

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

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

CALL TO ORDER

Pledge of Allegiance

Invocation - Pastor Zeke Leija, Zion Assembly of God Church

PRESENTATION OF CERTIFICATES OF APPOINTMENT

FORESTRY BOARD

PROCLAMATIONS

PROCLAIMING DECEMBER 15 AS "BILL OF RIGHTS DAY" IN THE CITY OF GRAND JUNCTION

SCHEDULED CITIZENS COMMENTS

FINAL ELECTION RESULTS

PRESENTATION OF FINAL CERTIFICATE OF VOTES CAST FOR NOVEMBER, 2003 ELECTION

***** CONSENT CALENDAR ***®**

1. **Minutes of Previous Meetings**

[Attach 1](#)

Action: Approve the Summary of the November 17, 2003 Noon Workshop, November 17, 2003 Workshop and the Minutes of the November 19, 2003 Regular Meeting

2. **Setting a Hearing on Zoning the Washington Annexation Located at 287**

Coulson Drive [File # ANX-2003-200]

[Attach 2](#)

The Washington Annexation is comprised of one parcel of land of 1.317 acres and includes UnawEEP Avenue, Coulson Drive and Capitol Lane rights-of-way. The petitioner is requesting a zone of Residential Single Family with a density not to exceed four units per acre (RSF-4), which conforms to the Growth Plan Future

Land Use Map. Planning Commission recommended approval at its November 25, 2003 meeting.

Proposed Ordinance Zoning the Washington Annexation to Residential Single Family with a Density not to Exceed Four Units Per Acres (RSF-4) Located at 287 Coulson Drive

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

Staff presentation: Ronnie Edwards, Associate Planner

3. **Vacation of a Portion of a 7' Utility Easement Located 2110 Barberry Avenue** [File # VE-2002-248] [Attach 3](#)

The petitioner wishes to vacate a portion of a 7' Utility Easement (3' x 15.5' or 46.5 sq. ft.) located along the east property line of Lot 10, Block 4, Spring Valley, Filing Two, in order to accommodate the relocation of a detached patio cover in the back and side yard. The Planning Commission recommended approval at its November 25, 2003 meeting.

Resolution No. 110-03 - A Resolution Vacating a Portion of a 7' Wide Utility Easement Lying Along the East Property Line of Lot 10, Block 4, Spring Valley, Filing Two Known As: 2110 Barberry Avenue

®Action: Adopt Resolution No. 110-03

Staff presentation: Scott D. Peterson, Associate Planner

4. **Sole Source Purchase of Rain Bird Maxicom Controllers for Irrigation Systems** [Attach 4](#)

Sole Source purchase of Rain Bird Maxicom Controllers for 2004. The Parks Department currently has several parks with individual automated site based irrigation systems. These systems will be converted to the centralized Maxicom software program that is currently in operation at the Lincoln Park central irrigation control system. The Rain Bird Maxicom brand is the only compatible controller and Grand Junction Pipe and Supply is the only authorized Rain Bird distributor for this area.

Action: Authorize the Purchasing Department Senior Buyer to Issue Purchase Orders to Grand Junction Pipe and Supply in the Estimated Amounts of \$47,800.00 Contingent on Final 04 Budget Approval for Rain Bird Maxicom Controllers

Staff presentation: Don Hobbs, Assistant Parks Director

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

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

5. **Utility Rate Changes for 2004** [Attach 5](#)

Proposal to change utility rates for Wastewater and Water Services Effective January 1, 2004. 68% of City water customers will see a decrease in their water rates and sewer rates are increasing by 5%. Irrigation charges for the Ridges will not change for 2004 and trash rates will not change for 2004.

Resolution No. 111-03 – A Resolution to Adopt Utility Rates for Wastewater and Water Services Effective January 1, 2004

®Action: *Adopt Resolution No. 111-03*

Staff presentation: Greg Trainor, Utilities Manager

6. **2004 – 2005 Fees & Charges Policy for the Parks and Recreation Department** [Attach 6](#)

The Parks & Recreation Advisory Board is recommending that the City Council pass a resolution adopting the 2004 & 2005 Parks & Recreation Fees & Charges Policy. Additionally, it is also recommended that the City Council adopt the 2004-2005 Fees & Charges Policy for Two Rivers Convention Center and the Avalon Theatre.

Resolution No. 112-03 – A Resolution Establishing the 2004 – 2005 Fees and Charges Policy for the Grand Junction Parks and Recreation Department

®Action: *Adopt Resolution No. 112-03*

Staff presentation: Joe Stevens, Parks and Recreation Director

7. **Levying Property Taxes for the Year 2003 for Collection in the Year 2004**

[Attach 7](#)

The resolutions set the mill levies of the City of Grand Junction (City), Ridges Metropolitan District #1, Grand Junction West Water and Sanitation District (GJWWSD), and the Downtown Development Authority (DDA). The City and DDA mill levies are for operations, the others are for debt service only. The City is also establishing a temporary credit mill levy for the General Fund for the purpose of refunding revenue collected in 2002 in excess of the limitations set forth in the Tabor Amendment, Article X, Section 20 of the Colorado Constitution. The temporary credit is pursuant to CRS 39-5-121- (SB 93-255). The City will levy a temporary credit of 0.630 mills for the purpose of refunding \$320,273.

- a. Resolution No. 113-03 – A Resolution Levying Taxes for the Year 2003 in the City of Grand Junction, Colorado
- b. Resolution No. 114-03 – A Resolution Levying Temporary Credit Taxes for the Year 2003 in the City of Grand Junction, Colorado
- c. Resolution No. 115-03 – A Resolution Levying Taxes for the Year 2003 in the City of Grand Junction, Colorado, Downtown Development Authority
- d. Resolution No. 116-03 – A Resolution Levying Taxes for the Year 2003 in the Ridges Metropolitan District a Part of the City of Grand Junction, Colorado
- e. Resolution No. 117-03 – A Resolution Levying Taxes for the Year 2003 the Grand Junction West Water and Sanitation District a Part of the City of Grand Junction, Colorado

®Action: *Adopt Resolutions No. 113-03, 114-03, 115-03, 116-03 and 117-03*

Staff presentation: Ron Lappi, Administrative Services and Finance Director

8. **Public Hearing - 2004 Annual Appropriation**

[Attach 8](#)

The total appropriation for all thirty-four accounting funds budgeted by the City of Grand Junction (including the Ridges Metropolitan District, Grand Junction West Water and Sanitation District, and the Downtown Development Authority) for the fiscal year beginning January 1, 2004 is \$115,484,715. Although not a planned expenditure, an additional \$2,500,000 is appropriated as a emergency reserve in the General Fund pursuant to Article X, Section 20 of the Colorado Constitution.

- a. **Appropriation Ordinance**

Ordinance No. 3587 - An Ordinance Appropriating Certain Sums of Money to Defray the Necessary Expenses and Liabilities of the City of Grand Junction, Colorado, the Ridges Metropolitan District, and the Grand Junction West Water and Sanitation District for the Year Beginning January 1, 2004 and Ending December 31, 2004

®Action: *Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3587*

b. Budget Resolution

Resolution No. 118-03 - A Resolution Adopting the Budget for the Purpose of Defraying the Expenses and Liabilities for the Fiscal Years Ending December 31, 2004 and 2005

®Action: *Adopt Resolution No. 118-03*

Staff presentation: Ron Lappi, Administrative Services and Finance Director

9. **Designating Property Tax Revenue for Neighborhood Improvements**

[Attach 9](#)

A resolution for the City Council consideration that declares the Council's intent to annually commit the growth in property taxes to support neighborhood capital improvements and operating costs of neighborhoods beginning in 2006.

Resolution No. 119-03 - A Resolution Declaring the Intent of the City Council of the City of Grand Junction to Designate a Portion of the Annual Property Tax Revenue of the City for Capital Improvements and Operational Costs of Neighborhood Improvements Beginning with Biennial Budget for 2006 and 2007

®Action: *Adopt Resolution No. 119-03*

Staff presentation: Kelly Arnold, City Manager
Ron Lappi, Administrative Services and Finance Director

10. **Public Hearing - Bond Ordinance for Community Hospital**

[Attach 10](#)

This is an ordinance authorizing the issuance of \$3,420,000 of hospital revenue refunding bonds on behalf of Community Hospital.

Ordinance No. 3588 - An Ordinance Authorizing the Issuance and Sale of \$3,420,000 Hospital Revenue Refunding Bond (Community Hospital Project)

Series 2004 of the City of Grand Junction, Colorado for the Purpose of Refunding all of the Outstanding City of Grand Junction, Colorado Hospital Revenue Refunding and Improvement Bonds (Community Hospital Corporation Project) Series 1993; Approving and Authorizing Execution of a Financing Agreement and Escrow Agreement with Respect to the Bond; Making Findings and Determinations with Respect to the Refunding Project and the Bond; Authorizing the Execution and Delivery of Related Documents; and Repealing all Action Heretofore Taken in Conflict Herewith

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3588

Staff presentation: Ron Lappi, Administrative Services and Finance Director

11. **Public Hearing – Amending the Barking Dog Ordinance** [Attach 11](#)

Changes are made to the elements for the prosecution of an owner who has failed to prevent a dog from disturbing the peace of another, warning requirements have been eliminated, and penalties have been increased for a first and second offense for violating any section of Article III of Chapter 6 of the Code of Ordinances.

Ordinance No. 3589 - An Ordinance Repealing and Reenacting Section 6-61 of the Code of Ordinances (“Code”) Concerning an Owner’s Failure to Prevent a Dog From Disturbing the Peace and Quiet of Another, Repealing and Reenacting Section 6-68 of the Code Establishing the Penalties for Violating any Article of Section 6 of Chapter 6 of the Code, and Repealing Certain Ordinances in Conflict with the Amendments

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3589

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

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

13. **OTHER BUSINESS**

14. **EXECUTIVE SESSION**

[Attach 12](#)

- a. FOR DISCUSSION OF PERSONNEL MATTERS UNDER C.R.S. 24-6-402(4)(f)(I) RELATIVE TO CITY COUNCIL EMPLOYEES.
- b. TO CONFER WITH AND RECEIVE LEGAL ADVICE FROM THE CITY ATTORNEY REGARDING STRATEGIES ABOUT AND OUR POSITIONS RELATIVE TO THE STORM WATER MASTER PLAN UNDER SECTION 402 (4)(b) OF THE OPEN MEETINGS LAW.

15. **ADJOURNMENT**

Attach 1

Summary of November 17, Noon and November 17 Workshop and Minutes of the November 19, 2003 Regular Meeting

GRAND JUNCTION CITY COUNCIL ADDITIONAL WORKSHOP SUMMARY

November 17, 2003

The City Council of the City of Grand Junction, Colorado met on Monday, November 17, 2003 at 11:40 a.m. in the Administration Conference Room, 2nd Floor, City Hall, 250 N. 5th Street to discuss workshop items. Those present were Councilmembers Cindy Enos-Martinez, Bruce Hill, Dennis Kirtland, Bill McCurry, Gregg Palmer and President of the Council Pro Tem Harry Butler. President of the Council Jim Spehar was absent.

Summaries and action on the following topics:

1. **BROWNFIELDS GRANTS:** This grant program is specifically for survey and cleanup of properties that are considered difficult to redevelop due to environmental contamination. City Manager Kelly Arnold advised that several projects have been considered for these grants but with a December 4 deadline they are not ready to go forward at this time. He suggested that Council authorize Assistant City Manager David Varley and Public Works and Utilities Director Mark Relph put together a plan for next year's application.

Action summary: Council approved of the City Manager's recommendation and encouraged consideration of projects relative to the Riverside Parkway.

2. **CDOT ENHANCEMENT GRANT PROJECTS:** Staff had prepared a list of potential projects for the local government enhancement funds for the years 2006, 2007, and 2008 and asked Council to designate what projects should be contained in the application. The list of projects included a bicycle lane/shoulder widening on Monument Road which was supported by several letters, the continuation of streetscaping south along 7th Street and along Colorado Avenue, a trail along Duck Pond Park in Orchard Mesa, Riverfront Trail Parking and an expansion of Riverside Park. Once the City Council and the County decide what projects to apply for, CDOT will evaluate whether the projects qualify. Then those that qualify will be submitted to the RTPO to prioritize and program in. There is only so much funding and Fruita and Palisade can also submit projects.

Action summary: The City Council recommended that the City apply for the 7th Street improvements and that the County apply for funding for the Monument Road bike lane and shoulder widening. City Manager Arnold offered to present this idea to the County and the formal resolution will be brought back to Council on December 3.

3. **WALKER FIELD AIRPORT AUTHORITY IGA:** The proposed intergovernmental agreement provides a basis of understanding for the placement of three detention basins on the airport property. Public Works and Utilities Director Mark Relph explained that the intergovernmental agreement has been in negotiations but there are still two unresolved issues with the Airport Board. The first issue is the methodology and authority in dealing with wildlife on the runway. A detention pond may attract more wildlife and the Airport Board wants to determine the necessity for mitigation and make the City responsible for dealing with it. The second issue is the permanency of the agreement. It is the City's intent to make the detention area oversized so that the Airport can use the extra capacity to fulfill requirements needed for future development. However, the Airport Board desires a shorter term (25 years) and the option of having the City remove the basins and reclaim them so the Airport can have the areas for future development. Public Works and Utilities Director Mark Relph stated that the design of the detention basins is complete and he is ready to award the bid contingent on the agreement being finalized.

Action summary: The Council supported the Staff position on wildlife and the term of the agreement. It was suggested that a "Wildlife Board" be created consisting of a Councilmember, an Airport board member and a technical expert to resolve wildlife issues. City Manager Arnold stated he would communicate that to the Airport Board and staff. The Public Works and Utilities Director was authorized to go forward with the award contingent on the agreement being finalized.

Adjourn

The meeting adjourned at 12:40 p.m.

**GRAND JUNCTION
CITY COUNCIL WORKSHOP SUMMARY
AND SPECIAL MEETING MINUTES**

November 17, 2003

The City Council of the City of Grand Junction, Colorado met on Monday, November 17, 2003 at 7:03 p.m. in the City Hall Auditorium to discuss workshop items. Those present were Cindy Enos-Martinez, Bruce Hill, Dennis Kirtland, Bill McCurry, Gregg Palmer and President of the Council Pro Tem Harry Butler. Council President Jim Spehar entered at 7:11 p.m. and presided over the rest of the meeting.

Summaries and action on the following topics:

1. **UPDATE FROM YOUTH COUNCIL:** Members of the Youth Council presented the results of their work so far and asked the City Council for their input. Heather Ahuero, Chair of the newly formed Youth Council, presented the entire membership of the City Youth Council (CYC). Each member introduced themselves. Councilmember Enos-Martinez inquired how input would be solicited from other students. Ms. Ahuero explained that the CYC will be talking to various groups. Anyone is invited to their meetings. Councilmember Kirtland asked where they would be holding their meetings. Ms. Ahuero said in the Community Room at Mesa Mall. They will use school newspapers to advertise their activities.

Action summary: Councilmembers were pleased with their progress and their activities so far. Council President Spehar asked the CYC to participate in the task force against underage drinking. He asked that they keep an eye on the Council agenda and if they see something that is of interest to approach Council. Their teachers and sponsors were thanked for their hard work.

2. **UTILITIES IN RIGHT-OF-WAY ORDINANCE UPDATE:** Public Works and Legal Staff updated Council on the status of the ordinance regulating utilities in the City's rights-of-way. Public Works Manager Tim Moore introduced the discussion and the purpose of the ordinance. In the future, more infrastructure will probably have to be placed in the rights-of-way so planning for the future by regulating the placement of such utilities in the rights-of-way would be wise. The ordinance also sets forth the process and the method utilities will be placed in the rights-of-way. For example, boring is preferred over street cuts. The ordinance requires at least one annual meeting when all providers get together to talk about upcoming projects and identify conflicts and opportunities. There will be benefits to those providers that attend the meeting and some penalties to those that do not. Upsizing may be required in certain corridors for future joint use.

There is currently a State Statute that requires utility companies to locate their utilities underground. The City has experienced instances in the CSEP project where, when utilities are located, both vertically and horizontally prior to the design of the project, it really helps. Requiring locations in that detail is a new concept. This requirement will cost the providers. The City said they spent 1% of the construction cost to have contractors out to locate these utilities by “potholing” but it has saved an enormous amount. The plan is to use the State requirement for the horizontal locates and then during the design phase if a potential conflict is identified, more specific locates will be required.

Council President Spehar asked if some of the delays on 29 Road were caused by just this type of conflicts in locates. Mr. Moore said yes and also on the Independent Avenue project. No other municipality is requiring this but the City does not feel they are outside the authority of the law to require such. The ordinance does provide some incentives to utility companies that cooperate.

Another provision will require relocation of utilities if needed for a project.

Cost allocation is addressed in the ordinance. Many times the City purchases the right-of-way and this ordinance would allow allocation of the cost of that right-of-way to the users.

If the proposal were adopted, it would be reviewed after a year and a summary of its practice taken to the City Council.

Councilmember Hill asked about the process of crafting the ordinance and if the one year time frame is in the ordinance. Mr. Moore said the time frame is not in the ordinance. The drafting of the ordinance has culminated after several months of meeting with many of the utility providers, irrigation companies, contractors, fiber optics companies and any other affected party.

City Attorney Dan Wilson summarized the rationale and the legal premises. The Supreme Court has carved out a special niche for local governments because roads are so essential. The regulation of right-of-way is a police power as long as telecommunication companies are not discriminated against. There are two costs, one is a rental fee, “Franchise fee”, and the other is the cost of maintaining the right-of-way. The suit of *Denver v. Qwest* prevents the “rental fee”, but instead the fee being charged, it will be an apportioned cost of additional right-of-way. The provider has the option of obtaining the right-of-way themselves.

Councilmember Hill asked if the providers are required to use the City's acquired right-of-way. Mr. Wilson said the current proposal does require that.

Attendance at the annual planning meeting results in a number of relaxed requirements. The meeting already occurs, the ordinance formalizes it. State Law requires location of utilities within 18 inches on a horizontal plane. Technology now allows a much more accurate location. A home rule municipality can impose additional requirements; the proposal is to locate within three inches. Accurate location will be required from now on but there will be a twenty-year transition.

The security section may be reversed as most of the providers are known and federally or state franchised.

The City Council will act as the appeal body and may require the Council to develop more expertise in this field.

The Council took a recess at 8:55 p.m. The meeting reconvened at 9:02 p.m.

Council President Spehar asked for comments from the public.

Larry Cleaver, Ute Water, said the ordinance would cost Ute Water around \$500,000 to implement. He presented his detailed comments in writing. He was totally opposed to the ordinance. He said it will not only affect utility companies but also every homeowners association. He met with Mr. Moore and Mr. Wilson and they didn't listen to his comments. He wants the City to be held to the same standards.

John Ballaugh, Grand Valley Drainage District, supported the adoption generally but felt there are some deficiencies in the ordinance as proposed. He said there are more reasonable models. He feels the City should be held to the same standards. He suggested giving the utilities the choice to secure their own easements.

Wade Haerle, Xcel Energy, said he understands the issue. He has no answer but an idea of the franchise holder perspective. He outlined the fees and the requirements of the franchise. This ordinance may cause Xcel to lose some of their half of the bargain. They want the option to own their own right-of-way. The emergency clause needs a stricter definition; they have the ability and authority to determine the emergency. The City paying the cost of locates would make the City more responsible. He suggested that the City allow review time.

Jack Broughton, Grand Valley Power general manager, expressed the same concerns as Xcel regarding franchise concerns. Any additional cost will be passed on to the consumers. Regarding the mandatory meeting, GVP doesn't really have planned projects, they just estimate the amount of work they will have, and therefore need some flexibility. The company is in favor the locates, but are not sure of the accuracy requirements.

Gale Lyman, Western Colorado Contractors Association, said the information that the City is trying to require would help tremendously in construction, and the ordinance concept is very good. He thought it will take some tweaking over the next year or so but he is in support of the ordinance.

Dick Proctor, manager, Grand Valley Water Users Association, stated he was not aware of the proposal until last Friday. GVVUA is the managing entity of the Grand Valley project, which is a federal irrigation project. They have no need to construct new lines, all lines are in place. Facilities that will be affected are the laterals in the north part of the City. The easements are there and in place, and they will not relocate easements. It is challenging to maintain the facilities in the urban area; the City has taken over and limited the company's ability to maintain their facilities. A quasi-public entity, the company delivers raw irrigation water and does not fall under the City's jurisdiction. If a street or City facility goes over an irrigation line, then the City is required to maintain the facility. The company is only responsible to the head gate. He asked that irrigation providers be removed from the provisions of the ordinance

Rita Crumpton, Orchard Mesa Irrigation District, agreed with Mr. Proctor. She was just made aware of this. She asked that irrigation companies be exempted. All their easements are in place, and they won't be moving the canal. Many of the laterals belong to homeowners. It appears the City is exempt from the ordinance.

Mike Dulliner, Skyline Contractors, said the potholing done on the CSEP project was very beneficial and thinks working things out prior to design is a good idea.

Councilmember Enos-Martinez stated based on the comments heard, they are not ready for a first reading. The other Councilmembers favored the concept but agreed more work is needed.

Action summary: Staff was directed to bring back a set of options for each provision addressed in February, 2004. Specifically, not a draft ordinance that has one option but have several options to select from.

3. **UPCOMING APPOINTMENTS TO BOARDS & COMMISSIONS:** In anticipation of upcoming interviews for the Visitor and Convention Bureau Board of Directors and the Historic Preservation Board, City Council discussed specific issues relating to each board. City Clerk Stephanie Tuin reviewed the information provided. Kristen Ashbeck, staff representative for the Historic Preservation Board, addressed Council on the activities of the HPB.

Action summary: Council decided that a letter regarding attendance will be sent to VCB. City Clerk Tuin is to send out an email with possible dates for interviews of VCB. HPB appointments will be done from applications with a goal of filling the expertise positions.

4. **CONVENE INTO SPECIAL SESSION:** Council convened into formal session for the purpose of calling an executive session.

Councilmember Enos-Martinez moved to go into executive session for discussion of personnel matters under C.R.S. 24-6-402(4)(f)(I) relative to City Council employees, noting that Council will not be returning to open session. Councilmember Hill seconded. Motion carried.

The Council adjourned to executive session at 10:11 p.m.

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

NOVEMBER 19, 2003

The City Council of the City of Grand Junction convened into regular session on the 19th day of November 2003, at 7:30 p.m. in the City Auditorium. Those present were Councilmembers Harry Butler, Cindy Enos-Martinez, Bruce Hill, Dennis Kirtland, Bill McCurry, Gregg Palmer, and President of the Council Jim Spehar. Also present were City Manager Kelly Arnold, City Attorney Dan Wilson, and Deputy City Clerk Debbie Kemp.

Council President Jim Spehar called the meeting to order. Councilmember Enos-Martinez led in the pledge of allegiance. The audience remained standing for the invocation by Steve Fenske, Sunrise Church of God.

PRESENTATION OF CERTIFICATES OF APPOINTMENT

FORESTRY BOARD

Ian Gray was present and received his certificate of appointment.

GRAND JUNCTION HOUSING AUTHORITY

Kathleen Belgard was present and received her certificate of appointment.

PLANNING COMMISSION BOARD OF APPEALS

Mark Williams and Tom Lowrey were present and received their certificates of appointment.

PROCLAMATIONS / RECOGNITIONS

PROCLAIMING NOVEMBER 19, 2003 AS "COPD DAY"

SCHEDULED CITIZEN COMMENTS

There were none.

Councilmember Butler acknowledged constituents from District E by reading an article regarding Orchard Mesa Middle School winning a volleyball tournament. He said this was quite an accomplishment

CONSENT CALENDAR

It was moved by Councilmember Hill, seconded by Councilmember Enos-Martinez, and carried by a roll call vote, to approve Consent Calendar Items #1 through #5.

1. **Minutes of Previous Meetings**

Action: Approve the Summary of the November 3, 2003 Workshop, the Minutes of the November 5, 2003 Regular Meeting, and the Minutes of the November 12, 2003 Special Meeting

2. **Setting a Hearing on the 2004 Annual Appropriation Ordinance**

The total appropriation for all thirty-four accounting funds budgeted by the City of Grand Junction (including the Ridges Metropolitan District, Grand Junction West Water and Sanitation District, and the Downtown Development Authority) for the fiscal year beginning January 1, 2004 is \$115,484,715. Although not a planned expenditure, an additional \$2,500,000 is appropriated as an emergency reserve in the General Fund pursuant to Article X, Section 20 of the Colorado Constitution.

Proposed Annual Appropriation Ordinance Appropriating Certain Sums of Money to Defray the Necessary Expenses and Liabilities of the City of Grand Junction, Colorado, the Ridges Metropolitan District, and the Grand Junction West Water and Sanitation District for the Year Beginning January 1, 2004 and Ending December 31, 2004

Action: Introduction of Proposed Ordinance and Set a Hearing for December 3, 2003

3. **Setting a Hearing on the Bond Ordinance for Community Hospital**

This is an ordinance authorizing the issuance of \$3,420,000 of hospital revenue refunding bonds on behalf of Community Hospital.

Proposed Ordinance Authorizing the Issuance and Sale of \$3,420,000 Hospital Revenue Refunding Bond (Community Hospital Project) Series 2004 of the City of Grand Junction, Colorado for the Purpose of Refunding all of the Outstanding City of Grand Junction, Colorado Hospital Revenue Refunding and Improvement Bonds (Community Hospital Corporation Project) Series 1993; Approving and Authorizing Execution of a Financing Agreement and Escrow Agreement with Respect to the Bond; Making Findings and Determinations with Respect to the Refunding Project and the Bond; Authorizing the Execution and Delivery of Related Documents; and Repealing all Action Heretofore Taken in Conflict Herewith

Action: *Introduction of Proposed Ordinance and Set a Hearing for December 3, 2003*

4. Setting a Hearing on Amending the Barking Dog Ordinance

Changes are made to the elements for the prosecution of an owner who has failed to prevent a dog from disturbing the peace of another, warning requirements have been eliminated, and penalties have been increased for a first and second offense for violating any section of Article III of Chapter 6 of the Code of Ordinances.

Proposed Ordinance Repealing and Reenacting Section 6-61 of the Code of Ordinances ("Code") Concerning an Owner's Failure to Prevent a Dog From Disturbing the Peace and Quiet of Another, Repealing and Reenacting Section 6-68 of the Code Establishing the Penalties for Violating any Article of Section 6 of Chapter 6 of the Code, and Repealing Certain Ordinances in Conflict with the Amendments

Action: *Introduction of Proposed Ordinance and Set a Hearing for December 3, 2003*

5. City Participation in the I-70B Corridor Optimization Plan

This study is a collaborative effort between CDOT and our local agencies to establish conceptual ideas relating to the I-70B corridor.

Action: *Authorizing the City Manager to Execute a Contract to Participate in the Corridor Optimization Study for I-70B and Approve the Use of \$75,000 from Contingency.*

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

Construction Contracts (Items a - c may be awarded under one motion)

Mark Relph, Public Works and Utilities Director, reviewed Items a through c. Regarding Item a, he recommended Council award the construction contract for the Redlands Fire Station No. 5 for the utility improvements to MA Concrete Construction.

He informed Council that FCI Contractors was selected as the Construction Manager/ General Contractor for the Redlands Fire Station No. 5 over Shaw Construction of Grand Junction and TSP of Denver. He said the City anticipates the project to be completed by late spring of 2004. He recommended Council approve the contract to FCI Contractors, Inc. of Grand Junction.

Councilmember Enos-Martinez wanted Mr. Relph to confirm the use of local contractors and asked him to read the names of the selected subcontractors. Mr. Relph read the following names: Accurate Insulation, Cedaredge Interiors, LLC, Clarke & Company, Inc., Curtis Engineering Inc., Delta Cabinet Company Inc., Elam Construction Inc., Grand Mesa Mechanical Inc., Groves Masonry Construction Inc., Harding Glass, Independent Survey Inc., Magnum Electric, Mays Concrete, Overhead Door Company, Skyline Contracting Inc., Timberwolf Welding Inc., and TP Acoustics Inc.

Councilmember Hill asked Mr. Relph about future connections to the sewer system. Mr. Relph confirmed that future connections are planned and that the City would be subsidizing the connections.

Mr. Relph next reviewed the change order request for the Waterline Replacement Project. He explained the reason and necessity for the request.

Councilmember Kirtland asked if the requested amount was included in the contract. Mr. Relph stated that the amount of the change order was well within the current budget.

a. Redlands Fire Station #5 Utility Improvements

Bids were received and opened on November 4, 2003. M.A. Concrete Construction submitted the low bid in the amount of \$204,847.52. The project is a joint project with Church on the Rock that will extend an 8-inch sanitary sewer main and an 8-inch Ute Water main to Church on the Rock and Redlands Fire Station #5.

b. Redlands Fire Station #5 Construction Contract

A request for qualifications process was used to select FCI Constructors, Inc. of Grand Junction as the Construction Manager/General Contractor for Redlands Fire Station #5. Eight proposals were submitted during February 2003. Three firms were short listed for interviews. FCI Constructors was selected over Shaw Construction of Grand Junction and TSP of Denver.

c. 2003 Waterline Replacement Project Change Order #1

Approve a change order to the 2003 Waterline Replacement Contract with MA Concrete Construction, Inc. to add the replacement of the 12" water line in 9th Street from Main Street to Grand Avenue in the amount of \$95,429.50. This work was originally scheduled to be done in 2004 but a change in the alignment of the storm sewer pipe at 9th Street necessitates the construction of the water line this year.

Councilmember Hill moved to authorize the City Manager to execute a:

- a) Construction contract for the Redlands Fire Station #5 utility improvements with M.A. Concrete Construction in the amount of \$204,847.52,
- b) GMP (Guaranteed Maximum Price) contract for the Redlands Fire Station #5 with FCI Constructors, Inc. in the amount of \$1,446,345.51, and
- c) Contract change order with M.A. Construction Inc., in the amount of \$95,429.50 for the 2003 Waterline Replacement Project.

Councilmember McCurry seconded the motion. Motion carried by a roll call vote.

Public Hearing - Authorizing the Issuance of the City of Grand Junction, Downtown Development Authority Subordinate Tax Increment Revenue Bonds in the Amount of \$3,000,000

The ordinance authorizes the issuance of \$3,000,000 in subordinate Tax Increment Bonds for improvements in the Downtown Plan of Development area.

The public hearing was opened at 7:46 p.m.

Ron Lappi, Administrative Services Director, reviewed this item. He stated that the 1996 and 1999 Bonds would be called on May 15, 2004. He said bids were opened on Monday and four bids were received, with Alpine Bank coming in with the low bid. The proceeds of the bond issue would be used by the City and the DDA to finance \$3 million in capital expenditures over the next two years. Mr. Lappi said the funds would be used to build a parking garage, streetscape projects, and downtown housing efforts. He said the issue would consist of four bonds of varying amounts and varying maturities. He recommended passage of the Bond Ordinance.

Councilmember Spehar asked Mr. Lappi to review the spending requirements of the bonds. Mr. Lappi replied that the funds could only be used for capital improvements in the downtown area including parking, streets, and sidewalks. He pointed out the funds couldn't be used for improvements to public facilities and that there are restrictions as to what kind of public areas the funds can be used for.

Councilmember Hill thanked Mr. Lappi for all his work, he commented on the partnership of the City and the DDA, and said he knows that the monies would be used wisely. He said because of the low interest rate now is a good time to obtain the bonds.

Council President Spehar also thanked Mr. Lappi and asked if there were any public comments. There were none.

The public hearing was closed at 7:52 p.m.

Ordinance No. 3585 – An Ordinance Authorizing the Issuance of the City of Grand Junction, Colorado, Downtown Development Authority Tax Increment Revenue Bonds, Series 2003; Pledging the Tax Increment Revenues of the City for the Payment of the Bonds; Providing for the Payment and Discharge of the City's Outstanding Tax Increment Revenue Bonds and Subordinate Tax Increment Revenue Bonds

Councilmember Hill moved to adopt Ordinance No. 3585 on Second Reading and ordered it published. Councilmember Enos-Martinez seconded the motion. Motion carried by a roll call vote.

Police Department Edward Byrne Memorial Grant Program

The Colorado Department of Public Safety through the Division of Criminal Justice has opened the 2004 Edward Byrne Memorial State and Local Law Enforcement Assistance Grant Program. The Grand Junction Police Department would like to apply for funding of the purchase of in-car video systems for all patrol cars in the fleet along with equipment to enhance video for evidentiary purposes.

Greg Morrison, Chief of Police, reviewed this item. He said the Police Department would like to apply for a \$105,000 grant and use the funds towards the purchase of in-car video systems for all patrol cars along with equipment to enhance video for evidentiary purposes. He explained the total proposed cost for this equipment is \$140,000 and \$35,000 would be from the Police Department Budget.

Councilmember Palmer asked Chief Morrison if the Police Department had ever applied for this grant. Chief Morrison stated that they applied last year for an \$89,000 grant but never received any funds.

Councilmember Kirtland moved to authorize the application for Byrne Grant Funding. Councilmember Palmer seconded the motion. Motion carried.

Public Hearing - Create Alley Improvement District 2004

Successful petitions have been submitted requesting an Alley Improvement District be created to reconstruct the following six alleys:

- East/West Alley from 14th to 15th, between Elm Avenue and Texas Avenue
- East/West Alley, from 2nd to 3rd, between Chipeta Avenue and Ouray Avenue
- East/West Alley from 8th to Cannell, between Mesa Avenue and Hall Avenue (tabled)
- “T” shaped Alley from 13th to 15th, between Kennedy Avenue and Elm Avenue
- East/West Alley from 2nd to 3rd, between Teller Avenue and Belford Avenue
- “T” shaped Alley from 7th to Cannell, between Kennedy Avenue and Elm Avenue

The public hearing was opened at 7:55 p.m.

Mark Relph, Public Works and Utilities Director, reviewed this item. He explained the People’s Ordinance No. 33 authorizes Council to create improvement districts and levy assessments when requested by a majority of the property owners to be assessed. He said Council might also establish assessment rates by resolution. He said the present rates for alleys are \$8.00 for residential single-family use, \$15.00 for residential multi-family use, and \$31.50 per abutting foot for non-residential uses.

Mr. Relph showed a PowerPoint presentation of the various alleys and discussed the following two alleys in detail, questioning if they should be included in the proposed Alley Improvement District:

1. The East/West Alley from 8th Street to Cannell, between Mesa Avenue and Hall Avenue, and the
2. “T” shaped alley from 13th to 15th Street, between Kennedy Avenue and Elm Avenue.

Councilmember Palmer asked if equal consideration was given to residential versus commercial use. Mr. Relph replied that no consideration was given regarding the use, the consideration and process is “first come – first served”, and it was up to the residents to circulate petitions in the area.

Councilmember Palmer asked if the assessment rate was figured on alley footage or on the number of residents. Mr. Relph replied the assessment is based on the number of property owners and not on the size of the property. He said the majority of property owners must be in favor to create an Alley Improvement District; in this case 62% of the property owners are in favor.

Kent Kast, Principal of the Intermountain Adventist Academy, told Council they are a small school, and the assessment would have a large financial impact on the school. He felt the school would be paying a large portion for an alley improvement, with no benefit. He said the alley is only used for trash service and there are no doors along the alley. He requested that this district not be formed, or that their portion of the cost be reduced in order to insure the fiscal stability of their school.

Mr. Relph again reviewed the assessment rate for residential and non-residential property owners and explained that the rates were established by previous Councils and have since been modified several times. He said the assessment for multi-family use is \$15.00 per abutting foot.

Council President Spehar said he was reluctant to make a decision based on the nonuse of an alley. He said Council would possibly agree on a lower rate but the decision needs to be based on a good reason.

Councilmember Kirtland agreed with Council President Spehar and suggested Council consider a lower assessment rate for the church, maybe apply the assessment rate used for multi-family use. He felt that maybe Mr. Relph and the Public Works Department could review this request. He said he would not want to set precedence but look at it as a one-time deal.

Councilmember Hill felt this item should be pulled and looked at further. He said he remembered a similar situation when the museum's alley assessment came up.

Councilmember Palmer asked City Attorney Wilson if this part of the item could be pulled from the resolution. Mr. Wilson recommended postponing discussion of this item for the moment in order to allow for a conference with the petitioner.

Councilmember Palmer stated he would prefer to just pull this particular item.

Council President Spehar felt Council needed to look at this property as a commercial property use. He announced this part of the item would be tabled for now and Council would discuss the next item.

Public Hearing - Vacating a 15' Alley Right-of-Way Located 722 Belford Avenue
[File # VR-2003-132]

The petitioner, FMC Properties, LLC, wishes to vacate an existing 15' north/south alley right-of-way located northeast of the intersection of N. 7th Street and Belford Avenue in anticipation of future commercial office development. The only utilities that are located in the alley right-of-way are a sanitary sewer line, which is to be abandoned, and an overhead utility line, which is to be relocated. The existing eight (8) lots owned by the petitioner will be consolidated into one (1) 0.59-acre lot through a Simple Subdivision

Plat upon the approval of the alley vacation. The Planning Commission recommended approval at its October 28th, 2003 meeting. The petitioners request approval of the Vacation Ordinance.

The public hearing was opened at 8:20 p.m.

Scott D. Peterson, Associate Planner, reviewed this item. He gave an overview of the site location backed up by a PowerPoint presentation. He told Council the adjoining property owners were in favor of the request. He said the sanitary sewer line would be abandoned and the utilities would be relocated. He said the request was consistent with the Growth Plan and the Zoning and Development Code. He said the Planning Commission recommended Council approve the right-of-way vacation.

Sam Suplizio, Bray & Co. realtor, addressed and encouraged Council to approve the request since the alley way was hardly used.

The public hearing was closed at 8:23 p.m.

Ordinance No. 3586 – An Ordinance Vacating a 15' Wide Alley Right-of-way Located Northeast of the Intersection of North 7th Street and Belford Avenue Known as 722 Belford Avenue

Councilmember Palmer moved to adopt Ordinance No. 3586 on Second Reading and ordered it published. Councilmember Hill seconded the motion. Motion carried by a roll call vote.

Public Hearing - Create Alley Improvement District 2004 (continued)

The public hearing resumed at 8:24 p.m.

Sarah Rochelle, a resident of the area between 13th and 15th Street said she was the original petitioner and was able to receive a 60 percent majority. She said the residents appreciated the opportunity to create an alley improvement district.

Glenna Bryant, a resident of 18th Street asked if any existing structures would be affected. Mr. Relph stated that it is not the City's intent to damage any structures. He said the City tries its best not to damage any private property. He said there might be some encroachments sometimes, but the City does work with property owners to resolve the problem. Ms. Bryant said the petitioner had told her that her garage would have to be moved for the alley improvement. Mr. Relph said he wasn't aware of any garages needing to be moved, but the City does try to work with the property owners and makes every effort not to move anything. He said he doesn't recall ever hearing about moving a garage. Council suggested Ms. Bryant work with Mr. Relph to clarify any potential problem.

The public hearing was closed at 8:30 p.m.

Resolution No. 108-03 – A Resolution Creating and Establishing Alley Improvement District No. ST-04 within the Corporate Limits of the City of Grand Junction, Colorado, Authorizing the Reconstruction of Certain Alley, Adopting Details, Plans and Specifications for the Paving Thereon and Providing for Payment Thereof

Councilmember Palmer moved to adopt Resolution No. 108-03, with the following amendment:

- 1) Remove the East/West Alley from 8th Street to Cannell, between Mesa Avenue and Hall Avenue, and
- 2) include the portion of the “T” shaped Alley from 13th Street to 15th Street but **exclude** the portion of the “T” shaped Alley between Kennedy Avenue and Elm Avenue from the Alley Improvement District.

Councilmember Butler seconded the motion. Motion carried by a roll call vote.

Council announced it would revisit the East/West Alley improvement issue from 8th Street to Cannell, between Mesa Avenue and Hall Avenue later.

President of the Council Spehar announced at 8:33 p.m. that Council would take a recess.

Council reconvened at 8:42 p.m.

Public Hearing - Gowhari Growth Plan Amendment Located at 563 & 573 20 ½ Road and 2026 S. Broadway [File #GPA-2003-183]

Request to amend the Growth Plan, changing the Future Land Use designation from “Rural” to “Residential Low” for three properties located at 2026 S. Broadway, 563 20 ½ Rd and 573 20 ½ Rd. Planning Commission recommends approval.

The public hearing was opened at 8:42 p.m.

Karen Gookin, Development Construction Services, representing the petitioner presented this item. She gave an overview of the surrounding area, and she told Council that Staff agreed that the project met all required criteria.

David Thornton, Principal Planner, reviewed this item. He reviewed the surrounding areas and their zoning, which are zoned mostly residential and rural. He said looking at the Growth Plan Amendment, the proposal was consistent with the Growth Plan goals and does meet the seven criteria. He said the request would benefit the community and all urban facilities are in place.

The public hearing was closed at 8:58 p.m.

Resolution No. 109-03 – A Resolution Amending the City of Grand Junction Growth Plan Future Land Use Map to Re-designate 24.6 acres of the Gowhari Property Located at 2026 South Broadway, 563 20 ½ Road and 573 20 ½ Road from Rural, 5 to 35 acres per dwelling unit, to Residential Low, ½ -2 acres per dwelling unit

Councilmember Enos-Martinez moved to adopt Resolution No. 109-03. Councilmember McCurry seconded the motion. Motion carried by a roll call vote.

Public Hearing - Grand Bud Growth Plan Amendment Located at the NW Corner of 28 ½ Road and Highway 50 [File #GPA-2003-184]

Request to amend the Growth Plan, changing the Future Land Use designation from Residential Medium (4-8 units per acre) to Commercial on a portion of the property located at the NW corner of 28 ½ Road and Highway 50. Staff and Planning Commission recommend denial.

The public hearing was opened at 9:00 p.m.

Fred Aldrich, the attorney representing the petitioner, addressed Council and introduced the following people he said are qualified to answer any questions: Marc Cadez, (one of the owners of Grand Bud, LLC), Mike Joyce of Development Concepts, Inc., (the project's planner), Gregg Motz of Sun King, (the project contractor), Patsy and Miles LaHue, and Sam Suplizio all of Bray & Company.

He said he wanted to make 3 preliminary comments regarding:

1. Site history, designation of the site, and re-designation of the site about six months ago,
2. Availability of Commercial Property (at this time he distributed to Council a Letter from Bray & Company regarding market values), and
3. Petitioner's commitment to the property and their need to build a central beverage distribution warehouse.

He asked Mike Joyce of Development Concepts to continue the presentation. Mr. Joyce also distributed handouts to Council and proceeded with a slide show of the site and the surrounding properties. In his presentation he covered the petitioner's intended use and criteria, the proposed land uses, the surrounding land use and zoning, the Growth Plan and the Orchard Mesa Plan Land Use Designations, the GPA Review

Criteria 1, 2, 3, 4, 5, 6, and 7. He addressed the commercial land use west of the subject property and concluded with their findings and conclusion.

He said the subject property is in a transitional area between commercial uses to the west and residential uses to the north and east. He noted the GPA provides appropriate buffering between the commercial uses to the west and the residential uses to the north and east. He showed that the present designation abuts residential uses to the Sorter Construction site. He pointed out that the Petitioner's diligence revealed an inadequate supply of available commercial sites suitable for the Petitioner's use. He said quality site design planning had been used in a transitional land use area that provides better buffering between residential and commercial land. He felt that this project would provide Orchard Mesa and Grand Junction a quality "gateway" level capital improvement at one of its most important entrances, US Highway 50.

Mr. Aldrich informed Council that the project is a \$5 million project and all contracts would be awarded to local contractors. He thanked Council for their attention and consideration.

Councilmember Enos-Martinez asked Mr. Joyce what the zoning designation at the time of the property's purchase in March 2003 was. Mr. Joyce replied that the zoning then was "public institutional" and was changed in May 2003 to residential.

Kathy Portner, Planning Manager, reviewed this item next. She reminded Council that the Codes regarding the Growth Plan were revised not too long ago. She identified areas surrounding the property, and she explained that Sorter Construction was stockpiling materials. She informed Council that City Zoning Codes would not allow this type of business under the C-2 Zoning designation and the recent update to the Codes. She said the School District is no longer interested in this property and therefore the property was now zoned as residential-medium. She said at the time of purchase zoning was RSF-4, as the County map shows. She said C-2 and RMF-5 were proposed, and the adjacent property is zoned County C-2 and PC. She said with a Public designation the property could not be zoned commercial. She explained that the property was not publicly owned but had only a public land use designation.

Councilmember Hill confirmed with Ms. Portner that this was not a zoning request but a request for a Land Use Designation change by the Petitioner, and that the request is only for a portion of the property to be designated commercial with the remainder of the property designated as residential-medium.

Councilmember Enos-Martinez said the terms land use versus zoning were confusing. Mrs. Portner said Public designation means the property is not publicly owned, but privately owned and all criteria must be met for a use designation. She next reviewed Staff's comments and said Staff recommends denial of the request.

Councilmember Hill asked Mr. Portner to clarify the land use designation, which changed in May 2003, and how the designation was changed without notification to the property owners. Ms. Portner replied the prior owner possibly might have known of the change. She said notice of the change was sent to property owners prior to any change and the property was purchased during the middle of the change.

Councilmember Hill asked about zoning and the possibility if the property when in the County could have a residential zoning but a commercial land use designation.

John Shaver, Assistant City Attorney, reminded Council of its amendment Council adopted a year or so ago, segregating land use from zoning designation.

Councilmember Kirtland asked if a person could apply for something like a Conditional Use Permit. Mr. Shaver said no, not when a Growth Plan amendment is involved.

Councilmember Palmer asked if there have been other instances where land use designations have been abandoned with institutional designations changed to residential, and can those designations go either way. Mr. Shaver replied that it is possible to change categories and that it has occurred.

Councilmember Palmer asked if the land use category could be changed. Mr. Shaver said yes, but not a zoning designation.

Councilmember Hill asked if the Growth Plan Amendment was approved tonight, does the Petitioner have to come back to the Planning Commission for a zoning change. Assistant Attorney Shaver said yes, because of the size of the parcel, an overall plan would be required.

Council President Spehar said he wanted to summarize the previous discussions and what the purpose for consideration was, should the designation be changed from residential to commercial in the Growth Plan.

Council President Spehar opened the meeting for public comment.

Bob Henderson, Granite Springs Subdivision, stated that the Petitioner said the entrance to the site would be safe, but he felt that was not true. He said Sorter Construction vehicles currently have a hard time getting onto Highway 50. He said there have been numerous accidents and he would like to know how they intend to make the intersection safe.

Raymond Escarcia, Granite Springs Subdivision, said the Frontage Road is about 50 feet away from Highway 50 with B Road also about 50 feet away from Highway 50. He said he agrees with Mr. Henderson about the numerous accidents and said he was told a traffic signal could not be placed there. He said a lot of school buses and children

were present at that intersection, and he felt it was a bad idea to add more trucks to that intersection.

Council President Spehar asked Mr. Escarcia who told him that no signals could be placed there. He said he was told at a meeting by CDOT that no traffic light would be allowed since there already was a bottleneck.

Councilmember Kirtland pointed out that a lot more houses could be built there creating heavier traffic than the traffic that would be generated by the beverage warehouse. Mr. Escarcia said he was more concerned about semi-truck traffic, he felt they did a lot more damage.

Dave Rivera, Granite Springs Subdivision, asked if this request was approved, could the Petitioner then abandon the housing development and leave that part of the property vacant. Council President Spehar explained that this was not a zoning change, only a land use change. He said if this request was approved, a range of possibilities could happen later. He said future development on this property was irrelevant tonight. Mr. Rivera said he had the same issues as his neighbors: more traffic and that 28 ½ Road and B Road were currently used by residents for walking, biking, etc. He said only some people in the Granite Springs Subdivision were notified by a card.

Ms. Portner explained that notification is sent out to areas in a 500 foot radius from the property.

Larry Sherman, Granite Springs Subdivision, said he agreed with the previous comments and that the Frontage Road was not suitable for high-volume semi-truck traffic, and that a traffic study should be mandatory.

Loyal Marvel, 2228 28 ½ Road, said the traffic issues are baffling. He said he'd talked to a realtor regarding the availability of other commercial sites and was told about a lot of other available sites. He felt this development could have a negative effect on his property's value.

Councilmember Palmer questioned him how he felt about the previous user's designation of this property. Mr. Marvel replied he had never been confronted with that question and he couldn't say.

Councilmember Enos-Martinez asked Mr. Marvel how he felt Sorter Construction affected the value of his property. Mr. Marvel said Sorter Construction was a low profile business and he wasn't sure if that business lowered his property's value.

Chuck Beauchamp, 230 28 ½ Road, said he has been in the area for a long time and has his life savings invested in his house. He felt that the proposed change would not be good for the area and urged Council to vote against it.

Annette Heidi, Arrowhead Subdivision, said they bought their house at the same time that the land use designation was changed. She said she appreciates the residential community and would not appreciate an alcohol distributor in their area. She said she was dismayed at how little information was given to the neighbors about this Growth Plan Amendment request and asked for better notification in the future. She felt when they made the decision to purchase their home; they had considered the zoning designations of surrounding areas. She asked Council to deny the request and to protect her and her neighbors from this type of development.

Chuck Hooper, Arrowhead Subdivision, said his property also backs up to the site and he's concerned about the quality of life. He said they bought their home for the beautiful view of the plateau and the Grand Mesa and because it is quiet and dark at night with minimal traffic. He said he can look at Highway 50 and the Frontage Road, and he too uses the intersection each morning and knows how difficult it is to get in and out. He asked Council to really think about this land use change and leave this area for residential use.

Ruth Beauchamp, 230 28 ½ Road, addressed the issue about the school designation. She said where the Arrowhead Subdivision with duplexes and homes is now used to be all farmland. She felt a High School would not have had the same impact as the new subdivisions, and Arrowhead residents were told that the area was residential, and a change to that designation would not be fair to them. She felt a commercial project does not fit into their area. She asked this project to be voted down.

Larry Bride, Granite Springs Subdivision, talked about the entrances and exits of the subdivision. He said traffic would be worse if this project was approved and he would appreciate a defeat of this request.

Ann Morrow, 228 28 ½ Road, pointed out that it is a bad intersection and a hazard. She said large trucks block the intersection when attempting to make a turn. She said they have a small buffer between them and Sorter Construction. She said if 10 acres were put to commercial use, it would make a longer buffer of commercial land against residential land and she doesn't see a buffer if this development is put in. She said children play all around B ½ Road and the road is also used by walkers. She said with this project it would make the recreational use too dangerous.

The public hearing was closed at 10:35 p.m.

Mr. Aldrich addressed one of the issues brought up earlier, regarding the Notice of Change to Growth Plan. He said he had many meetings with Ms. Portner in April 2003 and talked about this project. He said they were told that the Growth Plan design of the property was residential-medium and they were never told about a change in the Growth Plan in any way.

Council President Spehar asked Mr. Aldrich why Council was presented with so much information and detail, which was not relevant to tonight's meeting. Mr. Aldrich felt that they had covered all the needs of the Growth Plan change. He said addressing the criteria without having the context would have been difficult and put them in a catch 22. Council President Spehar asked the developing community to honor what Council has done.

Mike Joyce, Development Concepts, Inc., explained their catch 22 position and said at the neighborhood meeting they were bombarded by neighbors wanting specifics of the project. He said the Petitioner had been advised not to give specifics regarding property values, noise, compatibility and traffic. He repeated the slide show of the proposal and explained that the residential development would serve as a buffer between their property and the existing neighborhood.

Councilmember Enos-Martinez asked to see the 10-acre designation and the remaining property designation again. Mr. Joyce displayed the appropriate slide and explained that the possible incompatibility had been cut in half with the buffer. He said even so, multi-family units are allowed on this property, the Petitioners are planning quality construction for the residential development, and the value of houses usually go up and not down. He said to address some of the concerns of some of the speakers about lighting, the City requires lighting to be downcast and not shine on adjacent residential lots. He said regarding their concerns about noise, noise would be limited because there aren't many trucks, they do not work all hours of the night, and buffers would limit noise. He said regarding traffic, Staff would not let them know what "most intensive use" was defined at, so they opted to use a strip center as an example. He said they designed the project site with no entrances or exits to 28 ½ Road. He said since this project would be the last development for this area, the Petitioner therefore would have to fix the traffic problem. He said there are all different types of classifications, but the proposed development provides the least traffic.

Councilmember Hill asked if there was no traffic on 28 ½ Road. Mr. Joyce said there would be no truck traffic going north on 28 ½ Road, but would be away from residential use and enter Highway 50 from 28 ½ Road.

Ms. Portner said she wanted to state a correction and said the Growth Plan change was made on March 26, 2003 to the Land Use Map, prior to discussion with the Petitioner.

Councilmember Palmer asked how old the Arrowhead and Granite Springs Subdivisions were. Ms. Portner said the Arrowhead Subdivision was 2 years old, Granite Springs was 7 years old, and said the current plan was adopted in 1996; the first global update was in March 2003. She said if it was changed tonight, but nothing happened for 10 years, the proposal would establish the zoning lines. She said there are five

commercial areas on the Land Use Map: downtown, the airport, Horizon Drive, the Hospitals, and Mesa Mall.

Council President Spehar asked what kinds of amendment options are available to Council. Ms. Portner said the options would be RO (Residential Office), B1 (Light Business, Retail, a Gas Station), C1 (Light Commercial), C2 (Contractor Shop with storing equipment).

Councilmember Enos-Martinez questioned what kind of zone would allow a car dealership. Ms. Portner stated they would require a Conditional Use Permit in a C-1 but not in a C-2.

Councilmember Palmer asked when the land use designation was changed from public institution. Ms. Portner said it was changed in March 2003.

Assistant Attorney Shaver stated that any of the considerations are an option and that a Growth Plan amendment was the issue.

Councilmember Kirtland stated that making a decision tonight, after all the comments heard, when a lot of the concerns could have been handled earlier, was difficult. He said he agrees that there are significant traffic problems, but that there is the opportunity for good, quality development to occur in this area. He said people deserve good retail in that area, but at the same time he recognizes the catch 22 the Petitioner is faced with, and also the landowners. He felt that opportunities are here, and to go forward, and after all he had heard tonight he is supporting the request.

Councilmember Palmer said he has no doubt that there will be adequate buffering and he likes the idea of quality commercial development in Orchard Mesa. He agreed there would be a lot of traffic issues. Because the surrounding areas are residential, he felt no change could be made to the current land use.

Councilmember Butler said he couldn't support the request. He felt the area should remain residential and he is against a land use change.

Councilmember Hill thanked all residents for attending and voicing their concerns and opinions. He agreed that traffic issues are a concern, but a land use change made a lot of sense to him. He felt commercial development could enhance the neighborhood and the transition between the areas make a lot of sense.

Councilmember Enos-Martinez said when she looked at the property, she thought commercial development so close to Highway 50 and the proposed residential development being next to the current residential subdivisions made a good fit. She said she would support commercial zoning on 9.9 acres only.

Council President Spehar said he was satisfied that enough of a process went on for this property and the changes, but he felt residential change was inappropriate. He said he has a hard time believing that this is the only commercial 10-acre property. He said he believes the traffic study was insufficient and doesn't allow for the proper discussion. He stated compatibility and incompatibility were only mentioned for the west side and ignored for the north side of the site. He felt any additional development of the Sorter Construction property was an entirely different subject. He felt this change could not be done.

Council President Spehar asked City Attorney Wilson for confirmation of a roll call vote. Mr. Wilson stated that to pass the request a 5 to 2 vote in favor was needed (supermajority).

Council President Spehar asked if Council was ready for a motion and closed the discussion at 11:10 p.m.

Resolution No. 110-03 – A Resolution Amending the City of Grand Junction Growth Plan Future Land Use Map to Re-designate the Grand Bud Property, approximately 10 acres at the Northwest corner of 28 ½ Road and Highway 50, from Residential Medium (4 to 8 units per acre) to Commercial

Councilmember Kirtland moved to adopt Resolution No. 110-03. Councilmember Enos-Martinez seconded the motion. Motion **failed** by a roll call vote 3 to 4, with Councilmembers McCurry, Palmer, Butler, and Council President Spehar voting **NO**. Councilmembers Enos-Martinez, Hill, and Kirtland voted yes.

NON-SCHEDULED CITIZENS & VISITORS

Sam Suplizio addressed Council regarding the Growth Plan and displayed the Community Development Code Book. He said he is a big fan of it but also a big critic. He felt a lot of the Codes don't fit and felt it serves itself instead of the community. He said commercial development occurs along highways and it should encourage development by local businesses. He said the Development Code Book has become a hindrance and he wanted Council to keep in mind that the Code requirements do not keep the money in town.

OTHER BUSINESS

There was none.

EXECUTIVE SESSION

It was moved by Councilmember Hill, seconded by Councilmember Enos Martinez, and carried to go into executive session for discussion of personnel matters under C.R.S. 24-6-402(4)(f)(I) relative to City Council employees.

Council announced Councilmembers would not return to open session.

ADJOURNMENT

City Council adjourned at 11:30 p.m. into executive session to the Administration Conference Room.

Debbie Kemp, CMC
Deputy City Clerk

Attach 2

Zoning Washington Annexation, 287 Coulson Drive

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject	Zoning the Washington Annexation located at 287 Coulson Drive						
Meeting Date	December 3, 2003						
Date Prepared	October 24, 2003				File #ANX-2003-200		
Author	Ronnie Edwards			Associate Planner			
Presenter Name	Ronnie Edwards			Associate Planner			
Report results back to Council	X	No		Yes	When		
Citizen Presentation		Yes	X	No	Name		
	Workshop	X	Formal Agenda		X	Consent	Individual Consideration

Summary: The Washington Annexation is comprised of one parcel of land of 1.317 acres and includes Unawep Avenue, Coulson Drive and Capitol Lane rights-of-way. The petitioner is requesting a zone of Residential Single Family with a density not to exceed four units per acre (RSF-4), which conforms to the Growth Plan Future Land Use Map. Planning Commission recommended approval at its November 25, 2003 meeting.

Budget: N/A

Action Requested/Recommendation: Approve on first reading the ordinance zoning the Washington Annexation and set a hearing for December 17, 2003.

Attachments:

1. Vicinity Map
2. Aerial Map
3. Growth Plan Map
4. Zoning Map
5. Annexation Map
6. Zoning Ordinance

BACKGROUND INFORMATION			
Location:		287 Coulson Drive	
Applicants:		Yvonne Washington	
Existing Land Use:		Vacant	
Proposed Land Use:		Residential Single Family	
Surrounding Land Use:	North	Residential Single Family	
	South	Residential Single Family	
	East	Residential Single Family	
	West	Residential Single Family	
Existing Zoning:		County RSF-4	
Proposed Zoning:		City RSF-4	
Surrounding Zoning:	North	County RSF-4	
	South	County RSF-4	
	East	County RSF-4	
	West	County RSF-4	
Growth Plan Designation:		Residential Medium Low (2-4 du/ac)	
Zoning within density range?		X	Yes
			No

Staff Analysis:

ZONE OF ANNEXATION:

Under the 1998 Persigo Agreement with Mesa County, the City shall zone newly annexed areas with a zone that is either identical to current County zoning or conforms to the City's Growth Plan Future Land Use Map. The proposed zoning of RSF-4 conforms to the Future Land Use Map.

RSF-4 ZONE DISTRICT

- The RSF-4 does conform to the recommended future land use on the Growth Plan Future Land Use Map, which is currently designated as Residential Medium Low (2-4 du/ac).
- Zoning this annexation with the RSF-4 zone district meets the criteria found in Sections 2.14.F and 2.6 of the Grand Junction Zoning and Development Code.
- The subject property is surrounded by existing residential single family zoning and uses, with platted subdivisions zoned RSF-4 and RMF-8.

ZONING AND DEVELOPMENT CODE CRITERIA:

Section 2.14.F: “Land annexed to the City shall be zoned in accordance with Section 2.6 to a district that is consistent with the adopted Growth Plan or consistent with the existing County zoning.”

Section 2.6.A. Approval Criteria. In order to maintain internal consistency between this Code and the Zoning Maps, map amendments and rezones must demonstrate conformance with all of the following criteria:

- a. The existing zoning was in error at the time of adoption

This change of zoning is the result of an annexation. Therefore, this criteria does not apply.

- b. There has been a change of character in the neighborhood due to installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc.

This change of zoning is the result of an annexation. Therefore, this criteria does not apply.

- c. The proposed rezone is compatible with the neighborhood and will not create adverse impacts such as: capacity or safety of the street network, parking problems, storm water or drainage problems, water, air or noise pollution, excessive nighttime lighting, or other nuisances

The proposed rezone to RSF-4 is within the allowable density range recommended by the Growth Plan. This criterion must be considered in conjunction with criteria e, which requires that public facilities and services are available when the impacts of any proposed development are realized. Staff has determined that public infrastructure can address the impacts of any development consistent with the RSF-4 zone district, therefore this criterion is met.

- d. The proposal conforms with and furthers the goals and policies of the Growth Plan, other adopted plans, and the policies, the requirements of this Code, and other City regulations and guidelines

The proposed RSF-4 zone conforms with the Growth Plan and the Orchard Mesa Neighborhood Plan.

- e. Adequate public facilities and services are available or will be made available concurrent with the projected impacts of the proposed development

Adequate public facilities are currently available and can address the impacts of development consistent with the RSF-4 zone district.

- f. There is not an adequate supply of land available in the neighborhood and surrounding area to accommodate the zoning and community needs

This change of zoning is the result of annexation. Therefore, this criteria does not apply.

- g. The community or neighborhood will benefit from the proposed zone.

This change of zoning is the result of annexation. Therefore, this criteria does not apply.

<u>WASHINGTON ANNEXATION SUMMARY</u>		
File Number:		ANX-2003-200
Location:		287 Coulson Drive
Tax ID Number:		2943-302-00-237
Parcels:		1
Estimated Population:		0
# of Parcels (owner occupied):		0
# of Dwelling Units:		0
Acres land annexed:		1.317 acres for annexation area
Developable Acres Remaining:		0.91 acres
Right-of-way in Annexation:		121.73' strip of UnawEEP Avenue, 848.52' of Coulson Drive and 427.28' of Capitol Lane (See Map)
Previous County Zoning:		RSF-4
Proposed City Zoning:		RSF-4
Current Land Use:		Vacant
Future Land Use:		Residential Single Family
Values:	Assessed:	= \$ 2,390
	Actual:	= \$30,000
Address Ranges:		2811 to 2815 Capitol Lane (odd only)
Special Districts:	Water:	Ute Water District
	Sewer:	Orchard Mesa Sanitation District
	Fire:	Grand Junction Rural Fire District

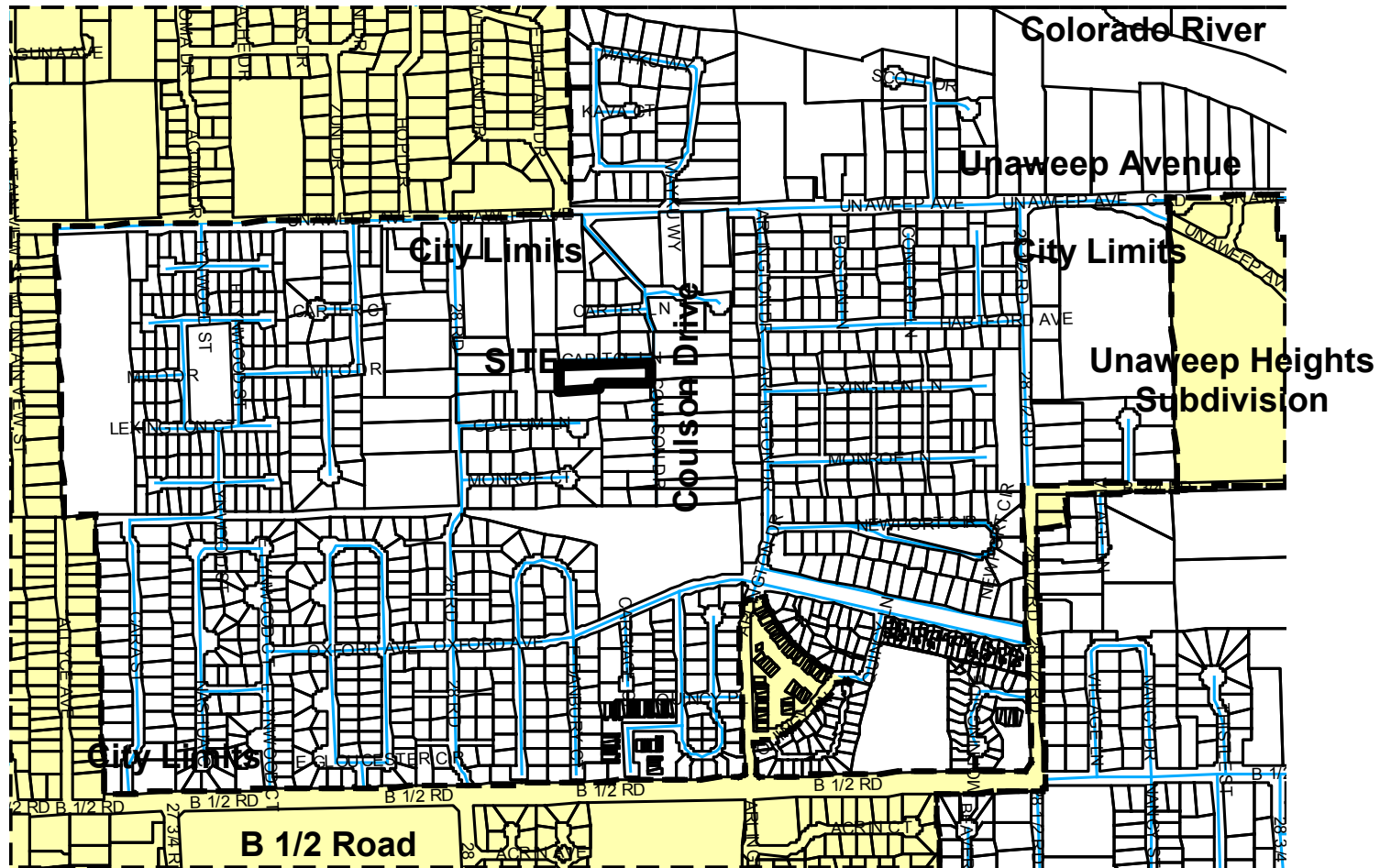
	Drainage/Irrigation:	Orchard Mesa Irrigation & Drainage
	School:	District 51
	Pest:	N/A

The following annexation and zoning schedule is being proposed.

<u>ANNEXATION SCHEDULE</u>	
November 5, 2003	Referral of Petition (30 Day Notice), First Reading, Exercising Land Use
November 25, 2003	Planning Commission considers Zone of Annexation
December 3, 2003	First Reading on Zoning by City Council
December 17, 2003	Acceptance of Petition and Public hearing on Annexation and Zoning by City Council
January 18, 2004	Effective date of Annexation and Zoning

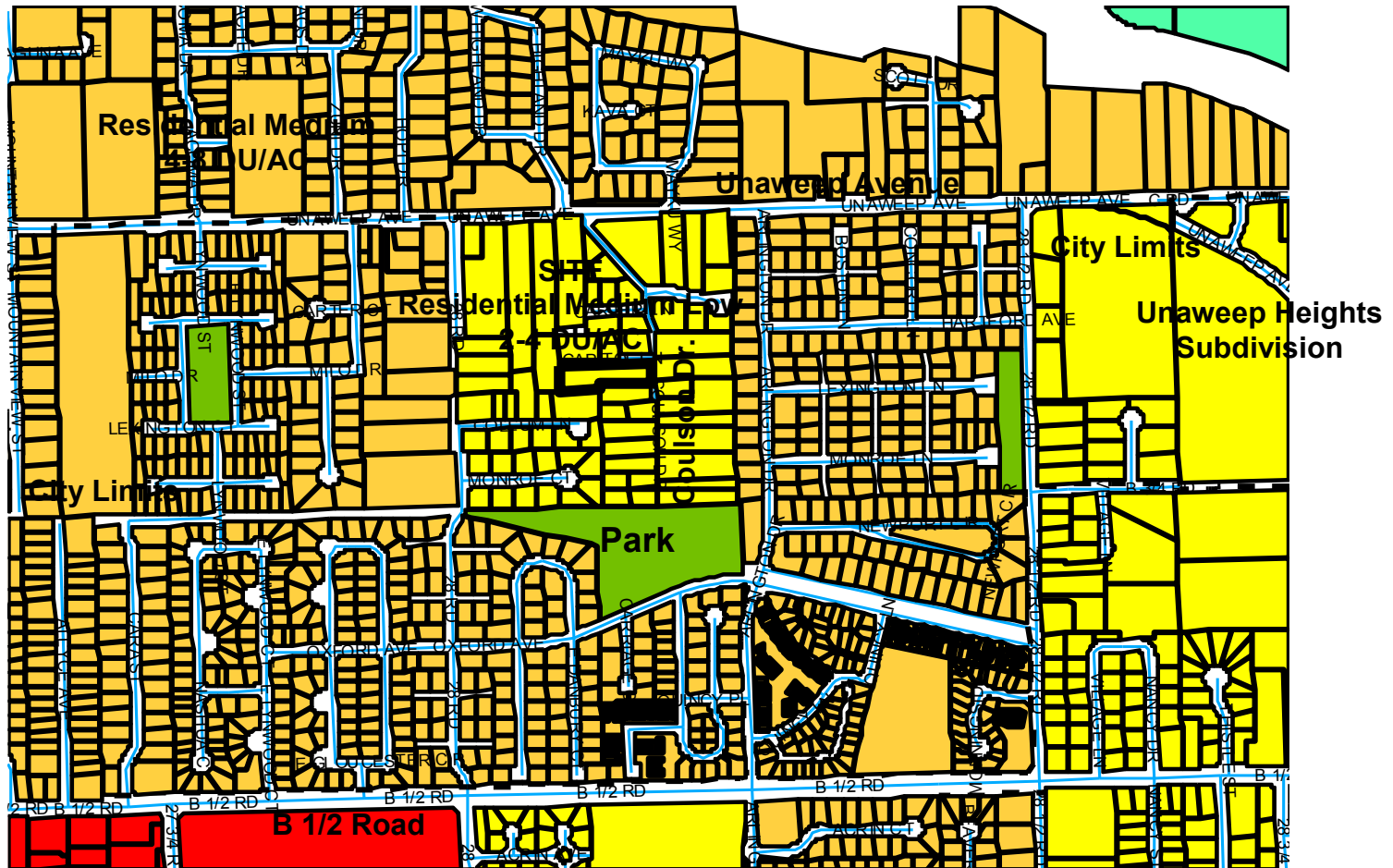
Site Location Map

Figure 1



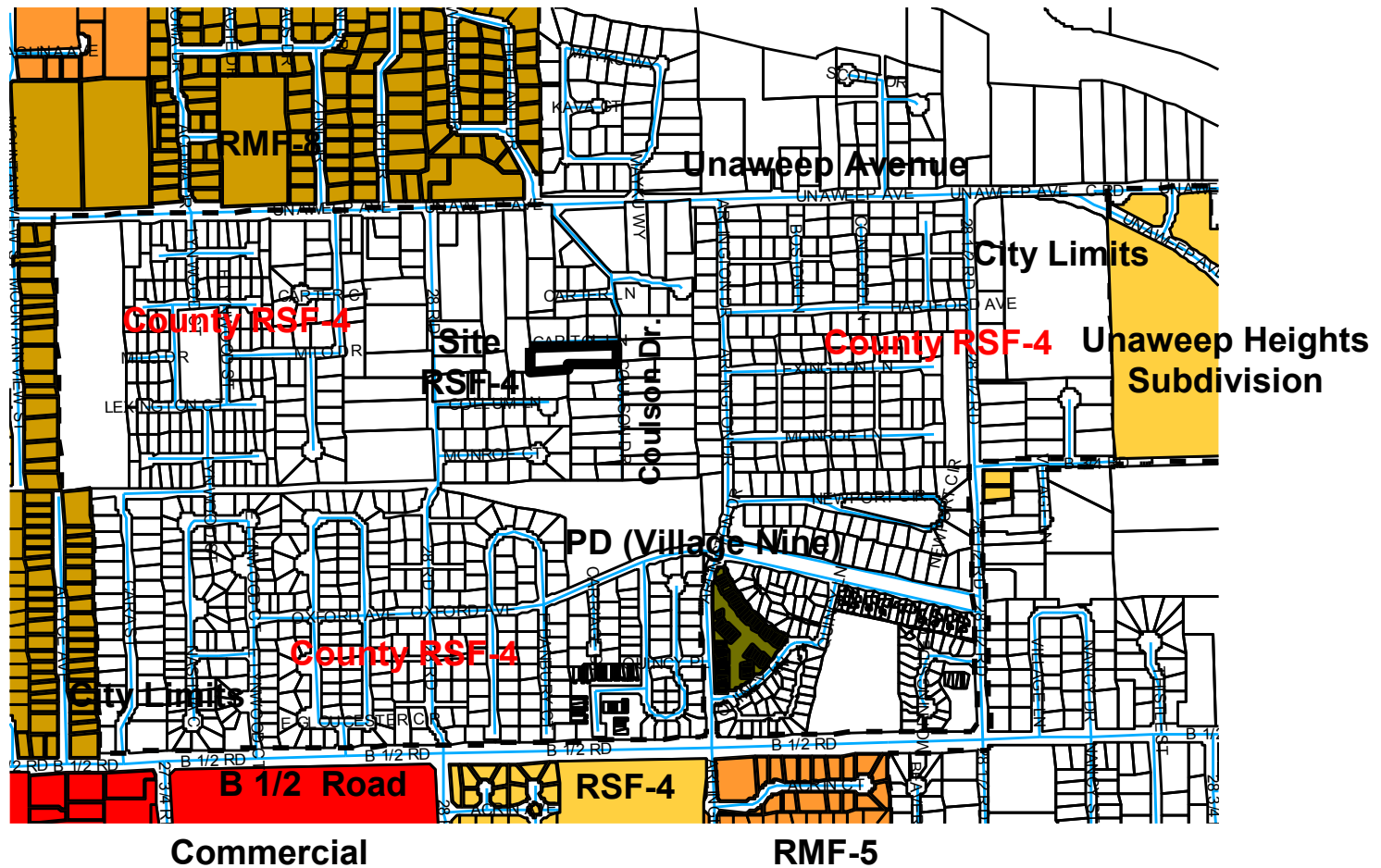
Future Land Use Map

Figure 3



Existing City and County Zoning

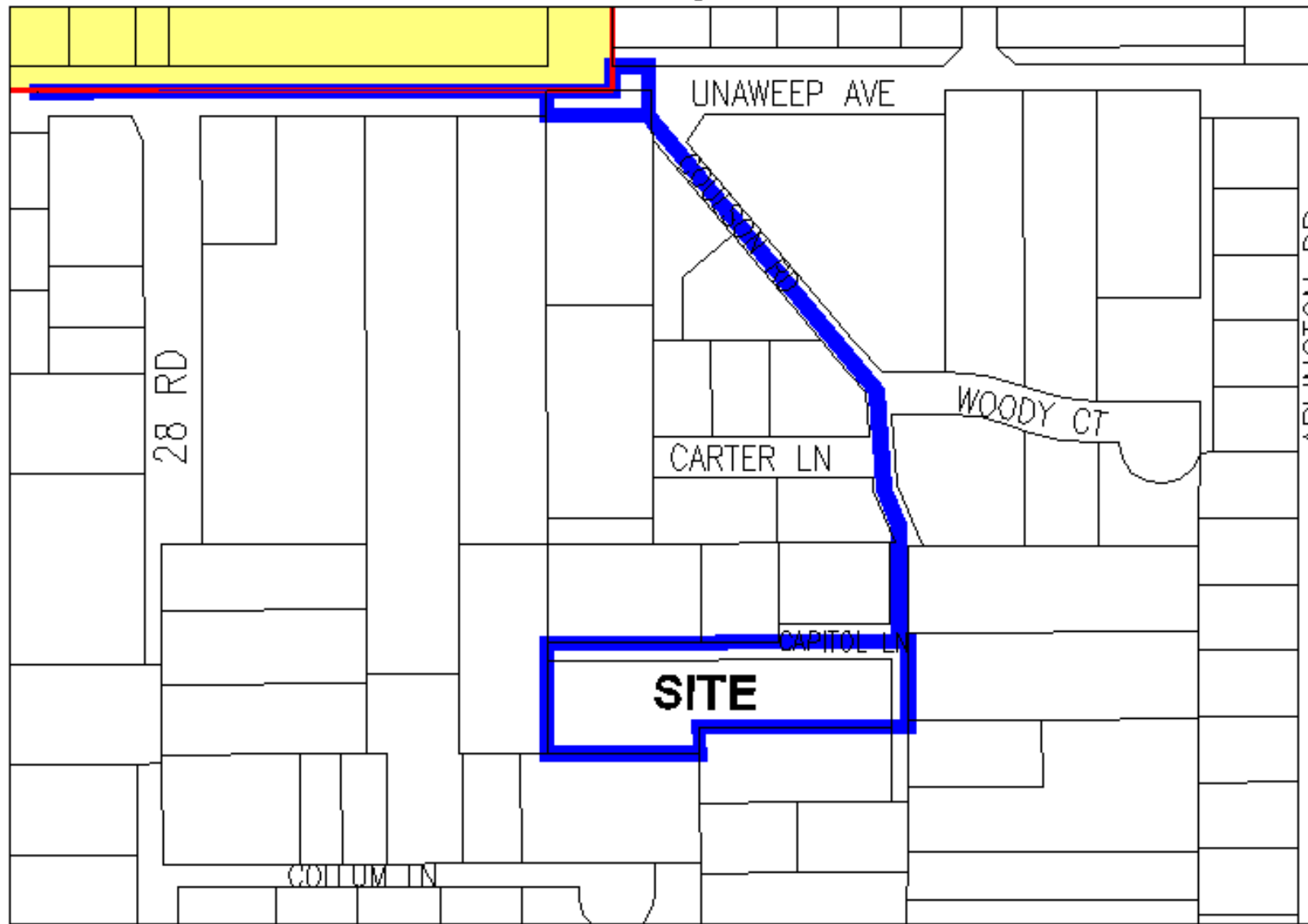
Figure 4



NOTE: Mesa County is currently in the process of updating their zoning map. Please contact Mesa County directly to determine parcels and the zoning thereof."

Washington Annexation

Figure 5



 City Limits  Annexation Boundary

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ZONING THE WASHINGTON ANNEXATION TO
RESIDENTIAL SINGLE FAMILY WITH A DENSITY
NOT TO EXCEED FOUR UNITS PER ACRE (RSF-4)**

LOCATED AT 287 COULSON DRIVE

Recitals.

After public notice and public hearing as required by the Grand Junction zoning and Development Code, the Grand Junction Planning Commission recommended approval of applying an RSF-4 zone district to this annexation.

After public notice and public hearing before the Grand Junction City Council, City Council finds that RSF-4 zone district be established for the following reasons:

- This zone district meets the criteria of Section 2.14.F of the Zoning and Development Code by being identical to or nearly identical to the former Mesa County zoning for each parcel and conforms to the adopted Growth Plan Future Land Use Map.
- This zone district meets the criteria found in Section 2.6 of the Zoning and Development Code.

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

The following property shall be zoned Residential Single Family with a density not to exceed four units per acre (RSF-4) zone district

Includes the following tax parcel: 2943-302-00-237

WASHINGTON ANNEXATION

A certain parcel of land lying in the Northwest Quarter (NW 1/4) of Section 30 and the Southwest Quarter (SW 1/4) of Section 19, Township 1 South, Range 1 East, and the Northeast Quarter (NE 1/4) of Section 25 and the Southeast Quarter (SE 1/4) of Section 24, Township 1 South, Range 1 West, all lying in the Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

BEGINNING at the Northwest corner of the NW 1/4 of said Section 30, and assuming the North line of the NW 1/4 of said Section 30 bears S 89°58'27" E with all other bearings contained herein being relative thereto;

thence from said Point of Beginning, S 89°58'27" E along the North line of the NW 1/4 of said Section 30, a distance of 549.96 feet, more or less, to a point on a Easterly line of the Central Orchard Mesa Annexation, City of Grand Junction Ordinance Number 1481; thence N 00°27'05" E along said East line, a distance of 30.00 feet to a point on the North right of way for "C" Road (Unawep Avenue) and being the Southwest corner of Cottonwood Bluffs, as same is recorded in Plat Book 17, Page 70, Public Records of Mesa County, Colorado; thence S 89°58'27" E along said North right of way, a distance of 43.04 feet; thence S 00°01'33" W a distance of 60.00 feet; thence S 39°56'27" E a distance of 434.56 feet; thence S 04°09'27" E a distance of 120.64 feet; thence S 21°39'27" E a distance of 47.47 feet; thence S 00°10'00" E a distance of 142.95 feet; thence N 89°50'00" E a distance of 11.00 feet to a point on the East line of Coulson Drive, as same is recorded in Book 2257, Page 148, Public Records of Mesa County, Colorado; thence S 00°09'58" E along said East line, a distance of 102.46 feet; thence N 89°50'17" W a distance of 255.03 feet; thence S 00°21'35" W a distance of 32.55 feet; thence N 89°56'55" W a distance of 184.20 feet; thence N 00°03'30" W a distance of 135.31 feet; thence S 89°50'10" E a distance of 427.28 feet; thence N 00°10'00" W a distance of 142.75 feet; thence N 21°39'27" W a distance of 47.43 feet; thence N 04°09'27" W a distance of 120.47 feet; thence N 39°56'27" W a distance of 435.08 feet; thence N 89°58'27" W along the South right of way for "C" Road (Unawep Avenue), a distance of 121.73 feet to a point being the Northwest corner of Shawn Lea Subdivision, as same is recorded in Plat Book 9, Page 169, Public Records of Mesa County, Colorado; thence N 00°02'25" W, a distance of 29.00 feet; thence N 89°58'27" W along a line 1.00 foot South of and parallel to, the North line of the NW 1/4 of said Section 30, a distance of 470.15 feet to a point on the West line of the NW 1/4 of said Section 30; thence S 89°57'35" W along a line 1.00 foot South of and parallel to, the North line of the NE 1/4 of said Section 25, a distance of 150.00 feet; thence N 00°02'25" W a distance of 1.00 foot; thence N 89°57'35" E along the North line of the NE 1/4 of said Section 25, a distance of 150.00 feet, more or less, to the Point of Beginning.

CONTAINING 1.317 Acres (57,376 Sq. Ft.), more or less, as described.

Introduced on first reading on the 5th day of November, 2003

PASSES and ADOPTED on second reading this _____ day of _____, 2003.

Attest:

City Clerk

President of the Council

Attach 3

Vacation of 7' Utility Easement, 2110 Barberry Avenue
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject		Vacation of a portion of a 7' Utility Easement located along the east property line of Lot 10, Block 4, Spring Valley, Filing Two – 2110 Barberry Avenue					
Meeting Date		December 3, 2003					
Date Prepared		November 26, 2003			File #VE-2002-248		
Author		Scott D. Peterson		Associate Planner			
Presenter Name		Scott D. Peterson		Associate Planner			
Report results back to Council		X	No		Yes	When	
Citizen Presentation			Yes	X	No	Name	
	Workshop	X		Formal Agenda	X	Consent	Individual Consideration

Summary: The petitioner wishes to vacate a portion of a 7' Utility Easement (3' x 15.5' or 46.5 sq. ft.) located along the east property line of Lot 10, Block 4, Spring Valley, Filing Two, in order to accommodate the relocation of a detached patio cover in the back and side yard. The Planning Commission recommended approval at its November 25, 2003 meeting.

Budget: N/A

Action Requested/Recommendation: Approval of the Resolution vacating a portion of a 7' Utility Easement located along the east property line of Lot 10, Block 4, Spring Valley, Filing Two, finding the request consistent with the Growth Plan and Section 2.11 C. of the Zoning and Development Code.

Attachments:

- 7. Background Information/Staff Analysis
- 8. Site Location Map
- 9. Aerial Photo Map
- 10. Future Land Use Map
- 11. Existing City Zoning Map
- 12. Resolution & Exhibit A

BACKGROUND INFORMATION				
Location:		2110 Barberry Avenue		
Applicant:		David De Porte, Owner		
Existing Land Use:		Single Family Home		
Proposed Land Use:		N/A		
Surrounding Land Use:	North	Single Family Residential		
	South	Single Family Residential		
	East	Single Family Residential		
	West	Single Family Residential		
Existing Zoning:		Residential Multi-Family – 5 (RMF-5)		
Proposed Zoning:		N/A		
Surrounding Zoning:	North	Residential Multi-Family – 5 (RMF-5)		
	South	Residential Multi-Family – 5 (RMF-5)		
	East	Residential Multi-Family – 5 (RMF-5)		
	West	Residential Multi-Family – 5 (RMF-5)		
Growth Plan Designation:		Residential Medium (4 – 8 DU/Acre)		
Zoning within density range?		N/A	Yes	No

Staff Analysis: The petitioner, David De Porte, wishes to vacate a portion of a 7' Utility Easement located along the east property line of Lot 10, Block 4, Spring Valley, Filing Two, in order to accommodate the relocation of a detached patio cover. In 2002, the petitioner constructed an attached 15' x 15' patio cover to his home over his existing backyard concrete patio without benefit of a Planning Clearance or Building Permit. Upon completion, it was discovered that this patio cover was in violation of the rear & side yard setbacks for principal structures and was also constructed into the seven foot (7') Utility Easement along the east property line (side yard). In September, 2003, the petitioner submitted a variance request to the Board of Appeals to request a variance to the side and rear yard setback encroachments (VAR-2003-145) for the already constructed attached patio cover. The Board of Appeals denied his variance request. Therefore, the petitioner is now required to move and detach the patio cover from the house in order to meet the required setbacks for an accessory structure. He is requesting a vacation of a portion of the utility easement (46.5' sq. ft.) in order to accommodate the new location for the patio cover. All setbacks from property lines will be satisfied for a detached/accessory structure in a RMF-5 Zoning District pending approval of the partial easement vacation and the relocation of the existing structure. The setback requirement for detached/accessory structures is three feet (3') from the

side yard and five feet (5') from the rear yard. The petitioner is proposing a setback of four feet (4') from the side property line and 18.8' from the rear property line. The utility review agencies had no negative comments regarding the proposed location of the partial easement vacation during the staff review process. The proposed partial easement vacation will reduce the easement down to four feet (4') wide in this area from the current seven feet (7').

Consistency with the Growth Plan:

The site is currently zoned Residential Multi-Family – 5 (RMF-5) with the Growth Plan Future Land Use Map showing this area as Residential Medium (4 – 8 DU/Acre). The vacation does not conflict with the Growth Plan since it does not impact access to any adjacent properties.

Section 2.11 C. of the Zoning and Development Code:

Requests to vacate any public right-of-way or easement must conform to all of the following:

- a. The Growth Plan, major street plan and other adopted plans and policies of the City.

Granting this request to vacate a portion of the 7' Utility Easement does not conflict with the Growth Plan, major street plan and other adopted plans and policies of the City of Grand Junction.

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

No parcel will be landlocked as a result of this partial easement vacation.

- 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.

Access will not be restricted.

- 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).

There will be no adverse impacts to the general community and the quality of public facilities and services provided will not be reduced due to the proposed vacation request.

- e. The provision of adequate public facilities and services shall not be inhibited to any property as required in Chapter Six of the Zoning and Development Code.

The provision of adequate public facilities and services will not be inhibited to any property as required in Chapter Six of the Zoning & Development Code as there are no utilities under the proposed area of vacation. No adverse comments were received from the utility review agencies.

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

Maintenance requirements to the City will not change as a result of the proposed vacation, as there are no utilities in the proposed area requested to be vacated.

FINDINGS OF FACT/CONCLUSIONS:

After reviewing the De Porte easement vacation application, VE-2002-248 for the vacation of a portion of a 7' Utility Easement (3' x 15.5' or 46.5 sq. ft.), the Planning Commission at their November 25, 2003 meeting made the following findings of fact and conclusions:

1. The requested partial utility easement vacation is consistent with the Growth Plan.
2. The review criteria in Section 2.11.C of the Zoning and Development Code have all been met.
3. Per variance request file number, VAR-2003-145, the petitioner is required to obtain a Planning Clearance from the City and proper Building Permit from Mesa County in order to relocate the existing patio cover.

Action Requested/Recommendation: Approval of the Resolution vacating a portion of a 7' Utility Easement located along the east property line of Lot 10, Block 4, Spring Valley, Filing Two, 2110 Barberry Avenue, finding the request consistent with the Growth Plan and Section 2.11 C. of the Zoning and Development Code.

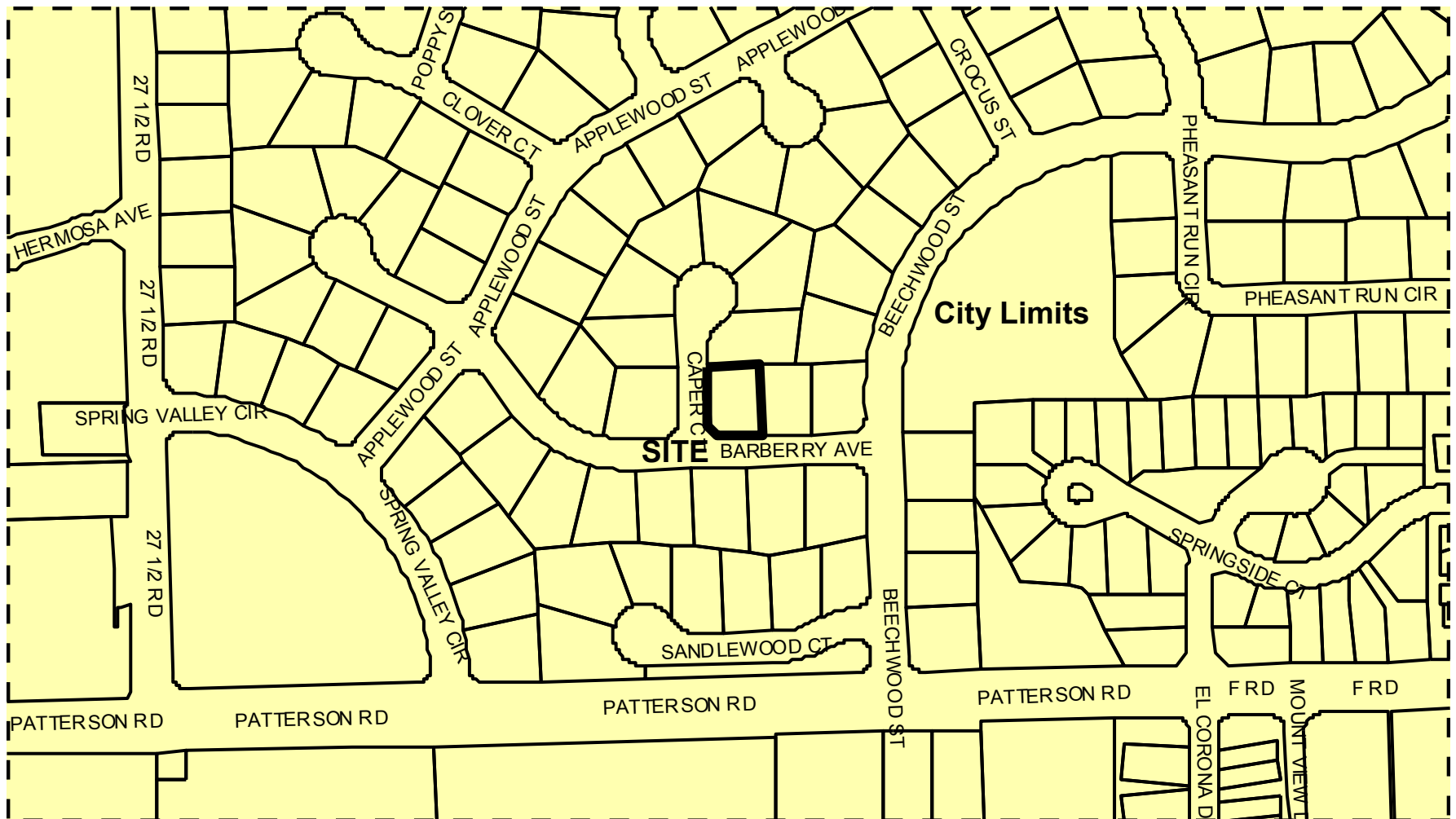
Attachments:

1. Site Location Map
2. Aerial Photo Map
3. Future Land Use Map
4. Existing City Zoning Map

5. Resolution & Exhibit

Site Location Map – 2110 Barberry Avenue

Figure 1



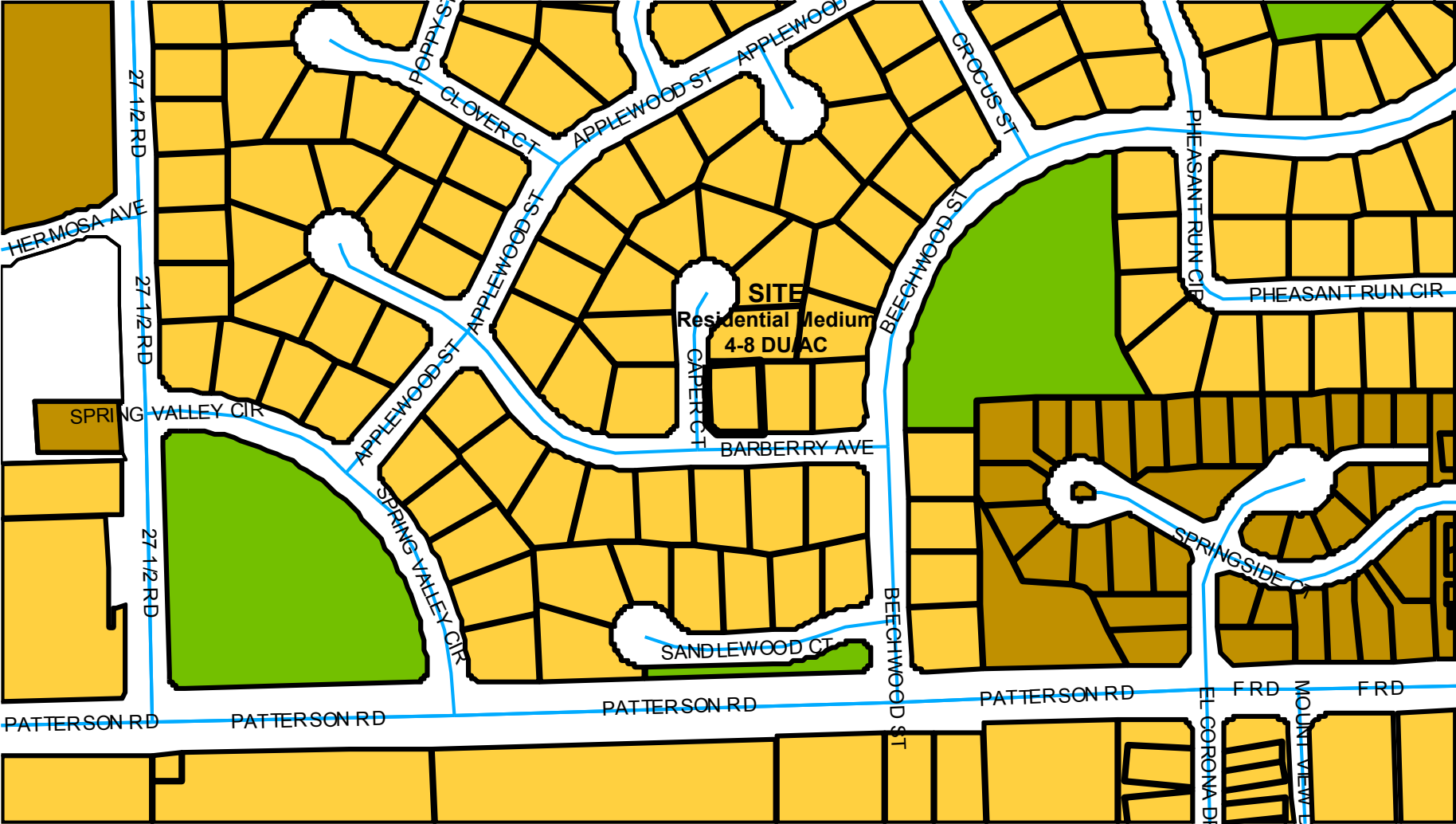
Aerial Photo Map – 2110 Barberry Avenue

Figure 2



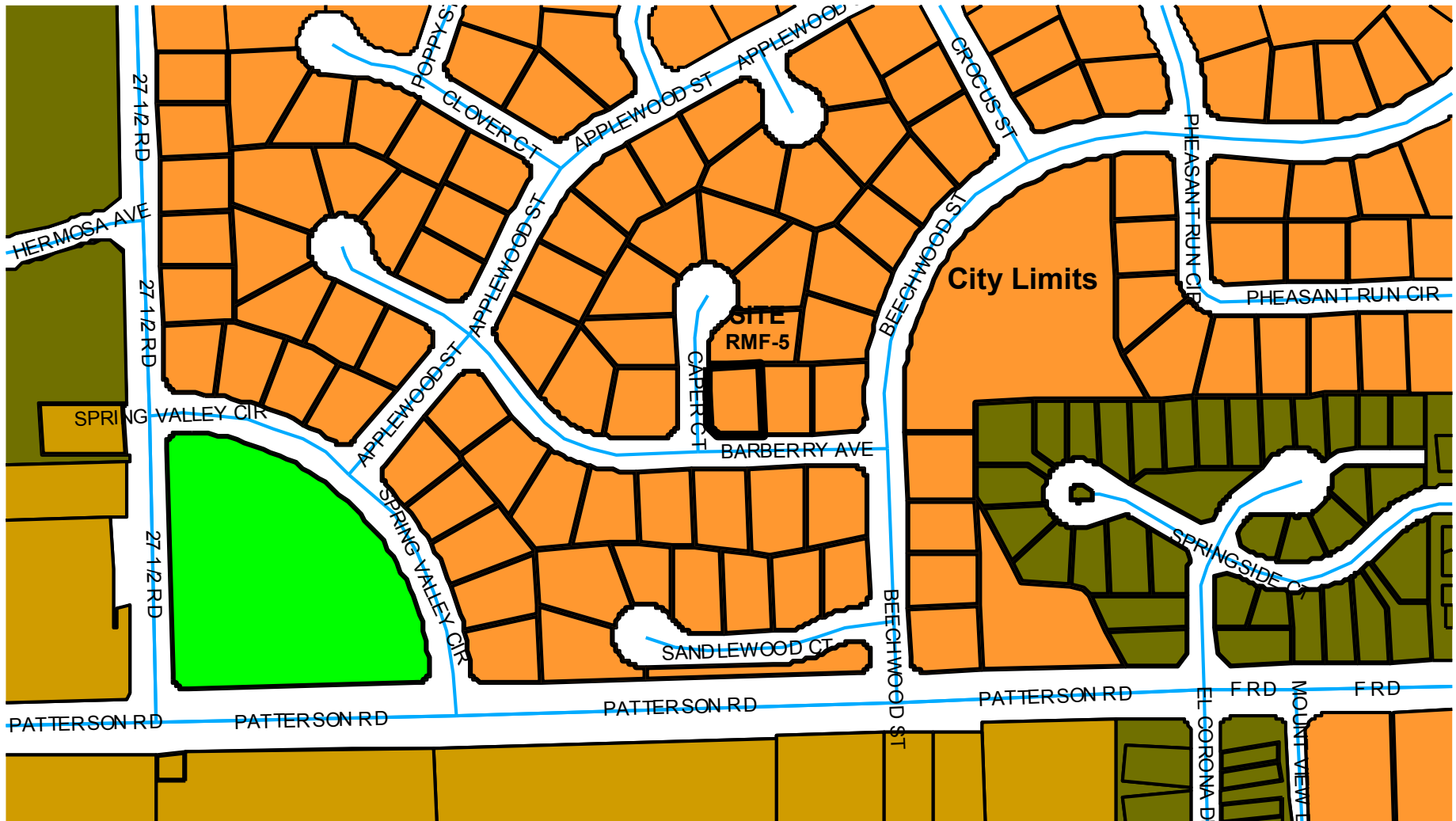
Future Land Use Map – 2110 Barberrry Avenue

Figure 3



Existing City Zoning – 2110 Barberrry Avenue

Figure 4



CITY OF GRAND JUNCTION

Resolution No. _____

A RESOLUTION VACATING A PORTION OF A 7' WIDE UTILITY EASEMENT
LYING ALONG THE EAST PROPERTY LINE OF LOT 10, BLOCK 4,
SPRING VALLEY, FILING TWO
KNOWN AS: 2110 BARBERRY AVENUE

RECITALS:

The applicant proposes to vacate a portion of a 7' wide Utility Easement located along the east property line of Lot 10, Block 4, Spring Valley, Filing Two in order to accommodate the location of a detached accessory structure (patio cover).

The Planning Commission, having heard and considered the request and found the criteria of the Code to have been met, recommend that the vacation be approved.

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

1. The following described portion of an existing 7' utility easement is hereby vacated:

A strip of land for a utility easement vacation situated in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 1, Township 1 South, Range 1 West of the Ute Meridian, Mesa County, Colorado being more particularly described as follows:

Commencing at the northeast corner of Lot 10, Block 4, Spring Valley Filing Two, the basis of bearing being N89°46'00"W to the northwest corner of said Lot 10; thence S00°14'00"W a distance of 18.80 feet along the east line of said Lot 10; thence N89°46'00"W a distance of 4.00 feet to the Point of Beginning; thence S00°14'00"W a distance of 15.50 feet; thence N89°46'00" a distance of 3.00 feet; thence N00°14'00"E a distance of 15.50 feet; thence S89°46'00"E a distance of 3.00 feet to the Point of Beginning; Said strip contains 46.5 sq. ft. more or less.

See attached Exhibit A.

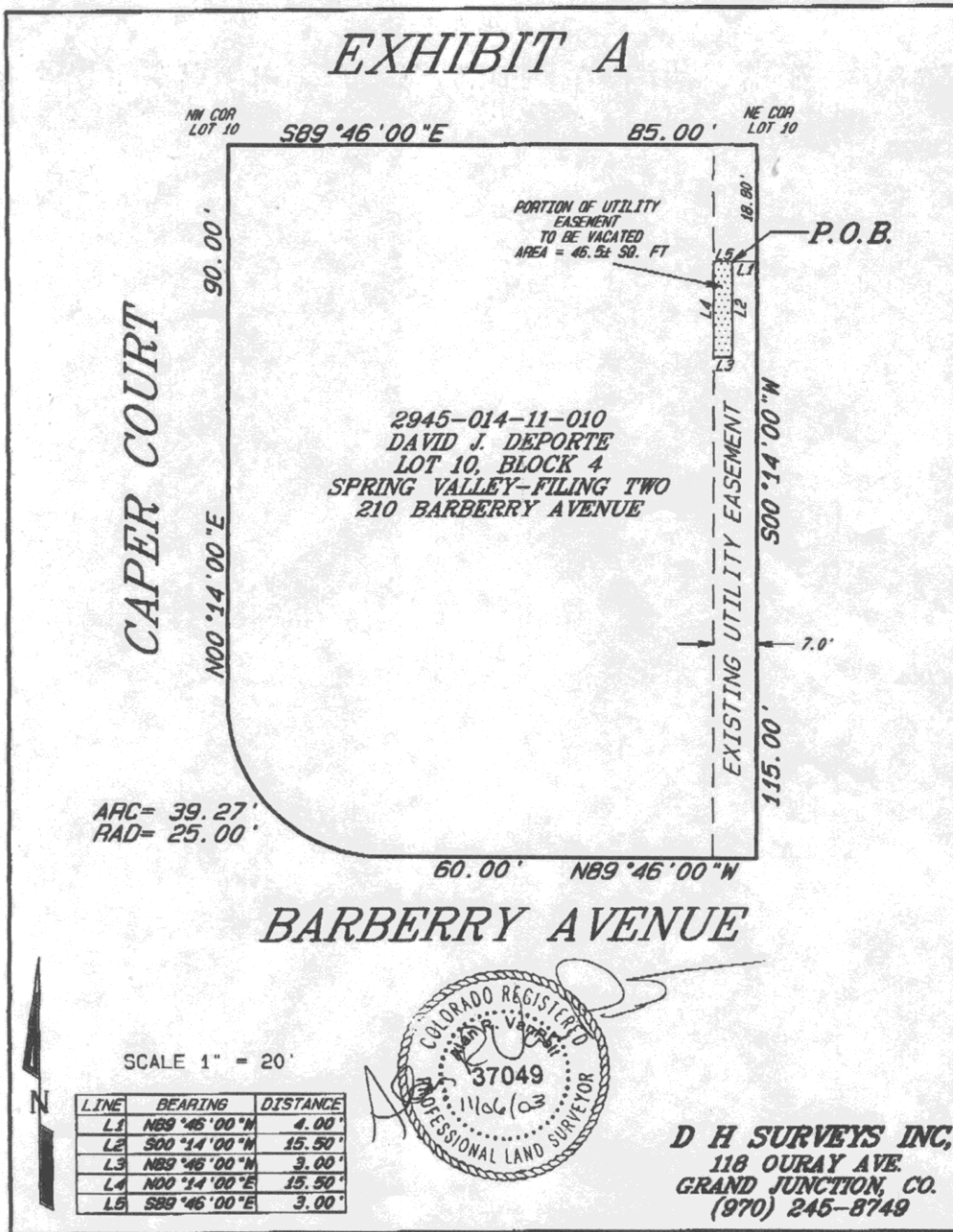
PASSED and ADOPTED this _____ day of November, 2003.

ATTEST:

City Clerk

President of City Council

EXHIBIT A



Attach 4

Sole Source Purchase of Rain Bird Maxicom

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Rain Bird Maxicom Controllers					
Meeting Date	December 3, 2003					
Date Prepared	November 20, 2003				File #	
Author	Rex Sellers			Senior Buyer		
Presenter Name	Don Hobbs			Assistant Parks Director		
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes		No	Name	
	Workshop	X	Formal Agenda		Consent	Individual Consideration

Summary: Sole Source purchase of Rain Bird Maxicom Controllers for 2004. The Parks Department currently has several parks with individual automated site based irrigation systems. These systems will be converted to the centralized Maxicom software program that is currently in operation at the Lincoln Park central irrigation control system. The Rain Bird Maxicom brand is the only compatible controller and Grand Junction Pipe and Supply is the only authorized Rain Bird distributor for this area.

Budget: Funds for this project are contingent on final Council approval of 2004 Parks Department Budget.

Action Requested/Recommendation: Authorization for the Purchasing Department Senior Buyer to issue Purchase Orders to Grand Junction Pipe and Supply in the estimated amounts of \$47,800.00 contingent on final 04 Budget approval.

Attachments: SOLE SOURCE JUSTIFICATION FORM and memo of explanation.

Background Information: Included in memo dated November 4, 2003, attached to the Sole Source Justification, authored by Don Hobbs.

TO: Ron Watkins

FROM: Don Hobbs

DATE: November 4, 2003

RE: Sole Source Request and Justification

Over the next three years the Parks and Recreation Department will be converting the majority of the automated irrigation systems from site-based controllers to a centrally controlled computerized system. The conversion will require the purchase of central processing units for four sites and new controllers and radio/cell phone connection equipment for the majority of the parks. In order to maintain compatibility and conformity with City-owned equipment and to avoid the expenditure of what could be tens of thousands of additional dollars that would be required to replace currently owned equipment we are requesting City Council authorization for a sole source equipment purchase from a locally owned and operated sole source vendor. It is estimated these expenditures will be \$47,800 in 2004, \$58,700 in 2005 and \$53,400 will be proposed in 2006.

Over the past years the department has used Rain Bird manufactured equipment purchased through the only Rain Bird master distributor on the Western Slope, locally owned and operated Grand Junction Pipe and Supply. Many of the controllers (clocks) currently in use throughout the park system will have to be replaced as part of the centralization; a lot of what is currently in use can be upgraded if compatibility with Rain Bird is maintained.

Several thousand dollars have been invested in the existing central system which operates the irrigation systems in Lincoln Park, Sherwood Park, and Eagle Rim. This equipment includes a single controller at Eagle Rim and multiple controllers for Lincoln and Sherwood, and a link from each site back to the central control site in the park maintenance facility at Lincoln Park. Depending on the site, the communication between central processor is accomplished either via direct wire, direct wired phone lines, cell phones or a UHF two-way radio link; in our system all methods will be used. Lincoln Park's central control area houses a dedicated computer and Maxicom software, and a central processing unit which distributes the site specific irrigation program from the computer to the specific park and upon completion of the irrigation cycle receives a printable operation report from the park. A weather station in Lincoln Park (stations are also located at Tiara Rado and Canyon View) sends evapotranspiration (ET) and weather condition information, used in calculating the run-times for each irrigation valve, to the central computer.

In addition to the several thousand dollars it would take to totally replace all of the components currently in use at Eagle Rim, Sherwood and Lincoln Park, the estimated cost to replace the central system at Lincoln Park with a brand other than Rain Bird's Maxicom system would be a minimum of \$8,600 for the central processor and 2-way radio equipment, and \$14,500 for the software and five years support services. Another area of savings by staying with Rain Bird is

the fact seven of the newer park sites have site controllers capable of being converted to central control compatible at a cost of \$450 each versus a replacement cost of \$1,215 each.

Dollars aren't the only reason to stay with the local distributor. Grand Junction Pipe and Supply has been supporting products purchased by the City, and in particular, the Parks and Recreation Department since they opened their doors. Their staff is well trained, participates in seminars, and is willing to train staff in every aspect of irrigation. Anytime we have experienced a problem they are literally a phone call away and usually able to be on site in no time at all. As we enter into this new age of irrigation technology our confidence in the Rain Bird product and the local distributorship is vital to the transition from site-base automated irrigation to centrally controlled automation. In summary, expense, efficiency, outstanding support services, and quality of the product are compelling reasons to request sole source consideration.

Form A

CITY OF GRAND JUNCTION
SOLE SOURCE JUSTIFICATION FORM

Date: 11/4/03 Requested By: Don Hobbs
Department: Parks & Recreation Division: Parks Operations
Vendor Name: GJ Pipe & Supply Net Cost Delivered: \$ Est \$47,800/2004, \$58,700/2005,
Proposed \$53,400/2006

SOLE SOURCE JUSTIFICATION
(INITIAL ALL ENTRIES THAT APPLY)

Material/Service Description: RainBird Maxxim controllers & centralization components

1. - The Vendor is the original equipment manufacturer and there are no regional distributors;
2. - The product, equipment or service requested is clearly superior functionally to all other similar products, equipment or service available from another manufacturer or vendor;
3. - The over-riding consideration for purchase is compatibility or conformity with City-owned equipment in which non-conformance would require the expenditure of additional funds.
4. - No other equipment is available that shall meet the specialized needs of the department or perform the intended function; or
5. - Detailed justification is available which establishes beyond doubt that the Vendor is the only source practicably available to provide the item or service required.
6. - Detailed justification is available which proves it is economically advantageous to use the product, equipment or service.

I recommend that competitive procurement be waived and that the service or material described herein be purchased as a sole source.

Departmental Approval

Signed: [Signature] Director of Parks & Rec. 11/4/03
title date

Purchasing Approval:

Based on the above and attached documents, I have determined this to be a sole source with no other vendor practicably available.

Purchasing Manager Approval: [Signature] Date: 11/12/03

Final Authorization

City Council Approval Required (\$25K and over)

City Manager Approval Required (\$10K to less than \$25K)

yes / no
yes / no

Attach Justification Documentation and Forward to City Purchasing Manager

Attach 5

Utility Rate Changes for 2004

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Utility Rate Changes, Effective January 1, 2004					
Meeting Date	December 3, 2003					
Date Prepared	November 17, 2003				File #	
Author	Greg Trainor		Utilities Manager			
Presenter Name	Greg Trainor		Utilities Manager			
Report results back to Council	<input type="checkbox"/>	No	<input type="checkbox"/>	Yes	When	
Citizen Presentation	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	Name	
<input type="checkbox"/>	Workshop	<input checked="" type="checkbox"/>	Formal Agenda		<input type="checkbox"/>	Consent
					<input checked="" type="checkbox"/>	Individual Consideration

Summary:

Proposal to change utility rates for Wastewater and Water Services Effective January 1, 2004.

Highlights:

- 68% of City water customers will see a decrease in their water rates.
- Sewer rates are increasing by 5%.
- Irrigation charges for the Ridges will not change for 2004.
- Trash rates will not change for 2004.

Budget:**City Water****Residential**

0-3000 gal. of use	\$8.00 to \$7.00	\$1.00 <u>decrease</u>
Next 7,000 gal. of use	\$1.85 to \$1.80 per 1,000 gal.	5 ¢ <u>decrease</u> /1,000 gal.
Next 10,000 gal. of use	\$1.90 to \$1.95 per 1,000 gal.	5 ¢ <u>increase</u> /1,000 gal.
From 20,000 gal of use gal.	\$1.95 to \$2.10 per 1,000 gal	15 ¢ <u>increase</u> / 1,000

Multi-Unit

Base unit cost (3,000 gal)	\$8.00 to \$7.00	\$1.00 <u>decrease</u>
Additional per unit	\$6.50 to \$6.00	50 ¢ <u>decrease</u> per unit

Multiple family residential and multiple unit commercial rates will be changing the same as residential for usage over 3,000 gallons per month.

The Senior Citizen Discount of \$2.00 per month for water customers age 65 and older will be eliminated as the discount has been provided to all water users over the past three years (\$8.50 to \$8.00 to \$7.00).

Sewer:

5% per EQU increase for all customers. This equates to an increase of .63 cents per month for a single family home, from \$12.60 to \$13.23 per month.

Irrigation Rates in the Ridges

No changes

Trash:

No changes. Recycling will remain at \$1.75 per month.

Action Requested/Recommendation:

Adopt Resolution implementing Utility Rate changes, effective January 1, 2004

Attachments:

Proposed Resolution

Background Information:

Sewer increases are due to higher costs to upgrade and maintain the sewer system and construction of the Combined Sewer Elimination Project. Water decreases are due to decreased costs of operation and adjusting rates between multi-family and single family users; 32% of water customers will see an increase in their monthly bill if consuming water greater than 20,000 gallons.

City of Grand Junction, Colorado

Resolution No. _____

A Resolution adopting utility rates for Water and Wastewater Services effective January 1, 2004

Recitals:

The City of Grand Junction establishes rates for utility services on a periodic basis, and by this resolution, the City Council establishes, rates for water and wastewater utility services and to implement decisions made in the long-term financial plans for both water and sewer services.

Water rates are being reduced for the lower consumption blocks and increased for the higher consumption blocks to reflect a water conservation rate. Costs for water consumption of less than 23,000 gallons per month will decrease.

Sewer rates are being increased to reflect the cost of on-going operating expenses, particularly energy, and for the combined storm and sanitary sewer elimination project and has the authority to establish rates by resolution.

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

Effective January 1, 2004, rates for utility services will change according to the following schedule, titled *Utility Rates*. Appropriate schedules will be developed showing charges for all utility services rendered.

City Water

Residential

0-3000 gal. of use	\$8.00 to \$7.00	\$1.00 <u>decrease</u>
Next 7,000 gal. of use	\$1.85 to \$1.80 per 1,000 gal.	5 ¢ <u>decrease</u> /1,000 gal.
Next 10,000 gal. of use	\$1.90 to \$1.95 per 1,000 gal.	5 ¢ <u>increase</u> /1,000 gal.
From 20,000 gal of use gal.	\$1.95 to \$2.10 per 1,000 gal	15 ¢ <u>increase</u> / 1,000

Multi-Unit

Base unit cost (3,000 gal)	\$8.00 to \$7.00	\$1.00 <u>decrease</u>
Additional per unit	\$6.50 to \$6.00	50 ¢ <u>decrease</u> per unit

Multiple family residential and multiple unit commercial rates will be changing the same as residential for usage over 3,000 gallons per month.

The Senior Citizen Discount of \$2.00 per month for water customers age 65 and older will be eliminated as the discount has been provided to all water users over the past three years (\$8.50 to \$8.00 to \$7.00).

Sewer:

5% per EQU increase for all customers. This equates to an increase of .63 cents per month for a single family home, from \$12.60 to \$13.23 per month.

Irrigation Rates in the Ridges

No changes

Trash:

No changes. Recycling will remain at \$1.75 per month.

PASSED and ADOPTED this ____ day of December, 2003.

Jim Spehar, President of the City Council

Attest:

City Clerk

Attach 6

2004-2005 Fees & Charges Policy for Parks and Recreation
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	2004 – 2005 FEES & CHARGES POLICY					
Meeting Date	December 3, 2003					
Date Prepared	October 17, 2003				File #	
Author	Joe Stevens			Parks & Recreation Director		
Presenter Name	Joe Stevens			Parks & Recreation Director		
Report results to Council	<input checked="" type="checkbox"/>	No		Yes	When	
Citizen Presentation		Yes		No	Name	
	Workshop	<input checked="" type="checkbox"/>	Formal Agenda		Consent	<input checked="" type="checkbox"/> Individual Consideration

Summary: The Parks & Recreation Advisory Board is recommending that the City Council pass a resolution adopting the 2004 & 2005 Parks & Recreation Fees & Charges Policy. Additionally, it is also recommended that the City Council adopt the 2004-2005 Fees & Charges Policy for Two Rivers Convention Center and the Avalon Theatre.

Budget: The Fees & Charges Policy is consistent with the budget reviews that took place on October 29, 2003, and are consistent with expense and cost recovery policies and procedures.

Attachments: 2004 & 2005 Fees & Charges Policy, 2004 & 2005 Fees & Charges, and Resolution

Action Requested/Recommendation:

It is recommended that the Parks & Recreation Advisory Board adopt Alternative #1 recommending the City Council adopt the 2004 – 2005 Fees and Charges Policy as presented.

Alternatives:

1. Recommend the City Council adopt a resolution revising the fees as presented.
2. Recommend the City Council adopt a resolution as modified.
3. Recommend the City Council deny the resolution in its entirety.

Background Information:

Recommended modifications and observation from the 2002 – 2003 Fee & Charges policy to the 2004 – 2005 recommended fee policy include:

GOLF

A two tiered proposed fee structure is being recommended for the golf courses. The per round fee is projected to increase approximately 4% at Lincoln Park and approximately 10% at Tiara Rado in 2004. Season ticket prices will be the same at both Lincoln Park and Tiara Rado with a 3.4% increase in 2004 for the unlimited season ticket, which will go from \$262.00 (resident) to \$271.00 (resident). Limited season tickets will increase 3.3% from \$210.00 to \$217.00 in 2004. The business plan for the golf course and proposed charges for 2005 project a 4% increase in season tickets and a 5% average increase in per-round fees. With these adjustments, golf fees will remain highly competitive in the region and will maintain the enterprise status for golf course operations and development.

AUDITORIUM (LINCOLN PARK BARN)

Rental fees for both business and family events will increase in both 2004 and 2005 by \$5.00 or 1.7%. A full day business event will go from \$445 in 2003 to \$450 and \$455 in 2004 and 2005. A full day family event will go from \$225 to \$230 and \$235.

PARK PERMITS

There will be no increase in shelter rentals for 2004 but all will increase \$5 in 2005.

Small – (e.g. Riverside, Spring Valley II) from \$20 to \$25

Medium – (e.g. Lincoln Park, Hawthorne, Sherwood) from \$25 to \$30

Large – (Gunnison @ Canyon View) from \$30 to \$35

Extra Large – (Grand @ Canyon View) from \$45 to \$50

CANYON VIEW BASEBALL

The minimum charge for a baseball event will go from \$70 in 2003 to \$75 in 2005. A non-baseball event will go from \$150 in 2003 to \$175 in 2004 and remain the same in 2005. The increase was delayed until 2005 to give time to the School District and Mesa State time to adjust their budgets and implement it during the 2004 – 2005 school-year.

The cost for high school and college playoff games will increase in 2005 from \$400 to \$450.

Non-baseball use will increase in 2004 from the greater of \$150 minimum / or \$1.00 per person / or 15% of the ticket price in 2003 to \$175 / or \$1.25 per person / or 15% of the ticket price in 2004.

STOCKER STADIUM

Baseball – The charge for a baseball use will go from the greater of \$90 minimum / or \$1.00 per person / or 15% of the ticket price in 2003 to \$95/ or \$1.25 per person / or

15% of the ticket price in 2005. This is an increase of \$5 to the minimum or in most cases \$.25 per person in attendance. The increase was delayed until 2005 to give time for the School District and Mesa State to adjust their budgets and implement during the 2004 – 2005 school-year.

The cost for JUCO will increase in 2005 from \$400 per day to \$450 per day or \$400 additional for the usual Saturday through Saturday tournament.

The cost for high school and college playoff games will increase in 2005 from \$400 to \$450.

Non-baseball use will increase in 2004 from the greater of \$150 minimum / or \$1.00 per person / or 15% of the ticket price in 2003 to \$175 / or \$1.25 per person / or 15% of the ticket price in 2004.

Football - The charge for a football use will go from the greater of \$150 minimum / or \$1.00 per person / or 15% of the ticket price in 2003 to \$175 / or \$1.25 per person / or 15% of the ticket price in 2004. The increase in the minimum will not directly impact the School District or Mesa State as all of their football games are charged on a per person basis and is for the most part a pass-through cost to the spectators.

The cost for high school and college playoff games will increase in 2005 from \$400 to \$450.

Track - The charge for a track use will go from the greater of \$70 minimum / or \$1.00 per person / or 15% of the ticket price in 2003 to \$75 / or \$1.25 per person / or 15% of the ticket price in 2005. The increase was delayed until 2005 to give time to the School District and Mesa State time to adjust their budgets and implement it during the 2004 – 2005 school-year.

Stadium Lights – All light fees will go from \$76 hour in 2003 to \$80 in 2005. The increase was delayed until 2005 to give time to the School District and Mesa State time to adjust their budgets and implement it during the 2004 – 2005 school-year.

CEMETERIES

All cemetery fees will increase by 3.5% in 2004 and again in 2005.

Example:

<u>2004</u>	<u>2005</u>	<u>2003</u>
Adult Grave Space	\$1,140	\$1,080
Perpetual Care	\$ 295	\$ 275
		\$ 285

Opening and Closing	<u>\$ 550</u>	<u>\$ 570</u>
<u>\$ 590</u>		
Total	\$1,905	\$1,965
\$2,025		

RECREATION / AQUATICS

General Recreation: no changes have been made to program registration fees, as programs are guided first by the cost recovery policy, dependent upon the target population and facility at which the programs are held. Secondly, a range has been previously established that allows for great flexibility in setting per course per class, per activity fees to optimize participation, cost recovery, and balance among all programs in the total revenue to expense ratio scenarios.

Facilities Rentals: the Recreation Division manages the scheduling, fees charged to and collected for the multi-use fields at Canyon View Park, primarily as a result of its management of the use contract in place with Grand Mesa Youth Soccer Association. Three changes have been made to facility use fees. The **first (Items E.1. and E.3.)** is to add Mesa County Junior Football to the “League” and “Tournament Play” categories as an identifiable user group. This serves to note that a special use agreement will be negotiated with the football association, similar to that previously negotiated and already in existence with Grand Mesa Youth Soccer Association (GMYSA). Since the special use agreement is/will be in place, these two groups and their affiliates (e.g. adult soccer) is extended a discounted rate, as GMYSA has been extended since it began using that facility. The **second change (Item E.8.)** is to add the field rental charge of \$10 for practice permits issued to GMYSA for daily practices by its various teams. Uses are for, approximately, a two-hour block of time in the evening hours, with no support services provided by the department. GMYSA staff manages this permitting and allocation of fields, with monitoring by Recreation Division staff. This permitting has been occurring for a few years, and was written into an addendum to the original use agreement, but had not been added as an item on the Fees and Charges schedule. The **third change (Item E.7.)** is to additionally add an item similar to the practice permit use (above) to apply to other user groups, such as those unaffiliated with the department’s programs. An example might be men’s rugby, or a new lacrosse team, with which no cooperative agreement has been reached to incorporate it as a Recreation Division program. No support services will be provided by the department for these rentals. As field demand and use has increased, the requests for short-term practice time by such user groups have increased. While it is usual to not entertain these requests, there are times when it could be beneficial to both user group and the city to issue permits. It is expected that a limited number of these permits would be issued annually.

Swimming Pools: no changes have been made to **facility admission fees**, as the facilities and programs are guided first by the cost recovery policy, which clearly delineates the cost recovery for aquatic facilities and their programs. Existing admission fees ensure conformance to that policy.

Additionally, aquatics staff has conducted surveys among other aquatic facilities locally, regionally, and nationally to identify the city's pricing philosophy position. The City of Grand Junction's facilities are in the top percentiles for admission fees, given their existing design and amenities. Facilities that charge more in admission, and subsequently are able to recover more of their operating expenses given a similar population base, have more exciting water features and facility amenities than do Grand Junction's facilities. Examples are water slides, water spray features, and large water toys at both indoor and outdoor facilities. Until such time that features such as these can be added to the City of Grand Junction's facilities, it is doubtful that admission fees OR cost recovery should/could be raised. **Learn to Swim fees** have been increased approximately 6%, and as such should represent approximately a \$3,000 increase in revenues at each facility. Of the two primary programs operated by the aquatics division (public swim and learn to swim), in 2002 the Learn to Swim program was identified as sustaining an average \$4.64 loss per registration at Orchard Mesa Community Center Pool, and an average \$7.09 loss per registration at Lincoln Park – Moyer Pool. While the cost recoveries for Learn to Swim are currently within the parameters mandated by the cost recovery policy, operationally there is room for cost recovery improvement. Learn to Swim staff will continue to focus on the quality of the program to maintain it as the best program in the County. Other programs, such as the gym & swim, fitness drop-in, birthday parties, private pool rentals, etc. are appropriately recovering their shares of expenses and are not being recommended for any changes in fees. The **competitive swim meet fees** are to be negotiated based upon special need demonstrated by the meet sponsor. This has previously been set as a fees & charges policy. Currently, **competitive swim practices** are not charged currently, and sustain an average of \$2.32 per swimmer loss to the facility operations at the OMCC Pool and an average of \$9.13 loss per swimmer to the facility operations at LP-M Pool. Any proposed fee implementation to bring about change to this operational subsidy will be negotiated with the competitive swim team boards and recommended at a later time to the Parks & Recreation Advisory Board.

TWO RIVERS CONVENTION CENTER

In 2004 we are looking at keeping all function room rentals, AV rentals and equipment rentals flat from 2003 to 2004 and then a 4% increase for 2005.

For 2004 we are recommending increasing our menu pricing by 12% and then holding pricing steady for 2005 menus.

<u>Increase</u>	<u>2003</u>	<u>2004/ 2005</u>	
Breakfast	\$5.95 - \$7.95	\$6.95 - \$8.95	\$1.00
Lunch	\$8.95 - \$9.95	\$9.95 - \$10.95	\$1.00 - \$2.00

Dinner	\$13.95 - \$19.95	\$15.95 - \$22.95	\$2.00 - \$3.00
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The recommendation is to increase the price of the menus for 2004 and increase the price of rentals in 2005.

AVALON THEATRE

We recommend holding to the existing rates for 2003 thru 2004 and a 4% increase in 2005. The reason to hold flat for 2004 is that there was a substantial increase in 2002 when the City took over.

PURPOSE OF POLICY

The Fees and Charges Policy is intended to establish a standardized approach in assessing fees for residents and nonresidents for the use of City facilities. This policy provides a guideline for determining which user groups should pay and at what percentage, to keep fees at a fair market level in order to encourage participation, to strive for a high degree of cost recovery, and to lessen the burden on the City tax payer.

AUTHORITY

The Parks and Recreation Department shall develop and recommend fees and guidelines for all appropriate uses of its facilities and participation in various recreation programs. The fees will be reviewed by staff, the Parks and Recreation Advisory Board and ultimately approved by the City Council.

DEFINITIONS

DIRECT COST - cost of part-time staff (e.g. instructors, leaders, lifeguards,) supplies, materials, building rental and advertising, etc.

INDIRECT COST - cost of (full-time staff eg. recreation/park superintendents, recreation supervisors, facility managers, maintenance workers) maintenance, facility utilities, operating equipment, or other overhead, capital equipment etc.

COST RECOVERY CATEGORIES

- 1. **MINIMAL COST RECOVERY** – Recreation programs and/or facilities may recover less than 50% of the direct costs.

Programs

- | | |
|-------------------------------------|---------------------|
| Therapeutic Recreation | Teen Programs |
| Asset based Programs | Special Events |
| “Learn to Swim” Scholarship Program | Recreation |
| | Scholarship Program |

Facilities

- Senior Recreation Center

2. **PARTIAL COST RECOVERY** – Recreation programs and/or facilities will recover a minimum of 70% of the direct and indirect operating costs.

Programs

Aquatics	Arts, Music and Culture
Early Childhood	Youth General Recreation
Senior Recreation	Youth Athletics

Facilities: Specific facilities will recover a minimum of 40-90% of the direct and indirect operating costs (excluding capital)

Two Rivers Convention Center	- 65-80%
Swimming Pools	- 80-90%
Cemetery	- 80-100%

3. **FULL COST RECOVERY** – Recreation programs and/or facilities will recover a minimum of 100% of the direct and indirect operating costs.

Programs

Adult Athletics	Outdoor Recreation	
Adult General Recreation	Specialized	Technical
Instruction		
Adult Fitness	Arts, Music and Culture	

Facilities

Golf Courses

4. **RECREATION PROGRAMS TARGETED COST RECOVERY** - the targeted cost recovery for all recreation programs combined is 70-80%.

GENERAL DEPARTMENTAL POLICIES

CITY DISCOUNT

A person(s) residing within the City limits of the City of Grand Junction receives a discounted resident rate of 20%. The 20% will apply to recreation classes/programs, season passes for Lincoln Park -Moyer Pool, Lincoln Park and Tiara Rado Golf Courses. The resident discount does **NOT** apply to daily golf and pool fees, special events, Stocker Stadium/Suplizio Field, Municipal Cemeteries, Two Rivers Convention Center, and the Lincoln Park Auditorium. All fees at the Orchard Mesa Community Center Pool are discounted because of the City-County joint funding. The City resident discount for pool punch cards is 15%. Punch cards are valid at both Lincoln Park-Moyer Pool and the Orchard Mesa Community Center Pool.

Note: All fees will be rounded to the nearest quarter.

SPONSORSHIP OF GROUPS

The groups which are co-sponsored by the Department are: Dolphins Swim Club, Grand Valley Wave Swim Club, Grand Junction Tennis Club, JUCO, Senior Recreation Center Incorporated, Grand Mesa Youth Soccer Association (GMYSA), Mesa County Jr. Football Association, Lincoln Park and Tiara Rado Golf Clubs, and the Fourth of July Celebration Committee.

RETURNED CHECK

There will be a \$10.00 service charge on checks returned for insufficient funds, an additional \$10 will be charged if the account goes to collection.

AGE CATEGORIES

Infant	Under 3 years of age
Youth	3 - 17 years of age
Adult	18 and older

FAMILY DEFINITION

Husband, wife and *children including natural, adopted, foster and stepchildren, living under the same roof.

*Children - Must be 17 years or younger, or full-time student under 24 years of age.

GROUP DEFINITION

Any group of five or fewer individuals. Resident discount will be extended if ALL five individuals are City residents. Nonresident rate will be applied if any one or more individual(s) in the "group" are classified as nonresident(s). There will be an additional fee, per person, for more than five individuals comprising a group.

LATE REGISTRATION FEES

Youth Sports Programs: A late fee of \$5 may be assessed on player registrations taken after the date on which teams are formed.

Adult Sports Programs: A late fee of \$50 may be assessed on team registrations taken after the date on which league schedules are formed.

REFUND AND SATISFACTION GUARANTEE

A full credit toward a future program or activity or a refund will be issued for any program that is cancelled by the department. If, for any reason, you find that you cannot participate in a program for which you are registered, credits or refunds will gladly be given for most programs – for best results, please request these before the class meets for the first time. Some programs require notification of your withdrawal seven (7) days prior to the beginning of the program, and in some cases, full refunds cannot be granted if expenses for the program have already been incurred. Please check your program receipt for specific information, or ask our leisure service representatives.

...and

If you are not satisfied with a class, program or activity offered by our department, let us know your concerns in writing within 10 days of the last class. We will arrange for you to repeat the program at no additional charge, receive a credit which may be applied to another activity, or receive a refund. This policy does not apply to trips and tours, adult sport league programs, and season passes/tickets or punch cards for golf or swimming.

TRANSFER

Program transfers are permitted, provided that space is available.

I. GENERAL RECREATION DIVISION

A. GENERAL RECREATION PROGRAMS

General Recreation participant program fees are based on the cost of providing the service and the pre-determined cost recovery percentage for that program/activity.

B. SPECIAL EVENTS

The Department will offer special events to the public for which a fee may be charged as based on the minimal cost recovery rule, recovering less than 50% of direct program costs; or as indicated for raising funds to be allocated to a specific cause.

C. SPORT LEAGUE PROGRAMS

The Parks and Recreation Department will provide youth and adult, competitive and recreational league programs including, but not limited to softball, football, wrestling, volleyball, soccer, basketball and tennis.

D. RECREATION EQUIPMENT RENTAL

Individuals may rent volleyball equipment from the Department for private use. A rental fee and deposit will be required before issuing equipment. The equipment must be returned in good condition the next business day. The deposit shall be forfeited if equipment is not returned on time and in acceptable condition.

II. SWIMMING POOLS

A. DAILY POOL ADMISSIONS

FREE SWIM DAY

Free pool admission for individuals 17 and under will be offered on Wednesdays from 9:30 A.M. - Noon and 1:30 P.M. - 4:30 P.M. at the Lincoln Park-Moyer Swimming Pool. Wednesdays free day admission is valid for the pool complex only and **will not be valid for the waterslide.** Certain Wednesdays may be excluded based upon predetermined closings to the public (e.g. swim meets).

NON SWIMMERS

ALL individuals entering the facility will pay the daily admission fee or present their season pass/punch card. During Learn-to-Swim, admission fees will not be charged to class observers. Observers must remain in designated observation areas, and must leave the facility prior to its reopening for public swim or other use.

HOT TUB USE FEE - ORCHARD MESA POOL ONLY

A person may pay a fee in addition to the admission in order to utilize the hot tub at the Orchard Mesa Community Center Pool. Length of use will not be restricted, other than by the posted recommendations. Additionally, a person may pay a fee to enter the facility to use the HOT TUB ONLY.

LINCOLN PARK-MOYER POOL AND SLIDE DISCOUNT

A discounted admission rate will be extended at specific times throughout the week for the combined use of the pool and slide. If a patron has a punch card, season pass, or has paid a family admission, she/he may pay an additional individual fee for waterslide admission.

B. SUMMER SEASON POOL PASSES

Swimming pool summer season passes are available for use at both the Lincoln Park and Orchard Mesa Community Center Pool. An individual may purchase a season pass valid for Orchard Mesa Pool only. The Lincoln Park-Moyer Pool seasonal opening and closing dates are set annually based upon the existing School District #51 school calendar.

GROUP HOME POOL PASSES

"Group" pool passes will be sold to *group homes. The 5 individual limit will not apply.

*GROUP HOME as defined in City Zoning Code.

MID-SEASON PURCHASE OF POOL PASSES

Summer swimming pool season passes are available beginning July 1 for 1/3 off the regular fee and August 1 for 2/3 off the regular fee.

MONTHLY OPTION ON POOL PASSES

A monthly pass, featuring unlimited swims for May/June, July, and August/September, may be sold for one-third the regular season pass fee plus 15%.

C. PUNCH CARDS

The purpose of a PUNCH CARD is to offer discounted fees to frequent swimmers. The cost of the punch card is based on discounted single admission fees (10% discount for non-residents and 15% discount for residents). Punch cards are available for both the Lincoln Park-Moyer and Orchard Mesa Pools.

PUNCH CARDS AT ORCHARD MESA POOL - OFF SEASON

A swimmer will be able to purchase an "off season" punch card for the Orchard Mesa Community Center Pool, 30 punches for the price of 20.

D. "LEARN TO SWIM" PROGRAM

A "Learn to Swim" program will be offered at the Lincoln Park-Moyer Pool during the summer season. The fees established for the program will adhere to the partial cost recovery rule (City residents will receive a discounted resident rate).

The Orchard Mesa Community Center Pool will offer a "Learn to Swim" program year-round. Fees established for the program will adhere to the partial cost recovery rule. The non-resident fee will be the same as the resident fee because Mesa County contributes to the operating costs at the pool.

During "Learn-to-Swim", admission fees will not be charged to class observers. Observers must remain in designated observation areas, and must leave the facility prior to its reopening for public swim or other uses.

LEARN TO SWIM -- SCHOLARSHIP PROGRAM

The Parks and Recreation Department offers a reduced fee for the "Learn to Swim" program at Lincoln Park-Moyer and Orchard Mesa Community Center Pools. Lincoln Park-Moyer Pool scholarships are granted only to City residents. Families qualifying for the low income "Learn to Swim" will be charged a minimal fee for the instructional courses. Children must be between the ages of 6

and 15 to qualify. The scholarships will be awarded throughout the year accordingly:

Lincoln Park-Moyer Pool – 10 registrations/session (4 sessions: for a total of 40/year.) Orchard Mesa Pool- 6 registrations/session (13 sessions: for a total of 78/year.)

E. **PRIVATE POOL PARTIES**

The Lincoln Park-Moyer Pool and/or Waterslide and the Orchard Mesa Community Center Pool may be rented by individuals, groups or organizations for private, not for profit, pool parties during non-public hours. The rates are based on a 2-hour rental block. Payment is due at the time of booking and the number of swimmers in the party is indicated at that time. The guaranteed number of guests may be increased three days prior to the event and payment submitted without penalty; however, a premium over-booking fee will be charged when attendance exceeds the guarantee.

AREA SCHOOLS - ANNUAL POOL USE

Schools may schedule either Lincoln Park-Moyer Pool and Waterslide, or Orchard Mesa Pool for an annual pool party, not to exceed two hours, at a discounted fee for students, as availability allows. Schools may be combined not to exceed maximum capacity. Adults will pay regular admission fees.

BIRTHDAY PARTIES

Birthday parties will be offered at Lincoln Park-Moyer and Orchard Mesa Community Center Pool during public swim. The rates are based on a 2-hour rental block.

F. **FACILITY USE**

SHOWER USE FEE

There will be a fee for the use of the shower facility ONLY at the Lincoln Park-Moyer and Orchard Mesa Community Center Pools.

G. **SWIM CLUBS**

Meets: A daily fee will be assessed for use of Parks and Recreation aquatic facilities for competitive swimming programs. Fees assessed will cover all direct costs, as well as a relative portion of indirect costs incurred by the department. The Parks and Recreation department retains the right to negotiate the fee based upon special need demonstrated by the meet sponsors.

Practice-Sponsored Teams: Practice sessions will be provided to the Dolphins and Grand Valley Wave Swim Clubs as availability allows. Practice sessions may be scheduled as space is available during public swim, and the fee will be negotiated separately with the respective swim team.

H. **RECREATION EQUIPMENT RENTAL**

Recreation equipment, (mask and fins, tubes or inflatables), may be rented at either Lincoln Park or Orchard Mesa Pools.

III. FACILITIES

- Business Event - An event at which sales occur, an admission is charged, or funds are collected and may/may not be open to the public. This includes, but is not limited to, dances, plays concerts, flea markets, craft fairs, merchandise shows, organization fund raisers, etc.
- Family Event – An event at which NO sales occur and is not open to the general public.
- Free Community Event – an event in which no sales occurs, admission is not charged, nor are funds collected, and may be open to the public or special group.

A. **LINCOLN PARK AUDITORIUM "BARN" RENTAL**

An individual or organization may reserve the Lincoln Park Barn for their *business or *family event as availability allows. An event may be scheduled as "tentative" up to one year in advance. A damage/security deposit is required SIX months before the actual event to secure the date. If the deposit is not paid three months prior to the event, the event will be listed as tentative and the contract can be cancelled in favor of another booking/event. The total contract rental fee along with any additional forms required, must be paid/submitted at least ONE month prior to the scheduled event.

If a booking is cancelled after the deposit and/or rental fees have been paid, a refund will be issued less a 25% administrative fee of the deposit and/or rental fees.

B. **SENIOR RECREATION CENTER**

An individual may reserve the Senior Recreation Center for a business, family, or a free

community event, as availability allows.

C. **PARK PERMITS**

The Department will issue a permit for an area of a municipal park as availability allows. There will be a fee to reserve a picnic shelter in a park.

BUSINESS ACTIVITY IN CITY PARKS AND RIVERFRONT

If an event is held in a City park and ANY fees are collected, the Department shall collect the minimum fee per day as stated in the Fees and Charges Policy. The fee will be collected before the event and the additional funds, if applicable, shall be submitted to the Parks and Recreation office within 10 working days from the completion of the event.

Organizations seeking co-sponsorship by the Parks and Recreation Department, upon approval, may request permission to have the park use fee waived.

CAMPS

Use of a public park to conduct camps will be assessed the standard field rental rate plus 15% of gross sales (tickets, entry fee, etc).

CONCESSION SALES IN CITY PARKS AND RIVERFRONT

Concession or novelty sales cannot take place in a City park without prior approval of the Parks and Recreation Department. The Department and the City's contracted concessionaire must approve sales at Lincoln Park Stocker Stadium-Suplizio Baseball Field, Lincoln Park-Moyer Pool, Columbine and Kronkright softball complexes and the Canyon View softball complex, multi-use fields and baseball field.

*Note - for additional information on Riverfront Trails, refer to Ordinance Book, Chapter 26.

D. SOFTBALL and MULTI USE FIELD RENTAL

A tournament may be scheduled at Canyon View, Columbine or Kronkright Fields. Fields will be assigned based on the parks and recreation department's determination of appropriate facilities. The rental rate includes the initial field preparation for the tournament along with field maintenance scheduled between games when necessary. Softball field maintenance will be scheduled after the 5th and 10th consecutive softball games. The minimum tournament rate must be paid before the tournament and any additional fees associated with the tournament (lights, diamond dry) must be paid within 10 working days following the tournament. A contract MUST be signed prior to tournament.

All information regarding the tournament (insurance, contract, dates and times) must be submitted to the Parks and Recreation office a minimum of 7 days prior to the actual event. No field reservation will be accepted without receipt of a non-refundable reservation fee equal to 1/3 of minimal rental fee. Tournament brackets are due 3 working days prior to tournament start, with a non-refundable bracket fee payable with all other reservation fees. These deposits may be applied to the final field rental payment.

PRIVATE USE OF SOFTBALL FIELD(S) - NON-TOURNAMENT

An organization may rent the softball fields on an hourly basis. The fee will include the initial field preparation by Parks Department staff.

E. CANYON VIEW PARK/SPORTS COMPLEX

In consideration for contributions to the City of Grand Junction from Grand Mesa Youth Soccer Association (GMYSA) and from Mesa County Jr. Football Association (MCJFA), these groups will receive second priority in scheduled uses (after Parks and Recreation Department uses) of the multi-use fields and will additionally pay discounted player fees for regular league play.

F. STOCKER STADIUM/SUPLIZIO BASEBALL FIELD

Suplizio Baseball Field may be used for baseball activity only. Any other use of the facility must be pre-approved by the Department.

Stocker Stadium Football Field may be used for football activity only. Any other use of the facility must be pre-approved by the Parks and Recreation Department.

Stocker Stadium Track may be used for track activity only. Any other use of the facility must be pre-approved by the Department.

The locker room facility will be included in the rentals to JUCO, School District 51 and Mesa State College athletic programs. Any outside use of the facility will be assessed a fee for rental. A clean-up fee may be assessed to any organization using the facility and leaving the facility in disarray.

G. **TENNIS COURT USE**

The Grand Junction Tennis Club, School District 51 and Mesa State College may use a maximum of 6-8 courts, as approved, without a charge provided the facility is not being used for Department programs. Facility exchanges are utilized with Mesa State College and School District 51. The Grand Junction Tennis Club contributes monetarily on an annual basis, i.e. contributing tennis balls, nets, straps and funds for facility improvements.

Courts may be reserved by other groups on a per hour/per court basis provided the courts are available.

H. **TWO RIVERS CONVENTION CENTER**

Two Rivers Convention Center is available for rent to individuals and organizations. Refer to Two Rivers Policies and Procedures for additional information.

IV. **MUNICIPAL GOLF COURSES**

A. **SEASON TICKETS**

Season tickets are available for use at both Lincoln Park and Tiara Rado Golf Course and are valid for the calendar year (January 1 through December 31). There are three categories of season tickets available: **Unlimited** - Valid anytime, 7 days a week and holidays; **Limited - Lincoln Park** - Valid anytime Monday through Friday; Saturday, Sunday and holidays after 2:00 P.M. during daylight savings time and after 12:00 P.M. during Mountain Standard Time; **Limited - Tiara Rado** - Valid anytime Monday through Thursday; valid Friday, Saturday, Sunday and holidays after 2:00 p.m. during daylight savings time and after 12:00 noon during Mountain Standard Time. **Junior Limited** - Valid Monday through Thursday and valid Friday, Saturday, Sunday and holidays after 2:00 P.M. during daylight savings time and after 12:00 P.M. during Mountain Standard Time.

B. **GREEN FEES**

Daily green fees will be charged for daily use.

C. GOLF TOURNAMENTS

Green fees are charged according to the tournament's status (exempt or nonexempt). Prizes and golf carts may be arranged through the pro shop.

The tournament deposit fee must accompany all requests. For approved tournaments, this deposit will be credited against the total cost of the tournament. There will be a non-refundable tournament fee that must be paid at least 3 days before the tournament.

If the event is cancelled due to weather, it will be rescheduled if an alternate date is available. If no date is available, or the group wishes, a refund will be given less prorated use of equipment and holes completed.

Any outside carts and/or equipment, food, beverages, and prizes, which have been leased or purchased, must be paid for, in full, by the sponsoring group by completion of play.

D. MID SEASON PURCHASE OF GOLF TICKETS

Golf season tickets may be purchased for half price after August 15.

E. GOLF RESERVATION

One Tee time may be reserved up to one week in advance.

V. MUNICIPAL CEMETERY

For additional policy information, refer to Ordinance Book, Chapter 12, Sec. 12-1 through 12-3.

VI. FORESTRY

Annual license fee only. No additional fees. For additional policy information, refer to Ordinance Book, Article III, Sec. 40-61.

City of Grand Junction Parks and Recreation Department

2004 & 2005 Fees and Charges Policy

I. General Recreation Division		2003 Fee	2003 Resident	2004 Fee	2004 Resident	2005 Fee	2005 Resident
A. General Recreation Programs							
1. Fitness/Dance Programs	1-12 Classes	\$2-\$20/Class	*see below	2-\$20/Class	*see below	2-\$20/Class	*see below
2. Instructional Programs	1-12 Classes	\$2-\$40/Class	*see below	2-\$40/Class	*see below	2-\$40/Class	*see below
3. Outdoor Recreation	1-10 Classes	\$1-\$75/Class	*see below	1-\$75/Class	*see below	1-\$75/Class	*see below
4. Health and Wellness	1-30 Classes	\$5-\$65/Class	*see below	5-\$65/Class	*see below	5-\$65/Class	*see below
5. Senior	1-30 Classes	\$1.15-\$150/Class	*see below	0-\$150/Class	*see below	0-\$150/Class	*see below
6. Other	per event/class	\$0-\$20/Class	*see below	0-\$20/Class	*see below	0-\$20/Class	*see below
B. Special Events							
	Per event	\$0-\$25	*see below	\$0-\$25	*see below	\$0-\$25	*see below
C. Sport League Programs							
League Fees	6-15 games	\$25-\$75/game	*see below	5-\$75/game	*see below	5-\$75/game	*see below
Player Fees (based on average number of players on a team using 60% nonresident & 40% resident)	per team/season	n/a	n/a	n/a	n/a	n/a	n/a
Fouls/Protests	Each	\$20-\$35	n/a	\$20-\$35	n/a	\$20-\$35	n/a
Spectator Admission (not charged in all programs)	Each	\$25-\$1	n/a	\$25-\$1	n/a	\$25-\$1	n/a
D. Recreation Equipment Rental							
	Each	\$5-\$50	*see below	\$5-\$50	*see below	\$5-\$50	*see below

Note: All program registration fees are established based on program budget (personnel, equipment, materials, space rental, etc.) in accordance with the appropriate cost recovery identified within this policy. Resident discount is approx. 20% of base fee.

City of Grand Junction Parks and Recreation Department

2004 & 2005 Fees and Charges Policy

II. SWIMMING POOLS		2003 Fee	2003 Resident	2004 Fee	2004 Resident	2005 Fee	2005 Resident
A. Daily Pool Admissions							
1. Lincoln Park AND Orchard Mesa							
a. Adult (18-59)	daily	\$4.25	n/a	\$4.25	n/a	\$4.25	n/a
b. Youth (3-17)	daily	\$3.00	n/a	\$3.00	n/a	\$3.00	n/a
c. Infant (2 and under)	daily	\$1.00	n/a	\$1.00	n/a	\$1.00	n/a
d. Senior (60+)	daily	\$3.00	n/a	\$3.00	n/a	\$3.00	n/a
e. Group	as assigned	\$12.00	n/a	\$12.00	n/a	\$12.00	n/a
2. Lincoln Park Waterslide ONLY							
a. Morning Session	daily	\$2.25	n/a	\$2.25	n/a	\$2.25	n/a
b. Afternoon Session	daily	\$2.25	n/a	\$2.25	n/a	\$2.25	n/a
c. Single Ride	daily	\$1.25	n/a	\$1.25	n/a	\$1.25	n/a
d. Tube Rental	daily	\$1.25	n/a	\$1.25	n/a	\$1.25	n/a
e. Punch card	10admissions	\$22.50	n/a	\$22.50	n/a	\$22.50	n/a
f. Pool/slide Admission/Group	M-F after 5pm and all day Sunday	\$12.00	n/a	\$12.00	n/a	\$12.00	n/a
3. Orchard Mesa Pool ONLY							
a. Discount Friday after 5pm	Friday ONLY	\$1.75	n/a	\$1.75	n/a	\$1.75	n/a
b. Discount Saturday	Saturday ONLY	\$1.75	n/a	\$1.75	n/a	\$1.75	n/a
c. Gym & Swim; Group	daily	\$12.00	n/a	\$12.00	n/a	\$12.00	n/a
d. Gym & Swim; Adult	daily	\$4.25	n/a	\$4.25	n/a	\$4.25	n/a
e. Gym & Swim; Youth	daily	\$3.00	n/a	\$3.00	n/a	\$3.00	n/a
f. Gym & Swim; Senior	daily	\$3.00	n/a	\$3.00	n/a	\$3.00	n/a
g. Gym ONLY	daily	\$2.25	n/a	\$2.25	n/a	\$2.25	n/a
h. Hot Tub (plus admission fee)	daily	\$1.00	n/a	\$1.00	n/a	\$1.00	n/a
i. Hot Tub ONLY	daily	\$2.25	n/a	\$2.25	n/a	\$2.25	n/a
j. Fitness Drop-in	daily	\$3.50	n/a	\$3.50	n/a	\$3.50	n/a
	summer season as defined						
B. Summer Season Pool Passes							
1. Combined Lincoln Park and Orchard Mesa							
a. Adult (18-59)	season	\$115.00	\$92.00	\$115.00	\$92.00	\$115.00	\$92.00
b. Youth (3-17)	season	\$81.00	\$65.00	\$81.00	\$65.00	\$81.00	\$65.00
c. Infant (2 and under)	season	n/a	n/a	n/a	n/a	n/a	n/a
d. Senior (60+)	season	\$81.00	\$65.00	\$81.00	\$65.00	\$81.00	\$65.00
e. Group (see definition)	season	\$355.00	\$284.00	\$355.00	\$284.00	\$355.00	\$284.00
1. additional group member	season	\$71.00	\$57.00	\$71.00	\$57.00	\$71.00	\$57.00
f. Group Home (see definition)	season	\$355.00	\$284.00	\$355.00	\$284.00	\$355.00	\$284.00
1. additional member	season	\$71.00	\$57.00	\$71.00	\$57.00	\$71.00	\$57.00
g. Monthly Adult	season						

City of Grand Junction Parks and Recreation Department

2004 & 2005 Fees and Charges Policy

II. SWIMMING POOLS		2003 Fee	2003 Resident	2004 Fee	2004 Resident	2005 Fee	2005 Resident
2. Orchard Mesa Pool ONLY	summer season as defined						
a. Adult (18-59)	season	\$92.00	n/a	\$92.00	n/a	\$92.00	n/a
b. Youth (13-17)	season	\$65.00	n/a	\$65.00	n/a	\$65.00	n/a
c. Infant (2 and under)	season	n/a	n/a	n/a	n/a	n/a	n/a
d. Senior (60+)	season	\$65.00	n/a	\$65.00	n/a	\$65.00	n/a
e. Group (see definition)	season	\$284.00	n/a	\$284.00	n/a	\$284.00	n/a
f. Group Homes (see definition)	season	\$57.00	n/a	\$57.00	n/a	\$57.00	n/a
1. additional member	season	\$284.00	n/a	\$284.00	n/a	\$284.00	n/a
I. additional member	season	\$57.00	n/a	\$57.00	n/a	\$57.00	n/a
g. Monthly	person						
3. Season Pass Replacement	cash	\$10.00	n/a	\$10.00	n/a	\$10.00	n/a

NOTE: Effective 7/1 season passes are 1/3 off regular fee. Effective 8/1 season passes are 2/3 of regular fee.

C. Monthly Option on Season Passes	summer season as defined						
1. Adult	monthly	\$45.00	\$36.00	\$45.00	\$36.00	\$45.00	\$36.00
2. Youth (13-17)	monthly	\$32.00	\$26.00	\$32.00	\$26.00	\$32.00	\$26.00
3. Senior (60+)	monthly	\$32.00	\$26.00	\$32.00	\$26.00	\$32.00	\$26.00
4. Group (see definition)	monthly	\$137.00	\$110.00	\$137.00	\$110.00	\$137.00	\$110.00
a. additional member	monthly	\$28.00	\$23.00	\$28.00	\$23.00	\$28.00	\$23.00
D. Punch Cards-20 admissions							
1. Lincoln Park AND Orchard Mesa (combined)							
a. Adult (18-59)	20 admissions	\$77.00	\$73.00	\$77.00	\$73.00	\$77.00	\$73.00
b. Youth (3-17)	20 admissions	\$54.00	\$51.00	\$54.00	\$51.00	\$54.00	\$51.00
c. Infant (2 and under)	not available	n/a	n/a	n/a	n/a	n/a	n/a
d. Senior (60+)	20 admissions	\$54.00	\$51.00	\$54.00	\$51.00	\$54.00	\$51.00
2. Orchard Mesa Pool ONLY							
a. Adult (18-59)	20 admissions	\$73.00	n/a	\$73.00	n/a	\$73.00	n/a
b. Youth (3-17)	20 admissions	\$51.00	n/a	\$51.00	n/a	\$51.00	n/a
c. Infant (2 and under)	not available	n/a	n/a	n/a	n/a	n/a	n/a
d. Senior (60+)	20 admissions	\$51.00	n/a	\$51.00	n/a	\$51.00	n/a
3. Writer Punch Cards-Orchard Mesa Pool ONLY	Off-Season discount						
a. Adult (18-59)	30 admissions	\$73.00	n/a	\$73.00	n/a	\$73.00	n/a
b. Youth (3-17)	30 admissions	\$51.00	n/a	\$51.00	n/a	\$51.00	n/a
c. Infant (2 and under)	not available	n/a	n/a	n/a	n/a	n/a	n/a
d. Senior (60+)	30 admissions	\$51.00	n/a	\$51.00	n/a	\$51.00	n/a

City of Grand Junction Parks and Recreation Department

2004 & 2005 Fees and Charges Policy

II. SWIMMING POOLS		2003 Fee	2003 Resident	2004 Fee	2004 Resident	2005 Fee	2005 Resident
4. Fitness	a. Class	\$28-\$39/Class	n/a	\$28-\$39/Class	n/a	\$28-\$39/Class	n/a
E. Learn to Swim Programs	1. Lincoln Park AND Orchard Mesa Pools						
	a. Aquatot 1-3	per session session 6-12 classes \$23-\$56	per session \$18-\$44	per session \$23-\$62	per session \$18-\$50	per session \$23-\$62	per session \$18-\$50
	b. Waterworks 1-4	\$8-\$10	\$6-\$13	\$8-\$10	\$6-\$13	\$8-\$10	\$6-\$13
	c. Hydrosport 1-4	\$23-\$56	\$19-\$45	\$23-\$62	\$19-\$50	\$23-\$62	\$19-\$50
	d. Adult/Fitness	\$25-\$55	\$19-\$45	\$23-\$62	\$19-\$50	\$23-\$62	\$19-\$50
	e. WSI Rollover	\$33-\$48	\$27-\$38	\$22-\$48	\$19-\$41	\$22-\$48	\$19-\$41
	f. Lifeguard Training	n/a	n/a	n/a	n/a	n/a	n/a
	g. Lifeguard Recertification	\$140-\$180	\$115-\$150	\$140-\$180	\$115-\$150	\$140-\$180	\$115-\$150
	h. Instructor	\$50-\$200	\$50-\$200	\$50-\$200	\$50-\$200	\$50-\$200	\$50-\$200
	i. Book fee	\$50-\$70	\$40-\$60	\$50-\$70	\$40-\$60	\$50-\$70	\$40-\$60
	j. Drop-in Aqua Aerobics	\$5-\$60	\$5-\$50	\$5-\$60	\$5-\$50	\$5-\$60	\$5-\$50
	k. Scholarship Program	\$3-\$75	\$3-\$75	\$3-\$75	\$3-\$75	\$3-\$75	\$3-\$75
		drop in	\$8.00		\$8.00		\$8.00
		session 6-12 classes					\$8.00
F. Private Pool Parties							
	1. Lincoln Park OR Orchard Mesa						
	a. 0-51 persons	2 hours \$222.00	n/a	2 hours \$222.00	n/a	2 hours \$222.00	n/a
	b. each additional person	2 hours \$2.50	n/a	2 hours \$2.50	n/a	2 hours \$2.50	n/a
	2. Lincoln Park Waterslide						
	a. 0-50 persons	2 hours \$178.00	n/a	2 hours \$178.00	n/a	2 hours \$178.00	n/a
	b. each additional person	new 1998 \$1.50	n/a	new 1998 \$1.50	n/a	new 1998 \$1.50	n/a
	3. Lincoln Park Pool AND Waterslide						
	a. 0-50 persons	2 hours \$370.00	n/a	2 hours \$370.00	n/a	2 hours \$370.00	n/a
	b. each additional person	2 hours (new 98) \$2.50	n/a	2 hours \$2.50	n/a	2 hours \$2.50	n/a
	4. Over Booking	per person \$5.00	n/a	per person \$5.00	n/a	per person \$5.00	n/a
	5. Annual School Party Use Fee						
	a. Pool/Slide - per student	2 hours \$2.25	n/a	2 hours \$2.25	n/a	2 hours \$2.25	n/a
	6. Birthday Swim Parties						
	a. 10 children (minimum)	2 hours \$88.00	n/a	2 hours \$88.00	n/a	2 hours \$88.00	n/a
	b. Each additional hour	per hour \$17.00	n/a	per hour \$17.00	n/a	per hour \$17.00	n/a
	c. Per child/excess of 10	each \$8.00	n/a	each \$8.00	n/a	each \$8.00	n/a
G. Facility Use							
	1. Lincoln Park AND Orchard Mesa						
	a. Shower Use	per use \$1.75	n/a	per use \$1.75	n/a	per use \$1.75	n/a
H. Swim Clubs							
	1. Lincoln Park-Moyer Pool						
	2. Orchard Mesa Pool						
		Fees will be negotiated based upon special need demonstrated by the meet sponsor.		Fees will be negotiated based upon special need demonstrated by the meet sponsor.		Fees will be negotiated based upon special need demonstrated by the meet sponsor.	

City of Grand Junction Parks and Recreation Department

2004 & 2005 Fees and Charges Policy

II. SWIMMING POOLS		2003 Fee	2003 Resident	2004 Fee	2004 Resident	2005 Fee	2005 Resident
I. Recreation Equipment Rental							
1. Tube and Inflatable Rentals	daily	\$1.00	n/a	\$1.00	n/a	\$1.00	n/a
2. Masks/Fins	daily	\$1.00	n/a	\$1.00	n/a	\$1.00	n/a

City of Grand Junction Parks and Recreation Department

2004&2005 Fees and Charges Policy

III FACILITIES RENTAL		2001 Fee	2001 Resident	2003 Fee	2003 Resident	2004 Fee	2004 Resident	2005 Fee	2005 Resident
A. Barr-Lincoln Park Auditorium									
1. Business Event									
a. Half day	5am to 5pm OR 5pm to Midnight	\$280.00	n/a	\$290.00	n/a	\$295.00	n/a	\$300.00	n/a
b. Full day	5am to Midnight	\$435.00	n/a	\$445.00	n/a	\$450.00	n/a	\$455.00	n/a
c. Extending Event	per hour	\$40.00	n/a	\$50.00	n/a	\$55.00	n/a	\$60.00	n/a
d. Damage Deposit (minimum)		\$250.00		\$250.00		\$300.00		\$300.00	n/a
2. Family Event									
a. Half day	5am to 5pm OR 5pm to Midnight	\$140.00	n/a	\$145.00	n/a	\$150.00	n/a	\$155.00	n/a
b. Full day	5am to Midnight	\$220.00	n/a	\$225.00	n/a	\$230.00	n/a	\$235.00	n/a
c. Extending Event	per hour	\$25.00	n/a	\$30.00	n/a	\$35.00	n/a	\$40.00	n/a
d. Damage Deposit (minimum)		\$100.00		\$100.00		\$150.00		\$150.00	n/a
3. Public Address System	per use	\$30.00	n/a	\$35.00	n/a	\$40.00	n/a	\$45.00	n/a
B. Senior Recreation Center									
1. Large Meeting Room	2 hours	\$30.00	n/a	\$30.00	n/a	\$30.00	n/a	\$30.00	n/a
2. Large Meeting Room	each extra hour	\$20.00	n/a	\$20.00	n/a	\$20.00	n/a	\$20.00	n/a
C. Park Permits									
1. General Use (no sales)	per use	no charge	n/a	no charge	n/a	no charge	n/a	no charge	n/a
2. Shelter Reservation - SMALL Riverside, Melrose Canopy, Spring Valley	4 hours	\$15.00	n/a	\$20.00	n/a	\$20.00	n/a	\$25.00	n/a
3. Shelter Reservation- SMALL Lincoln Park (2), Hawthorne, Sherwood (2), Columbine, Duck Pond, Melrose (SW)	extra hour	\$5.00	n/a	\$10.00	n/a	\$10.00	n/a	\$15.00	n/a
4. Shelter Reservation - MEDIUM	4 hours	\$20.00	n/a	\$25.00	n/a	\$25.00	n/a	\$30.00	n/a
5. Shelter Reservation - MEDIUM	extra hour	\$5.00	n/a	\$10.00	n/a	\$10.00	n/a	\$15.00	n/a
6. Shelter Reservation - LARGE Canyon View Gunnison Shelter	4 hours	\$25.00	n/a	\$30.00	n/a	\$30.00	n/a	\$35.00	n/a
7. Shelter Reservation - LARGE	extra hour	\$10.00	n/a	\$15.00	n/a	\$15.00	n/a	\$20.00	n/a
8. Shelter Reservation - EXTRA LARGE -Canyon View Grand Shelter	4 hours	\$40.00	n/a	\$45.00	n/a	\$45.00	n/a	\$50.00	n/a
9. Shelter Reservation - EXTRA LARGE	extra hour	\$15.00	n/a	\$20.00	n/a	\$20.00	n/a	\$25.00	n/a
10. Volleyball Court-Canyon View (rented with Grand Shelter only)	4 hours	\$10.00	n/a	\$10.00	n/a	\$15.00	n/a	\$15.00	n/a
11. Business Use - City Parks or Riverfront (with sales/admission-- the greater of: a. minimum daily rate b. 15% of gross sales		\$125.00 or 15% gross	n/a	\$135.00 or 15% gross	n/a	\$140.00 or 15% gross	n/a	\$150.00 or 15% gross	n/a

City of Grand Junction Parks and Recreation Department

2004&2005 Fees and Charges Policy

III FACILITIES RENTAL		2001 Fee	2001 Resident	2003 Fee	2003 Resident	2004 Fee	2004 Resident	2005 Fee	2005 Resident
12. Camps									
a. Park Reservation - first day	day 1	15% of users gross revenue plus standard \$100 field rental fee	n/a	15% of users gross revenue plus standard \$100 field rental fee	n/a	15% of users gross revenue plus standard \$100 field rental fee	n/a	15% of users gross revenue plus standard \$100 field rental fee	n/a
b. Park Reservation - additional day	each additional day	\$75.00	n/a	\$75.00	n/a	\$75.00	n/a	\$75.00	n/a
13. General Use									
a. Cross Country Meets, Etc.	per event	Direct Cost	n/a	Direct Cost	n/a	Direct Cost	n/a	Direct Cost	n/a
b. Field Use	per event	Direct Cost Reimbursement or \$25/hour minimum	n/a	Direct Cost Reimbursement or \$25/hour minimum	n/a	Direct Cost Reimbursement or \$25/hour minimum	n/a	Direct Cost Reimbursement or \$25/hour minimum	n/a
D. Softball Field Use - Columbine Kronkright and Canyon View									
1. Tournaments									
a. Games 1-5 (minimum)	per day/per field	\$75.00	n/a	\$75.00	n/a	\$75.00	n/a	\$75.00	n/a
b. Games 6-10	per day/per field	\$15.00	n/a	\$15.00	n/a	\$15.00	n/a	\$15.00	n/a
c. Games 11-15	per day/per field	\$15.00	n/a	\$15.00	n/a	\$15.00	n/a	\$15.00	n/a
2. Tournaments Co-Sponsored									
a. Games 1-5 (minimum)	per day/per field	\$63.00	n/a	\$63.00	n/a	\$63.00	n/a	\$63.00	n/a
b. Games 6-11	per day/per field	\$15.00	n/a	\$15.00	n/a	\$15.00	n/a	\$15.00	n/a
c. Games 11-16	per day/per field	\$15.00	n/a	\$15.00	n/a	\$15.00	n/a	\$15.00	n/a
3. Field Rental (non tournament)									
a. Private Use	per hour/per field	\$30.00	n/a	\$30.00	n/a	\$30.00	n/a	\$30.00	n/a
b. Public Use with admission charge									
The greater of:									
a. Minimum or	per event/per game	\$40.00 min or	n/a	\$40.00 min or	n/a	\$40.00 min or	n/a	\$40.00 min or	n/a
b. Per person (gate count x rate) or	per hour/per field	\$1.00/pp or 15%	n/a	\$1.00/pp or 15%	n/a	\$1.00/pp or 15%	n/a	\$1.00/pp or 15%	n/a
c. 15% of ticket price		\$20.00	n/a	\$20.00	n/a	\$20.00	n/a	\$25.00	n/a
4. Lights									
E. Canyon View Park									
1. League Play: GMYSA/GISA, MCJFA & affiliates		per player/per season	\$5-15	\$5-15	n/a	\$5-15	n/a	\$5-15	n/a
2. League Play			\$5-18	\$5-18	n/a	\$5-18	n/a	\$5-18	n/a
3. Tournament Play: GMTSA, MCJFA & affiliates			25% discount	25% discount	n/a	25% discount	n/a	25% discount	n/a

City of Grand Junction Parks and Recreation Department

2004&2005 Fees and Charges Policy

III FACILITIES RENTAL		2001 Fee	2001 Resident	2003 Fee	2003 Resident	2004 Fee	2004 Resident	2005 Fee	2005 Resident
4. Tournament Play									
a. Championship Field 8am-5pm	per day	\$150.00	n/a	\$150.00	n/a	\$150.00	n/a	\$150.00	n/a
b. Championship Field before 8am and/or after 5pm	per hour	\$45.00	n/a	\$45.00	n/a	\$45.00	n/a	\$45.00	n/a
c. Championship Field - half day 8am - 1:30pm	half day use	\$105.00	n/a	\$105.00	n/a	\$105.00	n/a	\$105.00	n/a
5. Tournament Play									
a. All other multi-purpose fields 8am - 5pm	per field	\$100.00	n/a	\$100.00	n/a	\$100.00	n/a	\$100.00	n/a
b. All other multi-purpose fields before 8am and/or after 5pm	per hour	\$30.00	n/a	\$30.00	n/a	\$30.00	n/a	\$30.00	n/a
c. All other multi-purpose fields half day - 8am-1:30pm	half day use	\$70.00	n/a	\$70.00	n/a	\$70.00	n/a	\$70.00	n/a
6. Lights	per hour	\$20.00	n/a	\$20.00	n/a	\$20.00	n/a	\$25.00	n/a
7. Use Permits - miscellaneous	per field per day	n/a	n/a	n/a	n/a	\$20.00	n/a	\$25.00	n/a
8. Use Permits - miscellaneous GMYSA	per field per day	\$10.00	n/a	\$10.00	n/a	\$10.00	n/a	\$10.00	n/a
9. Canyon View Baseball Field									
Baseball Use									
The greater of:									
a. Minimum or	per use	\$65.00 min or	n/a	\$70.00 min or	n/a	\$70.00 min or	n/a	\$75.00 min or	n/a
b. Per person (gate count x rate) or	per use	\$1.00/pp or 15%	n/a	\$1.00/pp or 15%	n/a	\$1.00/pp or 15%	n/a	\$1.25/pp or 15%	n/a
c. 15% of ticket price	per use/event	\$1.00/pp or 15%	n/a	\$1.00/pp or 15%	n/a	\$1.00/pp or 15%	n/a	\$1.25/pp or 15%	n/a
State & National Playoffs									
4 game maximum per day	per day	\$400.00	n/a	\$400.00	n/a	\$400.00	n/a	\$450.00	n/a
Set up prior to event	per day	\$125.00	n/a	\$150.00	n/a	\$175.00	n/a	\$175.00	n/a
F. Stocker Stadium/Suplizio									
Baseball Field									
Baseball Use									
The greater of:									
a. Minimum or	per use	\$65.00 min or	n/a	\$90.00 min or	n/a	\$90.00 min or	n/a	\$95.00 min or	n/a
b. Per person (gate count x rate) or	per use	\$1.00/pp or 15%	n/a	\$1.00/pp or 15%	n/a	\$1.00/pp or 15%	n/a	\$1.25/pp or 15%	n/a
c. 15% of ticket price	per day	\$55.00	n/a	\$60.00	n/a	\$60.00	n/a	\$65.00	n/a
Second game of double header - must be between same 2 teams									
Without admission	per use/per game	\$65.00	n/a	\$70.00	n/a	\$70.00	n/a	\$75.00	n/a
Non Baseball Use									
The greater of:									
a. Minimum or	per use	\$150.00 min or	n/a	\$150.00 min or	n/a	\$175.00 min or	n/a	\$175.00 min or	n/a
b. Per person (gate count x rate) or	per use/event	\$1.00/pp or 15%	n/a	\$1.00/pp or 15%	n/a	\$1.00/pp or 15%	n/a	\$1.25/pp or 15%	n/a
c. 15% of ticket price	per use/event	\$1.00/pp or 15%	n/a	\$1.00/pp or 15%	n/a	\$1.00/pp or 15%	n/a	\$1.25/pp or 15%	n/a
State & National Playoffs									
4 game maximum per day	per day	\$400.00	n/a	\$400.00	n/a	\$400.00	n/a	\$450.00	n/a
Set up prior to event	per day	\$125.00	n/a	\$150.00	n/a	\$175.00	n/a	\$175.00	n/a
F. Stocker Stadium/Suplizio									
Baseball Field									
Baseball Use									
The greater of:									
a. Minimum or	per use	\$65.00 min or	n/a	\$90.00 min or	n/a	\$90.00 min or	n/a	\$95.00 min or	n/a
b. Per person (gate count x rate) or	per use	\$1.00/pp or 15%	n/a	\$1.00/pp or 15%	n/a	\$1.00/pp or 15%	n/a	\$1.25/pp or 15%	n/a
c. 15% of ticket price	per day	\$55.00	n/a	\$60.00	n/a	\$60.00	n/a	\$65.00	n/a
Second game of double header - must be between same 2 teams									
Without admission	per use/per game	\$65.00	n/a	\$70.00	n/a	\$70.00	n/a	\$75.00	n/a
Non Baseball Use									
The greater of:									
a. Minimum or	per use	\$150.00 min or	n/a	\$150.00 min or	n/a	\$175.00 min or	n/a	\$175.00 min or	n/a
b. Per person (gate count x rate) or	per use/event	\$1.00/pp or 15%	n/a	\$1.00/pp or 15%	n/a	\$1.00/pp or 15%	n/a	\$1.25/pp or 15%	n/a
c. 15% of ticket price	per use/event	\$1.00/pp or 15%	n/a	\$1.00/pp or 15%	n/a	\$1.00/pp or 15%	n/a	\$1.25/pp or 15%	n/a
State & National Playoffs									
4 game maximum per day	per day	\$400.00	n/a	\$400.00	n/a	\$400.00	n/a	\$450.00	n/a
Set up prior to event	per day	\$125.00	n/a	\$150.00	n/a	\$175.00	n/a	\$175.00	n/a

City of Grand Junction Parks and Recreation Department

2004&2005 Fees and Charges Policy

III FACILITIES RENTAL	2001 Fee	2001		2003		2004		2005	
		Resident	n/a	Resident	n/a	Resident	n/a	Resident	n/a
Without admission	\$65.00								
Non Baseball Use									
The greater of:									
a. Minimum or		\$125.00 min or	\$150.00	\$175.00 min	\$175.00 min	\$175.00 min	\$175.00 min	\$175.00 min	
b. Per person (gate count x rate) or		\$1.00/pp or 15%	\$1.00/pp or 15%	or \$1.25/pp or 15%	or \$1.25/pp or 15%	or \$1.25/pp or 15%	or \$1.25/pp or 15%	or \$1.25/pp or 15%	
c. 15% of ticket price									
State & National Playoffs	\$400.00	n/a	\$400.00	n/a	\$400.00	n/a	\$450.00	n/a	
4 game maximum per day									
JICO Tournament (contract)	\$400.00	n/a	\$400.00	n/a	\$400.00	n/a	\$450.00	n/a	
Set up prior to event	\$125.00	n/a	\$150.00	n/a	\$175.00	n/a	\$175.00	n/a	
Football Field									
The greater of:									
a. Minimum or		\$125.00 min or	\$150.00	\$175.00 min	\$175.00 min	\$175.00 min	\$175.00 min	\$175.00 min	
b. Per person (gate count x rate) or		\$1.00/pp or 15%	\$1.00/pp or 15%	or \$1.25/pp or 15%	or \$1.25/pp or 15%	or \$1.25/pp or 15%	or \$1.25/pp or 15%	or \$1.25/pp or 15%	
c. 15% of ticket price									
Without admission charge	\$125.00	n/a	\$150.00	n/a	\$175.00	n/a	\$175.00	n/a	
Single game out of Sept-Nov season									
State and National Playoffs	\$400.00	n/a	\$400.00	n/a	\$450.00	n/a	\$450.00	n/a	
Set up prior to event	\$125.00	n/a	\$125.00	n/a	\$175.00	n/a	\$175.00	n/a	
Track									
The greater of:									
a. Minimum or		\$65.00 min or	\$70.00 min	\$70.00 min	\$70.00 min	\$70.00 min	\$75.00 min	\$75.00 min	
b. Per person (gate count x rate) or		\$1.00/pp or 15%	or \$1.00/pp or 15%	or \$1.00/pp or 15%	or \$1.00/pp or 15%	or \$1.25/pp or 15%	or \$1.25/pp or 15%	or \$1.25/pp or 15%	
c. 15% of ticket price									
Without admission charge	\$65.00	n/a	\$70.00	n/a	\$70.00	n/a	\$75.00	n/a	
Set up prior to event	\$65.00	n/a	\$70.00	n/a	\$70.00	n/a	\$75.00	n/a	
Lockerroom Rental									
a. Entire facility	\$175.00	n/a	\$180.00	n/a	\$185.00	n/a	\$190.00	n/a	
b. One side of facility	\$75.00	n/a	\$80.00	n/a	\$85.00	n/a	\$90.00	n/a	
c. Officials area	\$35.00	n/a	\$30.00	n/a	\$35.00	n/a	\$40.00	n/a	
d. Special Clean-up	\$35.00	n/a	\$40.00	n/a	\$50.00	n/a	\$50.00	n/a	
Stadium Field Lights - Stocker and Suplizio Field	\$76.00	n/a	\$76.00	n/a	\$76.00	n/a	\$80.00	n/a	
Bleacher Rental									
a. Stadium event	n/c	n/a	n/c	n/a	n/c	n/a	n/c	n/a	
b. Outside event	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	
G. Tennis Court Rental	\$15.50	n/a	\$15.50	\$15.50	15.50	15.50	15.50	15.50	

City of Grand Junction Parks and Recreation Department 2004 & 2005 Fees and Charges Policy

III FACILITIES RENTAL		2003 Fee	2003 Resident	2004 Fee	2004 Resident	2005 Fee	2005 Resident
d. Sections A & B & 54 x 80 River Rooms & Creek Rooms							
1. Day 1		\$2,743.00	n/a	\$ 2,743.00	n/a	\$ 2,853.00	n/a
2. Day 2 & succeeding days		\$2,647.00	n/a	\$ 2,647.00	n/a	\$ 2,753.00	n/a
3. Service and Business Club Chef's Choice luncheons that meet on a recurring basis		\$9.75	n/a	\$ 10.00	n/a	\$ 10.25	n/a
4. Service Club luncheons that have at least 100 members and contribute at least \$50,000 to the local community.		\$9.75	n/a	\$ 10.00	n/a	\$ 10.25	n/a
5. Room rent for local organizations may be waived if meal costs exceed room rental schedule.							n/a
6. Discount on Room Rent w/ meal			n/a	50%	n/a	50%	n/a
7. Patio							
8. Reception Area	per day						
9. Ticket Booth	per day	\$130.00	n/a	\$ 130.00	n/a	\$ 135.00	n/a
10. Coat Check	per use	\$62.00	n/a	\$ 62.00	n/a	\$ 65.00	n/a
11. Business Center (Work room)	per use	\$78.00	n/a	\$ 78.00	n/a	\$ 80.00	n/a
12. Concourse Hallway (Trade Booths)	per booth	\$26.00	n/a	\$ 26.00	n/a	\$ 28.00	n/a
13. Hallway (Trade Booths)	per booth	\$26.00	n/a	\$ 26.00	n/a	\$ 28.00	n/a
14. Atrium		\$67.00	n/a	\$ 150.00	n/a	\$ 155.00	n/a
15. Plaza Area	based on usage	.10 sq ft	n/a	\$ 0.10	n/a	\$ 0.15	n/a
16. Parking Area	based on usage	.06 sq ft	n/a	\$ 0.06	n/a	\$ 0.10	n/a
17. Set-Up/Tear-Down							
a. Tear down, beyond contracted hours	per hour	\$156.00	n/a	\$ 156.00	n/a	\$ 160.00	n/a
b. Hallway furniture removal	per event						
c. Forklift w/Driver	First 2 hours	\$50.00	n/a	\$ 50.00	n/a	\$ 50.00	n/a
l. prescheduled up to 8 hours	per hour	\$50.00	n/a	\$ 50.00	n/a	\$ 50.00	n/a
d. Scissor lift	per hour	\$50.00	n/a	\$ 50.00	n/a	\$ 50.00	n/a
18. Equipment Rental							
a. Tables	each	\$5.00	n/a	\$ 5.00	n/a	\$ 7.00	n/a
b. TV/VCR	per day	\$50.00	n/a	\$ 50.00	n/a	\$ 50.00	n/a
c. Chairs	each - per event	\$1.00	n/a	\$ 1.00	n/a	\$ 1.00	n/a
d. Dance Floor	per use	\$50 or \$300	n/a	\$ 300.00	n/a	\$ 300.00	n/a
e. Electric Spydors	each - per event	\$12.00	n/a	\$ 12.00	n/a	\$ 15.00	n/a
f. 4 Plex	each - per event	\$6.00	n/a	\$ 6.00	n/a	\$ 6.00	n/a
g. Table Cloths	each	\$3.00	n/a	\$ 3.00	n/a	\$ 5.00	n/a
h. Staging	each	\$10.00	n/a	\$ 10.00	n/a	\$ 13.00	n/a
i. Kissers	each	\$5.00	n/a	\$ 5.00	n/a	\$ 10.00	n/a
j. Lecturn/Podium	each	n/c	n/a		n/a		n/a

City of Grand Junction Parks and Recreation Department 2004 & 2005 Fees and Charges Policy

III FACILITIES RENTAL		2003 Fee	2003 Resident	2004 Fee	2004 Resident	2005 Fee	2005 Resident
k. Microphone (corded)	1 n/c w/ rental	\$10.00	n/a	\$ 10.00	n/a	\$ 12.00	n/a
l. Microphone (cordless)	each	\$50.00	n/a	\$ 50.00	n/a	\$ 55.00	n/a
m. Overhead Projector	per use	\$35.00	n/a	\$ 35.00	n/a	\$ 35.00	n/a
n. Portable Projection Screen 6x6	per use	\$25.00	n/a	\$ 25.00	n/a	\$ 30.00	n/a
n2. Fastfold Screen 10'x10'	per use			\$ 75.00	n/a	\$ 80.00	n/a
o. Projection Screen 15'x15'	"A" Section per use	\$50.00	n/a	\$ 50.00	n/a	\$ 55.00	n/a
p. Slide Projector – incl. screen	per use	\$35.00	n/a	\$ 35.00	n/a	\$ 35.00	n/a
q. LCD Projector – incl. screen	per use	\$300.00	n/a	\$ 300.00	n/a	\$ 300.00	n/a
r. Video Projector – incl. screen	per use	\$100.00	n/a	\$ -	n/a		n/a
s. Piano		\$25.00	n/a	\$ 50.00	n/a	\$ 50.00	n/a
t. Sound Projection (tape/cd/s)	per use	\$25.00	n/a	\$ 25.00	n/a	\$ 30.00	n/a
u. Spotlight	per use	\$100.00	n/a	\$ 100.00	n/a	\$ 100.00	n/a
v. Skirting	per skirt	\$15.00	n/a	\$ 15.00	n/a	\$ 15.00	n/a
w. Sound System (house)	per use	n/c	n/a		n/a		n/a
x. Pipe & Drape 8'x10' table, 2chairs	per booth	\$15.00	n/a	\$ 25.00	n/a	\$ 25.00	n/a
y. 3 phase power	per use	\$175.00	n/a	\$ 175.00	n/a	\$ 175.00	n/a
z. Telephone hookup	per phone	\$25.00	n/a	\$ 25.00	n/a	\$ 25.00	n/a
19. Other Fees							
a. Flipchart	Each – per use	\$25.00	n/a	\$ 25.00	n/a	\$ 25.00	n/a
b. Easel	Each-per use	n/c	n/a		n/a		n/a
c. Whiteboards with markers	Each-per use	\$10.00	n/a	\$ 10.00	n/a	\$ 15.00	n/a
d. Fax document (sending or receiving)	per page	\$1.50	n/a	\$ 1.50	n/a	\$ 1.50	n/a
e. Copies	per page	\$0.10	n/a	\$ 0.10	n/a	\$ 0.15	n/a
f. Extension Cords	per unit	\$6.00	n/a	\$ 6.00	n/a	\$ 6.00	n/a
20. Security Services	per hour/per representative						
A Section (trade show set up/tear down)		same as 2002	n/a	Quote	n/a	Quote	n/a
B Section (trade show set up/tear down)		same as 2002	n/a	Quote	n/a	Quote	n/a
A/B (trade show set up/tear down)		same as 2002	n/a	Quote	n/a	Quote	n/a
Creek Rooms (trade show set up/tear down)		same as 2002	n/a	Quote	n/a	Quote	n/a
A/B /Creek Rooms (trade show set up/tear down)		same as 2002	n/a	Quote	n/a	Quote	n/a
Public or Required Security (mgmt discretion)	per hour per officer	\$19 per hour	n/a	Quote	n/a	Quote	n/a
Annual audio-visual rates for perpetual use (one year contractual agreement)	exclusions	annual \$600	n/a	Quote	n/a	Quote	n/a

City of Grand Junction Parks and Recreation Department

2004 & 2005 Fees and Charges Policy

Cemetery	Note	2003 Fee	2003 Resident	2004 Fee	2004 Resident	2005 Fee	2005 Resident
A. Grave Space							
1. Regular		\$850.00	n/a	\$880.00	n/a	\$910.00	n/a
2. Cremation Garden		\$375.00	n/a	\$390.00	n/a	\$405.00	n/a
3. Columbarium		\$1,185.00	n/a	\$1,225.00	n/a	\$1,270.00	n/a
4. Scattering Garden		\$470.00	n/a	\$470.00	n/a	\$470.00	n/a
5. Memorial Tree		\$375.00	n/a	\$375.00	n/a	\$375.00	n/a
6. Mausoleum		**	n/a	n/a	n/a	n/a	n/a
B. Grave Opening/Close							
1. Adult		\$550.00	n/a	\$570.00	n/a	\$590.00	n/a
2. Child		\$275.00	n/a	\$285.00	n/a	\$295.00	n/a
3. Infant		\$245.00	n/a	\$255.00	n/a	\$265.00	n/a
4. Urn		\$245.00	n/a	\$255.00	n/a	\$265.00	n/a
5. Disinterment		\$1,095.00	n/a	\$1,135.00	n/a	\$1,175.00	n/a
6. Reinterment		\$550.00	n/a	\$570.00	n/a	\$590.00	n/a
7. Sundays/Holidays		\$275.00	n/a	\$285.00	n/a	\$295.00	n/a
C. Stones							
1. Monument Setting		\$165.00	n/a	\$170.00	n/a	\$175.00	n/a
2. Landscaping		\$140.00	n/a	\$140.00	n/a	\$140.00	n/a
D. Development Fees							
1. Regular	*	\$230.00	n/a	\$230.00	n/a	\$230.00	n/a
2. Cremation Garden							
E. Perpetual Care							
1. Regular		\$275.00	n/a	\$285.00	n/a	\$295.00	n/a
2. Cremation Garden		\$110.00	n/a	\$115.00	n/a	\$120.00	n/a
F. Transfer Fee							
		\$110.00	n/a	\$110.00	n/a	\$110.00	n/a
G. Recording Fee							
		\$55.00	n/a	\$55.00	n/a	\$55.00	n/a

* Development Fee charged only on lots purchased prior to 1986

** Mausoleum space shall be the sum of the charges for the spaces the structure occupies plus one space for a landscape buffer. Charges include - Grave Space, Perpetual care and Opening & Closing. Recording fees will be charged at the time of use.

NOTE: 2000, 01, 02 & 03 fees include Development Fees previously added separately.

City of Grand Junction Parks and Recreation Department

2004 & 2005 Fees and Charges Policy

VI FORESTRY	2003		2004		2005	
	2003 Fee	Resident	2004 Fee	Resident	2005 Fee	Resident
A. Annual License Fee	\$50.00	n/a	\$50.00	n/a	\$50.00	n/a
B. Memorial Trees	\$350.00	n/a	\$350.00	n/a	\$350.00	n/a

RESOLUTION NO. _____

A RESOLUTION ESTABLISHING THE 2004 – 2005 FEES AND CHARGES POLICY FOR
THE GRAND JUNCTION PARKS AND RECREATION DEPARTMENT

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION:

That the Fees and Charges policy is hereinafter set forth be those for the Parks and Recreation
Department for 2004 and 2005.

PASSED AND ADOPTED this ____ day of _____, 2003.

Jim Spehar

ATTEST:

Stephanie Tuin
City Clerk

Attach 7

Levying Property Taxes for the Year 2003 for Collection in 2004

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA										
Subject		Property Tax Resolutions for Levy Year 2003 / Collection Year 2004								
Meeting Date		December 3, 2003								
Date Prepared		11/24/03				File #				
Author		Lanny Paulson				Budget & Accounting Manager				
Presenter Name		Ron Lappi				Administrative Services Director				
Report results back to Council		<input checked="" type="checkbox"/>	No		Yes	When				
Citizen Presentation			Yes	<input checked="" type="checkbox"/>	No	Name				
<input type="checkbox"/>	Workshop	<input checked="" type="checkbox"/>	Formal Agenda			<input type="checkbox"/>	Consent	<input checked="" type="checkbox"/>	Individual Consideration	

Summary: The resolutions set the mill levies of the City of Grand Junction (City), Ridges Metropolitan District #1, Grand Junction West Water and Sanitation District (GJWWSD), and the Downtown Development Authority (DDA). The City and DDA mill levies are for operations, the others are for debt service only. The City is also establishing a temporary credit mill levy for the General Fund for the purpose of refunding revenue collected in 2002 in excess of the limitations set forth in the Tabor Amendment, Article X, Section 20 of the Colorado Constitution. The temporary credit is pursuant to CRS 39-5-121 (SB 93-255). The City will levy a temporary credit of 0.630 mills for the purpose of refunding \$320,273.

Budget: The tax revenue generated by the respective entities is as follows:

City of Grand Junction (8.000 mills)	\$4,086,032
Temporary Credit (-0.630 mills)	<u>- \$320,273</u>
City of Grand Junction, Net	\$3,765,759
Ridges #1 (7.120 mills)	\$126,429
GJWWSD (6.450 mills)	\$78,290
DDA (5.000 mills)	\$128,547

Action Requested/Recommendation: Adoption of the Tax Levy Resolutions.

Page 2

Attachments:

Levy Resolutions and Tax Certifications for the City of Grand Junction, Downtown Development Authority, Ridges Metropolitan District, and the Grand Junction West Water & Sanitation District.

Background Information:

Article X, Section 20 of the Colorado Constitution prohibits the increase in mill levies of property tax without a vote of the people. Excluding the temporary credit, the mill levies for the City and DDA are the same as last year.

The Ridges mill levies are proposed to be lowered from 7.445 to 7.120 mills and from 110.000 to 0.000, respectively for Districts #1 and #2. The Ridges Metropolitan District #2 was effectively abolished by Council Resolution when all properties were moved to District #1. The mill levy for the GJWWSD will be reduced to 6.450. Both the Ridges and GJWWSD funds have balances which will be used gradually over the life of the bonds to reduce the levies whenever possible. Further development in both areas is expected and the levies would then be further reduced.

RESOLUTION NO.

**A RESOLUTION LEVYING TAXES FOR THE YEAR 2003 IN THE CITY OF
GRAND JUNCTION, COLORADO**

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

That there shall be and hereby is levied upon all taxable property within the limits of the City of Grand Junction, Colorado, for the year 2003 according to the assessed valuation of said property, a tax of eight **(8.000)** mills on the dollar (\$1.00) upon the total assessment of taxable property within the City of Grand Junction, Colorado for the purpose of paying the expenses of the municipal government of said City for the fiscal year ending December 31, 2003.

ADOPTED AND APPROVED THIS 3rd day of December, 2003.

APPROVED:

President of the Council

ATTEST:

City Clerk

TAX LEVY CERTIFICATION

TO COUNTY COMMISSIONERS AND ASSESSOR

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

To the Commissioners of Mesa County, Colorado:

This is to certify that the tax levy to be assessed by you upon all property within the limits of the City of Grand Junction for the year 2003, as determined and fixed by the City Council by Resolution duly passed on the 3rd day of December, 2003, is eight **(8.000)** mills, the revenue yield of said levy to be used for the purpose of paying the expenses of the municipal government, and you are authorized and directed to extend said levy upon your tax list.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Grand Junction, Colorado, this 3rd day of December, 2003.

City Clerk

cc: County Assessor

RESOLUTION NO.

**A RESOLUTION LEVYING TEMPORARY CREDIT TAXES FOR THE YEAR 2003 IN
THE CITY OF**

GRAND JUNCTION, COLORADO

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

That there shall be and hereby is levied upon all taxable property within the limits of the City of Grand Junction, Colorado, for the year 2003 according to the assessed valuation of said property, a **temporary credit** tax of six hundred thirty-one thousandths **(0.631)** mills on the dollar (\$1.00) upon the total assessment of taxable property within the City of Grand Junction, Colorado for the purpose of refunding revenue collected in 2002 in excess of the limitations set forth in the Tabor Amendment, Article X, Section 20 of the Colorado Constitution et.seq.crs. This temporary credit is pursuant to CRS 39-5-121 (SB 93-255). The Assessor may include this temporary credit in the notice of estimated taxes, if any.

ADOPTED AND APPROVED THIS 3rd day of December, 2003.

APPROVED:

President of the Council

ATTEST:

City Clerk

TAX LEVY CERTIFICATION

TO COUNTY COMMISSIONERS AND ASSESSOR

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

To the Commissioners of Mesa County, Colorado:

This is to certify that the temporary credit tax levy to be assessed by you upon all property within the limits of the City of Grand Junction for the year 2003, as determined and fixed by the City Council by Resolution duly passed on the 3rd day of December, 2003, a copy of which is attached, is six hundred thirty-one thousandths (**0.631**) mills, the property tax credit of said levy to be used for the purpose of refunding revenue collected in 2002 in excess of the limitations set forth in the Tabor Amendment, Article X, Section 20 of the Colorado Constitution et.seq.crs. This temporary credit is pursuant to CRS 39-5-121 (SB 93-255).

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Grand Junction, Colorado, this 3rd day of December, 2003.

City Clerk

cc: County Assessor

RESOLUTION NO.

A RESOLUTION LEVYING TAXES FOR THE YEAR 2003 IN THE CITY OF GRAND JUNCTION, COLORADO, DOWNTOWN DEVELOPMENT AUTHORITY

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

That there shall be and hereby is levied upon all taxable property within the Grand Junction, Colorado, Downtown Development Authority limits, for the year 2003 according to the assessed valuation of said property, a tax of five **(5.000)** mills on the dollar (\$1.00) upon the total assessment of taxable property within the City of Grand Junction, Colorado, Downtown Development Authority, for the purpose of paying the expenses of said Authority for the fiscal year ending December 31, 2004.

ADOPTED AND APPROVED THIS 3rd day of December, 2003.

APPROVED:

President of the Council

ATTEST:

City Clerk

TAX LEVY CERTIFICATION

TO COUNTY COMMISSIONERS AND ASSESSOR

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

To the Commissioners of Mesa County, Colorado:

This is to certify that the tax levy to be assessed by you upon all property within the Grand Junction, Colorado, Downtown Development Authority limits, for the year 2003, as determined and fixed by the City Council by Resolution duly passed on the 3rd day of December, 2003, is five **(5.000)** mills, the revenue yield of said levy to be used for the purpose of paying the expenses of the Grand Junction, Colorado, Downtown Development Authority, and you are authorized and directed to extend said levy upon your tax list.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Grand Junction, Colorado, this 3rd day of December, 2003.

City Clerk

cc: County Assessor

RESOLUTION NO.

A RESOLUTION LEVYING TAXES FOR THE YEAR 2003 IN THE RIDGES METROPOLITAN DISTRICT A PART OF THE CITY OF GRAND JUNCTION, COLORADO

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

That there shall be and hereby is levied upon all taxable property within the limits of the Ridges Metropolitan District Number 1, City of Grand Junction, Colorado, for the year 2003 according to the assessed valuation of said property, a tax of seven and one hundred twenty thousandths (**7.120**) mills on the dollar (\$1.00) for District Number 1 upon the total assessment of taxable property within the Ridges Metropolitan District Number 1, City of Grand Junction, Colorado, for the purpose of paying certain indebtedness of the District, for the fiscal year ending December 31, 2004.

ADOPTED AND APPROVED THIS 3rd day of December, 2003.

APPROVED:

President of the Council

ATTEST:

City Clerk

CERTIFICATION OF TAX LEVIES

TO: County Commissioners of Mesa County, Colorado. For the year 2003, the Board of Directors of the Ridges Metropolitan District #1 hereby certifies the following mill levy to be extended upon the total assessed valuation:

PURPOSE	LEVY	REVENUE
4. General Obligation Bonds and Interest - 1992 *	<u>7.120</u> mills	\$ <u>126,429</u>
9. Temporary Property tax Credit/ Temporary Mill Levy Rate Reduction CRS 39-5-121 (SB 93-255)	<u>n/a</u> mills	\$ <u>0.00</u>
TOTAL	<u>7.120</u> MILLS	\$ <u>126,429</u>

Contact person: Stephanie Tuin Daytime Phone: (970) 244-1511

Signed _____ Title City Clerk

* CRS 32-1-1603 (SB 92-143) requires Special Districts to "certify separate mill levies to the Board of County Commissioners, one each for funding requirements of each debt."

NOTE: Certification **must** be to three decimal places **only**. If your boundaries extend into more than one county, please list all counties here:

Send a copy to Division of Local Government, Room 521, 1313 Sherman Street, Denver, Colorado 80203.

Original form (FORM DLG 70 (Rev. 6/92))

RESOLUTION NO.

LEVYING TAXES FOR THE YEAR 2003 IN THE GRAND JUNCTION WEST WATER AND SANITATION DISTRICT A PART OF THE CITY OF GRAND JUNCTION, COLORADO

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

That there shall be and hereby is levied upon all taxable property within the limits of the Grand Junction West Water and Sanitation District, City of Grand Junction, Colorado, for the year 2003 according to the assessed valuation of said property, a tax of six and four hundred fifty thousandths **(6.450)** mills on the dollar (\$1.00) upon the total assessment of taxable property within the Grand Junction West Water and Sanitation District, City of Grand Junction, Colorado, for the purpose of paying certain indebtedness of the District, for the fiscal year ending December 31, 2004.

ADOPTED AND APPROVED THIS 3rd day of December, 2003.

APPROVED:

President of the Council

ATTEST:

City Clerk

CERTIFICATION OF TAX LEVIES

TO: County Commissioners of Mesa County, Colorado. For the year 2003, the Board of Directors of the Grand Junction West Water & Sanitation District hereby certifies the following mill levy to be extended upon the total assessed valuation:

PURPOSE	LEVY	REVENUE
4. General Obligation Bonds and Interest - 1987 *	<u>6.450</u> mills	\$ <u>78,284</u>
9. Temporary Property tax Credit/ Temporary Mill Levy Rate Reduction CRS 39-5-121 (SB 93-255)	<u>n/a</u> mills	\$ <u>0.00</u>
TOTAL	<u>6.450</u> MILLS	<u>\$ 78,284</u>

Contact person: Stephanie Tuin Daytime Phone: (970) 244-1511

Signed _____ Title City Clerk

* CRS 32-1-1603 (SB 92-143) requires Special Districts to "certify separate mill levies to the Board of County Commissioners, one each for funding requirements of each debt."

NOTE: Certification **must** be to three decimal places **only**. If your boundaries extend into more than one county, please list all counties here:

Send a copy to Division of Local Government, Room 521, 1313 Sherman Street, Denver, Colorado 80203.

Original form (FORM DLG 70 (Rev. 6/92))

Attach 8

Public Hearing – 2004 Annual Appropriation

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Annual Appropriation Ordinance for 2004					
Meeting Date	December 3, 2003					
Date Prepared	11/24/03				File #	
Author	Lanny Paulson			Budget & Accounting Manager		
Presenter Name	Ron Lappi			Administrative Services Director		
Report results back to Council	<input checked="" type="checkbox"/>	No		Yes	When	
Citizen Presentation		Yes	<input checked="" type="checkbox"/>	No	Name	
	Workshop	<input checked="" type="checkbox"/>	Formal Agenda			Consent <input checked="" type="checkbox"/> Individual Consideration

Summary: The total appropriation for all thirty-four accounting funds budgeted by the City of Grand Junction (including the Ridges Metropolitan District, Grand Junction West Water and Sanitation District, and the Downtown Development Authority) for the fiscal year beginning January 1, 2004 is \$115,484,715. Although not a planned expenditure, an additional \$2,500,000 is appropriated as a emergency reserve in the General Fund pursuant to Article X, Section 20 of the Colorado Constitution.

Budget: Pursuant to statutory requirements the total appropriation adjustments are at the fund level as specified in the ordinance.

Action Requested/Recommendation: Final passage on December 3rd, 2003.

Attachments: Proposed Appropriation Ordinance
Budget Resolution

Background Information: The budget, by fund, is as presented to the City Council at the first reading of the ordinance on Wednesday November 19, 2003

Ordinance No. _____

THE ANNUAL APPROPRIATION ORDINANCE APPROPRIATING CERTAIN SUMS OF MONEY TO DEFRAY THE NECESSARY EXPENSES AND LIABILITIES OF THE CITY OF GRAND JUNCTION, COLORADO, THE RIDGES METROPOLITAN DISTRICT, AND THE GRAND JUNCTION WEST WATER AND SANITATION DISTRICT, FOR THE YEAR BEGINNING JANUARY 1, 2004, AND ENDING DECEMBER 31, 2004.

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

SECTION 1. That the following sums of money, or so much therefore as may be necessary, be and the same are hereby appropriated for the purpose of defraying the necessary expenses and liabilities, and for the purpose of establishing emergency reserves of the City of Grand Junction, for the fiscal year beginning January 1, 2004, and ending December 31, 2004, said sums to be derived from the various funds as indicated for the expenditures of:

FUND NAME	FUND #	APPROPRIATION	Emergency Reserve
General	100	\$ 44,005,820	\$ 2,500,000
Enhanced 911 Special Revenue	101	\$ 946,844	
Visitor & Convention Bureau	102	\$ 1,374,794	
DDA Operations	103	\$ 251,050	
CDBG Special Revenue	104	\$ 400,000	
Parkland Expansion	105	\$ 1,172,468	
Golf Course Expansion	107	\$ 243,000	
Economic Development	108	\$ 681,191	
DDA/TIF Special Revenue	109	\$ 1,151,000	
Sales Tax CIP	201	\$ 16,834,610	
Storm Drainage Improvement	202	\$ 3,997,000	
DDA/TIF/CIP	203	\$ 1,796,000	
Future Street Improvements	207	\$ 550,000	
Water	301	\$ 6,922,873	
Solid Waste	302	\$ 2,400,468	
Two Rivers Convention Center	303	\$ 1,860,301	
Swimming Pools	304	\$ 921,655	
Lincoln Park Golf Course	305	\$ 731,244	
Tiara Rado Golf Course	306	\$ 1,305,578	
Parking	308	\$ 238,027	
Irrigation	309	\$ 191,682	
Data Processing	401	\$ 2,076,093	
Equipment	402	\$ 5,968,790	
Stores	403	\$ 229,416	
Self Insurance	404	\$ 1,069,780	
Communications Center	405	\$ 3,062,394	
General Debt Service	610	\$ 42,000	
DDA Debt Service	611	\$ 1,122,000	
GJWWSD Debt Service	612	\$ 152,681	

Ridges Metro District Debt Service	613	\$	228,190	
Grand Junction Public Finance Corp.	614	\$	284,618	
Parks Improvement Advisory Board	703	\$	156,000	
Cemetery Perpetual Care	704	\$	33,000	
Joint Sewer System	900	\$	13,084,148	
TOTAL ALL FUNDS		\$	115,484,715	\$ 2,500,000

SECTION 2. The following amounts are hereby levied for collection in the year 2004 and for the specific purpose indicated:

	<u>Millage Rate</u>	<u>Amount Levied</u>
For General Fund	8.000	\$4,061,724
Temporary Credit	0.631	-\$320,273
For Ridges Metropolitan District Fund District #1	7.120	\$126,429
For Grand Junction West Water & Sanitation District Fund	6.450	\$78,284
For Downtown Development Authority Temporary Credit	5.000	\$128,337

SECTION 3.

INTRODUCED AND ORDERED PUBLISHED the 19th day of November, 2003.

PASSED AND ADOPTED this _____ day of December, 2003.

Attest:

President of the Council

City Clerk

RESOLUTION NO. _____

A RESOLUTION ADOPTING THE BUDGET FOR THE PURPOSE OF DEFRAYING THE EXPENSES AND LIABILITIES FOR THE FISCAL YEARS ENDING DECEMBER 31, 2004 AND 2005.

WHEREAS, In accordance with the provisions of Section 59 of the Charter of the City of Grand Junction, the City Manager has submitted to the City Council a budget estimate of the revenues and expenditures of conducting the affairs of the City of Grand Junction for the fiscal years ending December 31, 2004 and 2005; and

WHEREAS, after full and final consideration of the budget estimates, the City Council is of the opinion that the budget should be approved and adopted:

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

That the budget estimate of the revenues and expenses of conducting the affairs of said City for the fiscal years ending December 31, 2004 and 2005, as submitted by the City Manager, be and the same is hereby adopted and approved for defraying the expense of and the liabilities against the City of Grand Junction, Colorado, for the fiscal years ending December 31, 2004 and 2005.

ADOPTED AND APPROVED THIS _____ Day of December 2003.

APPROVED:

President of the Council

ATTEST:

City Clerk

Attach 9

Designating Property Tax Revenue for Neighborhood Improvements

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Resolution Designating Property Tax Revenue					
Meeting Date	December 3, 2003					
Date Prepared	November 25, 2003				File #	
Author	Ron Lappi			Admin. Svcs. Director		
Presenter Name	Ron Lappi Kelly Arnold			Admin. Svcs. Director City Manager		
Report results back to Council		No	<input checked="" type="checkbox"/>	Yes	When	October, 2006
Citizen Presentation		Yes	<input checked="" type="checkbox"/>	No	Name	
	Workshop	<input checked="" type="checkbox"/>	Formal Agenda		Consent	<input checked="" type="checkbox"/> Individual Consideration

Summary: A resolution for the City Council consideration that declares the Council's intent to annually commit the growth in property taxes to support Neighborhood capital improvements and operating costs of Neighborhoods beginning in 2006.

Budget: This action has no current budget impact, but does require the designation of approximately \$300,000 annually beginning in the biennial budget for 2006 and 2007 for neighborhood improvements.

Action Requested/Recommendation: Approve, modify or give additional direction to the staff.

Attachments: Proposed City Council Resolution
Projection of Property Tax Growth

Background Information: At the budget presentation workshop on October 29, 2003, several City Council members asked that we bring back a proposal that would link in

some way the property tax revenues and important neighborhood improvements. We believe the attached resolution does do this beginning with the biennial budget period of 2006 and 2007. It does limit the amount of revenue so designated to the annual growth in revenues over the previous year, and limits the designation in any year to not more than 1 mill of property tax equivalent. In the early years we have roughly estimated this amount to be \$300,000 annually.

RESOLUTION NO _____

A RESOLUTION DECLARING THE INTENT OF THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION TO DESIGNATE A PORTION OF THE ANNUAL PROPERTY TAX REVENUE OF THE CITY FOR CAPITAL IMPROVEMENTS AND OPERATIONAL COSTS OF NEIGHBORHOOD IMPROVEMENTS BEGINNING WITH BIENNIAL BUDGET FOR 2006 AND 2007

RECITALS:

The property tax revenue of the City is the second largest revenue source for the General Fund . These revenues have always been a part of the General Fund revenues and used in support of on going services and capital for Parks and Recreation, Public Works, Police, Fire, Planning and central administration.

Within these various departments are budgeted costs of maintenance and improvement of our neighborhoods. The City Council is supportive of isolating a portion of both the property tax revenue and these maintenance and improvement efforts to create a linkage on the proposed use of property taxes in each biennial budget and these ongoing improvement efforts. As a revenue stream of the City's general fund, we have projected that property taxes will grow by approximately \$300,000 per year; while 1 mill of our current property tax will generate between \$500,000 and \$800,000 annually over the next eight years.

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

- a) Annual growth of City property tax revenue, measured annually over the previous calendar year, (not to exceed one mill of the property tax levy) shall be set aside and used for capital improvements to and on going operating costs of maintaining neighborhoods, beginning in 2006 with approximately \$300,000.
- b) Uses anticipated at this time and initially to be included in the 2006 and 2007 biennial budget, include but are not limited to the following; as approved and designated by the City Council from time to time.
 - Improvements, including replacement and construction of curb, gutter and sidewalks
 - Streetlight improvements
 - Other neighborhood improvements, and in support of Neighborhood Improvement Districts that may be created from time to time.
 - Park improvement and new neighborhood park development.

ADOPTED AND APPROVED THIS _____ Day of December, 2003.

APPROVED:

President of the Council

ATTEST:

City Clerk

Attach 10

Public Hearing – Bond Ordinance for Community Hospital

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Ordinance Authorizing Refunding Hospital Bonds					
Meeting Date	December 3, 2003					
Date Prepared	November 13, 2003				File #	
Author	Ron Lappi		Administrative Services and Finance Director			
Presenter Name	Ron Lappi		Administrative Services and Finance Director			
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda	X	Consent	Individual Consideration

Summary: This is an ordinance authorizing the issuance of \$3,420,000 of hospital revenue refunding bonds on behalf of Community Hospital.

Budget: No impact on our budget. We are a pass thru for Community Hospital, a non-profit eligible as a 501(c)3.

Action Requested/Recommendation: Approve the final passage of the ordinance.

Attachments: Proposed bond ordinance

Background Information: The City of Grand Junction has previously facilitated the issuance of Hospital Revenue bonds for Community Hospital; which would now like to refund these bonds taking advantage of very favorable interest rates. Sherman & Howard is acting as bond counsel for these bonds and will be paid by Community Hospital from the refunding bond proceeds.

The bonds will be issued and closed in early January, 2004; and are being sold directly to a local bank, Alpine Bank.

These bonds do not have any pledge of City revenues and are not an obligation of the City in any way.

ORDINANCE NO: _____

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF \$3,420,000 HOSPITAL REVENUE REFUNDING BOND (COMMUNITY HOSPITAL PROJECT) SERIES 2004 OF THE CITY OF GRAND JUNCTION, COLORADO FOR THE PURPOSE OF REFUNDING ALL OF THE OUTSTANDING CITY OF GRAND JUNCTION, COLORADO HOSPITAL REVENUE REFUNDING AND IMPROVEMENT BONDS (COMMUNITY HOSPITAL CORPORATION PROJECT) SERIES 1993; APPROVING AND AUTHORIZING EXECUTION OF A FINANCING AGREEMENT AND ESCROW AGREEMENT WITH RESPECT TO THE BOND; MAKING FINDINGS AND DETERMINATIONS WITH RESPECT TO THE REFUNDING PROJECT AND THE BOND; AUTHORIZING THE EXECUTION AND DELIVERY OF RELATED DOCUMENTS; AND REPEALING ALL ACTION HERETOFORE TAKEN IN CONFLICT HEREWITH.

WHEREAS, the City of Grand Junction, Colorado (the “City”) is a municipal corporation duly organized and existing under the City’s home rule charter (the “Charter”) adopted pursuant to Article XX of the Constitution of the State of Colorado (the “State”); and

WHEREAS, the County and Municipality Development Revenue Bond Act, constituting Article 3 of Title 29, Colorado Revised Statutes, as amended (the “Act”), authorizes cities and counties in the State to issue revenue bonds to finance one or more projects, including any land, buildings or other improvements, and all real and personal properties, whether or not in existence, which shall be suitable or used in connection with a hospital or health care facility; and

WHEREAS, the City is further authorized by the Act to issue its revenue bonds for the purposes of defraying the costs of financing or refinancing any such project, including all incidental expenses incurred in issuing such bonds, and to secure the payment of such bonds as provided in the Act; and

WHEREAS, representatives of Colorado West HealthCare System (formerly known as Lincoln Park Osteopathic Hospital Association), d.b.a Community Hospital (the “Corporation”) have requested that the City issue its hospital revenue refunding bond pursuant to terms of the Act to refund all of the currently outstanding City of Grand Junction, Colorado Hospital Revenue

Refunding and Improvement Bonds (Community Hospital Corporation Project) Series 1993 (the “Refunded Bonds” and the “Refunding Project”) the proceeds of which Refunded Bonds financed and refinanced improvements to the Corporation’s hospital facilities located within the boundaries of the City; and

WHEREAS, the City has considered the request of the Corporation and has concluded that the Refunding Project will assist the Corporation in providing more adequate healthcare facilities, promoting the public health, welfare, safety, convenience and prosperity, and that the City should issue its hospital revenue refunding bond under the Act to finance a portion of the cost of the Refunding Project, subject to the conditions set forth herein; and

WHEREAS, the City will issue, sell and deliver its City of Grand Junction, Colorado Hospital Revenue Refunding Bond (Community Hospital Project) Series 2004 (the “Bond”), in an aggregate principal amount not to exceed \$3,420,000 and loan the proceeds thereof to the Corporation, pursuant to the terms of a Financing Agreement dated as of January 1, 2004 (the “Financing Agreement”) among the City, the Corporation and Alpine Bank (the “Purchaser”) to pay a portion of the cost of financing the Refunding Project; and

WHEREAS, the City, the Corporation and U.S. Bank National Association will enter into an Escrow Agreement, dated as of January 1, 2004 (the “Escrow Agreement”) pursuant to which the proceeds of the Bond will be deposited to effect the Refunding Project; and

WHEREAS, the Bond shall be purchased by the Purchaser pursuant to the terms of the Financing Agreement; and

WHEREAS, the City is authorized by the Supplemental Public Securities Act, Article 57 of Title 11 of Colorado Revised Statutes, as amended (the “Public Securities Act”), to delegate to any of its members, chief executive officer, or chief financial officer the authority to sign a contract for the purchase of securities or to accept a binding bid for securities and, in addition, may delegate the following determinations to such member or officer without any requirement that the issuing authority approve such determinations: (a) the rate of interest on securities; (b) the conditions on which and the prices at which the applicable securities may be redeemed before maturity; (c) the existence and amount of any capitalized interest or reserve funds; (d) the price at which the securities will be sold; (e) the principal amount and denominations of the

securities; (f) the amount of principal maturing in any particular year; and (g) the dates on which principal and interest shall be paid; and

WHEREAS, the City hereby determines that it is in the City's best interest to delegate to its Finance Director (the "Finance Director") certain of the specific powers enumerated in the Public Securities Act as more specifically provided in this Ordinance; and

WHEREAS, there have been presented to the City Council at this meeting the following documents: (a) the proposed form of the Financing Agreement; and (b) the proposed form of the Escrow Agreement; and

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

Legal Authorization. The City is a municipal corporation duly organized and existing under the City's Charter adopted pursuant to Article XX of the Constitution of the State.

Findings. The City Council has heretofore determined, and does hereby determine, based upon the representations of the Corporation, as follows:

The healthcare facilities being refinanced are an eligible "project," as defined in the Act.

The issuance of the Bond will effectuate the public purposes of the City and carry out the purposes of the Act by, among other things, providing hospital facilities within the City.

The Bond is a special, limited obligations of the City payable solely out of the income, revenues and receipts specifically pledged pursuant to the Financing Agreement. The Bond, the premium, if any, and the interest thereon shall never constitute the debt or indebtedness of the City within the meaning of any provision or limitation of the State Constitution, State statutes or the Charter, and shall not constitute nor give rise to a pecuniary liability of the City or a charge against its general credit or taxing power and shall not constitute a "multiple fiscal year direct or indirect debt or other financial obligation" of the City under Article X, Section 20 of the Colorado Constitution. Neither the State of Colorado nor any political subdivision thereof shall be obligated to pay the principal of, premium, if any, or interest on the Bond or other costs incident thereto. The Bond does not constitute a debt, loan,

credit or pledge of the faith and credit or taxing power of the State, the City or any political subdivision thereof.

Authorization of Issuance of Bond. To defray the cost of the Refunding Project (including incidental expenses incurred in issuing the Bond), there is hereby authorized and created a series of revenue refunding bonds designated “City of Grand Junction, Colorado, Hospital Revenue Refunding Bond (Community Hospital Project) Series 2004” in an aggregate principal amount of \$3,420,000. Subject to the determination of the Finance Director, the issuance of the Bond shall be in such principal amount, bearing such date and interest rate and such Bond shall mature as set forth in the Financing Agreement. The Bond shall be payable, shall be subject to redemption prior to maturity and shall be in substantially the form as provided in the Financing Agreement. Furthermore, the Bond shall be payable at such place, shall carry such registration privileges, shall be executed, and shall contain such terms and conditions, as set forth in the Financing Agreement. The maximum net effective interest rate on the Bond shall not exceed 4.60% per annum unless a Determination of Taxability (as defined in the Financing Agreement) shall occur, in which event the maximum net effective interest rate on the Bond shall not exceed 6.25%. Section 11-57-204 of the Public Securities Act provides that a public entity, including the City, may elect in an act of issuance to apply all or any of the provisions of the Supplemental Act. The City hereby elects to apply all of the Supplemental Act to the Bond.

Sale of Bond. The placement and purchase of the Bond pursuant to the terms of the Financing Agreement be and the same are in all respects hereby approved, authorized and confirmed, and the President of City Council is hereby authorized and directed to execute the Bond and the City Clerk is hereby authorized and directed to affix the seal of the City and to attest the Bond, and each is hereby authorized to deliver the Bond for and on behalf of the City to the Purchaser pursuant to the Financing Agreement. The Bond shall be sold to the Purchaser for the purchase price as set forth in the Financing Agreement (subject to the limitations set forth herein).

Delegation. Pursuant to the terms of the Public Securities Act, the City Finance Director is hereby delegated the authority to establish: (i) the interest rate of the Bond and the payment dates therefore, provided that the net effective interest rate for the Bond shall not exceed 4.60%

per annum unless a Determination of Taxability shall occur, in which event the maximum net effective interest rate on the Bond shall not exceed 6.25%.; (ii) the prior redemption provisions for the Bond, provided, any redemption premium thereon shall not exceed 3% of the principal amount to be redeemed; (iii) the original issue discount or premium thereon shall not exceed 1% of the aggregate principal amount of the Bond; and (iv) the date on which the Bond shall mature, provided that, the final maturity date for any Bond shall not be later than February 15, 2014.

Approval and Authorization of Documents. The Financing Agreement, and the Escrow Agreement be and the same are in all respects hereby approved, authorized and confirmed, and the President of City Council is hereby authorized and directed to execute and the City Clerk is hereby authorized and directed to affix the seal of the City and to attest the Financing Agreement and the Escrow Agreement in substantially the forms and content as presented to the City on this date, subject to the approval of bond counsel to the City, but with such changes, modifications, additions and deletions therein as shall to them seem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of their approval of any and all changes, modifications, additions and deletions from the forms thereof as before this date.

All Actions Heretofore Taken. All actions (not inconsistent with the provisions of this Ordinance) heretofore taken by the City Council and the officers of the City directed toward the issuance and sale of the Bond therefore are hereby ratified, approved and confirmed.

Compliance with the Act. The following determinations and findings are hereby made in accordance with Sections 29-3-113, 29-3-114 and 29-3-120 of the Act:

The maximum amount necessary in each year to pay the principal of and the interest on the Bond (based on the maximum net effective interest rates set forth herein, assuming that interest is paid monthly, and assuming no redemptions other than mandatory sinking fund redemptions prior to maturity) shall not exceed:

<u>Year</u>	<u>Principal Amount</u>	<u>Interest</u>	<u>Total</u>
2004	\$231,270	\$192,844	\$424,113
2005	268,326	194,343	462,669
2006	285,832	176,837	462,669
2007	304,480	158,189	462,669
2008	323,930	138,739	462,669
2009	345,478	117,191	462,669
2010	368,018	94,651	462,669
2011	392,028	70,642	462,669
2012	417,452	45,217	462,669
2013	444,839	17,830	462,669
2014	38,350	207	38,557

In the Financing Agreement, the Corporation has covenanted to maintain, or cause to be maintained, the Corporation's facilities and to carry, or cause to be carried, all proper insurance with respect thereto.

The revenues and other amounts payable under the Financing Agreement are sufficient to pay, in addition to all other requirements of the Financing Agreement and this Ordinance, all sums referred to in paragraphs (a) and (b) of this Section, and all taxes or payments in lieu of taxes levied upon the Corporation's facilities refinanced with the Bond.

Investments. Proceeds from the sale of the Bond and the revenues from the Corporation's facilities used to repay the registered owner of the Bond shall be invested and

reinvested in such securities and other investments specified in, and otherwise in accordance with, the Financing Agreement, the Escrow Agreement and Section 29-3-109 of the Act.

Authority to Execute and Deliver Additional Documents. The officers, employees and agents of the City shall take all action in conformity with the Act and the Charter necessary or reasonably required to effectuate the issuance of the Bond and shall take all action necessary or desirable in conformity with the Act, the Public Securities Act and the Charter to finance the portion of the costs of the Refunding Project to be financed with proceeds of the Bond and for carrying out, giving effect to and consummating the transactions contemplated by this Ordinance, the Financing Agreement and the Escrow Agreement, including without limitation the execution, delivery and filing of any documents, statements or reports with the United States Internal Revenue Service or with the Secretary of the United States Treasury or his delegate necessary to maintain the exclusion of interest on the Bond from gross income for federal income tax purposes, the execution of any letter of representation or similar document required of any securities depository, and the execution and delivery of additional security documents and any closing documents to be delivered in connection with the sale and delivery of the Bond.

Bond is Limited Obligation. The Bond shall be a special, limited obligation of the City payable solely from the receipts and revenues of the City under the Financing Agreement that are specifically pledged therefor under the Financing Agreement; the Bond shall never constitute a debt or indebtedness of the City, the State or any county, municipality or political subdivision of the State within the meaning of any provision or limitation of the Constitution or statutes of the State or the Charter or of any political subdivision of the State; and the Bond shall never constitute nor give rise to any pecuniary liability of, or a charge against the general credit or taxing powers of, the City, the State or any county, municipality or political subdivision of the State. The Bond shall not constitute a “multiple fiscal year direct or indirect debt or other financial obligation” of the City under Article X, Section 20 of the Colorado Constitution.

No Pecuniary Liability. Nothing contained in this Ordinance or in the Bond, the Financing Agreement or the Escrow Agreement or any other instrument shall give rise to a pecuniary liability of, or a charge upon the general credit or taxing powers of, the City, the State or any county, municipality or political subdivision of the State. The breach by any party of any

agreement contained in this Ordinance, the Bond, the Financing Agreement, the Escrow Agreement or any other instrument shall not impose any pecuniary liability upon, or any charge upon the general credit or taxing powers of, the City, the State or any county, municipality or political subdivision of the State, none of which has the power to pay out of its general fund, or otherwise contribute, any part of the cost of financing the Refunding Project, or power to operate the Corporation's facilities as a business or in any manner.

No Condemnation by City. The City shall not condemn any land or other property in connection with the Refunding Project.

Supplemental Ordinances. The City may, subject to the terms and conditions of the Financing Agreement, pass and execute ordinances supplemental to this Ordinance which shall not be inconsistent with the terms and provisions hereof.

Limitation of Rights. With the exception of any rights herein expressly conferred, nothing expressed or mentioned in or to be implied from the Ordinance or the Bond is intended or shall be construed to give to any person, other than the City, the Corporation or the Purchaser and the registered owner of the Bond, any legal or equitable right, remedy or claim under or with respect to this Ordinance or any covenants, conditions and provisions herein contained; this Ordinance and all of the covenants, conditions and provisions hereof being intended to be and being for the sole and exclusive benefit of the City, the Corporation, the Purchaser and the registered owner of the Bond as herein provided.

Pledge of Revenues. The creation, perfection, enforcement, and priority of the pledge of revenues to secure or pay the Bond as provided herein and in the Financing Agreement shall be governed by Section 11-57-208 of the Public Securities Act and this Ordinance. The pledged revenues for the payment of the Bond, as received by or otherwise credited to the City, shall immediately be subject to the lien of such pledge without any physical delivery, filing, or further act. The lien of such pledge on the pledged revenues shall have priority over any or all other obligations and liabilities of the City. The lien of such pledge shall be valid, binding, and enforceable as against all persons having claims of any kind in tort, contract, or otherwise against the City irrespective of whether such persons have notice of such liens.

Immunity of Officers. Pursuant to Section 11-57-209 of the Public Securities Act, if a member of the Council, or any officer or agent of the City acts in good faith, no civil recourse shall be available against such council member, officer, or agent for payment of the principal of or interest on the Bond. No recourse for the payment of any part of the principal of, premium, if any, or interest on the Bond for the satisfaction of any liability arising from, founded upon or existing by reason of the issue, purchase or ownership of the Bond shall be had against any official, officer, council member or agent of the City or the State, all such liability to be expressly released and waived as a condition of and as a part of the consideration for the issue, sale and purchase of the Bond.

Designation as Qualified Tax Exempt Obligation. For purposes of Section 265(b)(3)(B) of the Internal Revenue Code of 1986, as amended, the Bond is deemed designated a “qualified tax-exempt obligation.”

Limitations on Actions. In accordance with the Act, no action shall be brought questioning the legality of any contract, financing agreement, mortgage, trust indenture, proceeding relating to the Bond, the Refunded Bonds or the Refunding Project on and after thirty days from the effective date of this Ordinance.

Counterparts. This Ordinance may be simultaneously executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

Captions. The captions or headings in this Ordinance are for convenience only and in no way define, limit or describe the scope or intent of any provisions or sections of this Ordinance.

Validity of Bond. Each Bond shall contain a recital that such Bond is issued pursuant to the Act and the Public Securities Act, and such recital shall be conclusive evidence of its validity and of the regularity of its issuance.

Irrepealability. After the Bond is issued, this Ordinance shall be and remain irrepealable until the Bond and the interest thereon shall have been fully paid, canceled and discharged.

Severability. If any section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such

section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

Repealer. All bylaws, orders, resolutions and ordinances, or parts hereof, inconsistent herewith and with the documents hereby approved, are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed as reviving any bylaw, order, resolution or ordinance, or part thereof.

Disposition of Ordinance. This Ordinance, as adopted by the City Council, shall be numbered and recorded by the City Clerk in the official records of the City. The adoption and publication shall be authenticated by the signatures of the President of the City Council and City Clerk, and by the certificate of publication.

Effective Date. This Ordinance shall be in full force and effect 30 days after publication following final passage.

INTRODUCED, PASSED ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN PAMPHLET FORM this 19th day of November, 2003.

CITY OF GRAND
JUNCTION, COLORADO

President of the City Council

Attest:

City Clerk

INTRODUCED, PASSED ON SECOND READING, APPROVED AND ORDERED PUBLISHED IN PAMPHLET FORM this 3rd day of December, 2003.

CITY OF GRAND
JUNCTION, COLORADO

President of the City Council

Attest:

City Clerk

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

I, Stephanie Tuin, the City Clerk of the City of Grand Junction, Colorado (the “City”) and Clerk to the City Council of the City (the “Council”), do hereby certify that:

The foregoing pages are a true, correct and complete copy of an ordinance (the “Ordinance”) which was introduced, passed on first reading and ordered published in full by the Council at a regular meeting thereof held on November 19, 2003 and was duly adopted and ordered published in full by the Council at a regular meeting thereof held on December 3, 2003 which Ordinance has not been revoked, rescinded or repealed and is in full force and effect on the date hereof.

The Ordinance was duly moved and seconded and the Ordinance was passed on first reading at the meeting of November 19, 2003, by an affirmative vote of a majority of the members of the Council as follows:

<u>Councilmember</u>	<u>Voting “Aye”</u>	<u>Voting “Nay”</u>	<u>Absent</u>	<u>Abstaining</u>
Cindy Enos-Martinez				
Bruce Hill				
Dennis Kirtland				
Jim Spehar				
Gregg Palmer				
William McCurry				
Harry Butler				

The Ordinance was duly moved and seconded and the Ordinance was finally passed on second reading at the meeting of December 3, 2003, by an affirmative vote of a majority of the members of the Council as follows:

<u>Councilmember</u>	<u>Voting “Aye”</u>	<u>Voting “Nay”</u>	<u>Absent</u>	<u>Abstaining</u>
Cindy Enos-Martinez				

Bruce Hill				
Dennis Kirtland				
Jim Spehar				
Gregg Palmer				
William McCurry				
Harry Butler				

The members of the Council were present at such meetings and voted on the passage of such Ordinance as set forth above.

The Ordinance was approved and authenticated by the signature of the President of the Council, sealed with the City seal, attested by the City Clerk and recorded in the minutes of the Council.

There are no bylaws, rules or regulations of the Council which might prohibit the adoption of said Ordinance.

Notices of the meetings of November 19, 2003 and December 3, 2003 in the forms attached hereto as Exhibit A were posted at City Hall in accordance with law.

The Ordinance was published in pamphlet form in The Daily Sentinel, a daily newspaper of general circulation in the City, on November __, 2003 and December __, 2003 as required by the City Charter. True and correct copies of the affidavits of publication are attached hereto as Exhibit B.

WITNESS my hand and the seal of the City affixed this ____ day of December, 2003.

City Clerk and Clerk to the
Council

(SEAL)

EXHIBIT A
(Attach Notices of Meetings of November 19, 2003 and December 3, 2003)

EXHIBIT B
(Attach Affidavits of Publication)

Attach 11

Public Hearing Amending the Barking Dog Ordinance
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Ordinance repealing and reenacting Sections 6-61 and 6-68 of the Code of Ordinances					
Meeting Date	December 3, 2003					
Date Prepared	November 10, 2003				File #	
Author	Jamie B. Kreiling			Staff Attorney		
Presenter Name	Jamie B. Kreiling and/or John P. Shaver			Staff Attorney Assistant City Attorney		
Report results back to Council	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	When	
Citizen Presentation	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No	Name	
	Workshop	<input checked="" type="checkbox"/>	Formal Agenda		<input type="checkbox"/>	Consent
					<input checked="" type="checkbox"/>	Individual Consideration

Summary: Changes are made to the elements for the prosecution of an owner who has failed to prevent a dog from disturbing the peace of another, warning requirements have been eliminated, and penalties have been increased for a first and second offense for violating any section of Article III of Chapter 6 of the Code of Ordinances.

Budget: No impact.

Action Requested/Recommendation: Second Reading and Final Consideration of the Ordinance.

Attachments:

1. An explanation of the changes
2. Ordinance

Background Information: Difficulties arose with enforcing the barking dog ordinance as it was previously enacted. Residents were long suffering from the actions of owners who were not controlling the noise from their dogs. The necessity of two complaining witnesses made it nearly impossible for the one person in the neighborhood who was home during the day being disturbed to obtain peace while all others were working or away from home. The proposed ordinance allows for other reliable evidence to be used to convict. The warning process has been eliminated. The current warning system will remain the practice, but the officer will have discretion to act in extreme or unusual cases. The penalties for violating any section of Article III of Chapter 6 of the Code of Ordinances have been increased for the first and second offenses as a deterrence and to be in accord with the same penalties for violating the same or similar violations in the County of Mesa.

Sec. 6-61. Barking dogs.

(a) *Prohibition.* No owner of a dog shall fail to prevent it from disturbing the peace and quiet of any other person by loud and persistent barking, baying, howling, yipping, crying, yelping, or whining, whether the dog is on or off the owner's premises.

(b) *Provocation defense.* Provocation of a dog whose noise is complained of is an affirmative defense to any charge for violation of subsection (a) of this section.

(c) *Warning required.* No person shall be charged with a violation of subsection (a) of this section unless written warning as provided in subsection (d) of this section has been given at least seven days but not more than 37 days preceding the charge.

(d) *Warning process.* The warning process to be employed prior to a charge being instituted for notification of violation of subsection 6-61(a) shall be substantially as follows:

- (1) The warning must relate to a barking incident separate from the charged violation.
- (2) The animal control officer may issue a warning after receiving two complaints from two different persons who do not reside in the same household.
- (3) All complainants must clearly identify themselves by stating their name, address and telephone number. The complainant shall further state, if known, the name of the dog's owner, the owner's address and telephone number, a description of the dog, description of the offense, the date, time, place and duration of the offense.
- (4) A record or incident report shall be kept of any such complaint and investigation.
- (5) A warning to a dog owner shall fully cite section 6-61(a) and advise the owner of penalty for the violation of section 6-61(a). The warning shall also state that a complaint has been received, recite the date of the alleged offense, and conclude that the owner's dog may have disturbed the peace of another individual. The warning must be identified as being issued by any animal regulation officer empowered by the city council to enforce the provisions of this article.

(e) *Notice and evidence of warnings.* An owner shall be deemed to have been issued and received a warning under subsection (d) of this section if the warning is personally served upon the owner or keeper, posted on the owner's or keeper's premises, or placed in the U.S. mail, postage prepaid and addressed to the owner of the dog according to the last address given by the owner or keeper at the time such owner obtained a license certificate or license tag.

(f) *Complainant's rights and responsibilities.*

- (1) The identity of a complainant shall be kept confidential until a violation of this section is charged.
- (2) If a violation of this section is charged, the complainant shall sign an affidavit on the citation attesting to the violation, or shall verify in writing the allegations of a complaint prior to its service upon the owner.
- (3) No person or owner shall be convicted at trial for violation of this section unless testimony is presented by at least two complaining witnesses or by one complaining witness when there is only one occupied residence within three blocks or one-quarter mile in any direction.

CHANGES:

Delete (c), (d), and (e). Amend (f) by re-lettering as (c) and stating the following:

(c) *Complainant's rights and responsibilities.*

- (1) All complainants must clearly identify themselves by stating their name, address and telephone number. The complainant shall further state the description of the offense, the date, time, place and duration of the offense, and if known, the name of the dog's owner, the owner's address and telephone number, and a description of the dog. The identity of a complainant shall be kept confidential until a violation of this section is charged.
- (2) If a violation of this section is charged, the complainant shall sign an affidavit on the citation attesting to the violation, or shall verify in writing the allegations of a complaint prior to its service upon the owner.
- (3) No person or owner shall be convicted at trial for violation of this section unless oral testimony or other means of reliable evidence is presented proving the elements of subsection (a). Other reliable evidence, includes but is not limited to, videotape and digital video recordings.

Sec. 6-68. Penalty assessment; fine schedule.

If the penalty assessment procedure is used by the animal control officer or any arresting law enforcement officer, the following fine schedule shall be applied for violations of any section of this article which are committed or repeated by the same person within two years from the date of any prior offense:

First offense (up to) \$ 25.00
 Second offense (up to) 50.00
 Third offense (up to) 250.00
 Fourth and subsequent offenses (up to) 500.00

Changes:

First offense (up to)	\$ 50.00
Second offense (up to)....	\$100.00

CITY OF GRAND JUNCTION
ORDINANCE NO. _____

AN ORDINANCE REPEALING AND REENACTING SECTION 6-61 OF THE CODE OF ORDINANCES (“CODE”) CONCERNING AN OWNER’S FAILURE TO PREVENT A DOG FROM DISTURBING THE PEACE AND QUIET OF ANOTHER, REPEALING AND REENACTING SECTION 6-68 OF THE CODE ESTABLISHING THE PENALTIES FOR VIOLATING ANY ARTICLE OF SECTION 6 OF CHAPTER 6 OF THE CODE, AND REPEALING CERTAIN ORDINANCES IN CONFLICT WITH THE AMENDMENTS.

WHEREAS, the City of Grand Junction wishes to address changes to the elements in the prosecution of an owner who has failed to prevent a dog from disturbing the peace of another, to eliminate the requirement for previous warnings, and to increase the penalties for a first and second offense for violating any section of Article III of Chapter 6 of the Code to further deter violations and to have equivalent penalties for the same or similar violation as in the County of Mesa.

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

That Sections 6-61 and 6-68 of the Code of Ordinances of the City of Grand Junction be repealed and reenacted as follows:

Sec. 6-61. Barking dogs.

(a) *Prohibition.* No owner of a dog shall fail to prevent it from disturbing the peace and quiet of any other person by loud and persistent barking, baying, howling, yipping, crying, yelping, or whining, whether the dog is on or off the owner's premises.

(b) *Provocation defense.* Provocation of a dog whose noise is complained of is an affirmative defense to any charge for violation of subsection (a) of this section.

(c) *Complainant's rights and responsibilities.*

(1) All complainants must clearly identify themselves by stating their name, address and telephone number. The complainant shall further state the description of the offense, the date, time, place and duration of the offense, and if known, the name of the dog's owner, the owner's address and telephone number, and a description of the dog. The identity of a complainant shall be kept confidential until a violation of this section is charged.

(2) If a violation of this section is charged, the complainant shall sign an affidavit on the citation attesting to the violation, or shall verify in writing the allegations of a complaint prior to its service upon the owner.

(3) No person or owner shall be convicted at trial for violation of this section unless oral testimony or other means of reliable evidence is presented proving the elements of subsection (a). Other reliable evidence, includes but is not limited to, videotape and digital video recordings.

And

Sec. 6-68. Penalty assessment; fine schedule.

If the penalty assessment procedure is used by the animal control officer or any arresting law enforcement officer, the following fine schedule shall be applied for violations of any section of this article which are committed or repeated by the same person within two years from the date of any prior offense:

First offense (up to)	\$ 50.00
Second offense (up to)	\$100.00
Third offense (up to)	\$250.00
Fourth and subsequent offenses (up to)	\$500.00

Introduction of first reading this 19th day of November, 2003.

Passed and adopted this _____ day of _____, 2003.

President of the Council

Attest:

City Clerk

Attach 12

Executive Session

**Information regarding
your executive session topic
can be found in the envelope
in your binder pocket**

