Planning and Development Supervisor Dave Thornton reviewed the Comprehensive Plan process adopted in 2010. The old Orchard Mesa Neighborhood Plan was sunset with the adoption of the Comprehensive Plan and the neighborhood was concerned there was no plan for their area. City Staff agreed to take it back up after the adoption of the Comprehensive Plan. Mr. Thornton reviewed what has taken place in the development of the new proposed plan including the public input meetings. He noted that Mesa County has been involved in the process as much of Orchard Mesa is in unincorporated Mesa County.

The study area includes from the west at the Gunnison River to 34 Road on the east and north to south from the Colorado River to Whitewater Hill. There are about 16,000 people that live in the study area. Mr. Thornton listed the topic areas and the draft goals of the Plan.

City Council raised a number of issues including infrastructure, trails, transportation, areas for industrial/commercial development (the Fairgrounds, around the Department of Energy compound, and in Whitewater), new schools, floodplain/drainage issues, and parks.

That concluded the update.

### Agenda Topic 2. Community Solar Garden Subscription and Lease Agreement

City Manager Englehart introduced the topic and advised that this item will need Council action so it will be on a future agenda.

Planner Kathy Portner reviewed the history of the project. The company Ecoplexus contacted the City a year ago about the idea of a community solar garden. Subscribers can buy into the system for off-premise consumption within the same County. The School District is a partner and the actual panels will be placed on School District property. The company needs access to the property through a City property. The City will be a subscriber and a lessor for the access. There is no planned use for the City property for the twenty year horizon of the project. The

company has made a deal with the adjacent property owner for an easement to tie into XCEL Energy's main lines.

The company received a Conditional Use Permit from the Planning Commission for the project. Prior to the Planning Commission meeting, a neighborhood meeting was held and no one from the neighborhood attended. No one from the neighborhood attended the Planning Commission meeting either.

Utility Manager Terry Franklin advised the City will receive a net community solar credit of approximately eight cents per kWh from XCEL for each kWh purchased by Ecoplexus. Any change to the XCEL credit requires PUC approval. City Attorney Shaver advised that if the City were to enter into an agreement with Ecoplexus, then that amount would be locked in. Annually the City can analyze which City facilities to put toward the subscription in order to get the best return. The company cannot raise their rate by more than 1.5% per year.

Councilmember Chazen asked what happens if XCEL gets a change approved through the Public Utilities Commission (PUC) to lower the credits, how will Ecoplexus guarantee the continue return? City Attorney Shaver said typically changes made by the PUC only affect future subscribers, not existing.

Councilmember Traylor Smith clarified that the City has no investment in this. Ms. Portner concurred adding there is no money up front required. The investors get tax credits and accelerated depreciation in exchange for their investment.

Councilmember McArthur suggested that the lease payment for the right-of-way go back to the Transportation Capacity Payment (TCP) fund.

Eric Anderson from the School District advised that the School District has researched this company, reviewing financials, and checking with other clients, and is confident in doing business with them. Mr. Anderson also checked with XCEL on their research on the company during the Request for Proposal process where they ultimately selected Ecoplexus.

Many of the details of the terms were discussed such as ownership of the panels at the end of the contract, contract extension provisions, site cleanup, environmental concerns, maintenance, screening and security fencing, and multi-year obligation provisions of TABOR.

Council President Susuras polled the Council on directing Staff to go forward and all six were in favor. The item will be placed on the agenda for consideration.

### Agenda Topic 3. Other Business

City Manager Englehart advised that members of the Fire Department had been deployed to the eastern slope to assist with the flood event.

City Manager Englehart updated the Council on his plan to fill the Public Works Director position with Greg Trainor's retirement in January 2014. He decided to move the Planning Division back under Deputy City Manager Tim Moore's purview and then move forward on filling the Public

Works Director position internally. It is possible that the City may retain the services of Greg Trainor with the 521 Drainage Authority.

City Manager Englehart reported there was a little bit of flooding in Paradise Hills.

There was a discussion on Council assignments and putting a resolution on the agenda to assign new Councilmember Barbara Traylor Smith to a board. The Council suggested appointing Councilmember Traylor Smith to the Housing Authority and as the alternate to the Parks Improvement Advisory Board (PIAB). Staff was directed to place the resolution on the Consent Calendar on Wednesday, September 18, 2013 for formal consideration.

With no other business, the meeting adjourned.

**GRAND JUNCTION CITY COUNCIL  
READINESS SESSION**

**MONDAY, SEPTEMBER 16, 2013, 5:00 P.M.  
CITY AUDITORIUM  
250 N. 5<sup>TH</sup> STREET**

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

- 1. Orchard Mesa Neighborhood Plan Update:** This is an informal update by Staff to bring to City Council the current planning effort the City has completed with Mesa County for the Orchard Mesa area. The Plan area encompasses Orchard Mesa from the Gunnison River east to 34 ½ Road and from the Colorado River south to Whitewater Hill. Information will be provided about the planning process, major findings identified through public participation, and what next steps are currently proposed in this joint planning effort with the County.
- 2. Community Solar Garden Subscription and Lease Agreement:** Staff will present an overview of the proposed Pear Park Community Solar Garden and request City Council direction on moving forward with an agreement with Ecoplexus, Inc. as a subscriber to the solar garden and a lease agreement for the use of a portion of City-owned property.
- 3. Other Business**

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

**October 16, 2013**

The City Council of the City of Grand Junction convened into regular session on the 16<sup>th</sup> day of October, 2013 at 7:00 p.m. in the City Auditorium. Those present were Councilmembers Bennett Boeschstein, Duncan McArthur, Phyllis Norris, Barbara Traylor Smith, and Council President Pro Tem Martin Chazen. Councilmember Jim Doody and Council President Sam Susuras were absent. Also present were City Manager Rich Englehart, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Pro Tem Chazen called the meeting to order. Councilmember Norris led the Pledge of Allegiance, followed by an invocation by Pastor Jeff Harmeling, Monument Presbyterian Church.

Council President Pro Tem Chazen explained that City Council is wearing pink shirts in recognition of Pink October to bring awareness and support to those battling cancer. The Fire Department is selling shirts to benefit Delaney Donates Foundation.

**Presentation**

**September Yard of the Month**

Tom Ziola, Forestry/Horticulture/Cemetery Supervisor, presented the September Yard of the Month to Russ and Julie Gillis of 723 Pacific Drive. This is the final presentation of the year. He thanked sponsors of the program. Russ Thompson, Forestry Board member, was with Mr. Ziola to present the award. Mr. Ziola described the Gillis's yard. Mr. Gillis thanked Mr. Ziola and the Forestry Board for the award.

**Proclamation**

**Proclaiming Friday, October 18, 2013 as “Legends of the Grand Valley Day – Prinster Brothers Day” in the City of Grand Junction**

Councilmember Norris read the proclamation. Miffie Blozvich and Ken Johnson were present to receive the proclamation and thanked the City Council for the proclamation. She announced the date, time, and location of the legends sculpture unveiling and invited the City Council to attend. She lauded the legacy of the Prinster family. Mr. Johnson thanked the City Council for their steady support. He advertised a book authored by Tony Prinster and said the author will autograph the book at the unveiling.

## **Certificates of Appointment**

### **To the Planning Commission/Zoning Board of Appeals**

Christian Reece was present to receive her Certificate of Reappointment to the Planning Commission. She thanked Council for being chosen to continue to serve on the Planning Commission.

### **To the Housing Authority**

Tami Beard was present to receive her Certificate of Appointment to the Housing Authority. She thanked the City Council for the opportunity to serve.

## **Council Comments**

Councilmember McArthur said last Wednesday he attended a presentation by Western Colorado Metals and it was an excellent presentation. He appreciated their recycling program and they have instituted new security measures to protect against recycling stolen metals.

Councilmember Traylor Smith congratulated the local firefighters for stepping up and supporting cancer awareness month. She also mentioned that she had a client who received an international lottery winning check which turned out to be a scam and she reminded everyone to be aware and to protect themselves from scam artists.

Councilmember Boeschstein said he went to the Riverfront Commission meeting in conjunction with the Riverfront Foundation, and it was a good meeting. Las Colonias is their big project. They also discussed the trail from 29 Road to Las Colonias; most of the land has been acquired for this project.

## **Citizen Comments**

John Williams, 433 N. 7<sup>th</sup> Street, said he has a junk store and he hauls away stuff. He held up an older police officer's jacket that he plans on donating to the Museum. He also had a lamp from his grandfather's house on Dahlia Drive. He said the six car garage that was built in the neighborhood has ruined the neighborhood.

## **CONSENT CALENDAR**

Councilmember McArthur read Consent Calendar items #1-3 and then moved to adopt the Consent Calendar. Councilmember Norris seconded the motion. Motion carried by roll call vote.

1. **Minutes of Previous Meetings**

*Action: Approve the Summary of the August 19, 2013 Workshop and the Minutes of the October 2, 2013 Regular Meeting*

2. **CDBG Subrecipient Contracts with St. Mary's Foundation, Marillac Clinic, Inc., Giving Adolescents New Goals, and Mesa County Partners for Previously Allocated Funds within the 2013 Community Development Block Grant (CDBG) Program Year** [File #CDBG 2013-02; 2013-03; 2013-04; 2013-06; 2013-08; and 2013-12]

The Subrecipient Contract formalizes the City's award of a total of \$74,890 to St. Mary's Foundation, Marillac Clinic, Inc., Giving Adolescents New Goals, and Mesa County Partners allocated from the City's 2013 CDBG Program as previously approved by Council. The grant funds will be used for mileage reimbursement for volunteers with the Foster Grandparent and Senior Companion Programs, services for the homeless and new equipment at the Marillac Clinic, after school tutoring and enrichment activities at Grand Junction Housing Authority properties and the purchase of a van for use in the Partners One-to-One Mentoring program.

*Action: Authorize the City Manager to Sign the Subrecipient Contracts with St. Mary's Foundation for the Foster Grandparent Program for \$10,000, St. Mary's Foundation for the Senior Companion Program for \$12,000, Marillac Clinic, Inc. for the Integrated Care for the Homeless for \$10,000, Giving Adolescents New Goals (GANG) After School Tutoring for \$4,700, Marillac Clinic for Dental Equipment for \$23,190, and Mesa County Partners Van Purchase for \$15,000 for the City's 2013 Program Year Funds*

3. **Free Holiday Parking Downtown**

The Downtown Partnership has requested free parking in the downtown area again this year during the holiday shopping season. City Staff recommends free holiday parking in downtown, including the first floor of the Rood Avenue parking structure, with the exception of government offices areas and shared-revenue lots.

*Action: Vacate Parking Enforcement at Designated, Downtown, Metered Spaces and Signed Parking from Thanksgiving to New Year's Day, Except Loading, No Parking, Handicapped, and Unbagged Meter Spaces Surrounding Government Offices and in Shared Revenue Lots. Free Metered Spaces will be Clearly Designated by Covering the Meters with the Well-known "Seasons Greetings-Free Parking" Red Plastic Bag*



## ITEMS NEEDING INDIVIDUAL CONSIDERATION

### **Prohibition of Parking Along Main Street During Parade of Lights**

The Downtown Partnership is requesting the prohibition of parking along Main Street during the Annual Parade of Lights, and the authorization of towing vehicles violating the prohibition. City Staff concurs with the recommendation to prohibit parking on Main Street during the Parade of Lights.

Harry Weiss, Downtown Development Authority/Downtown Grand Junction Business Improvement District (DDA/DGJBID) Executive Director, presented this item. He explained the Business Improvement District does a number of events downtown including the Parade of Lights. The Parade of Lights is a well-attended event and there have been no prohibitions on parking on Main Street during the parade. However, in recent years, there has been more congestion and some people crowd into the travel lanes. Participants of the parade feel that it is too dangerous to continue to participate. A part of the problem is that people stake out a spot to park prior to the parade which means the pedestrians are then pushed out into the traffic lanes to see the parade. Those in vehicles then run their cars to stay warm which causes exhaust fumes in the crowd. Therefore, the Downtown Development Authority is asking that City Council prohibit parking on Main Street during the parade from 3<sup>rd</sup> Street to 7<sup>th</sup> Street. The street will be posted starting Friday afternoon at 3:00 p.m., 24 hours in advance of the prohibition.

Councilmember Boeschstein said this is a safety issue and it makes sense. There is plenty of free parking downtown. The Police Chief confirmed that it is a safety issue and he supports the request.

Councilmember Traylor Smith agreed with Councilmember Boeschstein.

Councilmember McArthur said he has participated in the Parade of Lights in the past and was unnerved by the closeness of the pedestrians to the parade vehicles because of the parked cars. He felt that making more room for the parade vehicles to travel on Main Street made sense.

Councilmember Boeschstein moved to prohibit parking along Main Street from 3<sup>rd</sup> to 7<sup>th</sup> Streets during the Annual Parade of Lights December 7, 2013 and authorize the towing of vehicles in violation of the prohibition. Councilmember Traylor Smith moved to second the motion. Motion carried by roll call vote.

## **Horizon Drive Association Business Improvement District (HDABID) Amended 2013 Budget and 2014 Operating Plan and Budget**

Every business improvement district is required to file an operating plan and budget with the City Clerk by September 30<sup>th</sup> each year. The City Council then approves or disapproves the plan and budget by December 5<sup>th</sup>. The plan was reviewed by the Horizon Drive Association Business Improvement District Board and submitted within the required timeline. The HDABID is also requesting an amendment to the 2013 budget for design services. After further review by City Staff, the plan and amendment were found to be reasonable.

Chuck Keller, HDABID President, presented this item. He thanked the City Council for their participation in their meetings. The HDABID had a meeting with Colorado Department of Transportation (CDOT) in July and they have been awarded a \$5 million grant for improvements. The City is matching the grant with \$500,000 and the HDABID is contributing \$500,000. The corridor is the City's gateway. He thanked the board members and lauded City Staff.

Councilmember McArthur clarified that the Responsible Acceleration of Maintenance and Partnerships (RAMP) grant is for the interchange at I-70. Mr. Keller confirmed that. He said most everyone up and down Horizon Drive is on board with the improvements proposed. They are timing the improvements to impact the businesses the least.

Councilmember Boeschstein applauded the efforts of the HDABID. It fits the Village Center concept in the Comprehensive Plan. He appreciated the grassroots efforts.

Councilmember Norris thanked Mr. Keller for going door to door and getting buy in from the other businesses.

Councilmember Traylor Smith moved to approve the Horizon Drive Association Business Improvement District's Amended 2013 Budget and 2014 Operating Plan and Budget. Councilmember McArthur seconded the motion. Motion carried by roll call vote.

## **Downtown Grand Junction Business Improvement District (DGJBID) 2014 Operating Plan and Budget**

Every business improvement district is required to file an operating plan and budget with the City Clerk by September 30<sup>th</sup> each year. The City Council then approves or disapproves the plan and budget by December 5<sup>th</sup>. The plan was reviewed by the DGJBID Board and submitted within the required timeline. After further review by City Staff, the plan was found to be reasonable.

Harry Weiss, DDA/DGJBID Executive Director, presented this item. He highlighted the items that are different in the upcoming year. He noted that the DGJBID does not have capital projects; instead they market and produce special events. They have been

doing some organizational restructuring. They were in partnership with the Downtown Association (DTA) and there was some confusion, so it was decided to dissolve the DTA, which is in process. The DTA will formally file Articles of Dissolution by the end of the year.

Mr. Weiss described the DGJBID, the membership, and how it benefits the members. They will continue with marketing and special event promotions. Through surveys conducted, expansion of the DGJBID services has been suggested. Those activities are not currently in the budget and may come back to Council in an amended budget. The first item is the cleaning and maintenance of sidewalks. He mentioned a few options for doing that. The other item is business recruitment, i.e. strengthen downtown as a place to do business. He advised that he will be working on a plan for that. Last year they began drawing down the fund balance of the DGJBID. The renewal for the DGJBID is in 2016 so they want the balance reduced by then. Other new one-time expense items are a conversion of the gift certificate program, debit card swipe system, and a redesign of the web site.

Councilmember McArthur asked where the draw down for the DGJBID fund balance is going to. Mr. Weiss said it is going to the one-time expenses mentioned and deficit spending.

Councilmember Norris thought it was wise to change the gift card program to debit cards. Mr. Weiss said they are using the same program used by Ft. Collins and Boulder.

Councilmember Traylor Smith said she appreciates the effort to recruit business. Mr. Weiss said one thing they are looking at is the infrastructure, such as expansion for high speed and wireless internet access.

Council President Pro Tem Chazen said the DGJBID is very important to downtown. He complimented the new web site and said the board is very excited about the business recruitment.

Councilmember McArthur asked if the fund balance will be rebuilt if the DGJBID is renewed in 2016. Mr. Weiss said they will look long term and when the renewal comes up they will ask the members. They will want to have a minimum reserve balance. Councilmember McArthur asked if the assessment will be increased. Mr. Weiss said they may look at restructuring the assessment.

Councilmember Boeschstein said he also served on the DDA. He mentioned a number of new businesses and expansion that are happening downtown. He thanked the DDA and the DGJBID.

Councilmember Boeschstein moved to approve the Downtown Grand Junction Business Improvement District 2014 Operating Plan and Budget. Councilmember Norris seconded the motion. Motion carried by roll call vote.

**Public Hearing—Bibeau Enclave Annexation and Zoning, Located Along D ½ Road between Approximately 29 ¼ and 29 ½ Roads** [File #ANX-2013-338]

A request to annex 16.10 acres of enclaved property, located along D ½ Road between approximately 29 ¼ and 29 ½ Road, and to zone the annexation, which consists of seven parcels, to an R-8 (Residential 8 du/ac) zone district.

The public hearing was opened at 7:58 p.m.

Brian Rusche, Senior Planner, presented this item. He described the site, the location, and the request. The enclave was created by the annexation of the Ajarian property on May 5, 2009. The annexation of the enclave is consistent with the provisions of the Persigo Agreement and State Law. Mr. Rusche showed the development of the area and property over the last half century via aerial photographs. The zoning requested is R-8 which is consistent with the Comprehensive Plan which is designated as residential medium and meets the Zoning and Development Code requirements. He described the surrounding uses and zoning. The requested R-8 zoning is consistent with the surrounding zoning but does not compel anyone to develop. In conclusion, Staff finds the annexation is consistent with the annexation requirements and State Law and all zoning criteria and requirements have been met and are consistent with the goals of the Comprehensive Plan.

Councilmember Boeschstein asked why the other properties that appear to be enclaved to the east are not included in this annexation. Mr. Rusche said they are not complete enclaves.

Councilmember McArthur asked what the CSR designation means. Mr. Rusche said the property designated CSR is city-owned property and it means Community Service and Recreation and the property will be used to access the community solar garden.

There were no public comments.

The public hearing was closed at 8:10 p.m.

Ordinance No. 4603—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Bibeau Enclave Annexation, Located Along D ½ Road Between Approximately 29 ¼ and 29 ½ Roads Consisting of Approximately 16.10 Acres

Ordinance No. 4604—An 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

Councilmember Boeschstein moved to adopt Ordinance Nos. 4603 and 4604 and ordered them published in pamphlet form. Councilmember McArthur seconded the motion. Motion carried by roll call vote.

**Public Hearing—Wild Enclave Annexation and Zoning, Located at 3122 and 3124 E Road** [File #ANX-2013-334]

A request to annex 3.65 acres of enclaved property, located at 3122 and 3124 E Road, and to zone the annexation, which consists of two parcels, to an R-8 (Residential 8 du/ac) zone district.

The public hearing was opened at 8:11 p.m.

Brian Rusche, Senior Planner, presented this item. He described the site, the location, and the request. The enclave was created by the annexation of the Freedom Meadows property on January 19, 2009. In compliance with the Persigo Agreement and State law, the City is asking for annexation of this enclave. Using aerial photos, he described the development of the property and surrounding area for the last fifty plus years. The two parcels each have a single family dwelling on the property. One property owner has a mule and that use can continue. Mr. Rusche described some current subdivision activity on nearby properties. The adjacent properties have been zoned R-8. The zoning requested is R-8 which is consistent with the surrounding properties, the Comprehensive Plan, and meets the Zoning and Development Code requirements. The annexation is consistent with State Law. In conclusion, Staff finds all zoning criteria and requirements have been met and are consistent with the goals of the Comprehensive Plan.

There were no public comments.

The public hearing was closed at 8:16 p.m.

Ordinance No. 4605—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Wild Enclave Annexation, Located at 3122 and 3124 E Road, Consisting of Approximately 3.65 Acres

Ordinance No. 4606—An Ordinance Zoning the Wild Enclave Annexation to R-8 (Residential 8 DU/Ac) Located at 3122 and 3124 E Road

Councilmember McArthur moved to adopt Ordinance Nos. 4605 and 4606 and ordered them published in pamphlet form. Councilmember Boeschstein seconded the motion. Motion carried by roll call vote.

**Public Hearing—Amendment to Chapter 2.40 of the Grand Junction Municipal Code Adopting Rules and Regulations Regarding Cemeteries**

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.

The public hearing was opened at 8:18 p.m.

Tom Ziola, Forestry/Horticulture/Cemetery Supervisor, presented this item. He described the amendments and their purpose. Other than those changes the present rules have been in effect and have not changed.

Councilmember Boeschstein asked how many cemeteries the City has. Mr. Ziola said two, Crown Point and Orchard Mesa.

Councilmember McArthur asked about the change of the wording addressing the designee in the ordinance. Jamie Beard, Assistant City Attorney, explained the change from City Clerk to the City Manager's designee. It would eliminate having to bring the ordinance back for changes in the future if there were a title change.

Council President Pro Tem Chazen asked about section 2.40.440 (e) and the reason for the provision that the City Manager may deny the work of a monument company if not meeting standards. Mr. Ziola explained how they will work with companies who perform sub standardly to improve their work for safety and for the care of the customers.

There were no public comments.

The public hearing was closed at 8:24 p.m.

Ordinance No. 4607—An Ordinance Amending Chapter 2.40 of the Grand Junction Municipal Code Regarding Cemeteries

Councilmember Norris moved to adopt Ordinance No. 4607 and ordered it published in pamphlet form. Councilmember Traylor Smith seconded the motion. Motion carried by roll call vote.

## **Public Hearing—Amendment to Chapter 8.32 of the Grand Junction Municipal Code Relative to Forestry Licensing**

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).

The public hearing was opened at 8:25 p.m.

Tom Ziola, Forestry/Horticulture/Cemetery Supervisor, presented this item. He acknowledged Kami Long, Forestry Board Chair, in attendance. He explained the proposed changes and the purpose of the change. He advised the Forestry Board will be reaching out to support the companies to succeed with the new educational requirements.

Councilmember McArthur asked why the City enforces worker's compensation when the State has its own enforcement. It seems redundant. Jamie Beard, Assistant City Attorney, explained that they have found that sometimes there are different entities holding the license than the entity that actually carries the worker's compensation. It helps the City stay on top of who has the coverage.

Councilmember McArthur stated that he feels it is a State law and the State should enforce it. City Attorney Shaver advised that it is the City's experience that the State does not do much enforcement. The City's role in the enforcement is good for the contactors because a lot of what the City does in confirming proper insurance coverage is education.

Councilmember Norris asked how the coverage is confirmed, is it confirmed through the State? City Attorney Shaver said that sharing of information is part of the difficulty. The State is not as responsive as dealing with the individual contractor. By working with the contractor directly, they can provide the City with a certificate of insurance from their insurance agent.

Councilmember Boeschstein said when he was in Fruita they relied on the City's level of licensing for confidence in their tree contractors. It is a dangerous occupation and trees can be ruined from improper pruning.

Council President Pro Tem Chazen asked how difficult it is to get the education, training, and testing to obtain a license. He wondered if the license was a barrier to doing business. Mr. Ziola listed the number of opportunities for training and how they help them succeed.

Councilmember McArthur noted that Occupational Safety and Health Administration (OSHA) enforces safety and asked him why the City is enforcing it. Mr. Ziola felt safety and competency goes hand in hand and explained why.

Councilmember Traylor Smith asked for confirmation that the City license may well be important to protect the City if the City hires contractors to help in the Forestry Department. City Attorney Shaver said from several perspectives it is beneficial for maintaining the standards.

The public hearing was closed at 8:37 p.m.

Councilmember Traylor Smith thanked Mr. Ziola and complimented the Forestry Department's work.

Council President Pro Tem Chazen said he has attended the board meeting and also said they do good work. He also encouraged anyone with experience to apply for the current vacancy on the Forestry Board.

Ordinance No. 4608—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

Councilmember Boeschstein moved to adopt Ordinance No. 4608 and ordered it published in pamphlet form. Councilmember Traylor Smith seconded the motion. Motion carried by roll call vote.

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

Milton "Tony" Long, 237 White Avenue, Apt. B, thanked the City Council for their service. He told a story about an incident in 2004; there was a motor home parked at the Horizon Safeway store and there were three homeless people living in the motor home. At that time, there was a bank being built there. One evening there were some men stealing building materials from that site and there was a man Mr. Long knew that chased the thieves away. He said that he is glad that he has a place to stay and can give something back to the community.

### **Other Business**

There was none.

### **Adjournment**

Councilmember Norris moved to adjourn. All Councilmembers agreed.

The meeting was adjourned at 8:41 p.m.

Stephanie Tuin, MMC  
City Clerk



## **GRAND JUNCTION CITY COUNCIL**

### **SPECIAL SESSION MINUTES**

**OCTOBER 28, 2013**

The City Council of the City of Grand Junction, Colorado met in Special Session on Monday, October 28, 2013 at 8:30 a.m. in the Administration Conference Room, 2<sup>nd</sup> Floor, City Hall, 250 N. 5<sup>th</sup> Street. Those present were Councilmembers Bennett Boeschstein, Marty Chazen, Jim Doody, Duncan McArthur, Phyllis Norris, Barbara Traylor Smith, and President of the Council Sam Susuras. Also present were City Attorney John Shaver, City Manager Rich Englehart, Deputy City Manager Tim Moore, Financial Operations Director Jodi Romero, and Kelly Flenniken and John Williams, Grand Junction Economic Partnership.

Council President Susuras called the meeting to order.

Councilmember McArthur moved to go into Executive Session for determining a position(s) for negotiations relative to a potential Economic Development Incentive and/or developing a strategy for negotiations and/or instructing negotiators concerning the same under Section 402 (4)(e) of the Open Meetings Law. Councilmember Chazen seconded the motion. Motion carried.

The City Council convened into executive session at 8:31 a.m.

Debbie Kemp, MMC  
Deputy City Clerk



Date: November 6, 2013  
 Author: Lori V. Bowers,  
 Title/ Phone Ext: Senior Planner /  
4033  
 Proposed Schedule: 1<sup>st</sup> reading  
November 6, 2013  
 2<sup>nd</sup> Reading and public hearing:  
November 20, 2013  
 File #: VAC-2013-415

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

<b>Subject:</b> Bonito Avenue Alley Right-of-Way Vacation Located Between 1220 and 1224 Bonito Avenue
<b>Action Requested/Recommendation:</b> Introduce an Ordinance to Vacate the Bonito Avenue Alley Right-of-Way Located Between 1220 and 1224 Bonito Avenue and Set a Public Hearing for November 20, 2013
<b>Presenter(s) Name &amp; Title:</b> Lori V. Bowers, Senior Planner

**Executive Summary:**

This is a request made by the property owner of 1224 Bonito Avenue to vacate the public right-of-way, located between 1220 Bonito Avenue and 1224 Bonito Avenue. The right-of-way is approximately 12-foot wide and 123.37 feet long. It runs in a north/south direction between 1220 and 1224 Bonito Avenue, and functions as an alley for these two properties.

**Background, Analysis and Options:**

The background information provided within the attached staff report is important and somewhat lengthy. Parking and the general use of the alley has become a source of contention between the two neighbors located on either side of the alley right-of-way. There have been verbal disturbances and arguments resulting in numerous calls to 911/dispatch and to the City’s Code Enforcement Division. There have also been calls to the City Attorney’s office. Due to the inconvenience of having to share the use of the alley with the neighbors, the Applicant wants the City to vacate it.

Please see the attached staff report for more background, analysis and information.

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

The request is not consistent with the goals and policies of the Comprehensive Plan.

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

In order to consistently implement the Comprehensive Plan between the City and service providers, such as Xcel Energy and Ute Water, City Staff seeks information and requests input from such agencies when those utilities may be impacted by a request to vacate public right-of-way. These utility providers may require access over or through

such right-of-ways to access or maintain their utilities. This consistency in their input helps to enforce policies which are intended to bring predictability to the decision-making process of whether or not to vacate a public right-of-way.

In this case their input shows that the right-of-way is necessary as it may not be possible to vacate the ROW and replace it with a 10-foot wide easement, placed solely on one property, not encumbered by fences or structure.

**Board or Committee Recommendation:**

The Planning Commission forwards a unanimous recommendation of denial to the City Council, from their meeting held on October 8, 2013.

**Financial Impact/Budget:**

N/A

**Legal issues:**

State law dictates how title to vacated right-of-way vests. C.R.S. §43-2-302 provides in pertinent part:

"[W]henver any roadway has been designated on the plat of any tract of land . . . and thereafter is vacated, title to the lands included within such roadway . . . shall vest . . . as follows:

(c) In the event that a roadway bounded by straight lines is vacated, title to the vacated roadway shall vest in the owners of the abutting land, each abutting owner taking to the center of the roadway. . . "

"Roadway" includes any platted or designated public street, alley, lane, parkway, avenue, road, or other public way, whether or not it has been used as such. (C.R.S. §43-2-301.) Therefore the 12' right-of-way in question constitutes a roadway for purposes of the vacation statute.

Any request by the applicant or neighbors to split the right-of-way area other than as provided by the above-referenced statute (namely, from the center line) should be rejected as contrary to state law. The vacation statute does not allow title to vest in any other manner than half-and-half, under the facts presented with this application. Once the property is vacated, the property owners could themselves split the land in a different way by deeding part of it from one to the other.

City staff tried to work with the landowners toward this end, but those efforts were not fruitful.

**Other issues:**

There are no other issues.

**Previously presented or discussed:**

This item has not been previously presented or discussed with the City Council.

**Attachments:**

Site Location Map / Aerial Photo Map  
Comprehensive Plan Map / Existing City Zoning Map  
Site Photos  
Improvement Survey Block  
Improvement Survey Detail  
Letter to Planning Commission/City Council  
Ordinance

## ANALYSIS

### Background

The dedicated public right-of-way located between 1220 and 1224 Bonito Avenue is the subject of this report. The right-of-way is approximately 12-feet wide and 123.37 feet long. It runs in a north/south direction between 1220 and 1224 Bonito Avenue, and functions as an alley for these two properties.

This area was annexed into the City in 1966 as part of the North 12th Street Annexation. The annexation map shows the dedicated alley between Lots 3 and 4, Block 2, of the Eagleton Subdivision which was platted in 1955. Air photos from 1954 show the subject area connecting to a bridge that was placed over the large open drainage ditch, utilized by Grand Valley Water Users Association at the time. This was part of the old Miller Homestead.

The homes located at 1220 and 1224 Bonito Avenue were both constructed in 1955. The home located at 1220 Bonito Avenue has a detached garage set diagonally behind the house with a portion of the driveway encroaching into the alley. The house located at 1224 Bonito has a fence encroachment of a few inches into the alley. The use of the alley is important to both property owners. The owner of 1220 Bonito Avenue has parked her camper in her back yard, by accessing through the alley since she purchased the property in 2003. Air photos of this area support her claim. The garage at this address is detached and set at an angle to the driveway. The alley makes access to the garage much easier if the entire width of the alley is used. She also insists that if the access area is reduced by half, which would be the result if the right-of-way is vacated, she would not be able to adequately access the garage or a back yard storage area for a camper. The owner of 1224 Bonito Avenue stated the reason he purchased his property in 2011, was the ability to access his backyard through the alley.



Since 2011, parking and the general use of the alley has become a source of contention between the two neighbors. There is no need for the neighbors to use the alley for parking, as there is abundant street parking available on Bonito Avenue, including directly in front of their homes. Along with parking and blocking the access to the alley there have been verbal disturbances and arguments resulting in numerous calls to 911/dispatch. The City's Code Enforcement Division has tried to work with the feuding neighbors. It is worth noting that since the Applicant moved in (around July 2011) there have been 14 calls for service through 911/dispatch and several others to Code Enforcement and to the City Attorney's office. Prior to that, the neighbor at 1220 reports, the neighborhood was peaceful and there were no known issues over use of the right-of-way.

Due to the inconvenience of having to share the use of the alley with the neighbors, the Applicant wants the City to vacate it.

The application was sent to the applicable review agencies. Notice cards were sent to all properties located within 500 feet of the right-of-way requested to be vacated. Several phone calls were received from residents in the area asking about the alley vacation. None of them were concerned with the application as it had no direct effect on their property use or access, but one caller mentioned that the two neighbors do not get along.

During the review process, City staff tried to facilitate an agreement between the adjacent landowners that might allow the alley right-of-way to be vacated. After protracted efforts to achieve a compromise, Staff determined there were no workable solutions for vacating the alley that protected all of the interests involved, and that the only way to protect all the interests is to leave the alley in place as public right-of-way. The subject right-of-way serves as access to overhead electrical lines located along the north side of the lots along Block 2, of the Eagleton Subdivision and also as access to the covered drainage pipe located on the Hospice property. Ute Water Conservancy District and Xcel Energy reviewed the vacation request. Ute Water confirmed in March 2013 that they had no utilities within this area. Xcel Energy reviewed the proposal and stated that if the vacation took place, they would require at a minimum, a utility easement 10-feet in width which should be contained solely on one property. They also objected to the placement of fences or other structures within easement area. The facilities manager of the Hospice Campus objected to Xcel using access through their landscaped areas located on the N 12th and N 13th Streets. From the perspective of Hospice, the subject right-of-way serves as the best access to these facilities because of the landscaping improvements that have been made on the Hospice property at N 12th and N 13th Streets, the alternative access points.

In subsequent discussions with Greg Trainor, Xcel and Hospice indicated that it might be possible for their interests to be protected with vacation of the subject right-of-way. However, the property owners at 1220 and 1224 still could not agree to an equitable split of the area. If the right-of-way is vacated by the City Council, 6' will go to each property owner, and the owner of 1220 believes that would not provide her with enough space to access the garage and camper storage area. Even if the neighbor at 1220

would be afforded some minimal access with the (6' +/-), it is not readily apparent what reason the City would have to reduce the historic access by vacating the right-of-way.

Having explored all of the possibilities for vacating the right-of-way, City staff sees no viable alternative for vacating it.

Section 21.02.100 of the Grand Junction Municipal Code

The vacation of the right-of-way shall conform to the following:

*a. The Comprehensive Plan, Grand Valley Circulation Plan, and other adopted plans and policies of the City.*

The Comprehensive Plan was addressed above. The Grand Valley Circulation Plan does not identify the subject alley right-of-way. Adopted City policies do not lend themselves to the vacation as this would be inconsistent with our working relationships with the utility companies and as expressed in the Comprehensive Plan.

This criterion has not been met.

*b. No parcel shall be landlocked as a result of the vacation.*

No parcel would be landlocked by the vacation.

This criterion has been met.

*c. Access to any parcel shall not be restricted to the point where access is unreasonable, economically prohibitive or reduces or devalues any property affected by the proposed vacation.*

The vacation of the alley right-of-way would restrict access from the alley by the property owners of both 1220 and 1224 Bonito Avenue. Both properties currently access their backyard areas through this existing public right-of-way. Vacating the alley would restrict both property owners' access to existing backyards and at least one garage. Restricting access to the garage (located at 1220 Bonito Avenue) would reduce the value, use and enjoyment of that property.

This criterion has not been met.

*d. There shall be no adverse impacts on the health, safety, and/or welfare of the general community and the quality of public facilities and services provided to any parcel of land shall not be reduced (e.g. police/fire protection and utility services).*

Utility services provided by Xcel Energy may be impacted if Xcel needs ready access to the overhead power lines on the north side of the properties. If not accessed by the subject alley, the utility provider will have to use N 12th or N 13th Streets and cross over Hospice and Palliative Care property, through their established landscaped areas. Hospice has contacted the City regarding this issue and they would rather not see Xcel using their landscape areas for access.

This criterion has not been met.

*e. The provision of adequate public facilities and services shall not be inhibited to any property as required in Chapter 21.06 of the Grand Junction Municipal Code.*

Xcel has stated that a 10-foot easement, dedicated to Xcel Energy, located solely on one parcel, unencumbered by any future fencing or structures that would not inhibit the public facilities of Xcel Energy would be adequate. However, it has not been demonstrated that vacation of the alley with this condition is not feasible because the adjacent property owners do not agree that a 10' / 2' split of the alley area between them is workable. Therefore, vacation of the alley will impact public facilities and services.

This criterion has not been met.

*f. The proposal shall provide benefits to the City such as reduced maintenance requirements, improved traffic circulation, etc.*

There is no benefit to the City by vacating the right-of-way. The right-of-way is unimproved and has been sufficiently maintained by the adjacent property owners, so there would be no benefit to the City in terms of reduced maintenance costs. Traffic circulation for the adjacent property owners would not be improved; it would be restricted for both properties.

This criterion has not been met.

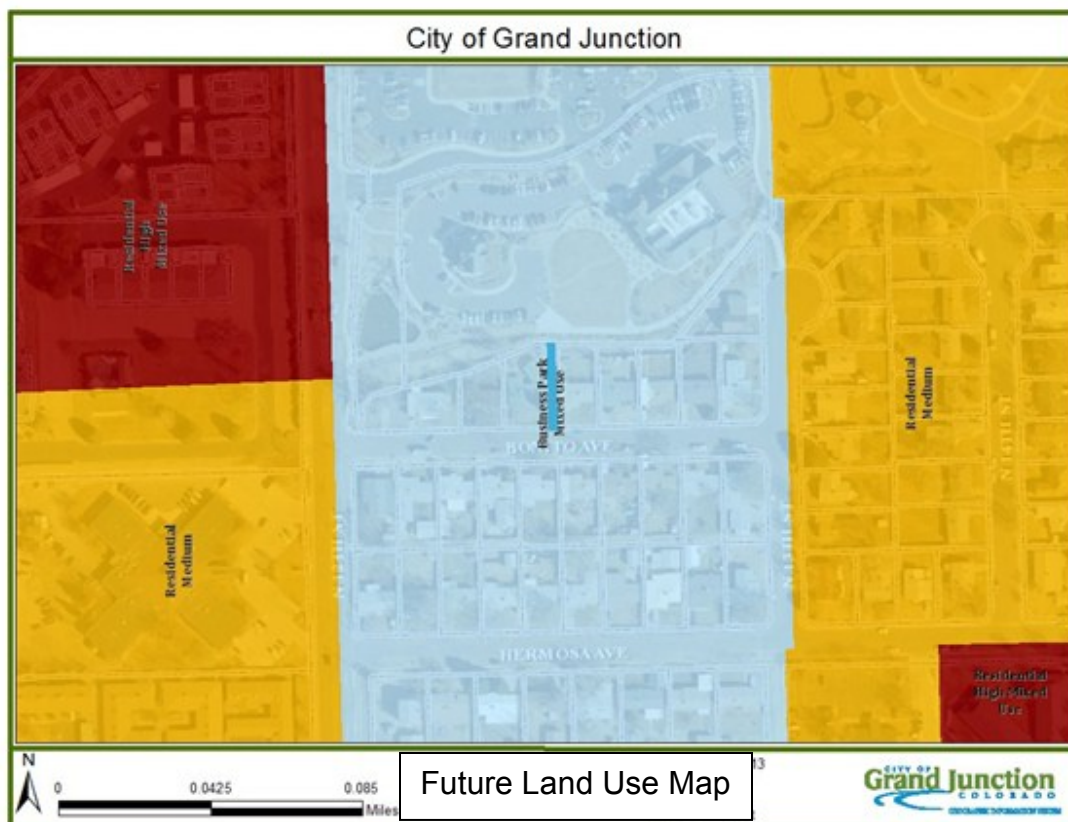
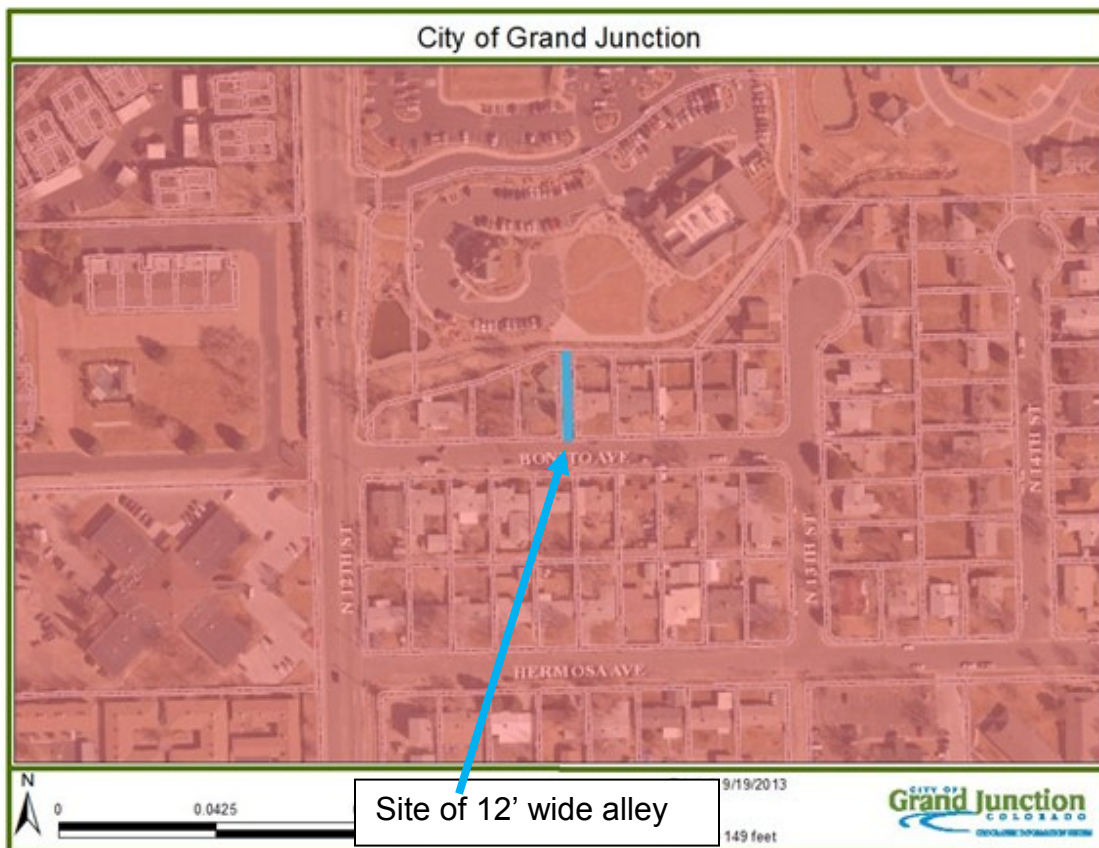
#### PLANNING COMMISSION FINDINGS OF FACT/CONCLUSIONS

After reviewing the Bonito Avenue Alley Right-of-Way Vacation application, VAC-2013-415 for the vacation of a public right-of-way, the Planning Commission makes the following findings of fact and conclusions and therefore recommends denial of the request:

1. The requested right-of-way vacation is not consistent with the Comprehensive Plan.
2. The review criteria in Section 21.02.100 of the Grand Junction Municipal Code have not been met.



Location Map



City of Grand Junction



Zoning Map

Printed: 9/19/2013  
1 inch = 149 feet





The 12-foot wide alley fight-of-way is shown in blue. The right-of-way appears to be a 20-foot wide area, however lot lines are not depicted correctly on the City GIS maps. The area that has been requested to vacate is only the area shown in blue.



1224 Bonito Ave

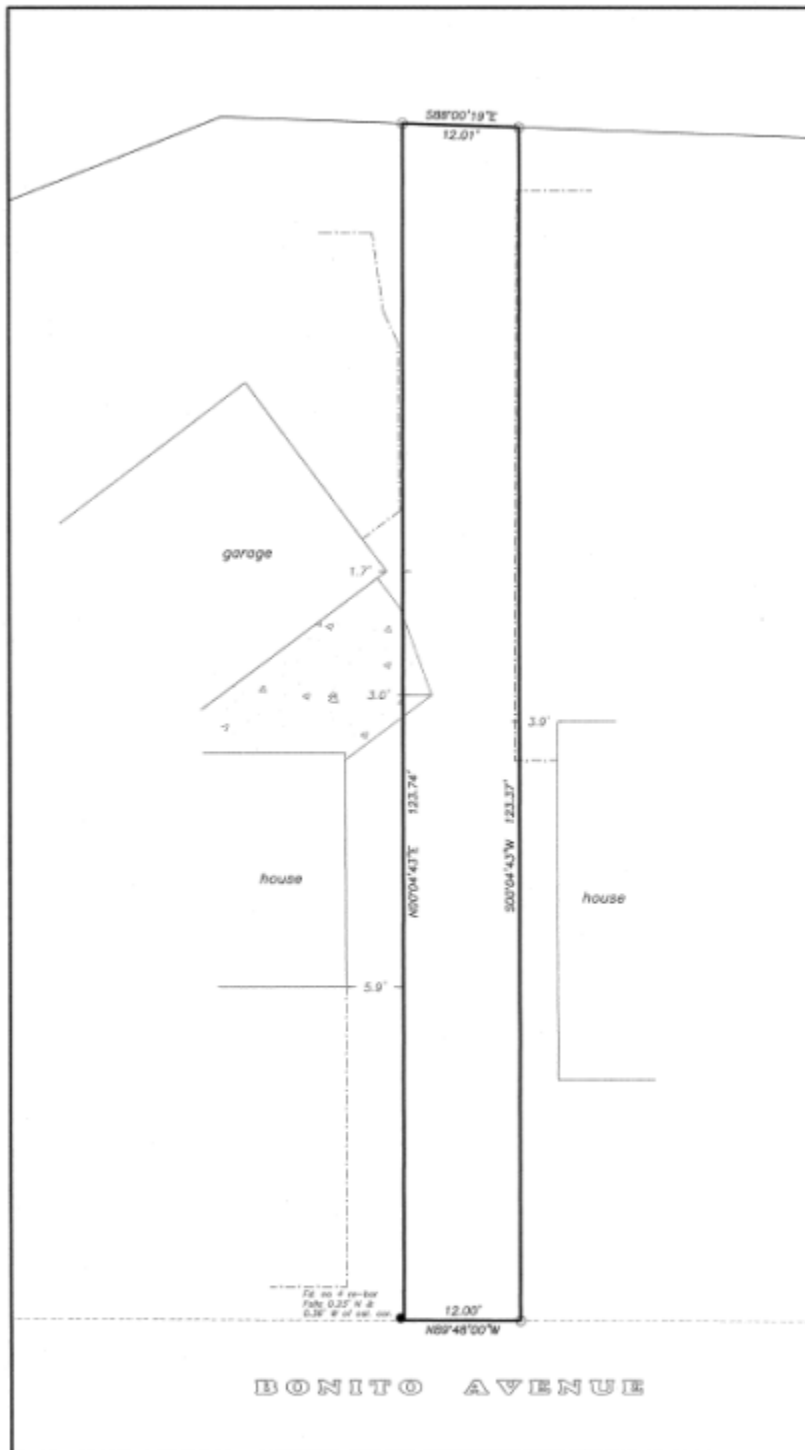


1220 Bonito Ave.



**Photos of Subject Alley Right-of-Way**  
Dedicated alley ROW is 12-foot wide. The gravel area shown here is about 20 feet wide. The 12-foot area runs down the middle of the gravel area.





Detail  
 1"=10'

City of Grand Junction  
Planning Commission/ City Council  
250 N. 5<sup>th</sup> St.  
Grand Junction, CO 81501

RECEIVED  
SEP 25 2013  
COMMUNITY DEVELOPMENT  
DEPT.

Re: VAC-2013-415- Vacation of Bonito Alley ROW -Pg. 1 of 2

Planning Commission and City Council:

We continue to oppose vacation of the ROW adjacent to and East of our home at 1220 Bonito Ave. at this time due to the following reasons in accordance with section 21.02.100 of Zoning and development code:

This is not a surplus ROW; it is used daily by us and occasionally by our neighbors. Vacation, as proposed, would make access to our garage and yard unreasonable and unsafe. Additionally, the value of our property would be reduced due to loss of access to our garage and yard.

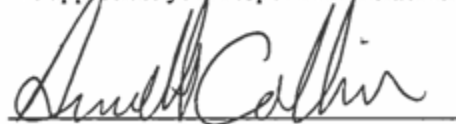
As the planning division is aware, we have made multiple attempts to resolve this matter with the new neighbor, Michael Day. He has been verbally abusive, has threatened to sue us if we didn't sign the papers to vacate and even squirted his hose at Annette while she was in the ROW (we have both written and video documentation of Day's inappropriate behavior).

There has been no proposed solution that does not have a negative impact on us and potential future property owners.

The current use of the ROW -which specifies no parking within it- is functional and provides reasonable access for both property owners. Historically, for decades, this space has been used for access to and parking for 1220 Bonito Ave. without issue or concern.

The homeowners and residents on Bonito Ave., who have lived here for five to fifty eight years, have signed below conveying their support for leaving the ROW as is, at this time.

We appreciate your respectful consideration of this matter,

  
Annette Collier

  
Joni Beckner

By signing below, I indicate my support for denial of ROW vacation at this time.

<u>Wanda L. Frislan</u>	<u>1243 Bonito Ave, SQ CO 81506</u>
<u>Naomi S. Frislan</u>	<u>1243 Bonito Ave, SQ CO 81506</u>
<u>Ruth E. Bogg</u>	<u>1242 Bonito Ave</u>
<u>Phyllis J. Mah</u>	<u>2940 N. 13<sup>th</sup> St. 81506</u>
<u>Valerie Puckett</u>	<u>1231 Bonito Ave 81506</u>
<u>Terra Elise</u>	<u>1207 Bonito Ave. 81506</u>
<u>Mark</u>	<u>1240 Bonito Ave 81506</u>
<u>South Reef</u>	<u>1241 Bonito Ave</u>
<u>Jon Patantaras</u>	<u>1235 Bonito Ave, GJ. 81506</u>
<u>Kim Patantaras</u>	<u>1235 Bonito Ave, GJ. 81506</u>

**RECEIVED**

SEP 25 2013

COMMUNITY DEVELOPMENT  
DEPT.



**CITY OF GRAND JUNCTION**

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

**AN ORDINANCE VACATING RIGHT-OF-WAY FOR**

**BONITO AVENUE ALLEY**

**LOCATED BETWEEN 1220 AND 1224 BONITO AVENUE**

**RECITALS:**

A vacation of the dedicated right-of-way for the Bonito Avenue Alley has been requested by the property owner at 1224 Bonito Avenue which is adjacent to the right-of-way.

The City Council finds that the request is consistent with the Comprehensive Plan, the Grand Valley Circulation Plan and Section 21.02.100 of the Grand Junction Municipal Code.

The Planning Commission, having heard and considered the request, found the criteria of the Code to have not been met, and recommends that the vacation request be denied.

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

The following described dedicated right-of-way for Bonito Avenue Alley is hereby vacated subject to the listed conditions:

1. Applicants shall pay all recording/documentary fees for the Vacation Ordinance, any easement documents and dedication documents.
2. A ten foot multi-purpose easement shall be dedicated to the City, a minimum of 10-feet in width, running the entire length of the property, which shall be contained solely on one parcel. There shall be no placement of fences or other structures within the easement area.

The following right-of-way is shown on "Exhibit A" as part of this vacation of description.

Dedicated right-of-way to be vacated:

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

ALL of that certain 12.0 foot wide alley lying between Lots 3 and 4, Block 2 of Eagleton Subdivision, as same is recorded in Plat Book 8, Page 4, Public Records of Mesa County, Colorado

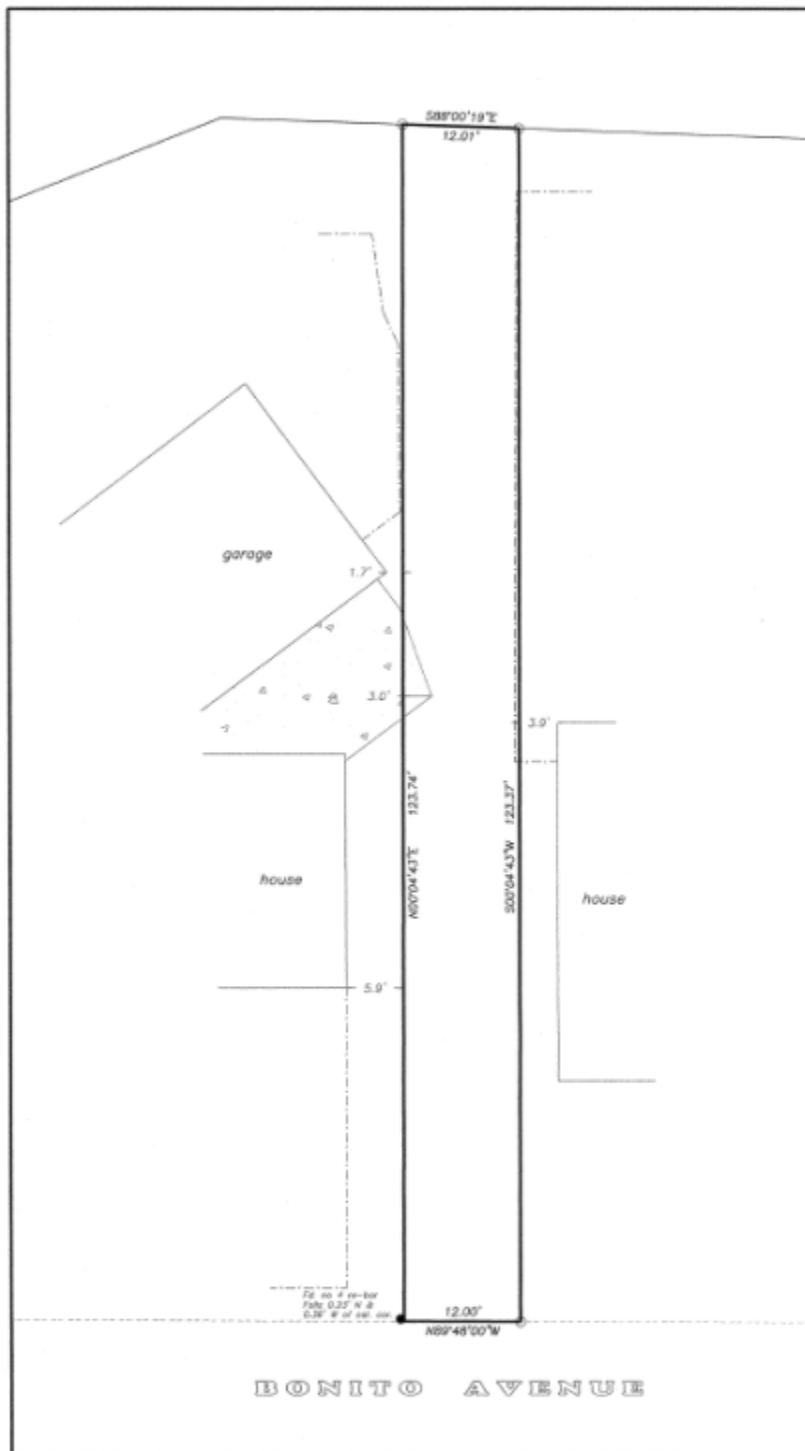
Introduced for first reading on this \_\_\_\_\_ day of \_\_\_\_\_, 2013 and ordered published in pamphlet form.

PASSED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2013 and ordered published in pamphlet form.

ATTEST:

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

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



Detail  
1"=10'



Attach 3

### CITY COUNCIL AGENDA ITEM

Date: October 22, 2013

Author: Brian Rusche

Title/ Phone Ext: Senior Planner x. 4058

Proposed Schedule: 1<sup>st</sup> Reading;

Wednesday, November 6, 2013

2nd Reading: Wednesday, November 20,

2013

File #: ANX-2013-316

<b>Subject:</b> Zoning the Elementary Enclave Annexation, Located at 2977 B Road
<b>Action Requested/Recommendation:</b> Introduce a Proposed Zoning Ordinance and Set a Public Hearing for November 20, 2013
<b>Presenters Name &amp; Title:</b> Brian Rusche, Senior Planner

**Executive Summary:** A request to zone the Elementary Enclave Annexation, which consists of a one acre parcel, located at 2977 B Road, to an R-4 (Residential 4 du/ac) zone district.

#### Background, Analysis and Options:

The 1.0 acre Elementary Enclave Annexation consists of one parcel, located at 2977 B Road. The Elementary Enclave was created by the Mesa View Elementary Annexation on October 17, 2008. Under the 1998 Persigo Agreement with Mesa County, the City is required to annex all enclaved areas within five years.

The parcel is assessed as agricultural and includes a single-family residence. It is currently zoned County RSF-R (Residential Single-Family Rural).

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 proposed zoning of R-4 (Residential 4 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-4 (Residential 4 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.

**Board or Committee Recommendation:** On October 8, 2013 the Planning Commission forwarded a recommendation of approval of the R-4 (Residential 4 du/ac) zone district.

**Financial Impact/Budget:** None.

**Legal issues:** It is noted that upon annexation existing land use(s) which are otherwise lawful may continue to the extent they qualify as a legal nonconformity. Specifically, the property resident is keeping cattle and sheep upon the property, which may continue after annexation. Section 21.04.030(a) addresses the keeping of livestock within the City, permitting one large animal for every one-half acre of property.

**Other issues:** There is only property included in this annexation. The property owner has been contacted via letter about the annexation. The resident of the property, a relative of the owner, has been contacted by phone.

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

**Previously presented or discussed:** Resolution 63-13, a Notice of Intent to Annex, was adopted on October 2, 2013.

**Attachments:**

1. Staff report/Background information
2. Frequently Asked Questions (FAQ)
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				
<b>Location:</b>		2977 B Road		
<b>Applicant:</b>		City of Grand Junction		
<b>Existing Land Use:</b>		Agricultural		
<b>Proposed Land Use:</b>		Residential		
<b>Surrounding Land Use:</b>	<b>North</b>	Single Family Residential		
	<b>South</b>	Agricultural		
	<b>East</b>	Agricultural		
	<b>West</b>	Mesa View Elementary School		
<b>Existing Zoning:</b>		County RSF-R (Residential Single-Family Rural)		
<b>Proposed Zoning:</b>		R-4 (Residential 4 du/ac)		
<b>Surrounding Zoning:</b>	<b>North</b>	PD (Planned Development – Chipeta Pines) R-4 (Residential 4 du/ac)		
	<b>South</b>	R-4 (Residential 4 du/ac)		
	<b>East</b>	R-4 (Residential 4 du/ac)		
	<b>West</b>	R-4 (Residential 4 du/ac)		
<b>Future Land Use Designation:</b>		Residential Medium (4-8 du/ac)		
<b>Zoning within density range?</b>		<b>X</b>	<b>Yes</b>	<b>No</b>

**ANALYSIS:**

Background:

The 1.0 acre Elementary Enclave Annexation consists of one parcel, located at 2977 B Road. The Elementary Enclave was created by the Mesa View Elementary Annexation on October 17, 2008. Under the 1998 Persigo Agreement with Mesa County, the City is required to annex all enclaved areas within five years.

There is only property included in this annexation. The property owner has been contacted via letter about the annexation. The resident of the property, a relative of the owner, has been contacted by phone. Answers to common questions about this annexation are addressed in the attached FAQ, which was sent to the property owner.

The parcel is assessed as agricultural and includes a single-family residence. It is 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 proposed zoning of R-4 (Residential 4 du/ac) will implement this land use designation.

Existing conditions:

The existing residence was built in 1967. The property is assessed as agricultural. There appear to be cultivated fields that extend onto the adjacent property at 2981 B Road, as well as livestock enclosures.

It is noted that upon annexation existing land use(s) which are otherwise lawful may continue to the extent they qualify as a legal nonconformity. Specifically, the property resident is keeping cattle and sheep upon the property, which may continue after annexation. Section 21.04.030(a) addresses the keeping of livestock within the City, permitting one large animal for every one-half acre of property.

Development pattern:



1954



1977



1994





2002



2008

Based on aerial photographs, this part of the community has undergone a transition from large farms and orchards, to the first subdivisions encroaching from the west in the mid-1970s, the construction of the school in 1982 but little additional development until

the early 2000s. Growth fueled additional subdivisions in 2008 with more planned, but not constructed.

The first neighborhood was constructed on the north side of B Road beginning in 1999. Known as Chipeta Pines (ANX-1999-195) it was developed as a PD (Planned Development) that includes 46 single-family homes and 34 townhomes on 20.717 acres, for a total density of 3.86 du/ac.

Fairway Pines Subdivision (PFP-2006-186) is located on the north side of B Road just west of Chipeta Pines. It was developed at a density of 3.07 du/ac and has 13 vacant lots remaining.

Mesa View Elementary School was built in 1982 and annexed to the City in 2008, creating the enclave. The annexation (GPA-2008-206) was in anticipation of residential development of approximately 10 acres south of the school. School District #51 subdivided this land from the school site, but the residential development did not occur.

The adjacent properties to the south and east were part of the Dyer/Green/Ottenberg Annexation of four parcels. These parcels received Preliminary Plan approval (PP-2007-124) in 2007 as the Osprey Subdivision. Osprey was proposed with 67 single-family lots at a density of 3.6 du/ac. The subdivision was not constructed and the plan has expired.

While development has not occurred as originally anticipated, zoning established at the time of annexation would allow for previous plans to be “restarted” when the economics warrant.

Further east within the same neighborhood is Hawk’s Nest Subdivision (FP-2006-196) located at 30 and B Roads. Approved at a density of 3.56 du/ac, the third and final phase of 22 lots has not been constructed or platted.

## 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-4 (Residential 4 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 years. The property has been enclaved since October 17, 2008 by the Mesa View Elementary Annexation.

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

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.

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

The existing residence was built in 1967. The property is assessed as agricultural. The maximum density in the County RSF-R zone is one dwelling unit per five acres. The existing residence is on only one acre.

Based on aerial photographs, this part of the community has undergone a transition away from large farms and orchards, beginning with the construction of Mesa View Elementary School in 1982.

The first neighborhood on the north side of B Road is Chipeta Heights, began in 1999 and fully developed at a density of 3.86 du/ac. Also on the north side of B Road is Fairway Pines, developed at a density of 3.07 du/ac. Further east on the south side of B Road is Hawk's Nest, which has a density of 3.56 du/ac.

Other developments were proposed on adjacent properties but not constructed as originally anticipated; however, those properties have zoning that would allow for previous plans to be "restarted" when the economics warrant.

This criterion has been met.

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

B Road is a major collector providing east/west access through the Orchard Mesa neighborhood from 28 ½ Road at US Highway 50 to 32 Road.

A 12" Ute Water line and a 10" Persigo sanitary sewer line exist in B Road. Electricity is provided by Grand Valley Power (a franchise utility). Adequate infrastructure exists to accommodate, with upgrades as necessary, additional development on this parcel.

The property is adjacent to Mesa View Elementary.

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*

Several large parcels of land on Orchard Mesa east of 29 Road and north of US Highway 50 were annexed and zoned R-4 between 2000 and 2010. Some of the proposed new developments did not materialize, including Osprey Subdivision (east of Mesa View Elementary), Mesa Crest South Subdivision (now owned by the Bureau of Reclamation), Mountain View Estates (2922 B ½ Road), Orchard Park Subdivision (Jon Hall Road at 29 ½ Road) and Orchard Estates (south of Jon Hall Road).

Those subdivisions that were constructed have seen their inventories of platted lots slowly absorbed by the market. Fairway Pines Subdivision on the north side of B Road has 13 vacant platted lots remaining.

There is approximately 100 acres of undeveloped land between the Colorado River and US Highway 50, from 29 to 30 Road, within the city limits currently zoned R-4. If built at maximum density (4 du/ac), this acreage would accommodate only 920 persons (at 2.3 persons per unit), which is a small portion of the anticipated overall population growth in the Grand Valley.

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-4 zone district will provide the opportunity, when the market is ripe, for additional residential development 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-5 (Residential 5 du/ac)
2. R-8 (Residential 8 du/ac)
3. R-12 (Residential 12 du/ac)
4. R-16 (Residential 16 du/ac)
5. R-O (Residential Office)

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, 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.

The intent of the R-4 zone is to provide for medium-low density single-family uses where adequate public facilities and services are available. This zone is consistent with the subdivisions to the north and east. In contrast, the R-5 zone district would allow density that exceeds that of the surrounding neighborhoods.

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

#### PLANNING COMMISSION RECOMMENDATION:

After reviewing the Elementary Enclave Zone of Annexation, ANX-2013-316, a request to zone the Elementary Enclave Annexation to R-4 (Residential 4 du/ac), the Planning Commission made the following findings of fact and conclusions:

1. The proposed R-4 (Residential 4 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.





## **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.

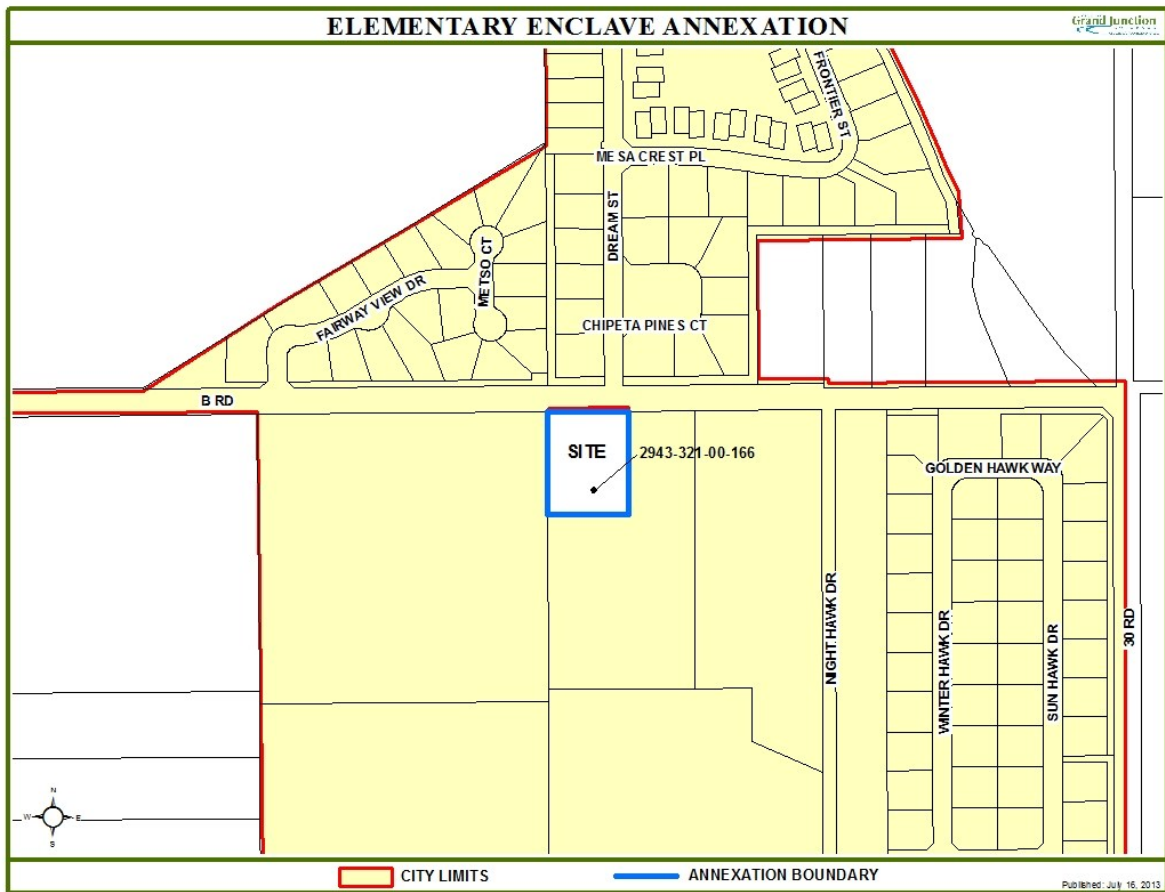
### **HOW DO I GET MORE INFORMATION?**

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For information about the City, go to [www.gjcity.org](http://www.gjcity.org)

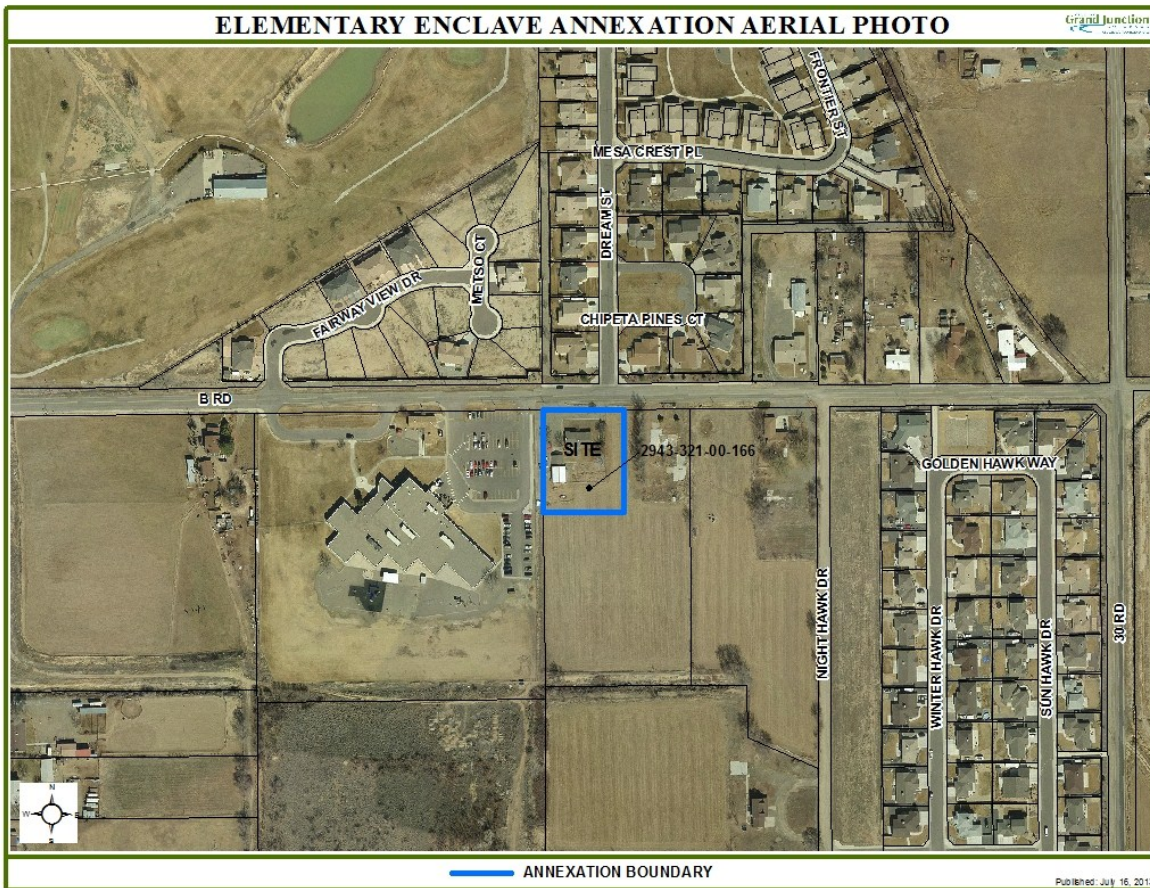
# Annexation Map

## Figure 1



# Aerial Photo

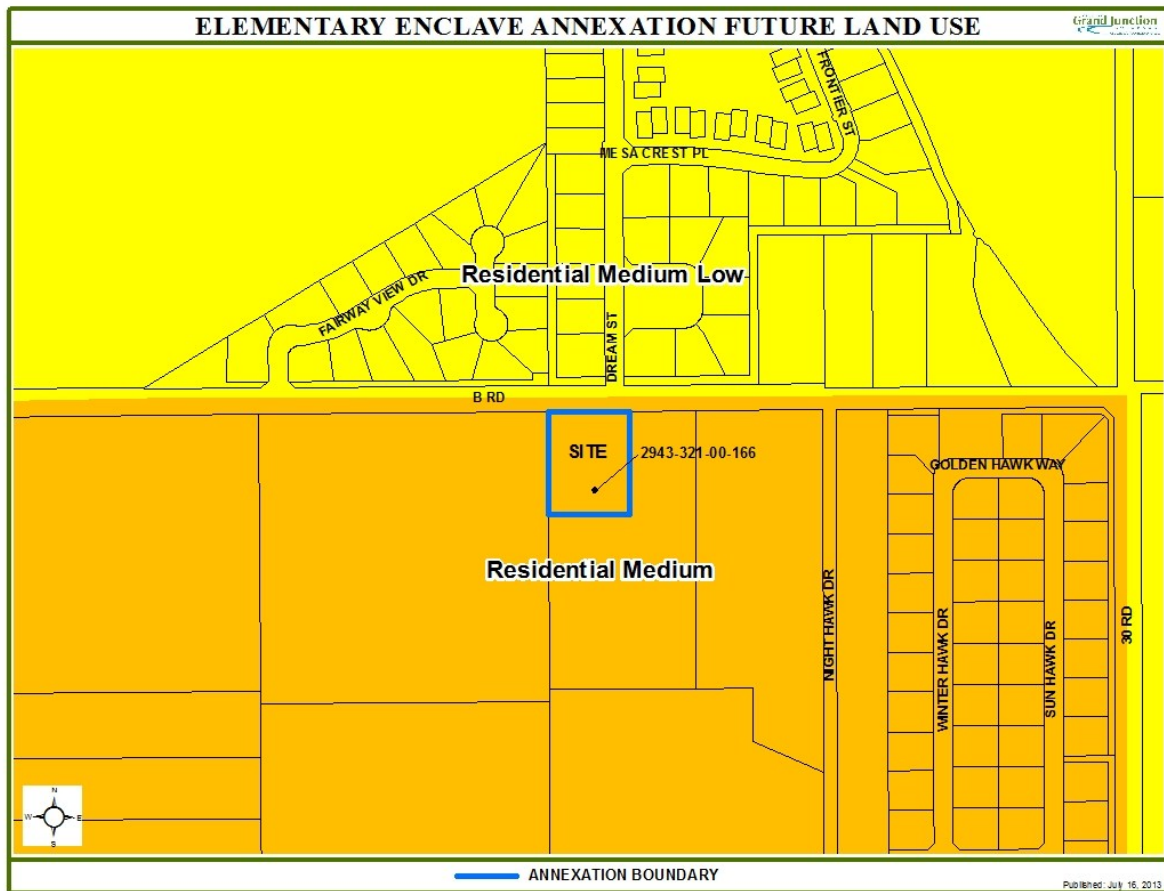
## Figure 2





# Comprehensive Plan – Future Land Use Map

Figure 3





**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE ZONING THE ELEMENTARY ENCLAVE ANNEXATION  
TO R-4 (RESIDENTIAL 4 DU/AC)**

**LOCATED AT 2977 B ROAD**

Recitals

The Elementary 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 Mesa View Elementary Annexation on October 17, 2008, 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-4 (Residential 4 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 Elementary Enclave Annexation to the R-4 (Residential 4 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-4 (Residential 4 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-4 (Residential 4 du/ac):

**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.

**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 4

## CITY COUNCIL AGENDA ITEM

Date: October 22, 2013

Author: Brian Rusche

Title/ Phone Ext: Senior Planner x. 4058

Proposed Schedule: 1<sup>st</sup> Reading;

Wednesday, November 6, 2013

2nd Reading: Wednesday, November 20,  
2013

File #: ANX-2013-377

<b>Subject:</b> Zoning the Twenty Nine Thirty Enclave Annexation, Located on the North and South Side of B ½ Road at Crista Lee Way
<b>Action Requested/Recommendation:</b> Introduce a Proposed Zoning Ordinance and Set a Public Hearing for November 20, 2013
<b>Presenters Name &amp; Title:</b> Brian Rusche, Senior Planner

**Executive Summary:** A request to zone the Twenty Nine Thirty Enclave Annexation, which consists of 12.08 acres, less 0.51 acres of public right-of-way, in six parcels located on the north and south side of B ½ Road at Crista Lee Way, to an R-4 (Residential 4 du/ac) zone district.

### Background, Analysis and Options:

The 12.08 acre Twenty Nine Thirty Enclave Annexation encompasses six parcels and 0.51 acres of public right-of-way, located on the north and south side of B ½ Road at Crista Lee Way. The Twenty Nine Thirty Enclave was created by the Level III Annexation on September 5, 2008. Under the 1998 Persigo Agreement with Mesa County, the City is required to annex all enclaved areas within five years.

All of the properties are presently zoned County RSF-R (Residential Single-Family Rural).

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 Low (2-4 du/ac). The requested zoning of R-4 (Residential 4 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-4 (Residential 4 du/ac)

implements the Comprehensive Plan Future Land Use Map, which has designated the property as Residential Medium Low (2-4 du/ac). The proposed zone will provide consistency with the adjacent properties.

**Board or Committee Recommendation:** On October 8, 2013 the Planning Commission forwarded a recommendation of approval of the R-4 (Residential 4 du/ac) zone district.

**Financial Impact/Budget:** None.

**Legal issues:** It is noted that upon annexation existing land use(s) which are otherwise lawful may continue to the extent they qualify as a legal nonconformity. Specifically, agricultural operations at 2936 B ½ Road may continue.

**Other issues:** There six 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:** Resolution 64-13, a Notice of Intent to Annex, was adopted on October 2, 2013.

**Attachments:**

1. Staff report/Background information
2. Frequently Asked Questions (FAQ)
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				
<b>Location:</b>		North and south side of B ½ Road at Crista Lee Way		
<b>Address Ranges:</b>		2930, 2931, 2934, 2935, 2936 B ½ Road		
<b>Applicant:</b>		City of Grand Junction		
<b>Existing Land Use:</b>		Single Family Residential / Agricultural		
<b>Proposed Land Use:</b>		Residential		
<b>Surrounding Land Use:</b>	<b>North</b>	Single Family Residential / Agricultural		
	<b>South</b>	Single Family Residential		
	<b>East</b>	Single Family Residential / Agricultural		
	<b>West</b>	Agricultural / Vacant		
<b>Existing Zoning:</b>		County RSF-R (Residential Single-Family Rural)		
<b>Proposed Zoning:</b>		R-4 (Residential 4 du/ac)		
<b>Surrounding Zoning:</b>	<b>North</b>	R-4 (Residential 4 du/ac)		
	<b>South</b>	R-4 (Residential 4 du/ac)		
	<b>East</b>	R-4 (Residential 4 du/ac)		
	<b>West</b>	R-4 (Residential 4 du/ac)		
<b>Future Land Use Designation:</b>		Residential Medium Low (2-4 du/ac)		
<b>Zoning within density range?</b>		<b>X</b>	<b>Yes</b>	<b>No</b>

ANALYSIS:

1. Background:

The 12.08 acre Twenty Nine Thirty Enclave Annexation encompasses six parcels and 0.51 acres of public right-of-way, located on the north and south side of B ½ Road at Crista Lee Way. The Twenty Nine Thirty Enclave was created by the Level III Annexation on September 5, 2008. Under the 1998 Persigo Agreement with Mesa County, the City is required to annex all enclaved areas within five years.

All of the property owners have been contacted via letter about the annexation. Three of the property owners were contacted by phone and three were unlisted. Answers to common questions about this annexation are addressed in the attached FAQ, which was sent to the property owners.

All of the properties are presently zoned County RSF-R (Residential Single-Family Rural).

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 Low (2-4 du/ac). The proposed zoning of R-4 (Residential 4 du/ac) will implement this land use designation.

Existing conditions:

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

- Single Family residence at 2930 B ½ Road, built in 1951
- Single Family residence at 2931 B ½ Road, built in 1908
- Vacant, unaddressed property owned by Krogh
- Single Family residence at 2934 B ½ Road, built in 1938
- Single Family residence at 2935 B ½ Road, built in 2005
- Agricultural land at 2936 B ½ Road, with a Single Family residence built in 1968

It is noted that upon annexation existing land use(s) which are otherwise lawful may continue to the extent they qualify as a legal nonconformity. Specifically, agricultural operations at 2936 B ½ Road may continue.

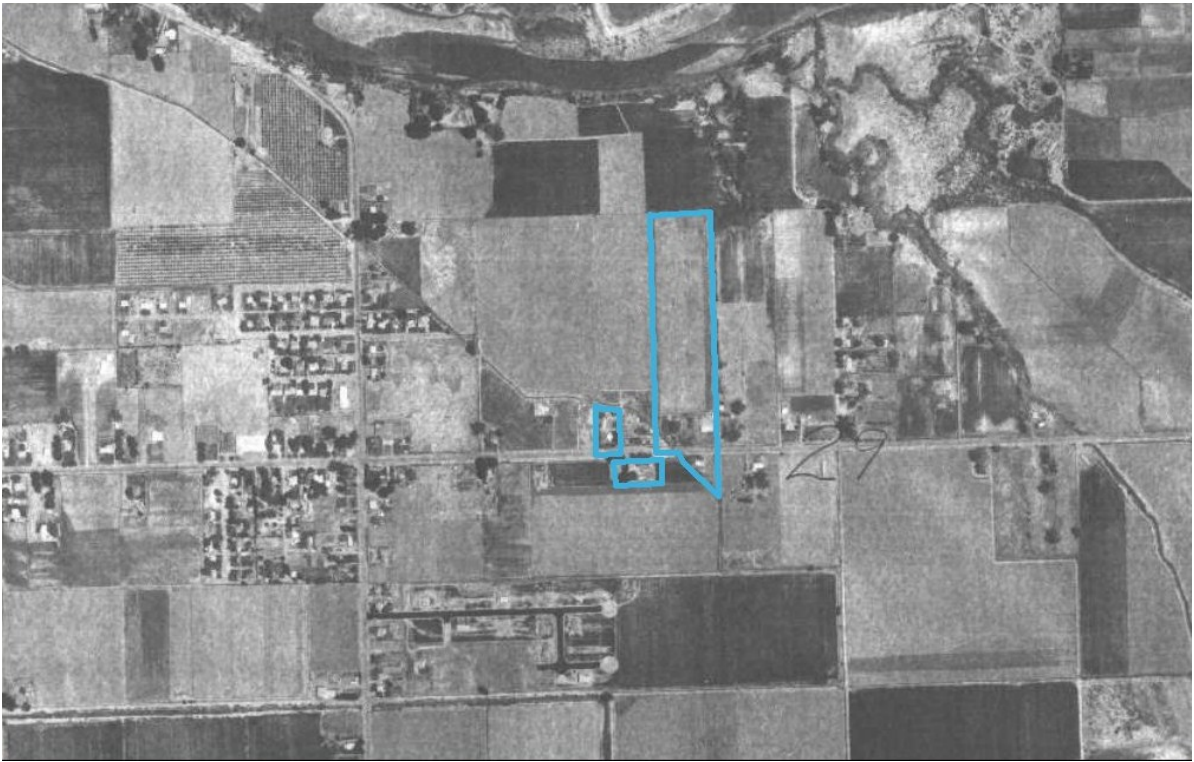
The enclaved area is generally bounded by developed subdivisions on the north and south and undeveloped or agricultural land on the east and west.

Development pattern:



1937





1977



1997





2007



2012

Based on aerial photographs, this part of the community has undergone a transition from large farms and orchards, with only a few small groups of houses into the late-1970s. Development increased to the south in the late 1990s, including the creation of the Chipeta Golf Course. Growth fueled additional subdivisions in the mid 2000s; these subdivisions are now largely completed.

The property at 2922 B ½ Road was annexed on September 5, 2008 as the Level III Annexation, which created the enclave. The nearly 20 acres was approved as Mountain View Estates (PP-2008-212) consisting of 61 single-family lots, for a density of 3.18 du/ac. This subdivision retains approval until May 25, 2014.

To the north is Riverview Estates, which was platted in 2007 with 81 single-family lots on 26.95 acres, for a density of 3 du/ac. This subdivision includes stub streets on its southern boundary for future extension into the enclaved area. There are 6 vacant lots remaining.

Two 10-acre properties to the east were annexed in 2006 (Colvin Annexation) and 2007 (Krabacher Annexation). The former was known as Chipeta Estates (FP-2007-348) with 31 lots and the latter was known as Solstice Meadows (PP-2007-364) with 38 lots. Both plans have expired.

On the south side of B ½ Road is Crista Lee Subdivision, a completed development of 21 single-family residences with a density of 3.5 du/ac. Adjacent to Crista Lee is Crystal Brooke. The first phase has public improvements which have not been completed, so no new residences can be constructed. The second phase has expired. The entire subdivision, including the existing residence at 2919 B ½ Road was anticipated to be developed at a density of 3.35 du/ac.

While development has not occurred as originally anticipated, zoning established at the time of annexation would allow for previous plans to be “restarted” when the economics warrant.

Further east adjacent to the golf course is the Chipeta West Subdivision, which includes 25 single-family residences and one vacant lot, for a build-out density of 3.45 du/ac.

## 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-4 (Residential 4 du/ac) zone district is consistent with the Comprehensive Plan Future Land Use Map designation of Residential Medium Low (2-4 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 years. The property has been enclaved since September 5, 2008 by the Level III Annexation.

The Comprehensive Plan Future Land Use designation of the property is Residential Medium Low (2-4 du/ac). The proposed zoning of R-4 (Residential 4 du/ac) will implement this land use designation.

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.

- 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 large farms and orchards, with only a few small groups of houses into the late-1970s. Development increased to the south in the late 1990s, including the creation of the Chipeta Golf Course. Growth fueled additional subdivisions in the mid 2000s; these subdivisions are now largely completed.

While other proposed residential subdivisions were not developed as originally anticipated, zoning established at the time of annexation would allow for previous plans to be “restarted” when the economics warrant.

This criterion has been met.

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

B ½ Road is a Minor Arterial providing east/west access through the Orchard Mesa neighborhood from the US Highway 50 overpass to 32 Road.

A 24” and an 8” Ute Water line and a 12” Persigo sanitary sewer line exist in B Road. Electricity is provided by Xcel Energy (a franchise utility). Adequate infrastructure exists to accommodate, with upgrades as necessary, additional development on this parcel.

Lincoln Orchard Mesa Elementary School, built in 1901 with three expansions from 1953 to 1963, is less than one-half (1/2) mile from the enclave property.

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*

Several large parcels of land on Orchard Mesa east of 29 Road and north of US Highway 50 were annexed and zoned R-4 between 2000 and 2010. Clustered along B ½ Road are some of these developments that did not materialize,

including Mountain View Estates (2922 B ½ Road), Chipeta Estates (2940 B ½ Road), Solstice Meadows (2946 B ½ Road), and Crystal Brooke (2919 B ½ Road).

Those subdivisions that were constructed have seen their inventories of platted lots slowly absorbed by the market. Riverview Estates to the north has six vacant lots remaining and Chipeta West further to the east has one vacant lot.

There is approximately 100 acres of undeveloped land between the Colorado River and US Highway 50, from 29 to 30 Road, within the city limits currently zoned R-4. If built at maximum density (4 du/ac), this acreage would accommodate only 920 persons (at 2.3 persons per unit), which is a small portion of the anticipated overall population growth in the Grand Valley.

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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-4 zone district will provide the opportunity, when the market is ripe, for additional residential development 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 Low for the property:

1. R-R (Residential Rural)
2. R-E (Residential Estate)
3. R-1 (Residential 1 du/ac)
4. R-2 (Residential 2 du/ac)
5. R-5 (Residential 5 du/ac)

All of the enclaved parcels, except for the agricultural operation at 2936 B ½ Road, are less than one acre. The R-R, R-E, and R-1 zone districts only allow density that is less than the existing parcels and would create nonconformities. The R-2 zone district would allow density less than the surrounding subdivisions. Therefore, these are not appropriate zone districts for the enclaved property.

The intent of the R-4 zone is to provide for medium-low density single-family uses where adequate public facilities and services are available. This zone is consistent with

the subdivisions to the north and east. In contrast, the R-5 zone district would allow density that exceeds that of the surrounding neighborhoods. If the City Council chooses an alternative zone designation, specific alternative findings must be made.

#### PLANNING COMMISSION RECOMMENDATION:

After reviewing the Twenty Nine Thirty Enclave Zone of Annexation, ANX-2013-377, a request to zone the Twenty Nine Thirty Enclave Annexation to R-4 (Residential 4 du/ac), the Planning Commission made the following findings of fact and conclusions:

1. The proposed R-4 (Residential 4 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.





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

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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.

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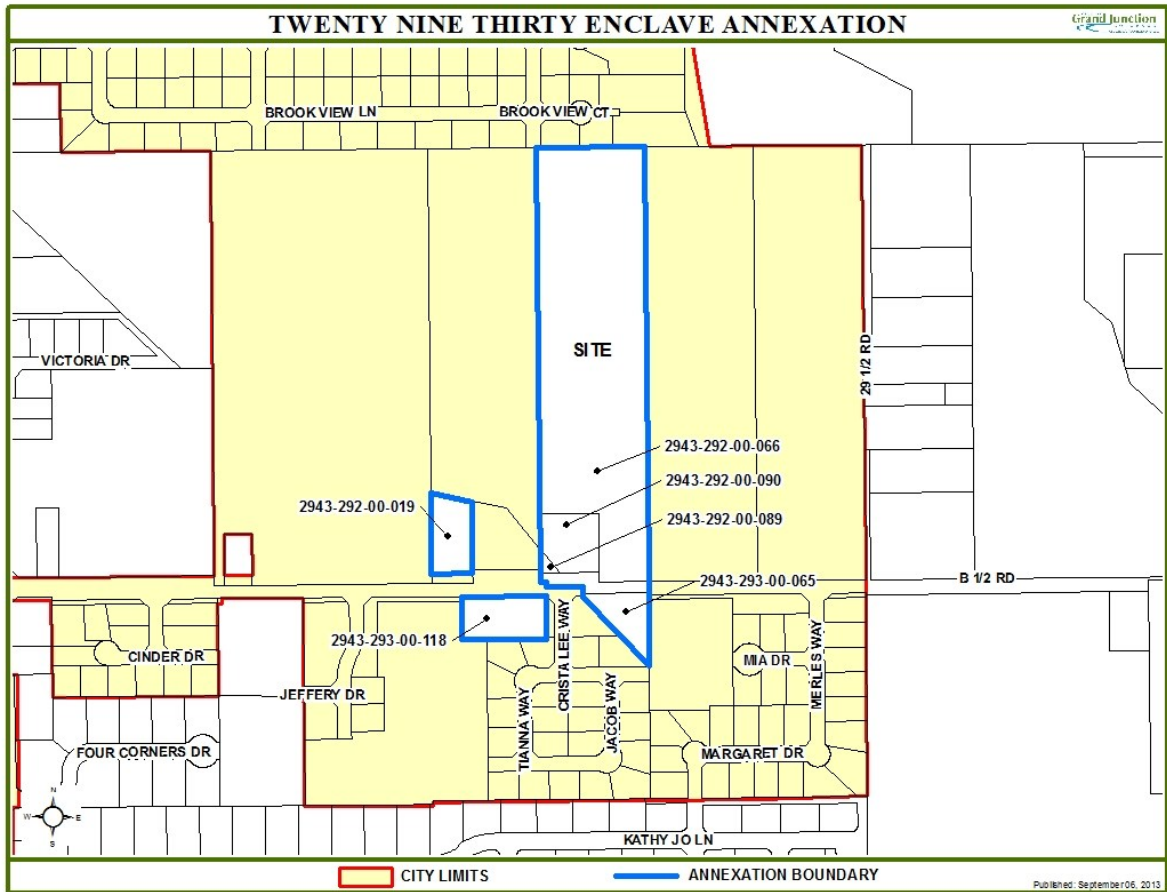
### **HOW DO I GET MORE INFORMATION?**

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For information about the City, go to [www.gjcity.org](http://www.gjcity.org)

# Annexation Map

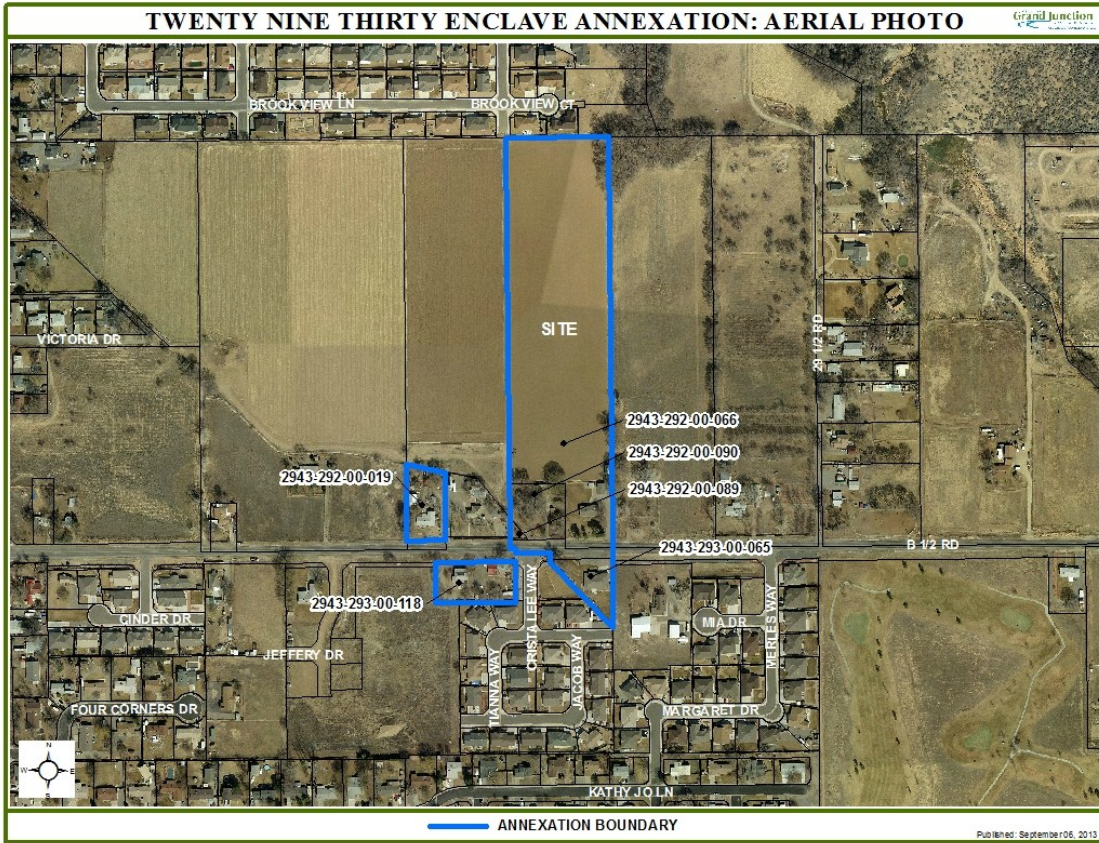
## Figure 1





# Aerial Photo

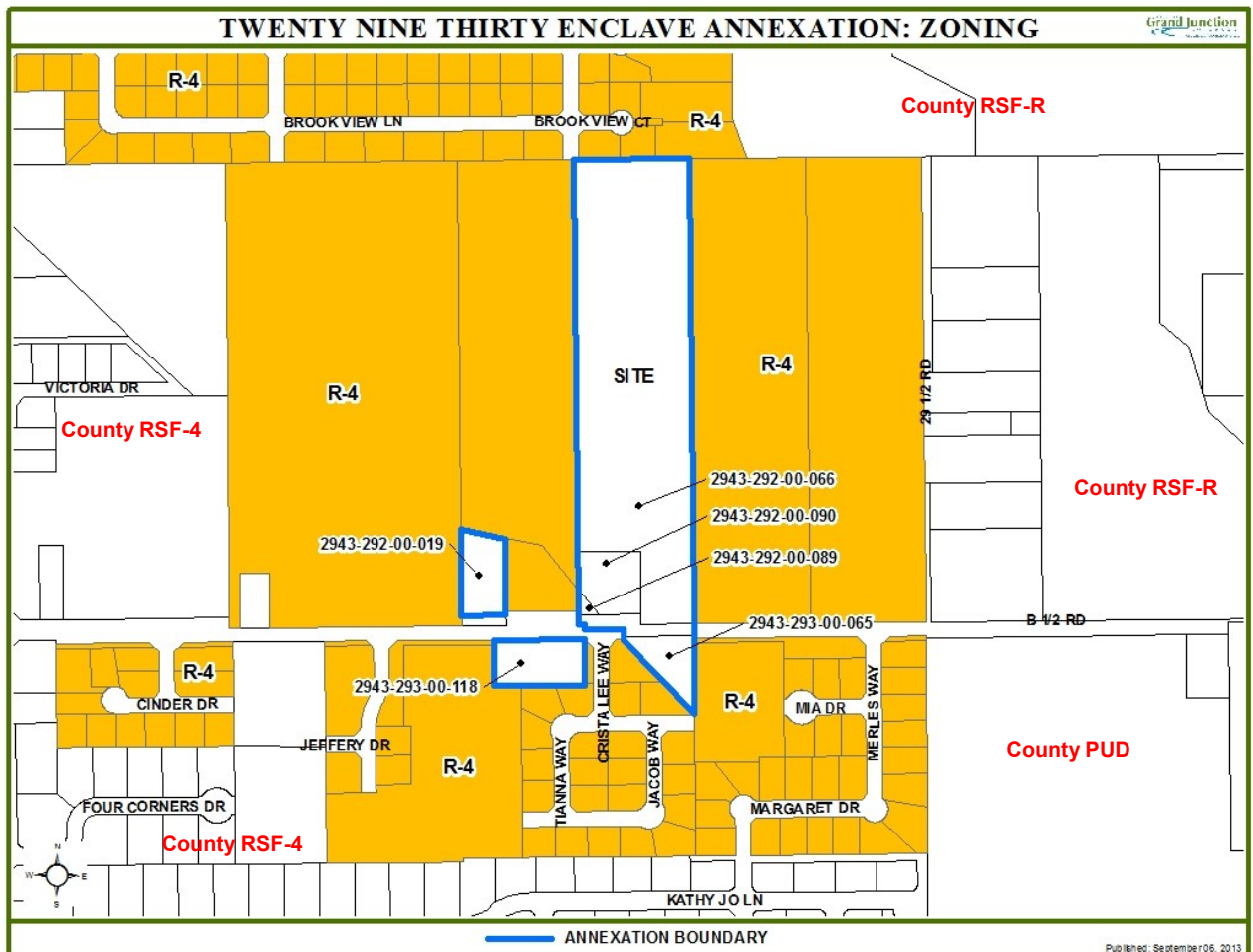
## Figure 2





# Existing City and County Zoning Map

Figure 4



**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE ZONING THE TWENTY NINE THIRTY ENCLAVE ANNEXATION  
TO R-4 (RESIDENTIAL 4 DU/AC)**

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

Recitals

The Twenty Nine Thirty 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 Level III Annexation on September 5, 2008, 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-4 (Residential 4 du/ac) implements the Comprehensive Plan Future Land Use Map, which has designated the enclaved area as Residential Medium Low (2-4 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 Twenty Nine Thirty Enclave Annexation to the R-4 (Residential 4 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-4 (Residential 4 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-4 (Residential 4 du/ac):

## **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.

LESS 22,402 Square Feet of B ½ Road 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:

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President of the Council

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City Clerk







Attach 5

## CITY COUNCIL AGENDA ITEM

Date: October 23, 2013

Author: Brian Rusche

Title/ Phone Ext: Senior Planner x. 4058

Proposed Schedule: 1<sup>st</sup> Reading;

Wednesday, November 6, 2013

2nd Reading (if applicable): Wednesday,

November 20, 2013

File #: ANX-2013-403

<b>Subject:</b> Zoning the Ray Annexation, Located at 416 29 Road
<b>Action Requested/Recommendation:</b> Introduce a Proposed Ordinance and Set a Public Hearing for November 20, 2013
<b>Presenters Name &amp; Title:</b> Brian Rusche, Senior Planner

**Executive Summary:** A request to zone the Ray Annexation, consisting of one parcel of 0.996 acres, located at 416 29 Road, to a C-1 (Light Commercial) zone district.

### Background, Analysis and Options:

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

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. 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 proposed zoning of C-1 (Light Commercial) implements the Comprehensive Plan Future Land Use Map designation of the property as Village Center Mixed Use.

A Neighborhood Meeting was held on June 3, 2013. A copy of those in attendance is attached. No objections were raised about Mr. Ray being able to pursue a proposed business expansion at this location.

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 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:** On October 8, 2013 the Planning Commission forwarded a recommendation of approval of the C-1 (Light Commercial) zone district.

**Financial Impact/Budget:** None.

**Legal issues:** The property is currently subject to a code enforcement action by Mesa County related to the operation of the business in a residential zone and the permitting of the existing buildings. The proposed commercial 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 (SPN-2013-406) for a proposed expansion and site improvements, which is currently in review.

**Other issues:** A Neighborhood Meeting was held on June 3, 2013. A copy of those in attendance is attached. No objections were raised about Mr. Ray being able to pursue a proposed business expansion at this location.

**Previously presented or discussed:** Resolution 65-13 Referring the Petition for Annexation was adopted on October 2, 2013.

### **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. Zoning Ordinance

**STAFF REPORT / BACKGROUND INFORMATION**

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

**ANALYSIS:**

**1. Background:**

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

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.

The property is currently subject to a code enforcement action by Mesa County related to the operation of the business in a residential zone and the permitting of the existing buildings. The proposed commercial 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 (SPN-2013-406) for a proposed expansion and site improvements, which is currently in review.

## **Neighborhood Meeting**

A Neighborhood Meeting was held on June 3, 2013. A copy of those in attendance is attached. No objections were raised about Mr. Ray being able to pursue a proposed business expansion at this location.

### **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 C-1 (Light Commercial) zone district is consistent with the Comprehensive Plan Future Land Use Map designation of Village Center Mixed Use.

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*

The Comprehensive Plan, adopted in 2010, designated the property as Village Center Mixed Use. The Village Center land use designation was new to this plan and superseded the previous designation of Residential Medium derived from the 2005 Pear Park Neighborhood Plan.

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*

The applicant is requesting a zone district that will implement the Comprehensive Plan Future Land Use Map designation of Village Center, a concept that was introduced in 2010. The Village Center anticipates a mix of uses to provide a broad range of commercial uses and higher density residential uses.

This request is only the second to occur after the creation of the Village Center. The northeast corner of the intersection of 29 Road and D Road is now approved for a Maverik convenience store. The character near the intersection will continue to change in the future as more properties annex and develop with a mix of commercial and high density residential uses that are anticipated by the Comprehensive Plan Village Center.

After the recent completion of the 29 Road viaduct over the Union Pacific Railroad and I-70 Business Loop, 29 Road now provides one of the few north/south access routes across the valley. Traffic has already increased along

this portion of the 29 Road, thereby making the adjacent properties attractive for commercial 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*

29 Road is a principal arterial providing one of the few north/south access routes across the valley after the recent completion of the viaduct over the Union Pacific Railroad and the I-70 Business Loop.

There are public utilities already connected to the existing building(s), including potable water provided by the Ute Water Conservancy District, sanitary sewer service maintained by the City, and electricity from Xcel Energy (a franchise utility). Utility mains are adjacent to the subject parcel that can be utilized to facilitate new use(s) or construction that may occur as a result of the proposed zoning.

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 requested annexation and proposed zoning is only the second to occur within this Village Center land use designation since the 2010 Comprehensive Plan. The Feuerborn Annexation at the northeast corner of the intersection of 29 Road and D Road is now approved for a Maverik convenience store and one commercial outlot on 2.694 acres.

The only other C-1 zoning on Pear Park is at the southwest corner of the same intersection. The property, totaling 8.18 acres, has remained vacant since it was annexed in 2008.

This criterion has been met.

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

The requested zoning supports the following goals of the Comprehensive Plan:

**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 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 proposed zoning and subsequent expansion of an existing business qualifies as one of those opportunities.

This criterion has been met.

Alternatives: In addition to the C-1 zone district, the following zone districts would also implement the Comprehensive Plan designation of Village Center:

- a. R-8 (Residential – 8 du/ac)
- b. R -12 (Residential – 12 du/ac)
- c. R-16 (Residential – 16 du/ac)
- d. R-24 (Residential – 24 du/ac)
- e. R-O (Residential Office)
- f. B-1 (Neighborhood Business)
- g. MXR – (Mixed Use Residential – 3, 5)
- h. MXG – (Mixed Use General – 3, 5)
- i. MXS – (Mixed Use Shop – 3, 5)
- j. M-U (Mixed Use)

The property has an existing business that seeks to become conforming as well as expand. The business incorporates office and manufacturing functions, with some outdoor storage. None of the zone district alternatives incorporate all of the functions of the existing business and would result in further nonconformity.

The proposed C-1 zone district allows the greatest variety of uses and will therefore facilitate bringing the business into compliance and its expansion, while providing the greatest flexibility should the property redevelop. It is my professional opinion that the C-1 (Light Commercial) zone district is the best choice for this property.

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

#### **PLANNING COMMISSION RECOMMENDATION:**

After reviewing the Ray Zone of Annexation, ANX-2013-403, a request to zone the Ray Annexation to C-1 (Light Commercial), the Planning Commission made the following findings of fact and conclusions:

1. The requested zone district of C-1 (Light Commercial) is consistent with the goals and policies of the Comprehensive Plan and implements the Village Center Mixed Use Future Land Use designation.

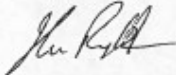
- 
2. The review criteria in Section 21.02.140 (a) of the Grand Junction Zoning and Development Code have all been met.

**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

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**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







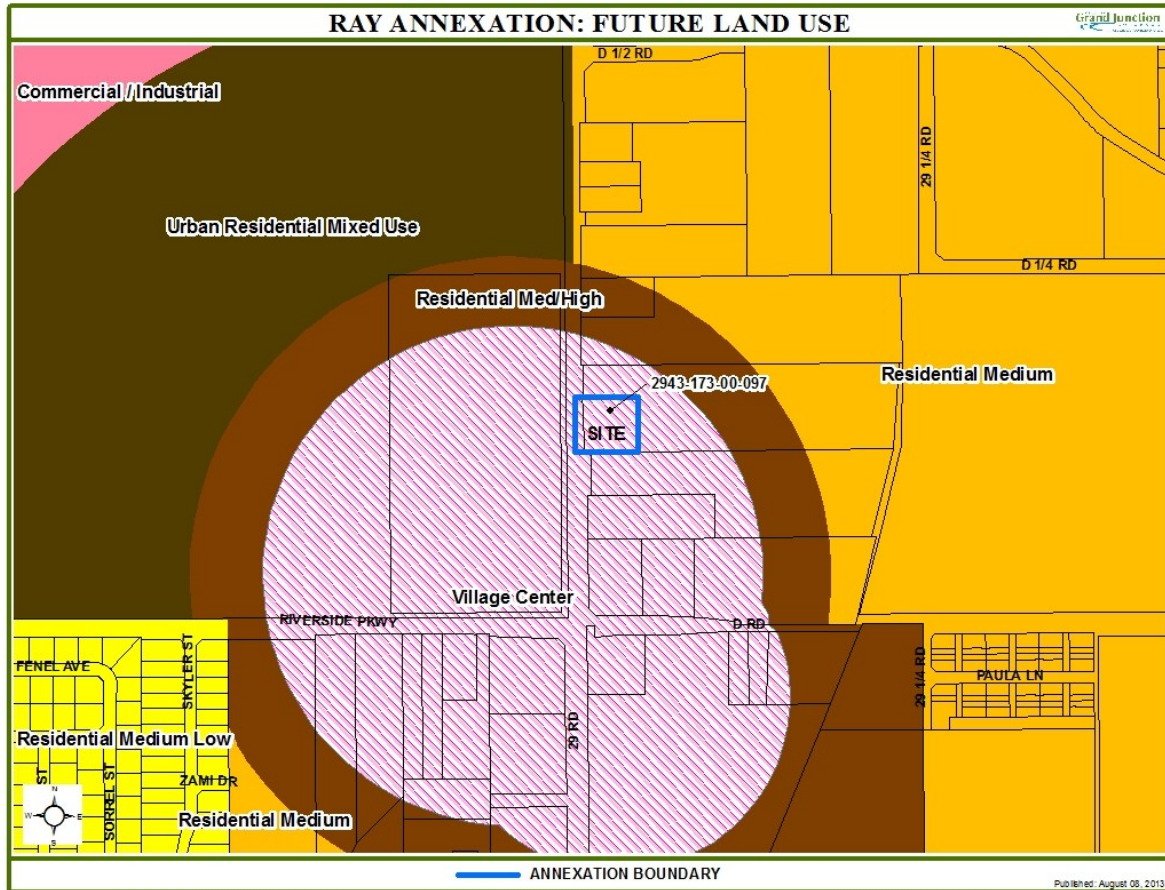
# Aerial Photo

## Figure 2



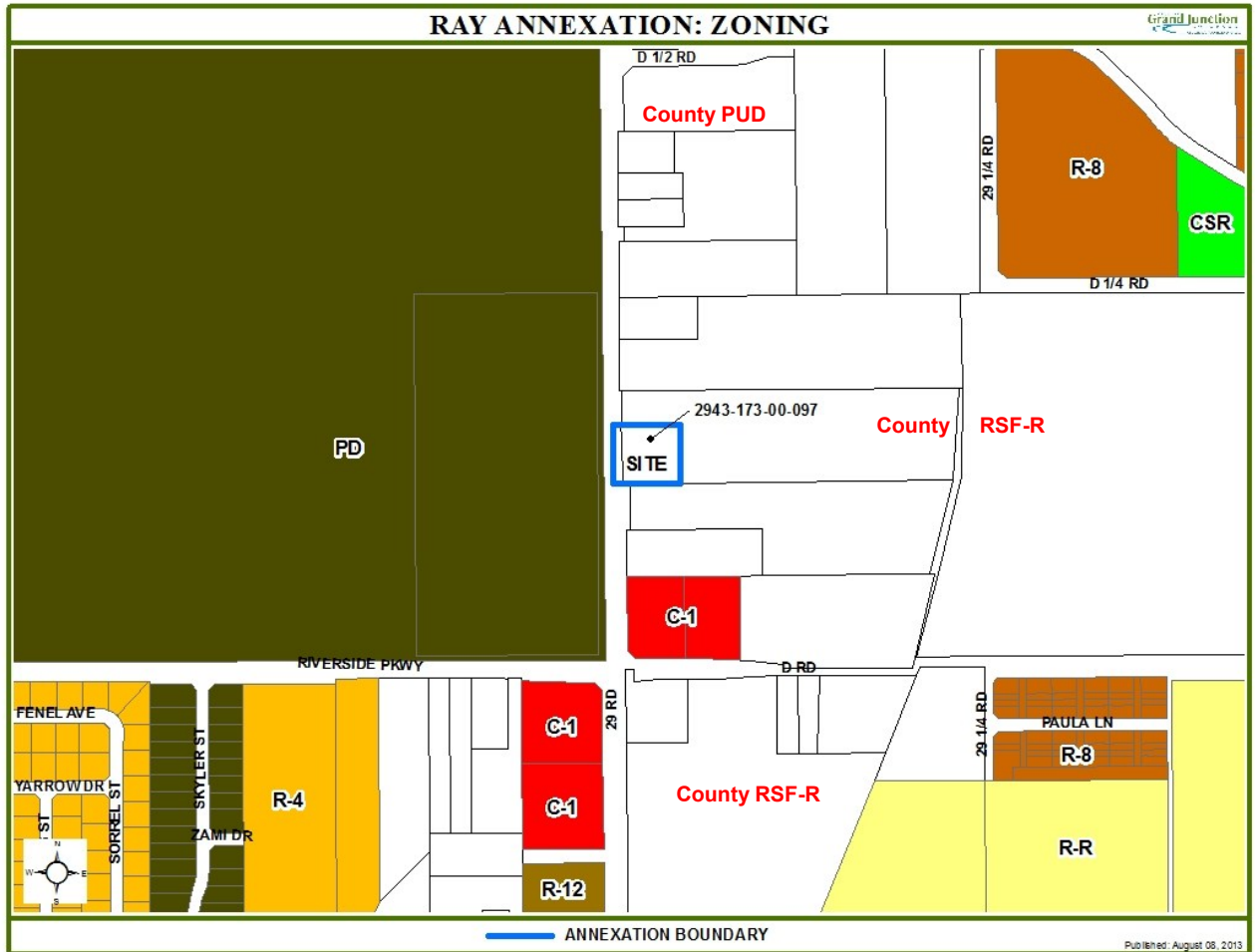
# Comprehensive Plan – Future Land Use Map

## Figure 3



# Existing City and County Zoning Map

Figure 4



**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE ZONING THE RAY ANNEXATION  
TO C-1 (LIGHT COMMERCIAL)**

**LOCATED AT 416 29 ROAD**

Recitals

The 1.14 acre Ray Annexation consists of one parcel located at 416 29 Road 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 and a zoning of C-1 (Light Commercial). Under the 1998 Persigo Agreement between the City and Mesa County, all proposed development within the Persigo Wastewater Treatment Facility boundary requires annexation and processing in 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 C-1 (Light Commercial) implements the Comprehensive Plan Future Land Use Map, which has designated the property as Village Center Mixed Use.

After public notice and public hearing as required by the Grand Junction Municipal Code, the Grand Junction Planning Commission recommended approval of zoning the Ray Annexation to the C-1 (Light Commercial) zone district finding that it conforms 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. The zone district meets the 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 C-1 (Light Commercial) zone district is in conformance with the stated criteria of 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 C-1 (Light Commercial).

**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.

LESS approximately 0.144 acres (6,261 square feet) of the 29 Road right-of-way

**INTRODUCED** on first reading 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: 10/31/13

Author: H Weiss

Title/ Phone Ext: DDA ED/4134

Proposed Schedule: 11/6/13

2nd Reading

(if applicable): \_\_\_\_\_

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

Attach 6

## CITY COUNCIL AGENDA ITEM

**Subject:** Addition of City Property to the Downtown Development Authority (DDA) District

**Action Requested/Recommendation:** Introduce a Proposed Ordinance Adding City-Owned Property to the Downtown Development Authority District and Set a Hearing for November 20, 2013

**Presenter(s) Name & Title:** John Shaver, City Attorney  
Harry Weiss, DDA Executive Director

### Executive Summary:

The City and DDA Staff are recommending the addition of a number of City-owned parcels into the DDA district.

### Background, Analysis and Options:

In the course of the City Legal Department's preparation to replat the multiple parcels upon which the Public Safety Complex sits into a single parcel, the County Assessor noted that two of the eight existing parcels are included in the DDA district. Similarly, the City-owned gravel parking lot on the east side of 7<sup>th</sup> Street across from the Public Safety campus is made up of two lots, only one of which is in the DDA district. The Assessor will not allow for only a portion of a parcel to be included in a taxing district. To remedy the situation, the new single parcels should be either included or excluded from the district. Staff recommends inclusion.

City Attorney Shaver requested that the DDA Director review the matter and make recommendations for other boundary adjustments concurrent with the clean-up of the Public Safety site. The DDA identified a number of odd parcels in the vicinity of Las Colonias Park and the Botanical Gardens for inclusion in the district.

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

Goal 4: Support the continued development of the downtown area of the City Center into a vibrant and growing area with jobs, housing and tourist attractions.

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



Expansion of the DDA district will enable the Authority to consider opportunities for investments in support of both Goal 4 and Goal 10, while strengthening the connectivity between the core commercial area of downtown with the South Downtown area and Las Colonias Park.

**Board or Committee Recommendation:**

The DDA reviewed and endorsed the inclusion of the identified City-owned parcels at its October 10, 2013, meeting.

**Financial Impact/Budget:**

None. These City-owned properties are tax-exempt and generate no tax revenues; nor will they have any effect on the DDA's TIF. These parcels are outside of the Downtown Grand Junction Business Improvement District and therefore have no effect on the City's PILT in support of the BID.

**Legal issues:**

Inclusion of property in the DDA district is by voluntary petition of the property owner.

**Other issues:**

None.

**Previously presented or discussed:**

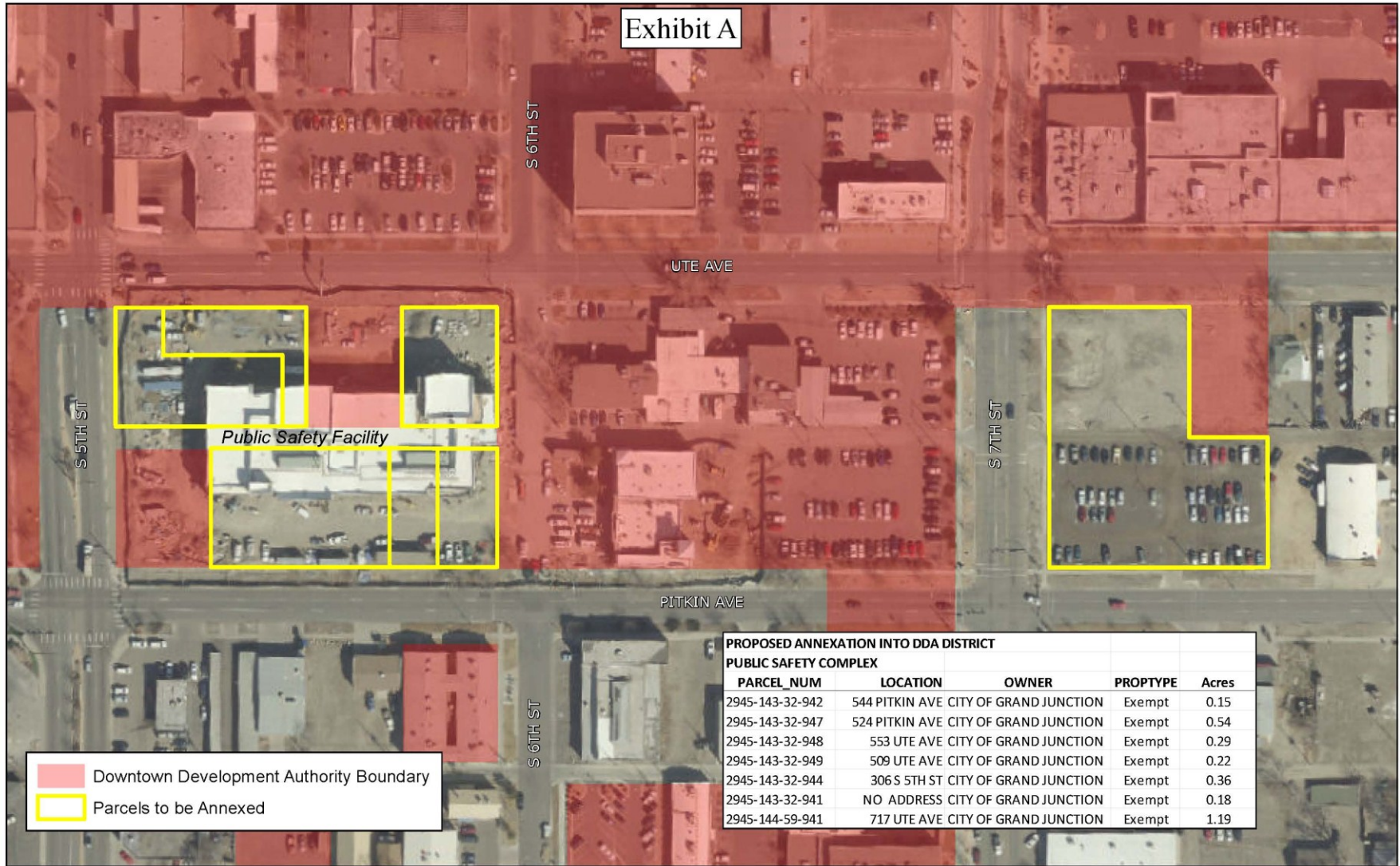
This item was presented to City Council at two previous work sessions on October 14, 2013, and October 28, 2013, and unanimous direction given to staff to proceed with the preparation of an ordinance.

**Attachments:**

Exhibits A & B (GIS maps depicting the parcels)  
Proposed Ordinance

# Potential Properties for Annexation into DDA District

Exhibit A



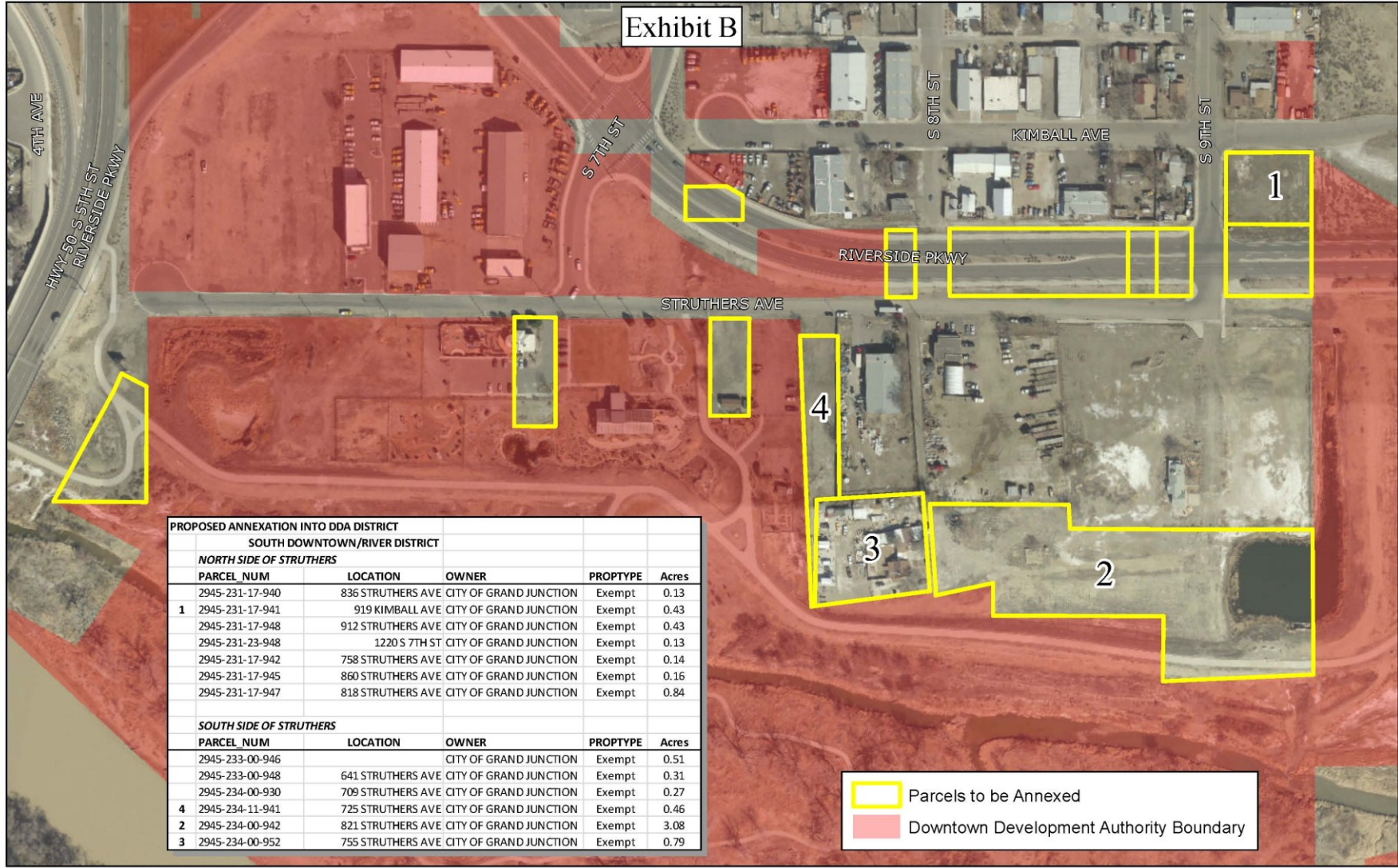
Downtown Development Authority Boundary  
 Parcels to be Annexed

PROPOSED ANNEXATION INTO DDA DISTRICT				
PUBLIC SAFETY COMPLEX				
PARCEL_NUM	LOCATION	OWNER	PROPTYPE	Acres
2945-143-32-942	544 PITKIN AVE	CITY OF GRAND JUNCTION	Exempt	0.15
2945-143-32-947	524 PITKIN AVE	CITY OF GRAND JUNCTION	Exempt	0.54
2945-143-32-948	553 UTE AVE	CITY OF GRAND JUNCTION	Exempt	0.29
2945-143-32-949	509 UTE AVE	CITY OF GRAND JUNCTION	Exempt	0.22
2945-143-32-944	306 S 5TH ST	CITY OF GRAND JUNCTION	Exempt	0.36
2945-143-32-941	NO ADDRESS	CITY OF GRAND JUNCTION	Exempt	0.18
2945-144-59-941	717 UTE AVE	CITY OF GRAND JUNCTION	Exempt	1.19



# Potential Properties for Annexation into DDA District

Exhibit B



PROPOSED ANNEXATION INTO DDA DISTRICT				
SOUTH DOWNTOWN/RIVER DISTRICT				
NORTH SIDE OF STRUTHERS				
PARCEL_NUM	LOCATION	OWNER	PROTOTYPE	Acres
	2945-231-17-940	836 STRUTHERS AVE	CITY OF GRAND JUNCTION	Exempt 0.13
1	2945-231-17-941	919 KIMBALL AVE	CITY OF GRAND JUNCTION	Exempt 0.43
	2945-231-17-948	912 STRUTHERS AVE	CITY OF GRAND JUNCTION	Exempt 0.43
	2945-231-23-948	1220 S 7TH ST	CITY OF GRAND JUNCTION	Exempt 0.13
	2945-231-17-942	758 STRUTHERS AVE	CITY OF GRAND JUNCTION	Exempt 0.14
	2945-231-17-945	860 STRUTHERS AVE	CITY OF GRAND JUNCTION	Exempt 0.16
	2945-231-17-947	818 STRUTHERS AVE	CITY OF GRAND JUNCTION	Exempt 0.84
SOUTH SIDE OF STRUTHERS				
PARCEL_NUM	LOCATION	OWNER	PROTOTYPE	Acres
	2945-233-00-946		CITY OF GRAND JUNCTION	Exempt 0.51
	2945-233-00-948	641 STRUTHERS AVE	CITY OF GRAND JUNCTION	Exempt 0.31
	2945-234-00-930	709 STRUTHERS AVE	CITY OF GRAND JUNCTION	Exempt 0.27
4	2945-234-11-941	725 STRUTHERS AVE	CITY OF GRAND JUNCTION	Exempt 0.46
2	2945-234-00-942	821 STRUTHERS AVE	CITY OF GRAND JUNCTION	Exempt 3.08
3	2945-234-00-952	755 STRUTHERS AVE	CITY OF GRAND JUNCTION	Exempt 0.79

Parcels to be Annexed  
 Downtown Development Authority Boundary

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

**AN ORDINANCE EXPANDING THE BOUNDARIES OF THE GRAND JUNCTION,  
COLORADO DOWNTOWN DEVELOPMENT AUTHORITY**

The Grand Junction, Colorado, Downtown Development Authority (“the Authority” or “DDA”) has adopted a Plan of Development (“Plan”) for the boundaries of the Authority. The Plan and boundaries were initially approved by the Grand Junction, Colorado, City Council (“the Council”) on December 16, 1981.

Pursuant to Section 31-25-822, C.R.S. and Article X of the Authority's Plan, the City has petitioned for inclusion of certain of its properties within the Authority's boundaries. Some of the properties are split by the current Authority boundary and some have never been included with the DDA. In large measure the inclusion affected by this ordinance will serve to “clean up” the boundary and make mapping of the Authority boundary clearer.

The Board of the Authority reviewed the proposed inclusions and has determined that the boundary of the DDA should be expanded. With the expansion the Tax Increment Financing (“TIF”) district will be coterminous with the Authority boundary.

The Board of the Authority requests the Council's approval to expand the Authority's boundaries to include all properties included by reference in this ordinance and to expand the Authority to receive a portion or increment of ad valorem and sales taxes collected with the Plan area in accordance with State law, the Plan and other applicable law, rules or regulations.

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

1. The Council finds the existence of blight within the boundary of the Authority, within the meaning of Section 31-25-802(1.5), C.R.S.
2. The Council hereby finds and determines that the approval of the expansion of boundaries for the Authority and the Plan, as shown on the attached Exhibit A, will serve a public use; will promote the health, safety, prosperity, security and general welfare of the inhabitants of the City and of its central business district; will halt or prevent the deterioration of property values or structures; will halt or prevent the growth of blighted areas; will assist the City and the Authority in the development and redevelopment of the district and in the overall planning to restore or provide for the continuance of the economic health; and will be of specific benefit to the property to be included within the amended boundaries of the Authority and the TIF district.
3. The expansion of the Authority's boundaries, as shown on the attached Exhibit A, is hereby approved by the Council and incorporated into the Plan for TIF purposes. The Authority is hereby authorized to undertake development projects as described in the Plan and to act consistently with the Plan including, but not necessarily limited to, receiving and expending for development and redevelopment efforts a portion or

increment of ad valorem and sales taxes generated in the area in accordance with Section 31-25-801, C.R.S.

4. The Council hereby requests that the County Assessor certify the valuation for the assessment of the new property included by this Ordinance within the Authority's boundaries and the TIF district as of the date of the last certification. The City Financial Operations Manager is hereby directed to certify the sales tax receipts for the properties included in and described by the attached Exhibit A for the twelve (12) months prior to the inclusion.

5. Adoption of this Ordinance and amendment to, or expansion of the boundary of the Authority and the TIF District, does not, shall not and will not provide for or allow or authorize receipt or expenditure of tax increments without requisite statutory and Plan compliance.

6. If any provision of this Ordinance is judicially adjudged invalid or unenforceable, such judgment shall not affect the remaining provisions hereof, it being the intention of the City Council that the provisions hereof are severable.

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

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

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

ATTEST:

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

## EXHIBIT A

Expanding the boundaries of the Grand Junction Downtown Development Authority  
The boundaries of the Authority shall be expanded to include the following properties into the Plan of Development area within which tax increment financing is used:

Parcel Number	Address	Owner
2945-143-32-942	544 PITKIN AVE	CITY OF GRAND JUNCTION
2945-143-32-949	509 UTE AVE	CITY OF GRAND JUNCTION
2945-143-32-943	336 S 5TH ST	CITY OF GRAND JUNCTION
2945-143-32-946		CITY OF GRAND JUNCTION
2945-143-32-947	524 PITKIN AVE	CITY OF GRAND JUNCTION
2945-143-32-944	306 S 5TH ST	CITY OF GRAND JUNCTION
2945-143-32-948	553 UTE AVE	CITY OF GRAND JUNCTION
2945-143-32-941		CITY OF GRAND JUNCTION
2945-144-59-941	717 UTE AVE	CITY OF GRAND JUNCTION
2945-144-59-942	727 UTE AVE	CITY OF GRAND JUNCTION
2945-231-17-940	836 STRUTHERS AVE	CITY OF GRAND JUNCTION
2945-231-17-941	919 KIMBALL AVE	CITY OF GRAND JUNCTION
2945-231-17-948	912 STRUTHERS AVE	CITY OF GRAND JUNCTION
2945-231-23-948	1220 S 7TH ST	CITY OF GRAND JUNCTION
2945-231-17-942	758 STRUTHERS AVE	CITY OF GRAND JUNCTION
2945-231-17-945	860 STRUTHERS AVE	CITY OF GRAND JUNCTION
2945-231-17-947	818 STRUTHERS AVE	CITY OF GRAND JUNCTION
2945-233-00-946		CITY OF GRAND JUNCTION
2945-233-00-948	641 STRUTHERS AVE	CITY OF GRAND JUNCTION
2945-234-00-930	709 STRUTHERS AVE	CITY OF GRAND JUNCTION
2945-234-11-941	725 STRUTHERS AVE	CITY OF GRAND JUNCTION
2945-234-00-942	821 STRUTHERS AVE	CITY OF GRAND JUNCTION
2945-234-00-952	755 STRUTHERS AVE	CITY OF GRAND JUNCTION



Date: October 24, 2013  
 Author: D. Paul Jagim  
 Title/ Phone Ext: Project  
Engineer/ 244-1542  
 Proposed Schedule: Wednesday,  
November 6, 2013  
 2nd Reading  
 (if applicable): N/A  
 File # (if applicable): \_\_\_\_\_

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

<b>Subject:</b> Construction Contract for the Water Tank Painting Project
<b>Action Requested/Recommendation:</b> Authorize the City Purchasing Division to Enter into a Contract with Spiegel Industrial, LLC of Steamboat Springs, CO for the Water Tank Painting Project in the Amount of \$512,705.96
<b>Presenter(s) Name &amp; Title:</b> Greg Trainor, Public Works and Utilities Director Jay Valentine, Internal Services Manager

**Executive Summary:**

The Water Tank Painting Project will repaint the inside of two 4 million gallon steel water tanks used for storing finished potable water at the City’s Water Treatment Plant.

**Background, Analysis and Options:**

The City’s Water Treatment Plant has two 4 million gallon steel water tanks that provide storage for finished water. The storage of water is necessary in order to accommodate fluctuations in water demand, particularly during the warmer months. Water demand fluctuates throughout the day and week to week, but the water plant operates most effectively when kept at a consistent rate. The water tanks make it possible to deliver high volumes of water during peak water usage without compromising the consistency of the water quality.

The tanks are inspected annually to monitor their condition. Repainting is a necessary maintenance item to prevent corrosion of the steel. The interiors of the tanks were first repainted in 1981 and again in 1998. The outside of the tanks were first repainted in 1984 and again in 1998. The outside of the tanks are still in very good condition and do not need to be repainted at this time. The inside of the tanks need to be repainted more frequently because of the humid conditions that cause corrosion to develop more rapidly. The new paint on the tank interiors has an estimated life of 15-20 years.

A formal solicitation for bids was advertised and nine bids were received on October 24, 2013. Spiegel Industrial, LLC of Steamboat Springs, Colorado was the low bidder with a bid of \$512,705.96.

The following bids were received on October 24, 2013:

<b>FIRM</b>	<b>LOCATION</b>	<b>BID AMOUNT</b>
<b>Spiegel Industrial, LLC</b>	Steamboat Springs, CO	\$512,705.96
<b>State Painting Company, Inc.</b>	Salt Lake City, Utah	\$650,300.00
<b>Graydaze Contracting, Inc.</b>	Alpharetta, Georgia	\$804,651.00
<b>Mandros Painting, Inc.</b>	Green River, Wyoming	\$930,841.00
<b>Riley Industrial Services</b>	Farmington, New Mexico	\$931,811.00
<b>Quality Linings &amp; Painting, Inc.</b>	Denver, Colorado	\$997,688.00
<b>Coblaco Services, Inc.</b>	Aurora, Colorado	\$1,112,850.00
<b>TMI Coatings, Inc.</b>	St. Paul, Minnesota	\$1,193,300.00
<b>National Coatings, Inc.</b>	Denver, Colorado	\$1,235,715.00

The project is scheduled to begin on November 20, 2013, with completion by April 11, 2014.

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

This project accomplishes necessary maintenance on a critical component of the City's water infrastructure. By continuing to provide a dependable and consistent supply of high quality potable water, the City's utilities contribute to sustaining, developing, and enhancing a healthy and diverse economy.

**Board or Committee Recommendation:**

N/A

**Financial Impact/Budget:**

\$600,000 is budgeted in the Water Fund (Fund 301) for this project.

**Legal issues:**

None

**Other issues:**

None

**Previously presented or discussed:**

N/A

**Attachments:**

None





Date: October 24, 2013  
 Author: Kathy Portner  
 Title/ Phone Ext: Econ Dev & Sustainability, ext. 1420  
 Proposed Schedule: Nov. 6, 2013  
 2nd Reading  
 (if applicable): N/A  
 File # (if applicable): N/A

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

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

**Executive Summary:**

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

**Background, Analysis and Options:**

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

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

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



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

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

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

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

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

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

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

**Board or Committee Recommendation:**

NA

**Financial Impact/Budget:**

The required cash match and relocated houses for the city block will be provided by Colorado Mesa University. The City and County will provide in-kind services for design and engineering, parking lot construction and clearing and excavation for the city block.

**Legal issues:**

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

**Other issues:**

NA

**Previously presented or discussed:**

NA

**Attachments:**

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

**CITY OF GRAND JUNCTION, COLORADO**

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

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

**RECITALS.**

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

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

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

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council of the City of Grand Junction supports the development of the classroom building and simulated city block and does hereby authorize the City Manager to submit a \$1 million grant request in accordance with and pursuant to the recitals stated above to the Mesa County Federal Mineral Lease District for the Development of the Colorado Law Enforcement Training Center and authorizes the City Manager to enter into a grant agreement with MCFMLD if the grant is awarded.

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

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

ATTEST:

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



**Attach 9  
CITY COUNCIL AGENDA ITEM**

Date: October 24, 2013  
Author: Debbie Kovalik  
Title/ Phone Ext: ECVS Director; Ext. 4052  
Proposed Schedule: November 6, 2013  
2nd Reading  
(if applicable): \_\_\_\_\_  
File # (if applicable): \_\_\_\_\_

<b>Subject:</b> Avalon Theatre Naming Rights
<b>Action Requested/Recommendation:</b> Adopt the Proposed Resolution Authorizing the Offering for Sale of the Naming and Sponsorship Rights for the Avalon Theatre
<b>Presenter(s) Name &amp; Title:</b> Debbie Kovalik, Economic, Convention, and Visitor Services Director

**Executive Summary:**

This item is a review of and request for approval for the marketing of the naming opportunities for the Avalon Theatre.

The Avalon Theatre Naming Rights Committee includes Debbie Kovalik, Stuart Taylor, Bennett Boeschstein, Jay Valentine, Robin Brown, John Halvorson, Karen Hildebrandt and Kathy Hall. Establishing naming opportunities now will make it possible for campaign committee members to attempt to generate additional private contributions for the Avalon Theatre renovation project.

After presenting initial recommendations to the City Council, the Committee has developed further recommendations to better define sponsorship opportunities.

**Background, Analysis and Options:**

The Avalon Theatre Naming Rights Committee met on September 16, 2013 to review the list of existing donors (both paid in full and pledged) and develop a list of possible naming rights/opportunities. The Committee believes that by offering an opportunity to name sections of the Theatre additional private capital may be brought to the project.

At its October 14<sup>th</sup> meeting, the City Council raised a number of questions and requested additional information. The following should address those concerns:

Council wanted to know what additional information could be provided to back up the recommended levels of naming/sponsorship. Specifically, the additional information to be provided would be in addition to the previous Committee research, which was based on individual experiences and discussions with local contacts.

The Committee is pleased to report that CMU prepared a study for purposes of exploring naming rights at the University. The University has graciously shared that study with the Committee.

The CMU study defines the levels of sponsorships that CMU currently receives as well as, the feasibility for potential giving and methodology(ies) to determine the values for naming rights at different levels. Members of the Committee also reached out for additional information from St. Mary's Hospital, Hope West (fka Hospice) of Western Colorado, Western Colorado Community Foundation, and Community Hospital Foundation. In all cases the Committee recommended dollar amounts are supported by the research. CMU's 2013 study shows an average donation in the \$200,000 range.

The Council also questioned the number of possible naming opportunities and if or how multiple names for a single component will be addressed.

In response to the Council's concern the Committee has refined the spaces and other naming opportunities and closely defined the number available. The new list is limited based on the layout of the building. The Committee concluded that too many possibilities would water down the value in participating and allowing for the few larger spaces is preferred. The Committee has now established what will be named and the maximum amount of names for the particular location.

The Committee has changed the previously suggested amount for the overall naming of the building and has broken it into two pieces. It was felt that this approach is more appropriately suited to assist with full build out that Requests for Proposals (RFP) would be a better approach. If Council agrees, an RFP could be drafted and presented with a more defined outcome. With the focus on the current phase the remaining opportunities will allow the committee to focus its efforts on this phase.

Concerns were raised by Council about having ranges rather than just a single amount for the item selected. This led to concerns that donors may automatically select lower limits of sponsorships. The Committee recommended a methodology that addresses this concern by limiting the number of years a sponsor's name will appear in or outside of the building. The committee recommends 10 – 25 year increments. The lower level contribution will apply to fewer years of naming rights. By introducing flexibility with a minimum and a maximum attached to the number of years, it will allow for a negotiated option that could be presented to the Council for approval.

The Committee feels that allowing for some flexibility to negotiate will improve the opportunity to meet the donor's needs. A single choice of an amount and a year may create a reason for those not to participate.

According to CMU's study "A corporate donor will consider the return on its investment (ROI) differently than a typical philanthropic individual or foundation donor. Often these donors are making investments they anticipate will result in significant good-will benefits to their company and its long-term reputation. These donors are as eager as the institution to marry their corporate brands to a well-respected institutional brand." The 10 – 25 year range will provide for the long term approach and a strong ROI.

Based on the additional information provided within this staff report, the Committee is confident that this proposed recommendation will allow for the maximum success.

While looking for local participation, it was agreed that it was important to approach future donors as well as possible additional donations from existing donors.

With the limited amount of opportunities cash contributors will get first right.

In addition to the sale of naming and sponsorship rights current donors will receive recognition on the donor wall in the Main lobby.

The Committee recommends the City Council include the requirement that “Avalon” or “the Avalon” be included in the building in perpetuity.

As the Council is aware from the prior discussion all offers to buy/proposals to sell naming or sponsorship rights will require final decision by City Council and a legally binding contract specific to the transaction will be developed.

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

Goal 4: Support the continued development of the downtown area of the City Center into a vibrant and growing area with jobs, housing and tourist attractions.

The Avalon Theatre renovation project represents a long-standing objective to leverage an iconic historic property as a fuller functioning performing arts facility expanding the entertainment uses in Downtown Grand Junction and furthering anchoring the east end of Main Street.

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

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

**Board or Committee Recommendation:**

The committee recommends the following list of levels for naming rights:

**Four Major Building Components**

Avalon Performing Arts Complex	Possible RFP
Historical Theatre Building	Possible RFP
The Multi-Purpose Room	\$600,000 to \$1 Million
The Rooftop Terrace	\$500,000 to \$750,000

**Other Naming Opportunities**

Lobby – Main Floor	\$200,000 to \$500,000
Lobby – Mezzanine	\$100,000 to \$200,000
Orchestra – Main Floor – 3 naming levels	\$100,000 to \$250,000

Mezzanine – Level One and Level Two	\$100,000 to \$250,000
Balcony – One Level	\$100,000 to \$250,000
Elevator	\$50,000 to \$75,000
Hearing Loop	\$30,000 to \$50,000
Concessions – 4 possibilities	\$50,000 to \$100,000
Seats – Recognition will be on Donor Wall	\$1,000 to \$2,500

**Financial Impact/Budget:** The Naming Rights Program allows additional opportunities for additional private donations.

**Legal issues:** Contractual terms including how the donor is recognized, the length and payment of the agreement will be negotiated/drafted per specific arrangement.

**Other issues:** Tax-deductible status and duration of naming rights.

**Previously presented or discussed:** This was discussed previously at a pre-meeting, at the October 14, 2013 Readiness Session, and at the October 28, 2013 Workshop.

**Attachments:**

2013 Colorado Mesa University “What’s In A Name”? naming assets study; pages 8, 11, and 12  
Resolution

## What's In A Name?

### Historic Western Colorado Giving

An important element of evaluating how CMU should approach valuing its naming opportunities includes an assessment of historical giving for the institution as well as historical and current giving for other Grand Junction and Western Colorado organizations competing in the same donor pool. Page | 8

For the purposes of this report, organizations contacted include:

- St. Mary's Hospital Foundation -- \$2 million annual gifts.
- Community Hospital Foundation -- \$300,000 annual gifts.
- Western Colorado Community Foundation -- \$30 million foundation, \$2.9 million annual gifts.

The largest gift to any of these organizations historically was a \$6 million endowed scholarship gift to Western Colorado Community Foundation. Historically, however, the majority of gifts to all three entities are significantly lower.

Average donor gifts range from a \$100 to \$5,000. However, gift size rises when an organization conducts a capital campaign. Gifts in the \$25,000-\$50,000 range are far more common than gifts in the \$1 million and above range (only three reported) among the donor pool.

Only St. Mary's has an actual naming policy that it adheres to, although the policy is based on construction cost. A named donation requires the individual to contribute 50 percent of the cost of the project being named.

All of the foundations indicated that cash donations are not always the rule of thumb and some non-liquid donations – in particular land donations – have been more valuable than cash donations. One foundation has a gold mine interest that while not liquid has significantly increased in value as gold's value has increased.

In comparison, the Colorado Mesa Foundation has 16 recent contributions between \$100,000 and \$499,000. Another four donations at \$500,000 and a \$1 million donation show the institution's donations are above the ranges reported by the other local foundations. The average CMU donation comes in at the \$200,000 range today. Non-liquid donations and construction donations are included in valuing the CMU donations, although historically the majority of donations are cash.

The community foundation directors indicated that giving capacity in Western Colorado is likely higher than historic donations might indicate. However, historic giving is relevant in developing both naming ranges and capital policies for CMU. It is difficult to increase historic giving patterns, although not impossible.



## What's In A Name?

### Naming Policy

Naming is a somewhat arbitrary philanthropic effort across the country. It has grown in popularity as government entities – at all levels – have sought to generate revenue for specific projects – in particular sports arenas and similar facilities.

Page | 11

The introduction of corporate naming in the sports arena has created a different marketing approach for philanthropic donors based on more “tangible” benefits. Research indicates corporate entities do receive potential marketing benefits connected with naming rights that can impact a company’s bottom line. However, that does not always prove true.

Historically, naming benefits for institutions have been viewed from a reputation or legacy perspective. Most institutional donors are not calculating a specific economic gain in their decision to gift an institution in return for naming a building, classroom, school or program.

For that reason, the most common approach to naming policies in higher education has been based on a percentage range of the facility’s construction cost. Institutional policies vary from requiring 25 to 50% of a facility’s construction costs for a naming right. Many institutions have written policies that outline general requirements, while others have no written policies and base decisions on a case-by-case basis.

Policies reviewed for this report include McGill University’s Naming of University Assets policy, Illinois College’s donor naming policy, State University of New York (SUNY) “Naming Opportunities on State University Campuses” policy, Loyola University’s Naming Policy, University of California’s “Policy on Naming University Properties, Academic and Non-Academic Programs and Facilities,” Carleton University’s Philanthropic Naming Policy, Indiana University’s Institutional Naming policy, and the University of Washington’s Board of Regents Facilities and Spaces Naming Policy.

As CMU establishes a comprehensive strategy for planned donor giving some policy statements should be adopted to protect the institution’s brand. Minimal policy elements should include:

- A written, legally enforceable, gift agreement between the donor and the institution that specifies the terms of the donation and the naming exchange amount;
- The term of the naming agreement – most institutional agreements are for the life of the facility and/or program bearing the donor’s name; however, some institutions limit corporate naming to between 10 and 25 years;
- How the donor’s gift will be recognized (both the physical recognition approach of signage and/or plaques and the incorporation of the naming in CMU printed and digital collateral);
- A requirement that the donation be paid in full over a specific period of time (policies range from five years for smaller donations to 10 years for larger bequests);
- A statement of CMU’s recourse and action in the event payment commitments are not fulfilled (usually removing the name from the building or reducing the term of the naming right), and,

## What's In A Name?

- A clear statement that any change in donor circumstance that might negatively impact the CMU brand – bankruptcy, criminal actions, discovery of malfeasance or other reputation issues – gives the institution the option of removing the donor name.

Similarly, most institutions have some written requirements pertaining to honorary naming policies that do not include financial donations (CMU does have an honorary naming policy, but may want to update the policy). Policy elements usually include a process for the institution's foundation and/or board of trustees to conduct due diligence to ensure that honorary naming decisions similarly protect the institution's brand. Page | 12

All policies reviewed require final naming decision sign-off by the institution's president, although board approval is not required by all policies reviewed for this project. Many simply require that the president's actions be consistent with the board's current policy requirements.

Several institutions require that honorary naming opportunities be reserved for individuals who have made significant contributions of some type to the institution and/or its education objectives and many do not allow honorary naming decisions until the individual being honored is deceased, a reputation-protection factor that larger institutions favor. Again, a due-diligence process generally is in place on most campuses to evaluate honorary naming proposals.

Several of the institution policies reviewed do not seek – or permit by policy – naming of any academic facility for a corporate entity. Other institutions do seek corporate donations, but have a more rigorous due diligence requirement before approving a corporate naming versus commemoration of an individual who is viewed as having promoted and enhance the institution(s).

Corporate naming opportunities are legitimate naming options for campuses. However, CMU may wish to limit where those corporate opportunities are made available. From the potential corporate donor(s) perspective, the greatest and most consistent visibility opportunities will be more attractive. A corporate donor will consider the return on its investment (ROI) differently than a typical philanthropic individual or foundation donor. Often these donors are making investments they anticipate will result in significant good-will benefits to their company and its long-term reputation. These donors are as eager as the institution to marry their corporate brands to a well-respected institutional brand.

A key element of CMU's policy development should be on-going documentation of historical naming – both honorary and gift-based. Records going forward should include the amount of the donation, the terms of the donation and its recognition (how the institution will “name” the facility and how it will be referenced) and the term – if not in perpetuity – of the naming.

**CITY OF GRAND JUNCTION, COLORADO**

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

**A RESOLUTION AUTHORIZING THE OFFERING FOR SALE OF THE NAMING AND SPONSORSHIP RIGHTS FOR THE AVALON THEATRE**

RECITALS.

At the June 19, 2013 City Council meeting, the City Council directed that the City move forward with the \$7.6 million Option B Avalon renovation with additional direction to pursue other funding for the project. The City staff and the Avalon Theatre Foundation (ATF) have been exploring, pursuing and securing other funding sources as directed by the City Council. Those sources of funding have included but are not limited to grants, private and public philanthropy and the sale of naming and sponsorship rights of and for the Theatre. Subsequent to that direction the ATF, the DDA Executive Director and City staff has researched the parameters of selling naming rights.

On October 28, 2013 the City Council reviewed the research and recommendations and asked that the question be forwarded to the Council for formal consideration. Consistent with that direction this resolution focuses the fund raising effort on the possible sale of naming and sponsorship by authorizing the same on the conditions stated herein.

The ATF was organized for the purpose of supporting the development of the Avalon through fund raising and the solicitation of financial commitments for the project. As part of the on-going campaign for the project and as an element of that work the ATF is by and with this resolution specifically authorized to offer the sale of naming rights.

Furthermore, because the funding of the project is a cooperative venture by and between the City, the DDA and the ATF, the DDA is authorized to when and if appropriate, provide notice to possible purchasers that the naming rights are available and as proper notify the ATF and/or the City of any expressions of interest in the purchase of rights.

Additionally, the City does authorize and direct the City Manager or his designee to publically offer the sale of naming rights including but not limited to the issuance of a Request for Proposal(s) RFP.

The foregoing authorization and direction is specifically conditioned on the final decision on the terms of sale, if any, being determined by the City Council.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Grand Junction does hereby authorize the offering for sale of the naming and sponsorship

rights for the Avalon Theatre in accordance with and pursuant to the recitals stated above and the general terms stated below:

- 1) Cash purchasers/contributors will get first right and consideration;
- 2) Current donors will receive recognition on the donor wall in the Main lobby; those persons and/or entities may secure naming rights for additional contributions;
- 3) "Avalon" or "the Avalon" shall be included in the name/naming/rights/sponsorship in perpetuity;
- 4) All offers to buy/sell or other proposals to sell naming or sponsorship rights received by the ATF, City or DDA will require formal approval by the City Council and a legally binding contract specific to the transaction will be developed;
- 5) The presumed value of naming rights will be derived in accordance with the following table. The term and element(s) of the building or project will be negotiated. Some elements have more than one naming opportunity and where available those shall be separately offered.

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Major building components for which naming/sponsorship rights may be purchased:

Avalon Performing Arts Complex	The City shall issue a Request for Proposal
Historical Theatre Building	The City shall issue a Request for Proposal
The Multi-Purpose Room	\$600,000 to \$1 Million
The Rooftop Terrace	\$500,000 to \$750,000
Lobby – Main Floor	\$200,000 to \$500,000
Lobby – Mezzanine	\$100,000 to \$200,000
Orchestra – Main Floor	\$100,000 to \$250,000
Mezzanine	\$100,000 to \$250,000
Balcony	\$100,000 to \$250,000
Elevator	\$50,000 to \$75,000
Hearing Loop	\$30,000 to \$50,000
Concessions	\$50,000 to \$100,000

---

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

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

ATTEST:

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



Date: November 6, 2013  
 Author: Jodi Romero  
 Title/ Phone Ext: 1515  
 Proposed Schedule: November 20th  
 2nd Reading  
 (if applicable): \_\_\_\_\_  
 File # (if applicable): \_\_\_\_\_

Attach 10

**CITY COUNCIL AGENDA ITEM**

<b>Subject:</b> Rates and Fees Effective January 1, 2014
<b>Action Requested/Recommendation:</b> Adopt the Resolution Adopting the Fees for Water, Irrigation, Wastewater, Solid Waste, Two Rivers Convention Center, and Parks and Recreation
<b>Presenter(s) Name &amp; Title:</b> Jodi Romero, Financial Operations Director

**Executive Summary:**

Proposed rate/fee increases which would be effective January 1, 2014 are for Water, Irrigation, Wastewater, Solid Waste, Two Rivers Convention Center, and Parks and Recreation as presented and discussed during City Council budget workshops.

**Background and Analysis:**

**City Water System:** Recommended \$3.00 increase in the minimum water rate per 3,000 gallons. Recommended increase in the commodity rates for the three levels of water consumption above the minimum 3,000 gallons; increase \$0.10 for each level. The increases, which include a water conservation rate, will be used by the Water Funds for major capital waterline replacement program. Water rates have only been increased one time since 2009.

**Kannah Creek Water System:** Recommended \$3.00 increase in the minimum water rate per 3,000 gallons. Recommended increase in the commodity rates for the three levels of water consumption above the minimum 3,000 gallons; increase \$0.10 for each level. The increases include a water conservation rate and cover costs of on-going operating expenses. Kannah Creek water rates have only been increased one time since 2009.

**Ridges Irrigation:** Recommended increase in the single family rate of \$0.73 and the multifamily rate of \$0.60. Increases are needed to cover the cost of on-going operating expenses. The proposed Irrigation rate increase is only the 5th rate increase since rates were reduced by 29% in 2001.

**Wastewater:** Recommended increase of \$2.50 per single family residential equivalent unit (EQU) to cover the cost of on-going operating expenses, including energy and debt service, and to fund an increase in the Waste Water capital sewer line capital

replacement program. Monthly wastewater rates have only been increased one time since 2009.

The \$120 increase in the plant investment fee (PIF) per EQU reflects a recommendation from staff related to findings of the 2006 Persigo Sewer System Rate Study. The PIF is established on the “buy in method” in which new development pays for existing capacity in the waste water plant and collection system based on a current value of that infrastructure.

**Solid Waste:** Recommended increases in Solid Waste rates ranging from \$.43 for 1-64 gallon trash container to \$4.85 for an 8 cubic yard dumpster. Increases are needed to cover the costs of ongoing operating expenses. Solid waste rates have only been increased one time since 2009.

**Two Rivers Convention Center:** Recommended a 10% increase in room and equipment rental rates. TRCC recommended no increase for service groups.

**Recreation:** A variety of increases are proposed in Aquatics for private pool parties, annual swim passes, and punch cards.

**Parks:** The proposal for fees within the Parks Division includes increasing field fees at Canyon View and Dixson Parks, increased light fees at Canyon View and Columbine, court fees at Lincoln Park, increased shelter fees, increased field fees at the stadium, and vendor fees for Tabeguache Trailhead.

**Golf:** The Golf division proposes an increase for season ticket holders, green fees, cart fees, and tournament fees.

**Fire:** By prior resolution the City Council established ambulance transport fees in accordance with and pursuant to the Mesa County EMS standards. For 2014 the City Council affirms the prior action of that resolution.

**Transportation Capacity:** By prior resolution the City Council established an annual fee schedule which adjusts on April 1, 2013, 2014 and 2015. The resolution also included an annual inflation index (All Urban Users (COPI-U) Western Region size B/C.) For 2014 the City Council affirms the prior action of that resolution.

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

This action is needed to meet the plan goals and policies of the Public Works, Utilities and Planning Department, the Fire Department and Two Rivers Convention Center.

**Board or Committee Recommendation:**

The City Council most recently reviewed and considered the proposed fees at its October 28, 2013 work session and recommended the resolution be forwarded for final adoption.

**Financial Impact/Budget:**

The impact of these fee increases are reflected in the 2014 proposed revenue budgets for the Water Fund, Ridges Irrigation Fund, Joint Sewer Fund, Solid Waste Fund, Two Rivers Convention Center Fund and the General fund (Parks and Recreation).

**Legal issues:**

The City Attorney has reviewed and approved of the form of the resolution.

**Previously presented or discussed:**

Rates and fees were discussed throughout the various budget workshops with City Council and in particular on October 7<sup>th</sup> & October 28<sup>th</sup>, 2013.

**Attachments:**

Proposed Resolution



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

**A RESOLUTION ADOPTING FEES AND CHARGES FOR WATER, IRRIGATION,  
WASTEWATER, SOLID WASTE, AMBULANCE TRANSPORT, TWO RIVERS  
CONVENTION CENTER, AND PARKS AND RECREATION**

**Recitals:**

The City of Grand Junction establishes rates for utility services, ambulance transports, Two Rivers Convention Center and parks and recreation on a periodic basis, and by this resolution, the City Council establishes these rates to implement decisions made in the long-term financial plans for the Utilities, Fire, Economic, Convention, & Visitor Services, and Parks and Recreation Departments.

**Now, therefore, be it resolved that:**

Effective January 1, 2014 rates for utility services, ambulance transports, Two Rivers Convention Center and Parks and Recreation change according to the following schedule.

<b>Water</b>			
<b>System-Description</b>	<b>2013 Current</b>	<b>2014 Proposed</b>	<b>Change</b>
<b>City Water System</b>			
0 - 3,000 Gallons	\$11.00	\$14.00	\$3.00
3,000 - 10,000 Gallons (per 1,000)	\$1.95	\$2.05	\$0.10
10,000 - 20,000 Gallons (per 1,000)	\$2.35	\$2.45	\$0.10
>20,000 Gallons (per 1,000)	\$2.75	\$2.85	\$0.10
<b>Kannah Creek Water System</b>			
0 - 3,000 Gallons	\$35.50	\$38.50	\$3.00
3,000 - 10,000 Gallons (per 1,000)	\$3.90	\$4.00	\$0.10
10,000 - 20,000 Gallons (per 1,000)	\$4.70	\$4.80	\$0.10
>20,000 Gallons (per 1,000)	\$5.50	\$5.60	\$0.10
<b>Ridges Irrigation</b>			
Single Family	\$14.60	\$15.33	\$0.73
Multi Family	\$10.45	\$10.97	\$0.52

<b>Wastewater</b>			
<b>Description</b>	<b>2013 Current</b>	<b>2014 Proposed</b>	<b>Change</b>
Per Residential Equivalent Unit (EQU)	\$17.00	\$19.50	\$2.50
Plant Investment Fee Per EQU	\$4,000.00	\$4,120.00	\$120.00

<b>Solid Waste</b>			
<b>Automated Monthly Container Prices</b>	<b>2013 Current</b>	<b>2014 Proposed</b>	<b>Change</b>
1-64 Gallon Container	\$10.02	\$10.45	\$0.43
1-96 Gallon Container	\$12.70	\$13.25	\$0.55
2-64 Gallon Container	\$15.40	\$16.00	\$0.60
1-64, 1-96 Gallon Container	\$18.07	\$18.80	\$0.73
2-96 Gallon Container	\$20.75	\$21.60	\$0.85
<b>Commercial Monthly Dumpster Prices</b>			
1-2 Cubic Yard - Pick-Up 1 Time Per Week	\$53.61	\$55.75	\$2.14
1-4 Cubic Yard - Pick-Up 1 Time Per Week	\$86.85	\$90.32	\$3.47
1-6 Cubic Yard - Pick-Up 1 Time Per Week	\$117.50	\$122.20	\$4.70
1-8 Cubic Yard - Pick-Up 1 Time Per Week	\$147.77	\$153.68	\$5.91

<b>Two Rivers Convention Center</b>			
<b>Facilities Rental</b>	<b>2013 Current</b>	<b>2014 Proposed</b>	<b>Change</b>
Meeting Rooms, River Rooms & Theatre	\$89-\$3,274	\$98-\$3,600	\$9-\$326
Equipment, Furniture & Staging	\$1.75-\$500	\$1.90-\$575	\$.15-\$75.00
Service Club Weekly Lunch/Person	\$12.50	\$12.50	none
Service Club Monthly Lunch/Person	\$13.00	\$13.00	none
Service Club Monthly Dinner/Person	\$17.00	\$17.00	none

<b>Parks &amp; Recreation</b>			
<b>Division-Description</b>	<b>2013 Current</b>	<b>2014 Proposed</b>	<b>Change</b>
<b>Recreation</b>			
Lincoln Park or Orchard Mesa Pool ( <i>Rental for 0-50 people</i> )	\$255/event	\$140/hour	dependent on time
Lincoln Park or Orchard Mesa Pool (Additional per person fee for 51+ people)	\$2.50/person	\$3.00/person	\$0.50
Lincoln Park Pool and Waterslide ( <i>2 hour rental for 0-50 people</i> )	\$425/event	\$225/hour	dependent on time
Lincoln Park Waterslide ( <i>Rental for 0-50 people</i> )	\$175/2 hours	\$100/hour	dependent on time
Orchard Mesa Pool and Waterslide ( <i>2 hour rental for 0-50 people</i> )	\$255/event	\$140/hour	dependent on time
Lincoln Park or Orchard Mesa Pool And Waterslide (Additional per person fee for 51+ people)	\$2.50/person	\$3.00/person	\$0.50
Annual Adult Swim Pass	\$292.25/each	\$293/each	\$0.75
Annual Family Swim Pass	\$922.75/each	\$923/each	\$0.25
Annual Senior Swim Pass	\$215.25/each	\$216/each	\$0.75
Annual Youth Swim Pass	\$215.25/each	\$216/each	\$0.75
Summer Season Adult Swim Pass	\$106.75/each	\$107/each	\$0.25
Summer Season Family Swim Pass	\$337.25/each	\$338/each	\$0.75
Summer Season Senior Swim Pass	\$78.75/each	\$79/each	\$0.25
Summer Season Youth Swim Pass	\$78.75/each	\$79/each	\$0.25
Orchard Mesa Pool Adult Swim Punch Card (non-summer, 30 punches)	\$80.70/each	\$81/each	\$0.30
Orchard Mesa Pool Senior Swim Punch Card (non-summer, 30 punches)	\$59.40/each	\$60/each	\$0.60
Orchard Mesa Pool Youth Swim Punch Card (non-summer, 30 punches)	\$59.40/each	\$60/each	\$0.60
Year Round Adult Swim Punch Card (20 punches)	\$80.80/each	\$81/each	\$0.20
Year Round Senior Swim Punch Card (20 punches)	\$59.40/each	\$60/each	\$0.60
Year Round Youth Swim Punch Card (20 punches)	\$59.40/each	\$60/each	\$0.60
Orchard Mesa Pool Water Aerobics Punch Card (12 punches)	\$43.44/each	\$44/each	\$0.56
Lincoln Park Pool Waterslide Punch Card (10 punches)	\$25/each	\$25/each	none
<b>Parks</b>			
Canyon View - game fee	\$85/game	\$95/game	\$10.00
Lincoln Park Waterslide ( <i>Rental for 0-50 people</i> )	\$175/2 hours	\$100/hour	dependent on time

<b>Division-Description</b>	<b>2013 Current</b>	<b>2014 Proposed</b>	<b>Change</b>
Damage Fees All Facilities	\$0-\$200	actual replacement costs	dependent on damages
Canyon View/Long - game fee	\$85/4 hours; \$115/8 hours; \$35/hour	\$20/hour	dependent on time
Canyon View/Long - practice fee	\$15/afternoon	\$10/hour	dependent on time
Dixson - field use	\$25/half day; \$50/full day	\$10/hour	dependent on time
Hospitality Suite - rental fee	\$300/half; \$400/full day	\$75/hour	dependent on time
Hospitality Suite - JUCO	0	0	n/a
Hospitality Suite - PIAB	\$150/half day; \$200/full day	\$37.50/hour	dependent on time
All Facilities - Lost Keys	N/A	N/A	
Lights-Canyon View/Columbine/Kronkright	\$35/hour	\$50/hour	dependent on time
Maintenance Fees All Facilities - (Clean up, Set Up, and/or Tear Down)	\$100/hour	directly billed at conclusion	dependent on event
Lincoln Park-Pickleball Courts	N/A	\$5.00/hour	new facility
Lincoln Park-Quickstart Courts	N/A	\$5.00/hour	new facility
Lincoln Park Barn	\$350/half day; \$525/full day	\$70/hour	dependent on time
All Park Shelters	\$45-\$65/4 hours	\$12.50 - \$18.75/hour	dependent on time
Canyon View Softball Fields	\$85/6 hours; \$130/6+ hours	\$35/field/hour	dependent on fields and time
Columbine Softball Fields	\$85/6 hours; \$130/6+ hours	\$20/field/hour	dependent on fields and time
Columbine - Softball Fields-extra prep fee	N/A	\$15/field/hour	for game v. practice
Kronkright Softball Fields	\$85/6 hours; \$130/6+ hours	\$20/field/hour	dependent on fields and time
Kronkright - Softball Fields-extra prep fee	N/A	\$15/field/hour	for game v. practice
Long Park	\$85/6 hours; \$130/6+ hours	\$20/field/hour	dependent on fields and time
Suplizio Stadium - Baseball game	\$105/game	\$175/game	\$70/game
Stocker Stadium - Football/Track	\$75/event Track; \$175/event Football	\$175/event	\$100/track event
Stocker/Suplizio Stadium - Non-Athletic Use	\$175/event	\$250/event	\$75/event
Tabeguache Trailhead Parking	N/A	\$15/hour	for space rental on trailhead

<b>Division-Description</b>	<b>2013 Current</b>	<b>2014 Proposed</b>	<b>Change</b>
<b>Golf</b>			
Season Ticket-Unlimited	\$415/year	\$430/year	\$15/year
Season Ticket-Limited	\$333/year	\$345/year	\$12/year
Season Ticket-Limited-Junior	\$75/year	\$75/year	none
Season Ticket-Mid-Year (after August 15th)	\$150/mid year	\$180/mid year	\$30/mid year
Cart Fee with 9 holes (per rider)	\$8/rider	\$9/rider	\$1/rider
Cart Fee with 18 holes (per rider)	\$13/rider	\$15/rider	\$2/rider
Cart punch card (20 punches)	\$230/card	\$260/card	\$30/card
Tournament Application Fee	\$60/each	\$75/each	\$15/each
Lincoln Park Green Fees-9 holes - Unlimited (with season ticket)	\$8/each	\$9/each	\$1/each
Lincoln Park Green Fees-9 holes - Limited (with season ticket)	\$8/each	\$9/each	\$1/each
Lincoln Park Green Fees-9 holes - Limited - Junior (with season ticket)	\$3/each	\$3/each	none
Lincoln Park Green Fees-18 holes - Unlimited (with season ticket)	\$13/each	\$14/each	\$1/each
Lincoln Park Green Fees-18 holes - Limited (with season ticket)	\$13/each	\$14/each	\$1/each
Lincoln Park Green Fees-18 holes - Limited - Junior (with season ticket)	\$5/each	\$5/each	none
Lincoln Park Green Fees-9 holes - Mon-Thu (without season ticket)	\$15/each	\$16/each	\$1/each
Lincoln Park Green Fees-9 holes - Mon-Thu - Junior (without season ticket)	\$7/each	\$8/each	\$1/each
Lincoln Park Green Fees-9 holes - Fri-Sun (without season ticket)	\$15/each	\$16/each	\$1/each
Lincoln Park Green Fees-9 holes - Fri-Sun - Junior (without season ticket)	\$7/each	\$8/each	\$1/each
Lincoln Park Green Fees-9 holes - CMU Student Rate (without season ticket)	\$10/each	\$11/each	\$1/each
Lincoln Park Green Fees-18 holes - Mon-Thu (without season ticket)	\$25/each	\$26/each	\$1/each
Lincoln Park Green Fees-18 holes - Mon-Thu - Junior (without season ticket)	\$12/each	\$13/each	\$1/each
Lincoln Park Green Fees-18 holes - Fri-Sun (without season ticket)	\$25/each	\$26/each	\$1/each
Lincoln Park Green Fees-18 holes - Fri-Sun - Junior (without season ticket)	\$12/each	\$13each	\$1/each
Tiara Rado Green Fees-9 holes - Unlimited (with season ticket)	\$8/each	\$9/each	\$1/each
Tiara Rado Green Fees-9 holes - Limited (with season ticket)	\$8/each	\$9/each	\$1/each
Tiara Rado Green Fees-9 holes - Limited - Junior (with season ticket)	\$3/each	\$3/each	none

<b>Division-Description</b>	<b>2013 Current</b>	<b>2014 Proposed</b>	<b>Change</b>
Tiara Rado Green Fees-18 holes - Unlimited (with season ticket)	\$13/each	\$14/each	\$1/each
Tiara Rado Green Fees-18 holes - Limited (with season ticket)	\$13/each	\$14/each	\$1/each
Tiara Rado Green Fees-18 holes - Limited - Junior (with season ticket)	\$5/each	\$5/each	none
Tiara Rado Green Fees-9 holes - Mon-Thu (without season ticket)	\$18/each	\$19/each	\$1/each
Tiara Rado Green Fees-9 holes - Mon-Thu - Junior (without season ticket)	\$7/each	\$8/each	\$1/each
Tiara Rado Green Fees-9 holes - Fri-Sun (without season ticket)	\$20/each	\$21/each	\$1/each
Tiara Rado Green Fees-9 holes - Fri-Sun - Junior (without season ticket)	\$7/each	\$8/each	\$1/each
Tiara Rado Green Fees-18 holes - Mon-Thu (without season ticket)	\$34/each	\$35/each	\$1/each
Tiara Rado Green Fees-18 holes - Mon-Thu - Junior (without season ticket)	\$12/each	\$13/each	\$1/each
Tiara Rado Green Fees-18 holes - Fri-Sun (without season ticket)	\$37/each	\$38/each	\$1/each
Tiara Rado Green Fees-18 holes - Fri-Sun - Junior (without season ticket)	\$12/each	\$13/each	\$1/each
Note: The 2014 Fees and Charges do not include any marketing specials and/or package rates that may be offered throughout the year.			

Ambulance Transport: See attached copy of Resolution No. 33-10 and the current (2013/2014) fee schedule. 2014/2015 Fees will be established by the County on or about April 1, 2014.

Transportation Capacity Payments: See attached copy of Resolution 14-13.

PASSED and ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2013.

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

Attest:

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

## RESOLUTION NO. 33-10

### A RESOLUTION AMENDING AMBULANCE FEES IN THE CITY OF GRAND JUNCTION, COLORADO AND CREATING A MECHANISM FOR THOSE FEES TO INCREASE AS INCREASES ARE APPROVED BY MESA COUNTY

#### Recitals.

In February 2006 the City Council and the Mesa County Board of Commissioners established the City as the ambulance service provider for the designated City Ambulance Service Area (ASA). The City ASA was established in accordance with Resolution 2004-220-2 (Mesa County EMS Resolution).

By and through the Mesa County EMS Resolution Mesa County regulates *inter alia* the fees that may be charged by the ambulance service providers operating in the County, including the City operating within the City ASA. The Mesa County EMS Resolution provides that ambulance transport fees are adjusted in March of each year. The adjustments are based on the National Consumer Price Index (CPI) over the most recent 12 month period.

Currently the City implements changes to its ambulance transport fees as part of its annual budget adoption in December of each year. Because the City's fees become effective early January of each year those fees are different than the County authorized fees for a period of at least nine months. That difference causes confusion and results in the City's fees being less than authorized for a majority of a year.

With this Resolution the City, by and through the Grand Junction Fire Department, will be authorized to charge the most current Mesa County ambulance transport fees at the time the fees are set and going forward the City Council authorizes the Fire Department to adjust and implement its ambulance transport fees on the schedule set by the County resolution.

The City Council does desire to review the ambulance fees during its budget deliberations and accordingly does hereby request the City Manager to provide information about the ambulance fees (such as percentage change) during the City's annual budget process. Notwithstanding such review the terms of this Resolution shall control unless or until this Resolution is amended or rescinded.

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

1. The City of Grand Junction, Grand Junction Fire Department ambulance transport fees shall be set in accordance with the fees set annually by the Mesa County EMS Resolution.

2. The ambulance transport fees for the balance of 2010 shall be increased in accordance with the following schedule (attached). The fees provided for in the schedule shall become effective immediately.

3. Fees set by prior resolution that are in conflict with this resolution are hereby repealed and all other fees not in conflict or specifically allowed shall be set in accordance with the maximum allowable rates in the Mesa County EMS Resolution.

All other terms of any other applicable resolution not modified herein shall remain in full force and effect.

PASSED AND ADOPTED this 16<sup>th</sup> day of August, 2010.

/s/: Teresa A. Coons  
President of the Council

ATTEST:

/s/: Stephanie Tuin  
City Clerk

<b>Service</b>	<b>Fee</b>
<b>Advanced Life Support (ALS)</b>	<b>\$851.00</b>
<b>Basic Life Support (BLS)</b>	<b>\$624.00</b>
<b>ALS Critical Care Transport</b>	<b>\$927.00</b>
<b>BLS Critical Care Transport</b>	<b>\$709.00</b>



Current (2013/2014) Fee Schedule:

**Mesa County Sheriff's Office**

Sheriff Stan Hilkey



Mike Hill, Mesa County System EMS Coordinator

215 Rice Street  
P.O. Box 20,000  
Grand Junction, CO. 81502

970-255-5078 Phone  
970-244-3503 Fax  
Mike.Hill@mesacounty.us

March 18, 2013

Chief Ken Watkins,  
Grand Junction Fire Protection District  
330 S. 6th Street  
Grand Junction, CO 81501

Dear Chief Watkins,

In accordance with the Mesa County EMS Resolution and it's Rules, an annual review of maximum ambulance rates has been conducted. This review was conducted in February 2013 using the most recent calendar year Consumer Price Index data (January - December 2012). This review indicated a 3.20% increase in maximum ambulance rates. The following table illustrates the CPI factors that are considered and how the increase is calculated.

CPI Factor	% Change	Ratio	Adjustment
All Items	2.0	0.2	.40
Transportation	3.1	0.4	1.24
Medical Care	3.9	0.4	1.56
		Total Adjustment	3.20

The following schedule of maximum ambulance rates becomes effective April 1, 2013.

Service	New Maximum Rate
Advanced Life Support (ALS)	\$963
Basic Life Support (BLS)	\$706
ALS Critical Care Transport	\$1049
BLS Critical Care Transport	\$802

Please feel free to contact me if you have any questions.

Sincerely,

Michael D. Hill  
Mesa County EMS System Coordinator

for Andrew Martsolf  
Mesa County Emergency Manager

**CITY OF GRAND JUNCTION, COLORADO  
RESOLUTION NO. 14-13**

**A RESOLUTION AMENDING THE DEVELOPMENT FEE SCHEDULE MODIFYING  
THE TRANSPORTATION CAPACITY PAYMENT SCHEDULE**

**RECITALS:**

Pursuant to Section 21.06.101(B)(2) Transportation Capacity Payment (TCP) and Right-of-Way Improvements shall be set by City Council. Minimally, the TCP is to be adjusted annually for inflation by Consumer Price Index for All Urban Consumers (CPI-U), Western Region, size B/C, published monthly by the United States Department of Labor. Based on CDOT Construction Index, Staff recommends the fee for commercial and industrial be increased to \$2,554 over three years.

The fees stated and described herein are found to be in an amount bearing a reasonable relationship to the cost of providing services, protecting the public and their facilities from degradation and/or exacerbation of public problems due to growth.

The City Council finds that there is a reasonable, demonstrable connection between the fees, charges and dedications and the public benefit and protection of the public health safety and welfare that is had by imposing the same on new growth and development. The community, in which the growth and development is occurring, is benefited as a whole by the receipt and expenditure of such revenues.

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

The Development Fee Scheduled is hereby amended as follows:

1. The attached Exhibit A is adopted as the Transportation Capacity Payment Schedule and replaces the previously adopted fee schedule.
2. These fee increases shall be effective April 1, 2013, April 1, 2014 and April 1, 2015.

**ADOPTED AND APPROVED THIS 6<sup>th</sup> day of March, 2013.**

ATTEST:

/s/: Bill Pitts  
President of the Council

/s/: Stephanie Tuin  
City Clerk

Exhibit A

<b>City of Grand Junction Transportation Capacity Fee Calculations</b>						
			<b>2008 FEE</b>	<b>2013 FEE</b>	<b>2014 FEE</b>	<b>2015 FEE</b>
<b>Land Use Type</b>	<b>ITE Code</b>	<b>Unit</b>				
<b>Residential</b>						
Single Family	210	Dwelling	\$2,554	\$2,554	\$2,554	\$2,554
Multi-Family	220	Dwelling	\$1,769	\$1,769	\$1,769	\$1,769
Mobile Home/RV Park	240	Pad	\$1,284	\$1,284	\$1,284	\$1,284
Hotel/Motel	310/320	Room	\$2,407	\$2,407	\$2,407	\$2,407
<b>Retail/ Commercial</b>						
Shopping Center (0-99KSF)	820	1000 SF	\$2,607	\$3,134	\$3,662	\$4,189
Shopping Center (100-249KSF)	820	1000 SF	\$2,448	\$2,943	\$3,439	\$3,933
Shopping Center (250-499KSF)	820	1000 SF	\$2,373	\$2,847	\$3,327	\$3,805
Shopping Center (500+KSF)	820	1000 SF	\$2,191	\$2,637	\$3,082	\$3,525
Auto Sales/Service	841	1000 SF	\$2,355	\$2,828	\$3,305	\$3,780
Bank	911	1000 SF	\$3,959	\$4,758	\$5,560	\$6,359
Convenience Store w/Gas Sales	851	1000 SF	\$5,691	\$6,841	\$7,994	\$9,143
Golf Course	430	Hole	\$3,704	\$4,453	\$5,203	\$5,951
Health Club	493	1000 SF	\$2,121	\$2,561	\$2,992	\$3,422
Movie Theater	443	1000 SF	\$6,584	\$7,912	\$9,245	\$10,574
Restaurant, Sit Down	831	1000 SF	\$3,203	\$3,860	\$4,511	\$5,159
Restaurant, Fast Food	834	1000 SF	\$7,173	\$8,638	\$10,093	\$11,544
<b>Office/ Institutional</b>						
Office, General (0-99KSF)	710	1000 SF	\$1,954	\$2,351	\$2,747	\$3,141
Office, General >100KSF	710	1000 SF	\$1,665	\$2,007	\$2,345	\$2,682
Office, Medical	720	1000 SF	\$5,514	\$6,631	\$7,749	\$8,862
Hospital	610	1000 SF	\$2,561	\$3,077	\$3,595	\$4,112
Nursing Home	620	1000 SF	\$717	\$860	\$1,005	\$1,149
Church	560	1000 SF	\$1,220	\$1,471	\$1,719	\$1,967
Day Care Center	565	1000 SF	\$2,547	\$3,058	\$3,573	\$4,086
Elementary/Sec. School	520/522/530	1000 SF	\$398	\$478	\$558	\$639
<b>Industrial</b>						
Industrial Park	130	1000 SF	\$1,155	\$1,395	\$1,630	\$1,864
Warehouse	150	1000 SF	\$823	\$994	\$1,161	\$1,328
Mini-Warehouse	151	1000 SF	\$288	\$344	\$402	\$460