

RESOLUTION NO. 81-03

Series of 2003

A RESOLUTION CALLING A SPECIAL ELECTION IN THE CITY OF GRAND JUNCTION, COLORADO CONCERNING THE ISSUANCE OF BONDS TO FINANCE THE RIVERSIDE PARKWAY; AND PROVIDING OTHER DETAILS RELATING THERETO

WHEREAS, the City of Grand Junction, in the County of Mesa and State of Colorado (the "City"), is a home rule municipal corporation duly organized and existing under laws of the State of Colorado and the City Charter (the "Charter"); and

WHEREAS, the members of the City Council of the City (the "Council") have been duly elected and qualified; and

WHEREAS, the Council hereby finds and determines that it is in the public interest to finance the construction of the Riverside Parkway in the City and that it is necessary to issue bonds for such purpose; and

WHEREAS, Article X, Section 20 of the Constitution ("TABOR") requires voter approval for incurring debt, the creation of any tax, and for spending certain moneys above limits established by TABOR; and

WHEREAS, TABOR requires the City to submit ballot issues (as defined in TABOR) to the City's electors on limited election days before action can be taken on such ballot issues; and

WHEREAS, November 4, 2003, is one of the election dates at which ballot issues may be submitted to the City's electors pursuant to TABOR; and

WHEREAS, the County Clerk of Mesa County (the "County Clerk") is conducting a coordinated election on November 4, 2003, pursuant to Section 1-7-116, C.R.S.

WHEREAS, the Council is of the opinion that the City should seek voter approval to issue debt for the purposes provided in this resolution; and

WHEREAS, it is necessary to set forth certain procedures concerning the conduct of the election.

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

Section 1. All actions heretofore taken (not inconsistent with the provisions of this resolution) by the City and the officers thereof, directed towards the election and the objects and purposes herein stated are hereby ratified, approved and confirmed. Unless otherwise defined herein, all terms used herein shall have the meanings defined in Section 1-1-104, C.R.S., and TABOR.

Section 2. Pursuant to the Uniform Election Code and all other applicable laws of the State of Colorado, the Council hereby determines that an election shall be held on November 4, 2003, at which there shall be submitted to the registered electors of the City the question set forth in Section 3. hereof. The City shall participate in the coordinated election being conducted by the County Clerk on November 4, 2003. The officers of the City are authorized to enter into an intergovernmental agreement with the County Clerk pursuant to Section 1-7-116 of the Uniform Election Code. Any such intergovernmental agreements heretofore entered into in connection with the Election are hereby ratified, approved and confirmed.

Section 3. The Council hereby authorizes and directs the designated election official to certify to the County Clerk, on or before September 10, 2003, the ballot issue in substantially the form of the following question:

“SHALL CITY OF GRAND JUNCTION DEBT BE INCREASED \$80,000,000, WITH A REPAYMENT COST OF \$134,000,000 (WITHOUT ANY INCREASE OF ANY EXISTING TAXES AND WITHOUT IMPOSING ANY NEW TAXES) TO PROVIDE FINANCING FOR THE PURPOSE OF ACCELERATING AND COMPLETING ROAD IMPROVEMENTS KNOWN AS THE RIVERSIDE PARKWAY (FROM 24 RD. TO 29 RD.) AND THE 29 ROAD TRANSPORTATION CORRIDOR AND PAYING COSTS OF THE FINANCING, INCLUDING RESERVES; PROVIDED THAT THE SPECIFIC TERMS OF THE DEBT, INCLUDING A PROVISION FOR EARLY REPAYMENT WITH OR WITHOUT A PREMIUM, AND THE PRICE AT WHICH IT WILL BE SOLD SHALL BE DETERMINED BY THE CITY AS NECESSARY AND PRUDENT?”

Section 4. The Council hereby appoints the City Clerk as the designated election official for purposes of performing acts required or permitted by law in connection with the election. Pursuant to Section 1-1-111(2), C.R.S., all powers and authority granted to the Council may be exercised by the designated election official, including but not limited to the power to appoint election judges.

Section 5. If a majority of the votes cast on the question to authorize the bonds submitted at the election shall be in favor of issuance of the bonds as provided in such question, the City acting through the Council shall be authorized to proceed with the necessary action to issue the bonds in accordance with such question. Any authority to issue the bonds, if conferred by the results of the election, shall be deemed and considered a continuing authority to issue the bonds so authorized at any one time, or from time to time, and neither the partial exercise of the authority so conferred, nor any lapse of time, shall be considered as exhausting or limiting the full authority so conferred

Section 6. The officers of the City are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this resolution.

Section 7. If any section, paragraph, clause or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall in no manner affect any remaining provisions of this resolution, the intent being that the same are severable.

Section 8. All resolutions or parts of resolutions inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any resolution or part of any resolution heretofore repealed.

INTRODUCED, READ, APPROVED AND ADOPTED September 3, 2003.

/s/ Jim Spehar
President of the Council

ATTEST:

/s/ Stephanie Tuin
City Clerk

STATE OF COLORADO)
)
COUNTY OF MESA) SS.
)
CITY OF GRAND JUNCTION)

I, the City Clerk of the City of Grand Junction, Colorado, do hereby certify

1. That the foregoing pages are a true, perfect and complete copy of the Resolution adopted by the City Council constituting the governing board of the City of Grand Junction (the ‘City Council’), had and taken at an open, regular meeting of the City Council held at the City Hall, in Grand Junction, Colorado, on September 3 2003, convening at the hour of 7:30 p.m. as recorded in the regular book of official records of the proceedings of said City of Grand Junction kept in my office.

2. That the Resolution was read by title, duly moved and seconded and the Resolution was approved by a vote of 7 to 0 of the members of the City Council, as follows:

Those Voting Yes: Councilmember Dennis Kirtland
Councilmember Bill McCurry
Councilmember Gregg Palmer
Councilmember Harry Butler
Councilmember Cindy Enos-Martinez
Councilmember Bruce Hill
President of the Council Jim Spehar

Those Voting No: None

Those Abstaining: None

Those Absent: None

3. Notice of the meeting of September 3 2003, in the form attached hereto as Exhibit A was posted at the City Hall, not less than 24 hours prior to each meeting in accordance with law.

WITNESS my hand and the seal of said City affixed this September 4th, 2003.

/s/ Stephanie Tuin

City Clerk

(SEAL)

EXHIBIT A

**GRAND JUNCTION CITY COUNCIL
CITY HALL AUDITORIUM, 250 NORTH 5TH STREET
AGENDA**

WEDNESDAY, SEPTEMBER 3, 2003, 7:30 P.M.

CALL TO ORDER

Pledge of Allegiance

Invocation – Pastor Jim Hale, Spirit of Life Christian Fellowship

PRESENTATION OF CERTIFICATES OF APPOINTMENT

TO REAPPOINTED MEMBER OF THE URBAN TRAILS COMMITTEE

PROCLAMATIONS / RECOGNITIONS

"HABITAT FOR HUMANITY IN MESA COUNTY" WEEK

SCHEDULED CITIZEN COMMENTS

***** CONSENT CALENDAR ***[®]**

1. **Minutes of Previous Meetings** **Attach 1**
Action: Approve the Summary of the August 18, 2003 Noon Workshop, the August 18, 2003 Workshop and the Minutes of the August 20, 2003 Regular Meeting

2. **Setting a Hearing on Zoning the Antietam Annexation Located at 260 & 262 26 ¼ Road** [File #ANX-2003-122] **Attach 2**

The Antietam Annexation consists of 9.146 acres of land that is located at 260 & 262 26 ¼ Road and currently consists of two (2) parcels of unplatted land that each contain a single family home. The petitioner's intent is to annex and then develop the property as a 25 lot residential subdivision with a density of less than four (4) dwelling units per acre.

Proposed Ordinance Zoning the Antietam Annexation to Residential Single Family – 4 (RSF-4) Located at 260 & 262 26 ¼ Road

Action: Introduction of Proposed Ordinance and Set a Hearing for September 17, 2003

Staff presentation: Scott D. Peterson, Associate Planner

3. **Setting a Hearing on Zoning the Elliott Annexation Located at 3082 D ½ Road** [File #ANX-2003-156] **Attach 3**

Introduction of a proposed zoning ordinance to zone the Elliott Annexation, a parcel of 1.1551 acres, located at 3082 D ½ Road to RMF-5, Residential Multi-family not to exceed 5 du/ac.

Proposed Ordinance Zoning the Elliott Annexation to RMF-5 Located at 3082 D ½ Road

Action: Introduction of Proposed Ordinance and Set a Hearing for September 17, 2003

Staff presentation: Senta Costello, Associate Planner

4. **Setting a Hearing on the Holton Annexation Located at 641 29 ½ Road** [File #ANX-2003-169] **Attach 4**

The 6.2142 acre Holton Annexation is located at 641 29 ½ Road. The applicant is requesting annexation into the City and a zone district of RMF-5, Residential Multi-family not to exceed 5 units per acre.

a. **Referral of Petition, Setting a Hearing and Exercising Land Use Jurisdiction**

Resolution No. 80-03 – A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation, and Exercising Land Use Control, Holton Annexation Located at 641 29 ½ Road

®Action: Adopt Resolution No. 80-03

b. **Setting a Hearing on Proposed Ordinance**

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Holton Annexation, Approximately 6.2142 Acres, Located at 641 29 ½ Road

Action: Introduction of Proposed Ordinance and Set a Hearing for October 15, 2003

Staff presentation: Lisa E. Cox, Senior Planner

5. **Setting a Hearing on Vacating a Portion of the Right-of-Way for 24 ¾ Road** **Attach 5**
[File #VR-2003-162]

The petitioner is requesting approval of vacation of a portion of the dedicated right-of-way for 24 ¾ Road, located between River Road and the Blue Heron Trail. The Planning Commission reviewed the request on August 26, 2003, and recommended approval of the vacation to the City Council.

Proposed Ordinance Vacating a Portion of the 24 ¾ Road Right-of-Way Located Between River Road and the Blue Heron Trail

Action: Introduction of Proposed Ordinance and Set a Hearing for September 17, 2003

Staff presentation: Pat Cecil, Development Services Supervisor

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

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

6. **Bid Approvals** (Items a and b may be awarded under one motion)

a. **2003 Curb, Gutter and Sidewalk Replacement** **Attach 6**

Bids were received and opened on August 19, 2003 for the 2003 Curb, Gutter and Sidewalk Replacement. The low bid was submitted by Vista Paving Corporation in the amount of \$136,104.50.

Action: Authorize the City Manager to Execute a Construction Contract for the 2003 Curb, Gutter and Sidewalk Replacement to Vista Paving Corporation in the Amount of \$136,104.50

Staff presentation: Tim Moore, Public Works Manager

b. **North Terrace Drive Sewer Improvement District** **Attach 7**

Award of a construction contract for North Terrace Drive Sewer Improvement District to MA Concrete Construction in the amount of \$104,596.00. Since this district is in the unincorporated area, this award is contingent upon the County Commissioners forming the sewer improvement district on September 4, 2003.

Action: Authorize the City Manager to Execute a Construction Contract for the North Terrace Drive Sewer Improvement District to M.A. Concrete Construction

in the Amount of \$104,596.00 Contingent on the Formation of the District by the Mesa County Board of County Commissioners

Staff presentation: Mark Relph, Public Works and Utilities Director

7. **Setting a Bond Election for the Riverside Parkway** **Attach 8**

This project has been worked on by the Public Works staff, consultants, and a citizens' advisory group for several years. The project is needed to reduce current and projected traffic congestion along the I-70 business loop and other through-town corridors. The bonds are to be repaid from the City's General Fund Revenues and are expected to be repaid from Sales and Use Taxes of the City's General Fund and Sales Tax Capital Improvement Fund.

Resolution No. 81-03 – A Resolution Calling a Special Election in the City of Grand Junction, Colorado Concerning the Issuance of Bonds to Finance the Riverside Parkway; and Providing Other Details Relating Thereto

®Action: *Adopt Resolution No. 81-03*

Staff presentation: Ron Lappi, Administrative Services Director
Mark Relph, Public Works and Utilities Director

8. **Intergovernmental Agreement with Mesa County for Participating in the November 4, 2003 Coordinated Election** **Attach 9**

Approve an Intergovernmental Agreement with the Mesa County Clerk for the City to participate in the Coordinated Election scheduled for November 4, 2003. The City is placing a bond question for the construction of the Riverside Parkway from 24 Road to 29 Road on the ballot.

Action: *Authorize the City Clerk as the Designated Election Official to Sign the Intergovernmental Agreement with Mesa County Clerk and Recorder to Allow Participation in the 2003 Coordinated Election*

Staff presentation: Stephanie Tuin, City Clerk

9. **Public Hearing – Lutheran Church Rezone, Located at 628 26 ½ Road and a Portion of 632 26 ½ Road** [File #RZ-2003-096] **Attach 10**

Petitioner is requesting to rezone approximately 2.37 acres from PD (Planned Development) (.59 acres) and RSF-1 (Residential Single Family not to exceed 1 du/ac) (1.78 acres) to R-O (Residential Office).

Ordinance No. 3570 – An Ordinance Rezoning the Property Known as Lutheran Church Located at 628 26 ½ Road and a Portion of 632 26 ½ Road to R-O

Action: Hold a Public Hearing, Consider Final Passage and Final Publication of Ordinance No. 3570

Staff presentation: Senta Costello, Associate Planner

10. **Public Hearing – Grand Valley Circulation Plan B ¾ Road Revision (Formerly the Major Street Plan)** [File #PLN-2003-129] **Attach 11**

District Map or an Amendment to the adopted Grand Valley Circulation Plan (Formerly the Major Street Plan) changing the classification of B ¾ Road (from 28 ½ Road to 29 Road) from Residential Collector to Local Road. This proposed amendment to the Grand Valley Circulation Plan reflects a downgrade in street classification due to a reduction in projected traffic volumes with the realignment of UnawEEP Avenue and the reconfiguration of a number of local streets with the proposed UnawEEP Heights Subdivision. The applicant for the UnawEEP Heights Subdivision requests and supports this change in roadway classification. City of Grand Junction Planning Commission recommends approval of this amendment. Mesa County Planning Commission approved this amendment.

Resolution No. 82-03 – A Resolution Amending the Grand Valley Circulation Plan by Changing the Classification of B ¾ Road (From 28 ½ Road to 29 Road) from Residential Collector to Local Road

®Action: Adopt Resolution No. 82-03

Staff presentation: Mark Relph, Public Works and Utilities Director

11. **Public Hearing – Amendments to Wastewater Regulations** **Attach 12**

Amendments to Section 4, System Expansion, as discussed by the City Council and Board of County Commissioners at their Joint Persigo meeting of July 10, 2003. (This is the “variance” section.) The text incorporate the items agreed to between the Council and the Commissioners. There are also several minor housekeeping amendments.

Resolution No. 83-03 – A Joint Resolution of the City Council of the City of Grand Junction and the Board of County Commissioners of Mesa County Amending the Wastewater Regulations, Section 4, System Expansion

®Action: Adopt Resolution No. 83-03

Staff presentation: Mark Relph, Public Works and Utilities Director

12. **Intergovernmental Agreement with Mesa County for a Parking Garage in the 500 Block of White Avenue** **Attach 13**

City Council consideration of an agreement between the City and Mesa County for the joint ownership and construction of an employee parking garage located in the 500 block of White Avenue.

Action: Authorize the City Manager to Sign an Agreement with Mesa County to Purchase a Portion of the Land, Share in the Construction Costs (40%) in Return for 40% of the Parking Spaces (82) and Joint Ownership & Operation of the Parking Structure

Staff presentation: Mark Relph, Public Works and Utilities Director

13. **NON-SCHEDULED CITIZENS & VISITORS**

14. **OTHER BUSINESS**

15. **ADJOURNMENT**