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**GRAND JUNCTION CITY COUNCIL  
CITY HALL AUDITORIUM, 250 NORTH 5<sup>TH</sup> STREET  
AGENDA**

**WEDNESDAY, AUGUST 17, 2005, 7:00 P.M.**

**CALL TO ORDER**

Pledge of Allegiance  
Invocation – Reverend Michael Torphy, Religious Science  
Spiritual Center

**PROCLAMATIONS / RECOGNITIONS**

PROCLAIMING THE WEEK OF AUGUST 29 – SEPTEMBER 5, 2005 AS “GRAND JUNCTION FIRE FIGHTER APPRECIATION WEEK” IN THE CITY OF GRAND JUNCTION, COLORADO AS REQUESTED BY THE MUSCULAR DYSTROPHY ASSOCIATION FOR THE FIRE DEPARTMENT'S PARTICIPATION IN THE "FILL THE BOOT" CAMPAIGN

**APPOINTMENTS**

TO THE VISITORS AND CONVENTION BUREAU BOARD OF DIRECTORS

TO THE RIVERFRONT COMMISSION

**CITIZEN COMMENTS**

\*\*\* Mike Anton, President of Grand Junction Air Show, Inc., would like to thank all the entities in the City of Grand Junction for their participation in the 2005 Air Show

**\*\*\* CONSENT CALENDAR \*\*\*®**

1. **Minutes of Previous Meetings**

**[Attach 1](#)**

*Action: Approve the Minutes of the August 3, 2005 Special Session and the August 3, 2005 Regular Meeting*

\*\*\* Indicates New Item

® Requires Roll Call Vote

2. **Setting a Hearing on Rezoning the Grand Central Plaza, Located at 302 West Grand Avenue** [File #RZ-2005-121] [Attach 2](#)

Request to rezone 302 West Grand Avenue, comprised of 0.358 acres, from RMF-8 (Residential Multi-Family with a density not to exceed 8 units per acre) to RO (Residential Office).

Proposed Ordinance Rezoning a Parcel of Land from Residential Multi-Family with a Density Not to Exceed Eight Units per Acre (RMF-8) to Residential Office (RO) Located at 302 W. Grand Avenue

*Action: Introduction of Proposed Ordinance and Set a Hearing for September 7, 2005*

Staff presentation: Ronnie Edwards, Associate Planner

3. **Setting a Hearing for a Right-of-Way Vacation, Located at 1531, 1559, and 1561 High Street** [File #VR-2005-079] [Attach 3](#)

Introduction of a proposed ordinance to vacate High Street adjacent to Highway 50, while reserving a 20' sanitary sewer easement for the construction of a new gravity sanitary sewer line.

Proposed Ordinance Vacating a Right-of-Way Located at 1531, 1559, and 1561 High Street

*Action: Introduction of Proposed Ordinance and Set a Hearing for September 7, 2005*

Staff presentation: Ronnie Edwards, Associate Planner

4. **Setting a Hearing on Zoning the Loggains Annexation, Located at 2234 Railroad Avenue** [File #ANX-2005-162] [Attach 4](#)

Introduction of a proposed zoning ordinance to zone the Loggains Annexation I-1, located at 2234 Railroad Avenue.

Proposed Ordinance Zoning the Loggains Annexation to I-1, Located at 2234 Railroad Avenue

*Action: Introduction of Proposed Ordinance and Set a Hearing for September 7, 2005*

Staff presentation: Senta L. Costello, Associate Planner

5. **Request to Continue Annexation Public Hearing for the Bookcliff Veterinary Hospital Annexation until the October 5, 2005 City Council Meeting** [File #ANX-2005-076] CONTINUED FROM JULY 6, 2005 [Attach 5](#)

Request to Continue the Annexation Public Hearing for the Bookcliff Veterinary Hospital Annexation as previously rescheduled and published for the August 17, 2005 City Council Meeting. The request to continue is due to further research required of the existing legal description and associated land ownership issues regarding the area of the adjacent Grand Valley Canal. City staff is requesting the Annexation Public Hearing be continued until the October 5, 2005 City Council Meeting.

*Action: Continue the Public Hearing and Final Consideration of the Annexation Ordinance until the October 5, 2005 City Council Meeting*

Staff presentation: Scott D. Peterson, Associate Planner

6. **Request to Continue the Zoning of the Twenty Three Park Plaza Annexation, Located at the NW Corner of 23 Road and I-70** [File #GPA-2005-045] [Attach 6](#)

Request to continue the Public Hearing for the Zoning of the Twenty Three Park Plaza Annexation. The City Council remanded the zoning consideration to the Planning Commission. It is scheduled for the August 23, 2005 Planning Commission hearing. The request will need to be continued to the September 7<sup>th</sup> City Council meeting.

*Action: Continue the Public Hearing and Final Consideration of the Zoning Ordinance until the September 7, 2005 City Council Meeting*

Staff presentation: Kathy Portner, Planning Manager

7. **Setting a Hearing for the Grand Junction Storm Water Ordinance** [Attach 7](#)

City Council reviewed the proposed Storm Water Ordinance at the July 18 City Council Workshop. This ordinance is required by the United States Environmental Protection Agency (USEPA) Storm Water Phase II Regulation. Staff is

recommending an implementation schedule that allows the Ordinance to be adopted on September 7<sup>th</sup> with an effective date of January 1, 2006. This schedule would provide an opportunity for affected businesses and organizations to become familiar with the ordinance and allow staff to provide training opportunities prior to the effective date of the ordinance.

Proposed Ordinance Adopting a Comprehensive Storm Water Management Program for the Purpose and Effect of Reducing the Discharge of Pollutants to and from the Municipal Storm Sewer System, to Protect Water Quality, to Satisfy the Appropriate Water Quality Requirements of the Colorado Water Quality Control Act and to Enforce the Provisions of the Storm Water Management Program

*Action: Introduction of Proposed Ordinance and Set a Hearing for September 7, 2005 and Authorize Publication in Pamphlet Form*

Staff presentation: Tim Moore, Public Works Manager

8. **2006 LEAF Grant for DUI Enforcement**

**[Attach 8](#)**

The Colorado Department of Transportation is accepting applications for grant funding of DUI enforcement projects. Local governments are allowed to apply for this funding for three years. This will be the third consecutive year the Grand Junction Police Department will be seeking funds from this grant source. Funding has been received during the past two years. In the 2005 process the Grand Junction Police Department applied for \$145,133 to fund DUI enforcement activities and a Mobile DUI vehicle. The Mobile DUI vehicle was denied, \$35,000 was awarded to fund DUI enforcement activities.

*Action: Authorize the Grand Junction Police Department to Apply for the 2006 LEAF Grant in the Amount of \$146,987.05*

Staff presentation: Harry Long, Services Captain

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

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

9. **Designation of 131 S. 6<sup>th</sup> Street/560 Colorado Avenue as a Historic Structure**  
[File # HBD-2005-174] [Attach 9](#)

R.A. Schiesswohl, owner of the Schiesswohl Building located at 131 South 6<sup>th</sup> Street/560 Colorado Avenue, is requesting that the building be designated as historic in the City Register of Historic Sites, Structures and Districts.

Resolution No. 141-05 – A Resolution Designating the Schiesswohl Building Located at 131 South 6<sup>th</sup> Street / 560 Colorado Avenue in the City Register of Historic Sites, Structures and Districts

®Action: *Adopt Resolution No. 141-05*

Staff presentation: Kristen Ashbeck, Senior Planner

10. **Public Hearing - Formation of Downtown Grand Junction Business Improvement District** [Attach 10](#)

The Downtown Grand Junction Business Improvement District group has turned in petitions which represent more than 50% of the property owners in the proposed Business Improvement District. At the hearing, the City Council will determine if the petitions were signed in conformity with the law and if the District should be formed. The City Council may exclude property from the District as allowed by statute or if it deems it to be in the best interest of the District. Once the Improvement District is formed, the petition group has asked that Council set a special election for November 1, 2005 for a ballot question on a special assessment and authorizing the retention of all revenues (de-Brucing).

Ordinance No. 3815 – An Ordinance Creating and Establishing the Downtown Grand Junction Business Improvement District and Approving an Operating Plan and Budget Therefor

®Action: *Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3815*

Staff presentation: Stephanie Tuin, City Clerk  
John Shaver, City Attorney

11. **Setting a Special Election, Approving an Intergovernmental Agreement with Mesa County and Approving a Mail Ballot Plan for the Downtown Grand Junction Business Improvement District Special Assessment** [Attach 11](#)

The City Council acting as the Board of Directors for the Downtown Grand Junction Business Improvement District (DGJBID) has been requested to set a Special Election to vote on a Special Assessment for the properties in the newly formed District. In conjunction with setting an election, the Board for the DGJBID will need to approve an Intergovernmental Agreement with Mesa County and approve a Mail Ballot Plan with the Secretary of State.

Resolution No. 142-05 – A Resolution Calling a Special Election in the Downtown Grand Junction Business Improvement District; and Providing Other Details Relating Thereto

*®Action: Adopt Resolution No. 142-05*

Staff presentation: Stephanie Tuin, City Clerk  
John Shaver, City Attorney

12. **Infill / Redevelopment Incentive Request – 202 North 7<sup>th</sup> Street** [Attach 12](#)

This is a request for infill / redevelopment incentives for an office building to be built on the northeast corner of 7<sup>th</sup> Street and Rood. Incentives include relaxation of select requirements in the Transportation Engineering Design Standards (TEDS), financial assistance to move and replace the existing sewer, financial contributions for façade improvements and assistance with several off-site improvements likely to be required as part of development review.

*Action: Decision on Incentive Request*

Staff presentation: Bob Blanchard, Community Development Director  
Sheryl Trent, Assistant to the City Manager  
Tim Moore, Public Works Manager

13. **Position on Statewide Issues Referenda C & D** [Attach 13](#)

The Grand Junction City Council is considering a resolution endorsing State Referenda C & D.

Resolution No. 143-05 – A Resolution Supporting Referenda C and D

®Action: *Adopt Resolution No. 143-05*

Staff presentation: David Varley, Assistant City Manager  
Sam Rainguet, Communications & Community Relations  
Coordinator

14. **Public Hearing - Water's Edge No. 2 Annexation and Zoning, Located at 2927 D Road** [File #ANX-2005-116] [Attach 14](#)

Acceptance of a petition to annex and consider the annexation and zoning for the Water's Edge No. 2 Annexation. The Water's Edge No. 2 Annexation is located at 2927 D Road and consists of 1 parcel on 0.97 acres. The zoning being requested is RMF-8.

**a. Accepting Petition**

Resolution No. 144-05 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining the Property Known as the Water's Edge No. 2 Annexation, Located at 2927 D Road is Eligible for Annexation

**b. Annexation Ordinance**

Ordinance No. 3816 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Water's Edge No. 2 Annexation, Approximately 0.97 Acres, Located at 2927 D Road

**c. Zoning Ordinance**

Ordinance No. 3817 – An Ordinance Zoning the Water's Edge No. 2 Annexation to RMF-8, Located at 2927 D Road

®Action: *Adopt Resolution No. 144-05 and Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3816 and Ordinance No. 3817*

Staff presentation: Senta L. Costello, Associate Planner

15. **Public Hearing – Pomona Commons Rezone, Located at 589 25 ½ Road** [File #RZ-2005-163] [Attach 15](#)

A request to rezone 1.92 acres from RMF-5 to RMF-12. The property is located at 589 25 ½ Road.

Ordinance No. 3818 – An Ordinance Zoning 1.92 Acres of Land Located at 589 25 1/2 Road, Pomona Commons, to RMF-12

*®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3818*

Staff presentation: Lori V. Bowers, Senior Planner

16. **Initiation of Condemnation Proceedings for the Acquisition of a Portion of the Property at 2741 D Road for the Riverside Parkway Project** [Attach 16](#)

The proposed resolution will authorize the City to initiate condemnation proceedings to acquire a portion of a parcel at 2741 D Road.

Resolution No. 145-05 – A Resolution Determining the Necessity of and Authorizing the Acquisition of Certain Property, by Either Negotiation or Condemnation, for Municipal Public Facilities

*®Action: Adopt Resolution No. 145-05*

Staff presentation: Mark Relph, Public Works and Utilities Director

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

18. **OTHER BUSINESS**

19. **ADJOURNMENT**

**Attach 1**  
**Minutes from Previous Meeting**

**GRAND JUNCTION CITY COUNCIL**

**SPECIAL SESSION MINUTES**

**AUGUST 3, 2005**

The City Council of the City of Grand Junction, Colorado met in Special Session on Wednesday, August 3, 2005 at 5:30 p.m. in the Administration Conference Room, 2<sup>nd</sup> Floor of City Hall. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Jim Doody, Jim Spehar, Doug Thomason, and President of the Council Bruce Hill. Absent was Councilmember Gregg Palmer. Also present was City Manager Kelly Arnold.

Other staff members present were Assistant City Manager David Varley, Public Works & Utilities Director Mark Relph, Riverside Parkway Project Manager Jim Shanks, and Project Engineer Trent Prall.

Council President Hill called the meeting to order.

Councilmember Thomason moved to go into executive session to discuss the purchase, acquisition, lease, transfer, or sale of real, personal, or other property interest pursuant to Section 402 4 a of the Open Meetings Act relative the Riverside Parkway and will not be returning to open session. Councilmember Beckstein seconded the motion. The motion carried.

The City Council convened into executive session at 5:33 p.m.

Stephanie Tuin, MMC  
City Clerk

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

**August 3, 2005**

The City Council of the City of Grand Junction convened into regular session on the 3<sup>rd</sup> day of August 2005, at 7:02 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Jim Doody, Jim Spehar, Doug Thomason, Teresa Coons, and President of the Council Bruce Hill. Council President Pro Tem Gregg Palmer was absent. Also present were City Manager Kelly Arnold, City Attorney John Shaver and City Clerk Stephanie Tuin.

Council President Hill called the meeting to order. Councilmember Beckstein led in the pledge of allegiance. The audience remained standing for the invocation by David Eisner, Congregation Ohr Shalom.

**APPOINTMENTS**

**RATIFY BUILDING CODE BOARD OF APPEALS APPOINTMENTS**

Councilmember Beckstein moved to ratify the reappointment of David Reinertsen, Ray Rickard, and Thomas Cronk to the Mesa County Building Code Board of Appeals with terms ending July 1, 2008. Councilmember Spehar seconded the motion. Motion carried.

**CITIZEN COMMENTS**

Tawny Espinoza, Steps to a Healthier Mesa County Coordinator, presented a brief overview of the "Live Well" Initiative that primarily focuses on asthma, obesity, and diabetes. The program "Live Well" is a 13 week challenge where citizens and residents can earn points by making small choices on a daily basis to improve their health and the prize is a car donated by Suzuki. The kickoff event is September 1<sup>st</sup> from 5 to 7 p.m. at Lincoln Park.

Rick Rieger, 261 Willow Brook Road, shared comments regarding the Smoking Ordinance. His concern was the ordinance cites that smoking is dangerous to the health therefore, why is not the same standard applied to bars. He feels the language is contradictive and ask that the Council extend the ordinance to the other establishments. He suggested a survey of the registered voters to see the opinions regarding this matter. An alternative would be to gather signatures to cause a special election.

## CONSENT CALENDAR

It was moved by Councilmember Coons, seconded by Councilmember Thomason and carried by roll call vote to approve Consent Items #1 through #6.

1. **Minutes of Previous Meetings**

*Action: Approve the Summary of the July 18, 2005 Workshop, Approve the Minutes of the July 20, 2005 Special Session and the July 20, 2005 Regular Meeting*

2. **Grant for Airport Improvement Program at Walker Field Airport for Ramp Expansion**

The Airport Improvement Program (AIP-30) is for the expansion and rehabilitation of the air carrier ramp north of the Walker Field terminal building. The project will expand the ramp north toward Runway 11/29 to provide more maneuvering room for aircraft around the terminal expansion accomplished last year. The ramp around this expansion will be milled to a depth of 8" and re-laid at the same time. The estimated grant amount is \$3,500,000.00. The Supplemental Co-sponsorship Agreement is required by the FAA as part of the grant acceptance by the City.

*Action: Authorize the Mayor to Sign FAA AIP-30 Grant for the Capital Improvements at Walker Field Airport and Authorize the City Manager to Sign the Supplemental Co-sponsorship Agreement for AIP-30*

3. **National Incident Command System**

Under Homeland Security Presidential Directive-5 (HSPD-5) the Secretary of the United States Department of Homeland Security was directed to develop and administer a national incident management system, which would provide a consistent nationwide approach to Federal, State, local and tribal governments to work together more effectively and efficiently to prevent, prepare for, respond to, and recover from domestic incidents, regardless of cause, size, or complexity.

Resolution No. 136-05 – A Resolution Adopting the National Incident Management System (NIMS)

*Action: Adopt Resolution No. 136-05*

4. **Setting a Hearing for the Loggains Annexation, Located at 2234 Railroad Avenue** [File #ANX-2005-162]

Resolution referring a petition for annexation and introduction of a proposed ordinance. The 5.69 acre Loggains Annexation consists of 1 parcel.

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

Resolution No. 137-05 – A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation, and Exercising Land Use Control, Loggains Annexation, Located at 2234 Railroad Avenue

*Action: Adopt Resolution No. 137-05*

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Loggains Annexation, Approximately 5.69 Acres, Located at 2234 Railroad Avenue

*Action: Introduction of Proposed Ordinance and Set a Hearing for September 7, 2005*

5. **Setting a Hearing on Zoning the Water's Edge No. 2 Annexation, Located at 2927 D Road** [File #ANX-2005-116]

Introduction of a proposed zoning ordinance to zone the Water's Edge No. 2 Annexation RMF-8, located at 2927 D Road.

Proposed Ordinance Zoning the Water's Edge No. 2 Annexation to RMF-8, Located at 2927 D Road

*Action: Introduction of Proposed Ordinance and Set a Hearing for August 17, 2005*

6. **Setting a Hearing for the Pomona Commons Rezone, Located at 589 25 ½ Road** [File #RZ-2005-163]

A request to rezone 1.92 acres from RMF-5 to RMF-12. The property is located at 589 25 ½ Road.



Proposed Ordinance Zoning 1.92 Acres of Land Located at 589 25 ½ Road,  
Known as Pomona Commons

*Action: Introduction of Proposed Ordinance and Set a Hearing for August 17,  
2005*

### **ITEMS NEEDING INDIVIDUAL CONSIDERATION**

#### **Mesa County School District #51 Agreement for the Construction of a City Gym/Activity Center at Bookcliff Middle School**

Previously the City Council authorized an expenditure of \$81,000 for the development, design and bidding of a second gym at Bookcliff Middle School. On July 14, 2005 bids were opened by the School District, with an overall low bid for the construction of Bookcliff Middle School being submitted by FCI Contractors of Grand Junction, Colorado. The City Council is being asked whether or not to proceed with the construction of a City gymnasium/activity center at Bookcliff Middle School.

Joe Stevens, Parks and Recreation Director, reviewed this item. He noted a previous comment about an opportunity in partnership with the School District. Discussions have ensued regarding building partnerships at Bookcliff Middle School and Pear Park Elementary School. Tonight, the Council is being asked to consider an agreement with the School District for the use of the gymnasium at Bookcliff Middle School and to agree to the City building a second gymnasium. The agreement is a 99 year agreement. The City, under the agreement, will spend \$525,000 and the remainder would be repaid to the School District in two installments. The maximum amount will not exceed \$1.2 million. The agreement lays out the priority of use of each of the gymnasiums and the maintenance and utilities are also outlined in the agreement. Mr. Stevens expressed that it will be a great amenity and is supported by the Parks and Recreation Advisory Board.

Council President Hill inquired about outside space and has been advised that the site will not lend itself to that with the parking requirements and other school athletic programs. However, the City will have utilization of those facilities, as second priority.

Councilmember Coons inquired about the use of the facility as an activity center for older citizens. Mr. Stevens agreed that there is a growing senior population and he was supportive of addressing that population for activities and activity centers.

Councilmember Spehar supported the request particularly in light of the area being a quickly growing area and agreed with maximizing these opportunities.

Mr. Stevens recognized the School District, the City Manager, the City Attorney and other staff for all of their support and assistance in bringing this opportunity forward.

City Manager Arnold commended the City Council for developing such a good relationship with the School District.

Council President Hill agreed noting that the community wants to see all these organizations working together to maximize the possibilities.

Councilmember Spehar moved to authorize the City Manager to sign an agreement with School District #51 that will authorize the use of the facility as well as lay out the terms for the financing of the construction not to exceed \$1.2 million for the development of a City gymnasium/activity center at Bookcliff Middle School. Councilmember Beckstein seconded the motion. Motion carried.

### **Public Hearing - Reduction of Distance Restriction for Brew Pub Liquor Licenses to College Campuses**

State law requires five hundred feet, using direct pedestrian access, from the property line of a school to the liquor-licensed premise; however, the law also allows local jurisdictions to reduce that distance for a certain class of license for one or more types of schools. In 1987, the Grand Junction City Council reduced the distance for full service restaurant licenses from college campuses to 300 feet and then in 2004, the City Council eliminated the distance restriction from college campuses to full service restaurant licenses. The City Council has now been requested to consider reducing the distance restriction from college campuses to brew pub liquor licenses.

The public hearing was opened at 7:30 p.m.

Stephanie Tuin, City Clerk, reviewed this item. She explained the law and the options for City Council.

Councilmember Coons inquired if the law would allow them to restrict the off-premise provisions. City Attorney John Shaver said the State Law does not give the City that flexibility. The only local options are the distance restrictions and the optional premises licenses.

Jim Jeffryes, the lead partner in an S Corporation considering opening a brew pub across from Mesa State College, said his surveyor came up with 400 feet to the college campus so the building is within the 500 feet. He stated they are a family company, all local residents, with no outside corporate ownership. The property is zoned B-2, so the brew pub would be closed by 11:00 p.m. The neighborhood is underserved with a few fast food restaurants. Mr. Jeffryes believes it is a good fit for the neighborhood. The lunch crowd would be larger than the dinner crowd. Meal pricing would be affordable to the clientele. He wants to make fresh beer, approached like a chef approaching food, with just enough to serve the customers. Fresh sodas would also be made on site. He estimated annual sales to be \$800,000 and that money will stay in the community.

Councilmember Doody asked how long the building has been vacant. Mr. Jeffryes said about ten months. They will spend about \$250,000 for renovations, using local contractors.

Councilmember Coons inquired about the 15% food sales. Attorney Shaver clarified the food provisions of the Liquor Code. Mr. Jeffryes stated he anticipates 23% of his sales to be alcohol. Clerk Tuin advised that Mr. Jeffryes is referring to the provision of the necessity of a conditional use permit if his alcohol sales exceed 25%. City Attorney Shaver added that is a land use provision.

Kerry Youngblood, 2012 J ½ Road, Fruita, has lived here 27 years. He has known Jim Jeffryes and family and his point of a family operation is well taken. Mr. Jeffryes has been brewing beer for many years and is talented in brewing beer. Mr. Youngblood was not representing Mesa State College in any way. He believes this will be a positive business that will be good for the City.

Dan Kirby, 108 Hillcrest Avenue, has known Jim Jeffryes for over ten years, noting the family is fine people, and he supports their plan. They possibly may be competitors of his, a fellow restaurateur. He believes it is a great use of an empty building, and will cause a resurgence in that shopping center. He believes there is a resurgence of family owned restaurants. He understands this is a difficult decision because of changing the law, but precedence has been set already. The zoning of that location will limit the time the business can be open.

Charley Doss, 1820 K 4/10 Road, stated it has been Mr. Jeffryes' dream to have a brew pub restaurant. He questioned the age of the Colorado Law. He feels it has been circumvented already, because of the liquor licenses already closer than the distance of the proposed business.

Rema Dunn, 574 36 5/8 Road, Palisade, has known Jim Jeffryes' family for a long time and they are the type of family people would want as business owners and friends. They do everything well, and their business would be a benefit to the community.

David Berry, 530 Hall Avenue, manager for the property, stated that a number of people tried to lease the building for a bar, the owner of the building did not want to rent it out for a bar. Rather, the owner preferred it to be a family restaurant.

There were no other comments.

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

Councilmember Coons stated that she drove by the property and saw a change and appreciates it so far. She agrees that another quality restaurant is needed in the area.

Her first thought is the proximity to the college campus and the ability to take liquor off campus. The accessibility to liquor makes a big difference. She has concerns about the fact that no individuals opposed appeared tonight. Her biggest concern is that the reduction of distance will not apply just to this license. She would prefer to see a restaurant at that location.

Councilmember Beckstein is concerned that there is not more neighborhood input. She is also concerned that it changes the ordinance for all future businesses and would still like to see a restaurant there.

Councilmember Thomason stated that he doesn't think of the college as 12<sup>th</sup> and Orchard. He is in favor, especially since the owner said it will not turn into a bar. He feels that fresh food and fresh beer would make a nice restaurant in that area.

Councilmember Spehar stated that they have already set the precedent of flexibility for dealing with these licenses and have the zoning regulations that restricts hours of operation. Mr. Jeffryes will still have the liquor licensing process including the neighborhood survey to go through. He can support the 300 foot restriction.

Councilmember Doody is glad to see a business going into that building.

Council President Hill found that the measuring process is interesting but questioned the rationale. He is glad to hear about the integrity of the establishment planned and the hours. He supports the request and he recommended that the distance restriction go to zero to be consistent with the last such request.

Councilmember Beckstein agrees with Council President Hill in reducing the distance restriction to zero to keep it consistent.

Councilmember Spehar believes that because it is a different class of license, the distance restriction should stay at the 300 foot level because of the residential area.

Councilmember Coons is uncomfortable reducing the distance restriction to zero. She feels Council should stay with the 300 feet.

Councilmember Doody is in favor of reducing the distance restriction to zero.

Councilmember Thomason stated for consistency, reduce the distance restriction to zero.

Ordinance No. 3803 – An Ordinance Amending Section 4-52 of the Grand Junction Code of Ordinances Reducing the Distance a Brew Pub Liquor Licensed Premise Must Be from the Principal Campus of a College or University in the City of Grand Junction

Councilmember Beckstein moved to adopt Ordinance No. 3803 reducing the distance but without the distance being determined on second reading and ordered it published. Councilmember Doody seconded the motion. Motion carried.

Councilmember Beckstein moved to reduce the distance from 500 feet to zero. Councilmember Thomason seconded. Motion carried by roll call vote with Councilmember Spehar and Coons voting NO.

**Public Hearing – Vacating a Public Right-of-Way – Forrest Run Subdivision, Located at 641 29 ½ Road** [File #VR-2005-052]

The petitioner is requesting approval of a vacation of a 25 foot wide public road right-of-way located on the west side of Marchun Drain. The road right-of-way was dedicated in the County as part of the Holton's Haciendas Subdivision. There is no improved road or utilities within the right-of-way.

The public hearing was opened at 8:14 p.m.

Bob Blanchard, Community Development Director, reviewed this item. He described the location, the relationship of the request to the Growth Plan, the reason for the request, and the criteria for approval.

There were no public comments.

The public hearing was closed at 8:15 p.m.

Ordinance No. 3813 – An Ordinance Vacating a Public Road Right-of-Way Located at 641 29 ½ Road

Councilmember Doody moved to adopt Ordinance No. 3813 on second reading and ordered it published. Councilmember Spehar seconded the motion. Motion carried by roll call vote.

Council President Hill called a recess at 8:16 p.m.

The meeting reconvened at 8:22 p.m.

**Public Hearing – Zoning the Pear Park School Annexation, Located at 2927 and 2927 ½ D ½ Road to CSR** [File # ANX-2005-125]

Hold a public hearing and consider the final passage of the zoning ordinance to zone the Pear Park School Annexation CSR, located at 2927 and 2927 ½ D ½ Road. The Pear Park School Annexation consists of 2 parcels on 20.42 acres and zoning being requested is CSR.

The public hearing was opened at 8:22 p.m.

Bob Blanchard, Community Development Director, reviewed this item. He described the location, noting the property was annexed earlier this year. He said the recommendation for zoning is CSR. Under the Persigo Agreement, the Council can zone with the Growth Plan or go with the existing County zoning which is PUD. Staff recommends against that since there is no plan. He described the surrounding zoning and stated what the future surrounding zoning will be. The other criteria for zoning is that adequate public services and facilities are available or will be available, and that the School District will be required to provide such facilities. The Planning Commission recommended approval.

City Manager Kelly Arnold asked if Mr. Blanchard could verify that various uses being proposed for the site such as a school, park, fire station, and other civic uses are eligible for this type of zoning. Mr. Blanchard said yes.

There were no public comments.

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

Ordinance No. 3814 – An Ordinance Zoning the Pear Park School Annexation to CSR, Located at 2927 and 2927 ½ D ½ Road

Councilmember Spehar moved to adopt Ordinance No. 3814 on second reading and ordered it published. Councilmember Beckstein seconded the motion. Motion carried by roll call vote.

### **Purchase of Property at 600 Noland Avenue for the Riverside Parkway Project**

The City has entered into a contract to purchase right-of-way at 600 Noland Avenue from The Sterling Company. The City's obligation to purchase this right-of-way is contingent upon Council's ratification of the purchase contract.

Mark Relph, Public Works and Utilities Director, reviewed this item. He described the location. Two parcels are affected by this purchase needed for the Parkway construction. An appraisal was obtained and that price is the agreed upon price. One business is existing and the owner lives there also. Therefore, there are relocation and rent supplement costs. A closing can take place on August 31<sup>st</sup> if approved.

Resolution No. 138-05 – A Resolution Authorizing the Purchase of Right-of-Way at 600 Noland Avenue from The Sterling Company

Councilmember Coons moved to adopt Resolution No. 138-05. Councilmember Doody seconded the motion. Motion carried by roll call vote.

### **Purchase of Property at 912 Struthers Avenue for the Riverside Parkway Project**

The City has entered into a contract to purchase the property at 912 Struthers Avenue from James P. Jeffryes. The City's obligation to purchase this property is contingent upon Council's ratification of the purchase contract.

Mark Relph, Public Works and Utilities Director, reviewed this item. He described the location of the property. It is owned by James P. Jeffryes. The City's negotiated price was \$84,000. There are no moving costs as the parcel is vacant.

Council President Hill asked about the parcel to the north, if that is owned by the City. Mr. Relph said it is and the structures have been removed.

Resolution No. 139-05 – A Resolution Authorizing the Purchase of Real Property at 912 Struthers Avenue from James P. Jeffryes

Councilmember Thomason moved to adopt Resolution No. 139-05. Councilmember Coons seconded the motion. Motion carried by roll call vote.

### **Initiation of Condemnation Proceedings for the Acquisition of 2403 River Road for the Riverside Parkway Project**

The proposed resolution will authorize the City to initiate condemnation proceedings to acquire a portion of a parcel at 2403 River Road. The City needs 348 sq. ft. of right-of-way at the northwest corner of the property for the Parkway project and a 2,001 sq. ft. multipurpose easement.

Mark Relph, Public Works and Utilities Director, reviewed this item. He described the location. The needed property is actually a small corner of the property and an easement is also needed. A driveway access will need to be relocated at the City's cost. The property owner wanted \$60,000 in paving improvements. The value of the corner piece is \$2,360. The City made a final offer of \$2,360.

Councilmember Coons asked if the offer also included relocating the access. Mr. Relph said it did.

City Manager Arnold said the offer was made in April. He asked if there was a counter offer.

Mr. Relph said the owners have indicated they needed the City to pave the parking area. The City's response was no, there is no obligation and the request was

unreasonable. Formal response to the City's offer has been requested and there has been no response.

Resolution No. 140-05 – A Resolution Determining the Necessity of and Authorizing the Acquisition of Certain Property, by Either Negotiation or Condemnation, for Municipal Public Facilities

Councilmember Coons moved to adopt Resolution No. 140-05. Councilmember Spehar seconded the motion. Motion carried by roll call vote.

### **NON-SCHEDULED CITIZENS & VISITORS**

There were none.

### **OTHER BUSINESS**

City Manager Arnold reminded Council that August 10<sup>th</sup> is the next formal meeting, the Annual Persigo meeting at Holiday Inn starting at 11:30 am. The first part of the agenda is informational items; there are three other requests for inclusion, then formal hearings and taking action as a formal Persigo Board.

### **ADJOURNMENT**

The meeting adjourned at 8:40 p.m.

Stephanie Tuin, MMC  
City Clerk



**Attach 2**  
**Setting a Hearing on Rezoning the Grand Central Plaza**  
**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
<b>Subject</b>	Grand Central Plaza Rezone located at 302 West Grand Avenue						
<b>Meeting Date</b>	August 17, 2005						
<b>Date Prepared</b>	August 10, 2005			File #RZ-2005-121			
<b>Author</b>	Ronnie Edwards		<b>Associate Planner</b>				
<b>Presenter Name</b>	Ronnie Edwards		<b>Associate Planner</b>				
<b>Report results back to Council</b>	<input checked="" type="checkbox"/>	<b>No</b>	<input type="checkbox"/>	<b>Yes</b>	<b>When</b>		
<b>Citizen Presentation</b>	<input type="checkbox"/>	<b>Yes</b>	<input checked="" type="checkbox"/>	<b>No</b>	<b>Name</b>		
<b>Workshop</b>	<input checked="" type="checkbox"/>	<b>Formal Agenda</b>			<input checked="" type="checkbox"/>	<b>Consent</b>	<b>Individual Consideration</b>

**Summary:** Request to rezone 302 West Grand Avenue, comprised of .358 acres, from RMF-8 (Residential Multi-Family with a density not to exceed 8 units per acre) to RO (Residential Office).

**Budget:** N/A

**Action Requested/Recommendation:** Conduct the first reading of the ordinance and schedule a public hearing for the second reading of the ordinance for September 7, 2005. Planning Commission recommended approval at its August 9, 2005 meeting.

**Attachments:**

1. Vicinity Map/Aerial Map
2. Growth Plan/Zoning Map
3. Zoning Ordinance

<b>BACKGROUND INFORMATION</b>				
<b>Location:</b>		<b>302 West Grand Avenue</b>		
<b>Applicants:</b>		<b>Merritt and Susan Sixbey</b>		
<b>Existing Land Use:</b>		<b>Abandoned Fuel Station</b>		
<b>Proposed Land Use:</b>		<b>Parking Lot</b>		
<b>Surrounding Land Use:</b>	<b>North</b>	<b>Residential Single Family</b>		
	<b>South</b>	<b>Mesa County Justice Center</b>		
	<b>East</b>	<b>Grand Central Plaza Retail Center</b>		
	<b>West</b>	<b>Residential Single Family</b>		
<b>Existing Zoning:</b>		<b>RMF-8</b>		
<b>Proposed Zoning:</b>		<b>RO</b>		
<b>Surrounding Zoning:</b>	<b>North</b>	<b>RMF-8</b>		
	<b>South</b>	<b>B-2</b>		
	<b>East</b>	<b>C-1</b>		
	<b>West</b>	<b>RMF-8</b>		
<b>Growth Plan Designation:</b>		<b>Residential Medium (4 – 8 ac/du)</b>		
<b>Zoning within density range?</b>		<b>N/A</b>	<b>Yes</b>	<b>No</b>

1. BACKGROUND:

The Subject property consists was formerly a fuel station that was built in 1961 and abandoned around 2000. The property was zoned C-2 in 1970 to match the use of the property. The zoning changed in 2000 as part of the area-wide rezoning to bring zoning into conformance with the Growth Plan, which was adopted in 1996. The RO zone district implements the Residential Medium (4-8 du/ac) land use classification of the Growth Plan in transitional corridors between single family residential and more intensive uses.

The RO zone district standards were established to provide low intensity, non-retail, neighborhood service and office uses that are compatible with adjacent residential neighborhoods. The adjacent properties to the south and east are zoned B-2 and C-1 and developed with the Mesa County Justice Center and Grand Central Plaza. The rezone to RO will create a transitional buffer for the residentially developed El Poso Neighborhood to the north and west.

The applicant is requesting the rezone for a proposed employee parking area for Grand Central Plaza businesses. The proposed use will require full-site upgrades regarding screening, buffering and landscaping upon development.

2. Consistency with the Growth Plan:

Policy 1.3 states that City decisions about the type and intensity of land uses will be consistent with the Future Land Use Map and Plan policies. The RO zone district implements the residential medium density land use classification of the Growth Plan.

3. Section 2.6.A of the Zoning and Development Code:

Rezone requests must meet all of the following criteria for approval:

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

The RO zone district was a new district developed in 2000 to specifically provide for transitional uses between single family neighborhoods, which is how El Poso is developed, and more intensive uses, which exist to the east and south. The RO zone district was not available when the zoning changed from C-2.

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.

While the new growth and redevelopment in the area has all been consistent with the Growth Plan, the character of the neighborhood has changed with the construction of the Mesa County Justice Center in 1999 and the redevelopment of the Grand Central Plaza in 2003. Current growth trends have also created increased traffic along Grand Avenue adjacent to the subject site.

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 will allow future developments that will be compatible with existing and surrounding land uses, and will not create adverse impacts. The requested zoning of RO would create a buffer as a transitional zone to alleviate impacts from adjacent commercial uses and traffic. Specific site planning and architectural standards will mitigate non-residential impacts as will site development requirements of the Zoning and Development Code.

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

The proposed zoning district of RO implements the Residential Medium land use classification of the Growth Plan. The RO zone is considered compatible with surrounding properties as part of the transitional corridor between residential and more intensive uses. Consistency with other plans and regulations will be required at the time of development.

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

Adequate facilities and services are available.

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

The land available in the neighborhood and surrounding area could accommodate the RO zone district, as it is a new designation adopted in 2000. There is a concentrated amount of RO zoned land in the downtown area, being the buffer zone between business and residential zones and uses.

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

Benefits may accrue to the neighborhood, as this application is considered as a transitional opportunity where limited intensity non-residential uses will buffer the existing residences from the roadways and business uses to the south and east. Proposed future use will also result in the elimination of an unsightly abandoned use.

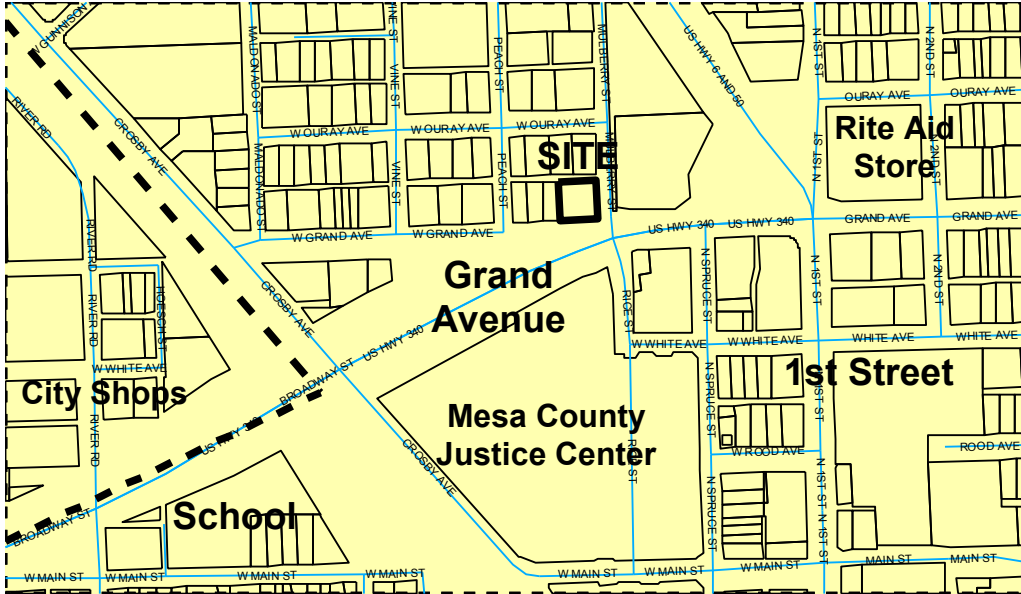
#### FINDINGS OF FACT/CONCLUSIONS:

The Planning Commission recommends that the City Council make the following facts and conclusions:

1. The requested rezone is consistent with the Growth Plan.
2. The review criteria in Section 2.6.A of the Zoning and Development Code have been met.

# Site Location Map

Figure 1



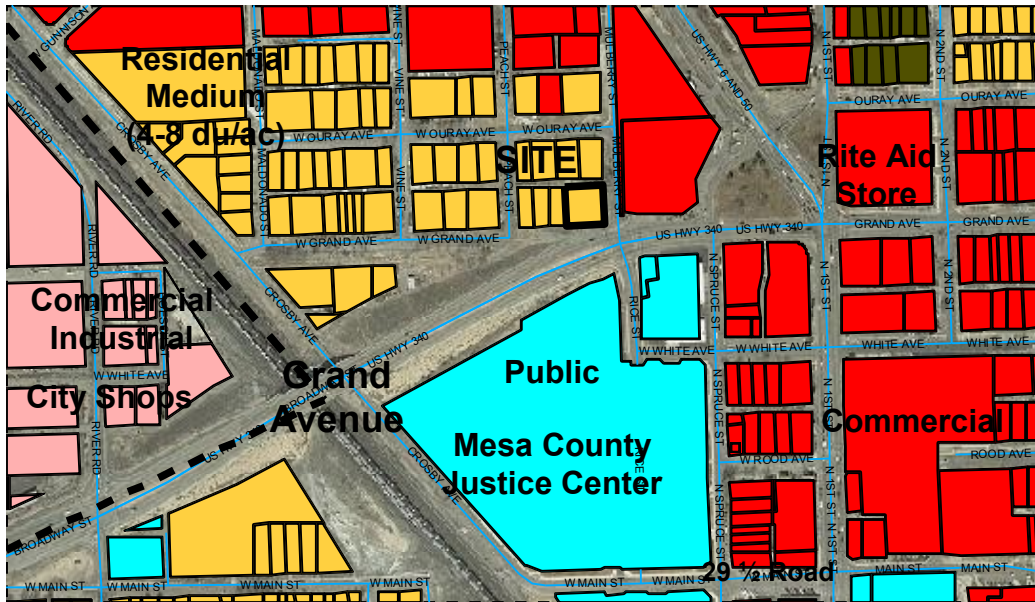
# Aerial Photo Map

Figure 2



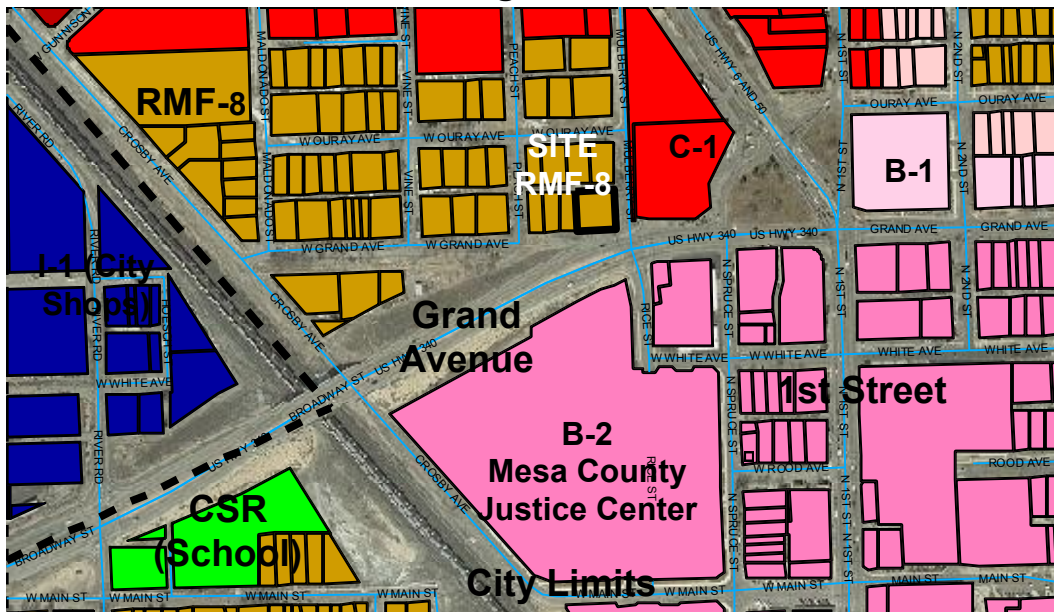
# Future Land Use Map

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."

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE REZONING A PARCEL OF LAND FROM  
RESIDENTIAL MULTI-FAMILY WITH A DENSITY NOT TO EXCEED  
EIGHT UNITS PER ACRE (RMF-8) TO RESIDENTIAL OFFICE (RO)**

**LOCATED AT 302 WEST GRAND AVENUE**

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 the rezone request from RMF-8 district to the RO zone district.**

After public notice and public hearing before the Grand Junction City Council, City Council finds the rezone request meets the goals and policies and future land use as set forth by the Growth Plan, Residential Medium (4 – 8 du/ac). City Council also finds that the requirements for a rezone as set forth in Section 2.6 of the Zoning and Development Code have been satisfied for the following reasons:

**NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE PARCEL DESCRIBED BELOW IS HEREBY ZONED TO THE RO (RESIDENTIAL OFFICE) ZONE DISTRICT:**

Lots 18, 19, 20, 21 and 22, Block 4, Carpenter's Subdivision No. 2,  
Mesa County, Colorado.

Introduced on first reading on the \_\_\_\_\_ day of August, 2005.

PASSES and ADOPTED on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

Attest:

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

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

**Attach 3**

**Setting a Hearing for a ROW Vacation, Located at 1531, 1559, & 1561 High Street**  
**CITY COUNCIL AGENDA**  
**CITY OF GRAND JUNCTION**

<i>CITY COUNCIL AGENDA</i>								
<b>Subject</b>		Right-of-Way Vacation – 1531, 1559 and 1561 High Street						
<b>Meeting Date</b>		August 17, 2005						
<b>Date Prepared</b>		August 10, 2005				<b>File #VR-2005-079</b>		
<b>Author</b>		Ronnie Edwards		Associate Planner				
<b>Presenter Name</b>		Ronnie Edwards		Associate Planner				
<b>Report results back to Council</b>		<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	When		
<b>Citizen Presentation</b>		<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No	Name		
<input type="checkbox"/>	Workshop	<input checked="" type="checkbox"/>	<b>Formal Agenda</b>			<input checked="" type="checkbox"/>	Consent	<b>Individual Consideration</b>

**Summary:** Introduction of a proposed ordinance to vacate High Street adjacent to Highway 50, while reserving a 20’ sanitary sewer easement for the construction of a new gravity sanitary sewer line.

**Budget:** N/A

**Action Requested/Recommendation:** Introduce a proposed right-of-way vacation ordinance and set a public hearing for September 7, 2005. The Planning Commission forwarded a recommendation of approval at its August 9, 2005 meeting.

**Background Information:** See attached.

**Attachments:**

1. Site/Aerial Map
2. Future Land Use/Zoning Map
3. Exhibit Map



4. Ordinance

<b>BACKGROUND INFORMATION</b>				
<b>Location:</b>		<b>1531, 1559 and 1561 High Street</b>		
<b>Applicants:</b>		Randy D. and Dean H. Van Gundy along with the City of Grand Junction		
<b>Existing Land Use:</b>		<b>Existing Residential Access</b>		
<b>Proposed Land Use:</b>		<b>Same</b>		
Surrounding Land Use:	North	<b>Colorado River</b>		
	South	<b>Single Family Residence</b>		
	<b>East</b>	Mobile Home Park		
	West	<b>Gunnison River</b>		
<b>Existing Zoning:</b>		C-1		
<b>Proposed Zoning:</b>		<b>C-1</b>		
Surrounding Zoning:	<b>North</b>	<b>C-2</b>		
	<b>South</b>	C-1		
	<b>East</b>	PD		
	<b>West</b>	Mesa County RSF-R and RMF-8		
<b>Growth Plan Designation:</b>		Commercial		
<b>Zoning within density range?</b>		<b>N/A</b>	Yes	No

**PROJECT DESCRIPTION:** The proposal is to vacate High Street adjacent to Highway 50, while reserving a 20' sanitary sewer easement for the construction of a new gravity sanitary sewer line.

**ANALYSIS:**

1. Background:

The subject right-of-way was dedicated with the Moon & Day Subdivision in 1908 and is presently being used as residential access only and is not a through street for local traffic. There are no proposed changes to the use of the right-of-way area or the property as the four lots adjacent to the right-of-way are being reviewed concurrently for a simple subdivision to replat into one large lot. The property owners are also working with the City of Grand Junction to grant a 20' wide sanitary sewer easement for the construction of a gravity sanitary sewer line through the property.

Title to the vacated right-of-way will vest in the property owners of the abutting property located at 1531, 1559 and 1561 High Street, which are the applicants. The property owners will have to purchase the existing Colorado Department of Transportation right-of-way that is located adjacent to High Street and runs diagonally to the southwest corner of subject property. The recordation of the vacation ordinance has to be concurrent with the proposed subdivision plat and this cannot occur until the property owners have purchased the Colorado Department of Transportation right-of-way property.

Fiscal Information:

The Real Estate Department has determined the following information regarding the right-of-way. The total right-of-way area being vacated is 12,564.1 square feet and is valued at \$75,000. The easement area being acquired for the sanitary sewer line is 11,089.5 square feet and is valued at \$33,500. Additional factors to consider is that the new alignment benefits the property owners as far as the developable land is increased with the easement being located along the west property line. The property owners also benefited in regards to the value and cost of time and services by Staff to survey, prepare and process the new subdivision plat.

2. Consistency with the Growth Plan:

Policy 10.2 states that the City will consider the needs of the community at large and the needs of the individual neighborhoods when making development decisions.

By allowing this subject area to be vacated, the existing driveway access can remain, continued to be utilized as such and become part of the property owners residential parcel. This request will not affect the adjacent properties uses.

3. 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 the right-of-way vacation does not conflict with applicable Sections of the Growth Plan, major street plan and other adopted plans and policies of the City. It will allow existing use to remain as a residential driveway access.

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

No parcel will be landlocked by the requested vacation as all adjacent properties are being replatted as one large lot and will continue to have direct driveway access off of Highway 50.

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 to any parcel will not be restricted to the point where access is unreasonable, economically prohibitive nor will it reduce or devalue any property.

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.

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.

**Provision of adequate public facilities and services will not be inhibited to any property as required in Chapter 6 of the Code.**

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

**This proposal provides a benefit to the City as the vacated right-of-way area will be the responsibility of the property owner of the subject parcel to maintain. The City will also benefit by working with the property owners for the necessary easement required to construct the new sanitary sewer line.**

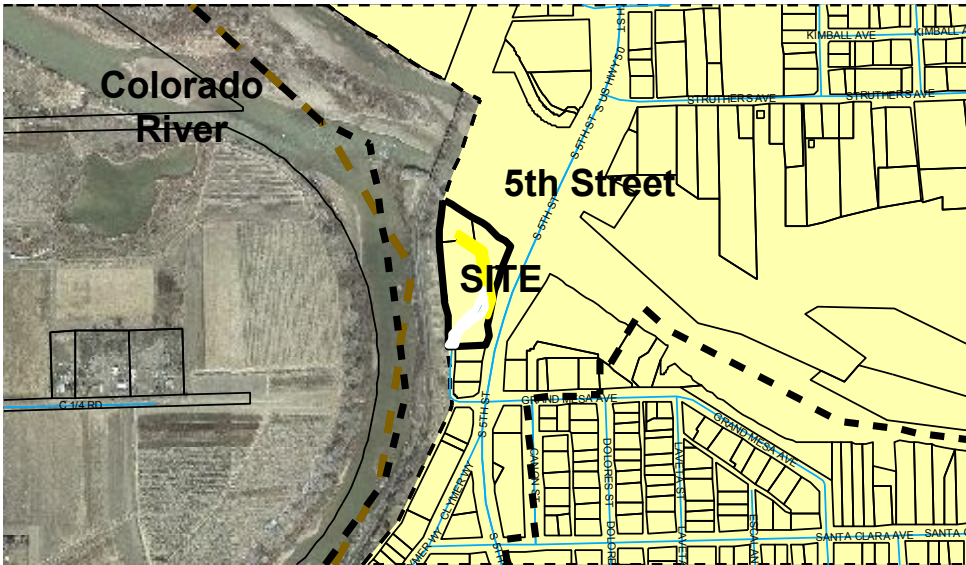
FINDINGS OF FACT/CONCLUSIONS:

After reviewing the Right-of-Way Vacation application, VR-2005-079, for the vacation of High Street adjacent to Highway 50, the Planning Commission recommends that the City Council make the following findings of fact and conclusions:

- The requested right-of-way vacation is consistent with the Growth Plan.
- The review criteria in Section 2.11.C of the Zoning and Development Code have been satisfied.
- The vacation ordinance will be recorded concurrently with the proposed subdivision replat, which cannot occur until existing CDOT right-of-way encumbering the property has been purchased.

# Site Location Map

Figure 1



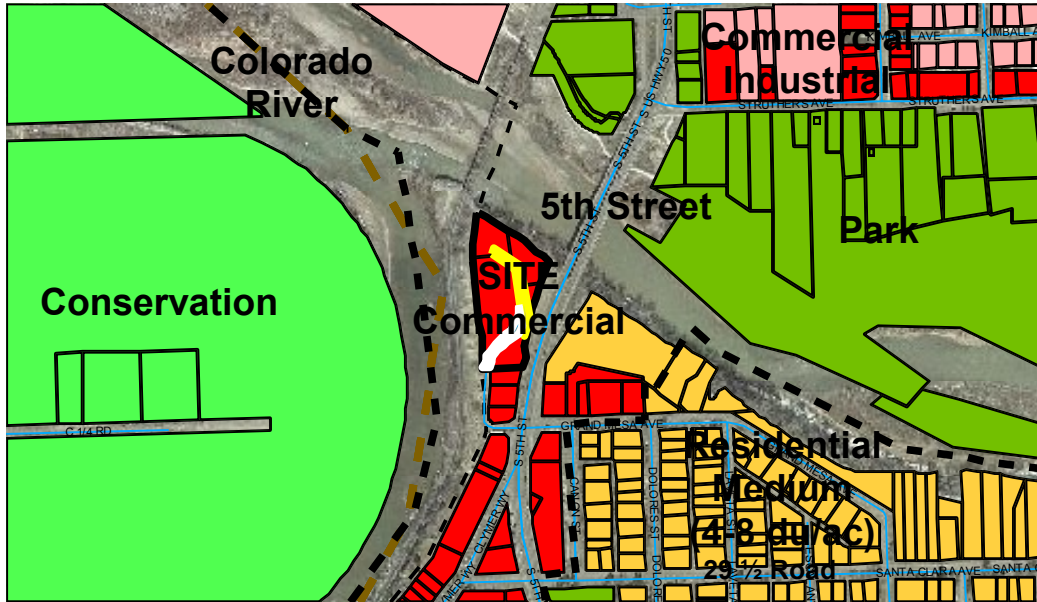
# Aerial Photo Map

Figure 2



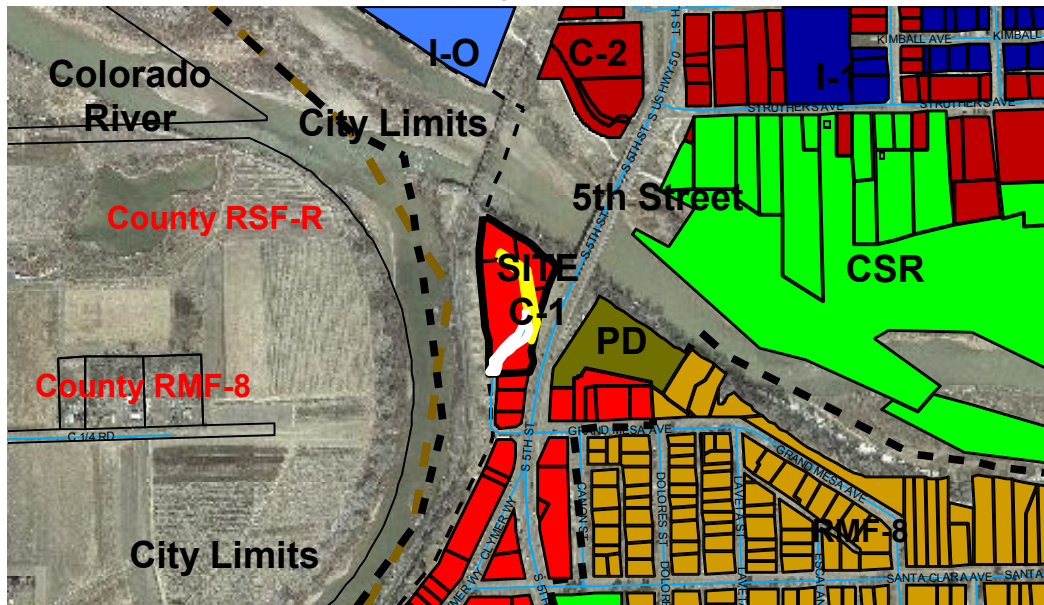
# Future Land Use Map

Figure 3



# Existing City and County Zoning

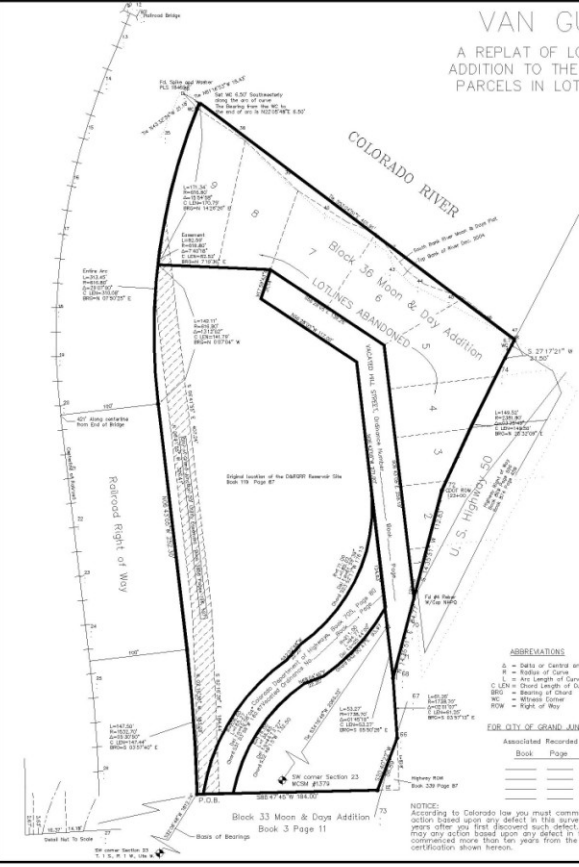
Figure 4



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."

# VAN GUNDY SUBDIVISION

A REPLAT OF LOTS 1-9, BLOCK 36, MOON AND DAYS ADDITION TO THE CITY OF GRAND JUNCTION, AND OTHER PARCELS IN LOT 7 OF SECTION 23, T.1S., R.1W. Ute M.



**DEDICATION**  
 KNOW ALL MEN BY THESE PRESENTS, That Randy Dean Van Gundy and Dean H. Van Gundy are the owners of the plat hereunto submitted as Lot 7 of Section 23, Township 1 South, Range 1 West of the 6th Meridian...

**NOTICE**  
 THE said grants have caused the plat property to be laid out and platted as VAN GUNDY SUBDIVISION, a subdivision of a part of the City of Grand Junction, Colorado, and same is hereby dedicated to the public use as shown and labeled on the accompanying plat...

**IN WITNESS WHEREOF**, said owners, Randy Dean Van Gundy and Dean H. Van Gundy, have caused their names to be hereto subscribed this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 2005.

By: Randy Dean Van Gundy  
 Dean H. Van Gundy

**NOTARY PUBLIC CERTIFICATION**  
 STATE OF COLORADO )  
 COUNTY OF MESA )  
 I, \_\_\_\_\_, Notary Public,  
 do hereby certify that the foregoing instrument was acknowledged before me by Randy Dean Van Gundy & Dean H. Van Gundy on \_\_\_\_\_ day of \_\_\_\_\_ A.D. 2005.

**UNDERSIGNED STATEMENT**  
 There are no easements by the owners of Record.

**ABBREVIATIONS**

Δ	= Delta or Central angle of curve (in arc)
R	= Radius of Curve
L	= Arc Length of Curve
C	= Chord of Curve
PC	= Point of Curvature
PVI	= Point of Vertical Intersection
PT	= Point of Tangency
BL	= Bearing of Line
MC	= Minimum Curve
ROW	= Right of Way

**FOR CITY OF GRAND JUNCTION USE ONLY**

Book	Page	Type

**NOTICE**  
 According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discovered such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown herein.

**TITLE CERTIFICATION**  
 STATE OF COLORADO  
 COUNTY OF MESA

We, Meridian Land Title Company, a title insurance company, do hereby certify that we have examined the title to the parcel described hereby, that we find the title to the property is vested in Trust/ Meridian Development, LLC, that the current taxes have been paid, that all mortgages and judgments or claims of record are properly terminated by law are shown herein and that there are no other encumbrances of record, that all easements, reservations and rights of way of record are shown herein.



**LEGEND**

- Found MCEN
- Found CSDOT ROW Monument
- Found original recorded plat
- Found Monument as noted
- Set 2" Alum. Cap in #5 rebar
- Fence

**CITY OF GRAND JUNCTION APPROVAL**  
 This plat of VAN GUNDY SUBDIVISION, a subdivision of a part of the City of Grand Junction, County of Mesa, State of Colorado, is approved and adopted this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 2005.

**CITY MANAGER AND RECORDS CERTIFICATE**  
 STATE OF COLORADO )  
 COUNTY OF MESA )  
 I hereby certify that this instrument was filed in my office of \_\_\_\_\_ day of \_\_\_\_\_ A.D. 2005, and was duly recorded in Book No. \_\_\_\_\_ Page No. \_\_\_\_\_

**REVISIONS**

DATE	DESCRIPTION

**SUBDIVISION CERTIFICATION**  
 I, \_\_\_\_\_, Registrar, do hereby certify that the accompanying plat of VAN GUNDY SUBDIVISION, a subdivision of a part of the City of Grand Junction, Colorado, has been prepared under no direct participation and approval of said agency of record. This plat conforms to the requirements for subdivision plats specified in the City of Grand Junction Development code and the applicable laws of the State of Colorado.

Date certified \_\_\_\_\_



**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**An Ordinance Vacating a Right-of-Way Located at  
1531, 1559 and 1561 High Street**

Recitals:

A request to vacate the right-of-way located at 1531, 1559 and 1561 High Street adjacent to Highway 50 has been submitted by the City of Grand Junction. The City will reserve a 20' wide sanitary sewer easement on, along, over, under, through and across the subject property for the construction of a gravity sanitary sewer line. Approval of the right-of-way vacation is conditioned upon the vacation ordinance to be recorded concurrently with a proposed subdivision replat of subject property, which cannot occur until existing Colorado Department of Transportation right-of-way encumbering the property has been purchased.

The City Council finds that the request to vacate the herein described right-of-way is consistent with the Growth Plan and Section 2.11 of the Zoning and Development Code.

The Planning Commission, having heard and considered the request, found the criteria of the Zoning Code to have been met, and recommends that the vacation be approved as requested subject to the conditions listed above.

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

1. The following described right-of-way is hereby vacated and depicted as Exhibit A and incorporated herein.

Beginning at a found original inscribed rail whence the SW corner of Section 23, T 1 S, R 1 W of the Ute Meridian bears S 34°16'46" W a distance of 2065.32 feet for a basis of bearings; thence N 06°43'05" W a distance of 271.00 feet; thence N 56°28'05" W a distance of 117.00 feet; thence N 17°59'43" E a distance of 31.14 feet; thence S 56°28'05" E a distance of 139.25 feet; thence S 06°43'05" E a distance of 259.19 feet; thence S 14°35'51" W a distance of 84.77 feet to a point on a non-tangent curve to the left having a radius of 1738.70 feet, a central angle of 45°19'00" and a chord that bears N 05°50'26" W a distance of 53.27 feet to the Point of Beginning.

2. The City hereby reserves and retains a 20' wide sanitary sewer easement on, along, over, under, through and across the subject property, for the use and benefit of the City and for the use and benefit of the Public Utilities, as approved by the City, as a perpetual easement for the installation, operation, maintenance, repair and replacement of sanitary sewer facilities, as approved



by the City, together with the right of ingress and egress for workers and equipment to survey, maintain, operate, repair, replace, control and use said Easement, and to remove objects interfering therewith, including the trimming of trees and bushes as may be required to permit the operation of standard utility construction and repair machinery.

Introduced for first reading on this \_\_\_\_\_ day of \_\_\_\_\_, 2005

PASSED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2005

ATTEST:

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

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



**Attach 4**  
**Setting a Hearing on Zoning the Loggains Annexation**  
**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
<b>Subject</b>	Zoning the Loggains Annexation, located at 2234 Railroad Avenue.						
<b>Meeting Date</b>	August 17, 2005						
<b>Date Prepared</b>	August 8, 2005				File #ANX-2005-162		
<b>Author</b>	Senta L. Costello		Associate Planner				
<b>Presenter Name</b>	Senta L. Costello		Associate Planner				
<b>Report results back to Council</b>	X	No		Yes	<b>When</b>		
<b>Citizen Presentation</b>		Yes	X	No	<b>Name</b>		
	<b>Workshop</b>	X	<b>Formal Agenda</b>		X	<b>Consent</b>	<b>Individual Consideration</b>

**Summary:** Introduction of a proposed zoning ordinance to zone the Loggains Annexation I-1, located at 2234 Railroad Avenue.

**Budget:** N/A

**Action Requested/Recommendation:** Introduce a proposed zoning ordinance and set a public hearing for September 7, 2005.

**Background Information:** See attached Staff Report/Background Information

**Attachments:**

1. Staff report/Background information
2. General Location Map / Aerial Photo
3. Growth Plan Map / Zoning Map
4. Zoning Ordinance

STAFF REPORT / BACKGROUND INFORMATION					
<b>Location:</b>		2234 Railroad Avenue			
<b>Applicants:</b>		Owner: Janet Loggains; Developer: The Bunks Group LLC; Representative: Pat Edwards			
<b>Existing Land Use:</b>		Vacant			
<b>Proposed Land Use:</b>		Industrial			
<b>Surrounding Land Use:</b>	<b>North</b>	Mesa Moving – Records Management			
	<b>South</b>	United Companies			
	<b>East</b>	Vacant / Amerigas / Colorado Refining Co.			
	<b>West</b>	Conoco Plant			
<b>Existing Zoning:</b>		County – Planned Industrial			
<b>Proposed Zoning:</b>		City – I-1			
<b>Surrounding Zoning:</b>	<b>North</b>	City I-2			
	<b>South</b>	County PI			
	<b>East</b>	County PI			
	<b>West</b>	County PI			
<b>Growth Plan Designation:</b>		Commercial / Industrial			
<b>Zoning within intensity range?</b>			<b>Yes</b>	<b>X</b>	<b>No</b>

**Staff Analysis:**

**Zone of Annexation:** The requested zone of annexation to the I-1 district is consistent with the Growth Plan density of Commercial / Industrial. The existing County zoning is PI (Planned Industrial). Section 2.14 of the Zoning and Development Code states that the zoning of an annexation area shall be consistent with either the Growth Plan or the existing County zoning.

In order for the zoning to occur, the following questions must be answered and a finding of consistency with the Zoning and Development Code must be made per Section 2.6 as follows:

1. The existing zoning was in error at the time of adoption;

Response: The requested zoning is to place the property into an appropriate City zoning designation due to the annexation request. Therefore, this criterion is not applicable.

2. 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.;

Response: The zoning request is in conjunction with an annexation request. Therefore this criterion is not applicable.

3. The proposed zone 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 nuisances;

Response: The proposed zone district is compatible with the neighborhood as all uses in the area are industrial in nature.

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

Response: The proposed zoning is consistent with the goals and policies of the Growth Plan, the requirements of the Zoning and Development Code and other City regulations and guidelines.

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

Response: Adequate public facilities are available or will be supplied at the time of further development of the property.

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

Response: The zoning request is in conjunction with an annexation request. Therefore this criterion is not applicable.

7. The community or neighborhood will benefit from the proposed zone.

Response: The zoning request is in conjunction with an annexation request. Therefore this criterion is not applicable.

Alternatives: In addition to the zoning that the petitioner has requested, the following zone districts would also be consistent with the Growth Plan designation for the subject property.

- a. I-O (Industrial – Office)
- b. C-2 (General Commercial)
- c. I-2 (General Industrial)

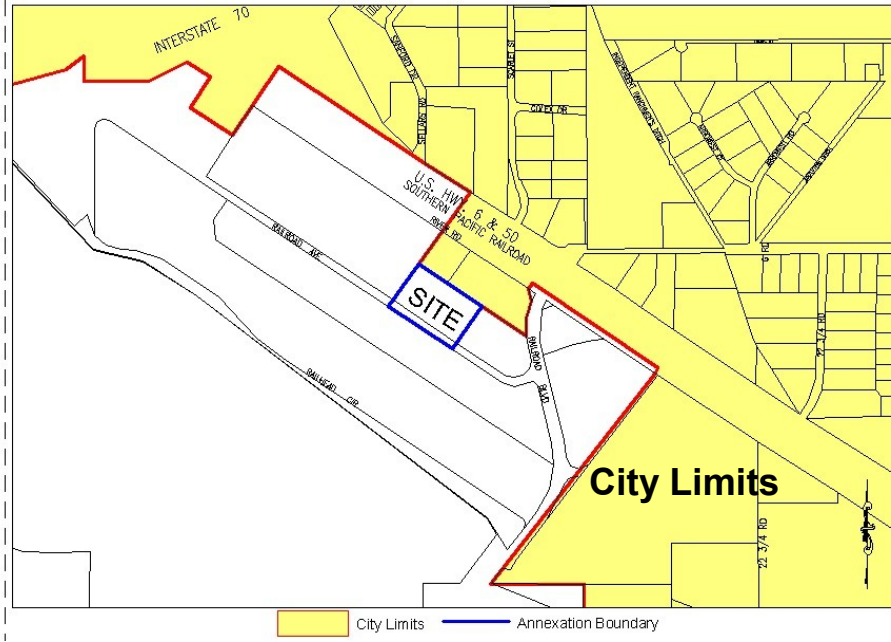
## **STAFF RECOMMENDATION**

Staff recommends approval of the I-1 zone district, with the finding that the proposed zone district is consistent with the Growth Plan and with Sections 2.6 and 2.14 of the Zoning and Development Code.

**PLANNING COMMISSION RECOMMENDATION:** The Planning Commission recommended approval of the requested zone of annexation to the City Council, finding the zoning to the I-1 district to be consistent with the Growth Plan, the existing County Zoning and Sections 2.6 and 2.14 of the Zoning and Development Code.

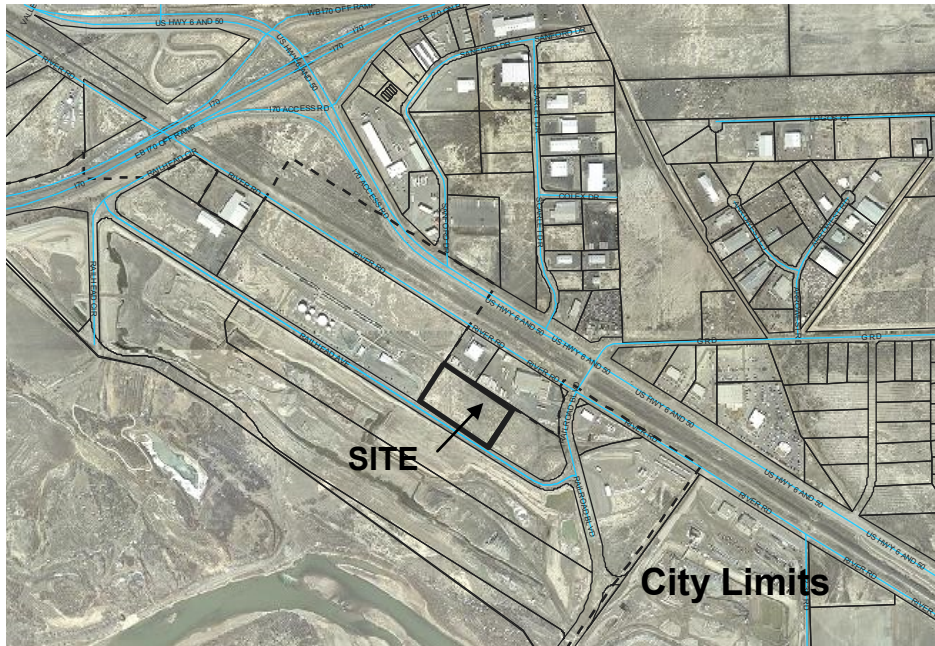
# Site Location Map

Figure 1  
Loggains Annexation  
Figure 5



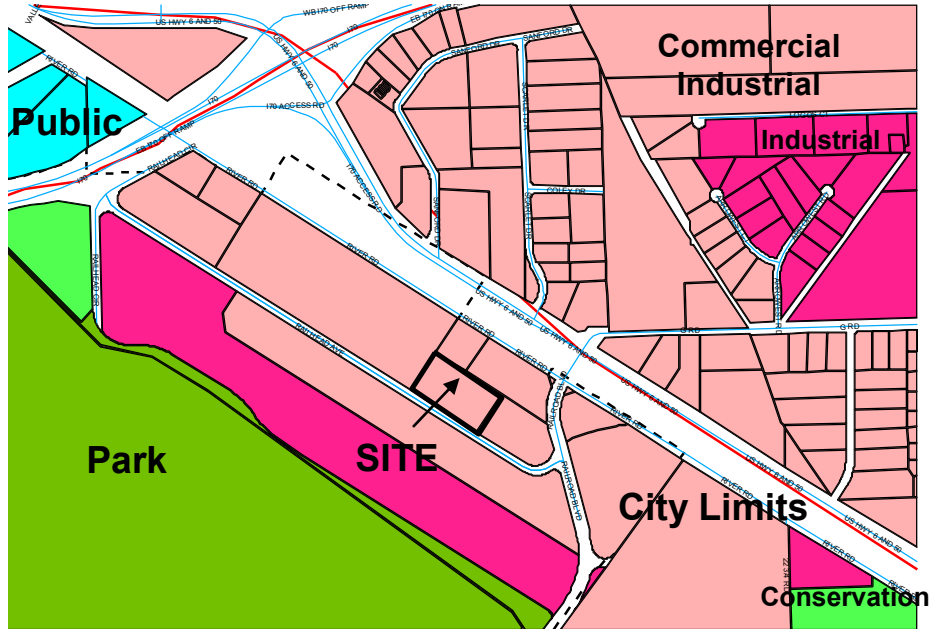
# Aerial Photo Map

Figure 2



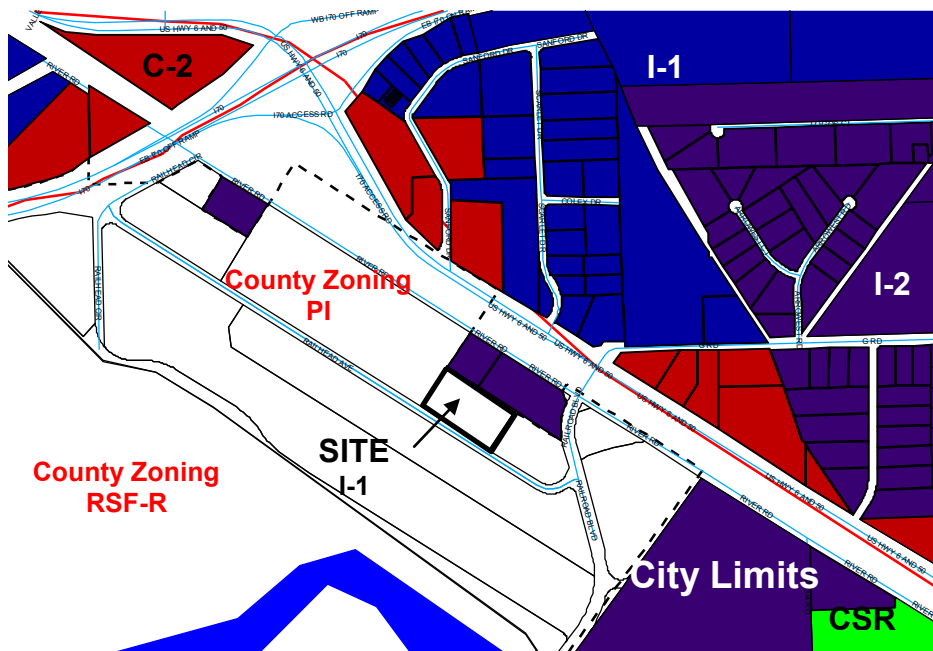
# Future Land Use Map

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."



**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE ZONING THE LOGGAINS ANNEXATION TO  
I-1**

**LOCATED AT 2234 RAILROAD AVENUE**

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 zoning the Loggains Annexation to the I-1 zone district for the following reasons:

The zone district meets the recommended land use category as shown on the future land use map of the Growth Plan and the Growth Plan's goals and policies and/or are generally compatible with appropriate land uses located in the surrounding area. The zone district meets the criteria found in Section 2.6 of the Zoning and Development Code.

After the public notice and public hearing before the Grand Junction City Council, City Council finds that the I-1 zone district be established.

The Planning Commission and City Council find that the I-1 zoning is in conformance with the stated criteria of Section 2.6 of the Grand Junction Zoning and Development Code.

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

The following property shall be zoned I-1.

**LOGGAINS ANNEXATION**

A parcel of land located in the Northwest Quarter (NW 1/4) of Section 6, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at the Northeast corner of Block 2 in Railhead Industrial Park As Amended, Plat Book 13, Page 34, Mesa County Colorado records, and assuming the Northerly line of said Block 2 to bear N56°20'29"W with all bearings contained herein relative thereto; thence 22.97 feet along the arc of a 478.34 foot radius curve concave Northeast, having a central angle of 2°45'06" and a chord that bears N57°43'01"W a distance 22.97 feet along the Northerly line of said Block 2; thence N56°20'29"W continuing along the Northerly line of said Block 2 a distance of 414.98 feet to the Northeast corner of that certain parcel of land described in Book 2372, Page 978 public records of Mesa County, Colorado and being the Point of Beginning; thence S33°39'31"W along the East line of said parcel of land a distance of 410.00 feet to a

point on the Southerly right of way of Railroad Avenue as is shown on said plat of Railhead Industrial Park As Amended; thence N56°20'29"W along the Southerly right of way of said Railroad Avenue a distance of 604.85 feet; thence N33°39'31"E along the West line of said parcel of land described in Book 2372, Page 978 a distance of 410.00 feet to a point on the Northerly line of said Block 2; thence S56°20'29"E along the Northerly line of said Block 2 a distance of 604.85 feet more or less to the Point of Beginning.

Said parcel contains 5.69 acres (247,989 sq. ft.) more or less as described

Introduced on first reading this 17<sup>th</sup> day of August, 2005 and ordered published.

Adopted on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

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Mayor

ATTEST:

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City Clerk

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE ZONING THE WATER'S EDGE NO. 2 ANNEXATION TO  
RMF-8**

**LOCATED AT 2927 D ROAD**

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 zoning the Water's Edge No. 2 Annexation to the RMF-8 zone district for the following reasons:

The zone district meets the recommended land use category as shown on the future land use map of the Growth Plan and the Growth Plan's goals and policies and/or are generally compatible with appropriate land uses located in the surrounding area. The zone district meets the criteria found in Section 2.6 of the Zoning and Development Code.

After the public notice and public hearing before the Grand Junction City Council, City Council finds that the RMF-8 zone district be established.

The Planning Commission and City Council find that the RMF-8 zoning is in conformance with the stated criteria of Section 2.6 of the Grand Junction Zoning and Development Code.

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

The following property shall be zoned RMF-8 with a density not to exceed 8 units per acre.

**WATER'S EDGE NO. 2 ANNEXATION**

A parcel of land located in the Northeast Quarter of the Northwest Quarter (NE 1/4 NW 1/4) of Section 20, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at the Northwest corner of the NE 1/4 NW 1/4 of said Section 20, and assuming the North line of the NE 1/4 NW 1/4 of said Section 20 to bear N89°58'45"E with all bearings contained herein relative thereto; thence from said Point of Commencement S00°03'15"E along the West line of the NE 1/4 NW 1/4 of said Section 20 a distance of 10.00 feet to a point on the South line of the Ephemeral Resources Annexation No. 3, Ordinance No. 3299, City of Grand Junction also being the Point of Beginning; thence N89°58'45"E along the South line of said Ephemeral Resources Annexation No. 3 a distance of 108.00 feet to the Northwest corner of the Water's Edge Annexation, Ordinance No. 3706, City of Grand Junction; thence S00°03'15"W along

the West line of said Water's Edge Annexation a distance of 393.00 feet to the Southwest corner of said Water's Edge Annexation; thence S89°58'45"W a distance of 108.00 to the West line of the NE 1/4 NW 1/4 of said Section 20; thence N00°03'15"E along the West line of the NE 1/4 NW 1/4 of said Section 20 a distance of 393.00 feet to the Point of Beginning.

Said parcel contains 0.97 acres (42,441 square feet) more or less as described.

Introduced on first reading this 3<sup>rd</sup> day of August, 2005 and ordered published.

Adopted on second reading this 17<sup>th</sup> day of August, 2005.

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Mayor

ATTEST:

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City Clerk

**Attach 5**  
**Request to Continue Bookcliff Veterinary Hospital Annexation**  
**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	Request to Continue Annexation Public Hearing for the Bookcliff Veterinary Hospital Annexation until the October 5, 2005 City Council Meeting					
<b>Meeting Date</b>	August 17, 2005					
<b>Date Prepared</b>	August 10, 2005				<b>File #ANX-2005-076</b>	
<b>Author</b>	Scott D. Peterson		Associate Planner			
<b>Presenter Name</b>	Scott D. Peterson		Associate Planner			
<b>Report results back to Council</b>	X	<b>No</b>		<b>Yes</b>	<b>When</b>	
<b>Citizen Presentation</b>		<b>Yes</b>	X	<b>No</b>	<b>Name</b>	
	<b>Workshop</b>	X	<b>Formal Agenda</b>	X	<b>Consent</b>	<b>Individual Consideration</b>

**Summary:** Request to Continue the Annexation Public Hearing for the Bookcliff Veterinary Hospital Annexation as previously rescheduled and published for the August 17, 2005 City Council Meeting. The request to Continue is due to further research required of the existing legal description and associated land ownership issues regarding the area of the adjacent Grand Valley Canal. City staff is requesting the Annexation Public Hearing be Continued until the October 5, 2005 City Council Meeting.

**Budget:** N/A

**Action Requested/Recommendation:** Continue the Public Hearing and Final Consideration of the Annexation Ordinance until the October 5, 2005 City Council Meeting.

**Attach 6**

**Request to Continue the Zoning of the Twenty Three Park Plaza Annexation**  
**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
<b>Subject</b>	Zoning the Twenty Three Park Plaza Annexation, located at the NW corner of 23 Road and I-70						
<b>Meeting Date</b>	August 17, 2005						
<b>Date Prepared</b>	August 8, 2005				File #GPA-2005-045		
<b>Author</b>	Kathy Portner			Planning Manager			
<b>Presenter Name</b>	Kathy Portner			Planning Manager			
<b>Report results back to Council</b>	X	No		Yes	<b>When</b>		
<b>Citizen Presentation</b>		Yes	X	No	<b>Name</b>		
	<b>Workshop</b>	X	<b>Formal Agenda</b>		X	<b>Consent</b>	<b>Individual Consideration</b>

**Summary:** Request to continue the Public Hearing for the Zoning of the Twenty Three Park Plaza Annexation. The City Council remanded the zoning consideration to the Planning Commission. It is scheduled for the August 23, 2005 Planning Commission hearing. The request will need to be continued to the September 7<sup>th</sup> City Council meeting.

**Budget:** N/A

**Action Requested/Recommendation:** Continue the Public Hearing and Final Consideration of the Zoning Ordinance until the September 7, 2005 City Council Meeting.

**Background Information:** See attached Staff Report/Background Information

**Attachments:**

1. Staff report/Background information
2. Vicinity Map/Aerial Photo
3. Future Land Use Map/Zoning Map
4. Applicant's Request
5. Correspondence
6. Planning Commission Minutes
7. Ordinance

**Attach 7**

**Setting a Hearing for the Grand Junction Storm Water Ordinance**  
**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA								
<b>Subject</b>		Storm Water Ordinance						
<b>Meeting Date</b>		August 17, 2005						
<b>Date Prepared</b>		August 11, 2005				<b>File #</b>		
<b>Author</b>		Tim Moore			<b>Public Works Manager</b>			
<b>Presenter Name</b>		Tim Moore			<b>Public Works Manager</b>			
<b>Report results back to Council</b>		X	<b>No</b>		<b>Yes</b>	<b>When</b>		
<b>Citizen Presentation</b>			<b>Yes</b>	X	<b>No</b>	<b>Name</b>		
	<b>Workshop</b>	X	<b>Formal Agenda</b>			X	<b>Consent</b>	<b>Individual Consideration</b>

**Summary:** City Council reviewed the proposed Storm Water Ordinance at the July 18 City Council Workshop. This ordinance is required by the United States Environmental Protection Agency (USEPA) Storm Water Phase II Regulation. Staff is recommending an implementation schedule that allows the Ordinance to be adopted on September 7<sup>th</sup> with an effective date of January 1, 2006. This schedule would provide an opportunity for affected businesses and organizations to become familiar with the ordinance and allow staff to provide training opportunities prior to the effective date of the ordinance.

**Budget:** Adoption of the proposed Ordinance will require the addition of one full time employee to implement and monitor compliance with the ordinance at an estimated annual salary of **\$51,750**.

**Action Requested/Recommendation:** Introduction of Proposed Ordinance and Set a Hearing for September 7, 2005.

**Attachments:**

Draft Storm Water Ordinance

**Background Information:**

***Proposed Storm Water Ordinance***

The federal Clean Water Act requires that certain storm water discharges be authorized under a storm water discharge permit to improve the water quality. Grand Junction's discharge permit requires the City to adopt an ordinance in 2005 that will implement minimum measures to reduce pollutants in storm water. The draft ordinance addresses the following measures:

- Illicit discharge detection and elimination
- Construction site stormwater runoff control
- Post-construction storm water management

These measures represent some significant changes to how our community currently deals with storm water. Organizations including the Home Builders Association (HBA) and future Home Owners Associations will be impacted by these new standards.

#### *PUBLIC INVOLVEMENT:*

To help area organizations understand how the new regulations will affect their businesses, staffs from Grand Junction, Mesa County, Fruita, Palisade, Grand Junction Drainage District and the Drainage Authority organized a Storm Water Focus Group in February 2005. This group included representatives from the 5-2-1 Drainage Authority, Associated Builders and Contractors, North West Home Builders Association, Western Colorado Contractors and the Associated Managers of Growth and Development. The groups met three times to discuss EPA Phase II regulations and helped draft and review the model storm water ordinance. As currently drafted and attached herein, this group would support adoption of the ordinance by Grand Junction.

#### *TRAINING*

Since May 2004, Grand Junction and Mesa County staff has provided much public education and training on the Phase II Regulations. A professional erosion control trainer has been contracted to provide training that has focused on impacts to the construction industry and upcoming mandated control requirements. Classes on specific storm water construction requirements began in October 2004 and will continue every six months until the community is well educated about the storm water requirements. The training is being provided at a discounted rate to the community to increase participation. Presentations have also been given at local water festivals and to local service organizations.

#### *IMPLEMENTATION*

Staff is recommending a January 1, 2006 effective date for the Storm Water Ordinance.

The Focus Group voiced a strong desire to include a one-year education / compliance period with the implementation of the ordinance to familiarize the construction community with the storm water regulations. Non-compliance issues would be handled with warnings and more education opportunities with actual monetary penalties being used as a last resort during the first year. Staff agrees with this implementation strategy and would plan to provide additional training / education opportunities prior to January 1<sup>st</sup> and continuing through 2006.

Each of the valley entities including Grand Junction, Mesa County, the Town of Palisade and the City of Fruita have different timelines, per their state permits, to adopt an ordinance. Grand Junction's permit requires that the ordinance be adopted by the end of 2005, while Mesa County and the Town of Palisade must to adopt an ordinance in 2006.

Staff would recommend Council formally consider this ordinance in September 2005 including a public hearing, and make the ordinance effective January 1<sup>st</sup> 2006. This schedule would provide an opportunity for affected businesses and organizations to become familiar with the ordinance and allow staff to provide training opportunities prior to the effective date of the ordinance.



**AN ORDINANCE ADOPTING A COMPREHENSIVE STORM WATER MANAGEMENT PROGRAM FOR THE PURPOSE AND EFFECT OF REDUCING THE DISCHARGE OF POLLUTANTS TO AND FROM THE MUNICIPAL STORM SEWER SYSTEM, TO PROTECT WATER QUALITY, TO SATISFY THE APPROPRIATE WATER QUALITY REQUIREMENTS OF THE COLORADO WATER QUALITY CONTROL ACT AND TO ENFORCE THE PROVISIONS OF THE STORM WATER MANAGEMENT PROGRAM**

**Recitals:**

The Federal Clean Water Act (“CWA”) requires that certain storm water discharges be authorized under storm water discharge permits. In 1999 the United States Environmental Protection Agency (“USEPA”) implemented the second phase of the Federal Storm Water Regulation (“Phase II Regulation”) that affects municipalities and urbanized areas with populations of greater than 50,000. The Storm Water Phase II Regulation addresses pollution concerns influenced by storm water discharges from urban settings, such as the Grand Valley.

The City of Grand Junction, as a Municipal Separate Storm Sewer System (“MS4”), is required under the Storm Water Phase II Regulation, along with other Grand Valley MS4s, to obtain a storm water discharge permit from the Colorado Department of Public Health and Environment. The terms of the storm water discharge permit require the City of Grand Junction to develop and implement a Storm Water Management Program to reduce the amount of pollutants entering streams, lakes and rivers as a result of runoff from residential, commercial and industrial areas during a storm event.

The City of Grand Junction is required to develop and implement six minimum measures to ensure it’s Storm Water Management Program reduces pollutants in storm water to the maximum extent practicable (MEP) to protect water quality. The regulations specify that compliance with the MEP requirement can be attained by developing and implementing six required minimum control measures to protect waters from pollution, contamination or degradation.

The six minimum measures are:

1. Public education and outreach: Providing storm water education and outreach to the public.
2. Public participation and involvement: Giving the public an opportunity to actually participate in both the development and implementation of a storm water program.

3. Illicit discharge detection and elimination: Prohibit illicit discharges from the storm sewer system and develop a plan with mechanisms designed to locate and eliminate discharges into storm sewers from sources other than storm water. This plan must include a complete map of all outfalls and identification of locations and sources of any water entering a system as well as developing an ordinance to prohibit the discharge of illicit discharges into the storm sewer system. Enforcement provisions are required to be a part of that ordinance.
4. Construction site storm water runoff control: Requires a regulatory mechanism, such as this ordinance, in place for erosion and sediment control as well as Best Management Practices for preventing or reducing other pollutants associated with construction activity that disrupt soils of one (1) acre or greater. This measure does not relieve the requirements of a construction-site operator to obtain an independent Colorado Discharge Permit System permit for sites larger than one (1) acre. The permitting authority, however, can specifically reference qualifying local programs in the NPDES general permit requirements so the construction operator doesn't need to follow two different sets of requirements.
5. Post-construction storm water management: Have a program requiring new and redevelopment projects to implement controls on sites, which will reduce pollutant loads in stormwater runoff. A regulatory mechanism, such as this ordinance, is required as well as Best Management Practices for preventing or reducing pollutants from post-construction development projects.
6. Pollution prevention for municipal operations: Regulated municipalities must have an operation and maintenance program to prevent or reduce pollutant runoff from municipal operations.

This Article, as required by the state of Colorado and USEPA, will enforce the three minimum measures of Grand Junction's storm water management program that have the greatest potential to contribute to storm water pollution: Illicit discharge detection and elimination, Construction site storm water runoff control and Post-construction storm water management. The enforcement of this Article will reduce the discharge of pollutants from Grand Junction to the maximum extent practicable in order to protect water quality and to satisfy the appropriate water quality requirements of the Colorado Water Quality Control Act.

The City Council has duly considered the need for and import of the proposed storm water ordinance for the City of Grand Junction and

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

A new Article VII, Chapter 16 of the Code of Ordinances is hereby enacted.

2. The objectives of this Article VII are:

- A. To comply with mandated provisions of the Colorado Water Quality Control Act.
- B. To regulate the contribution of pollutants to the municipal separate storm sewer system by storm water discharges by any user;
- C. To prohibit illicit connections and discharges to the municipal separate storm sewer system;
- D. To establish legal authority to carry out all inspection, observation, and monitoring procedures necessary to ensure compliance with this Article;
- E. To promote public awareness of the hazards involved in the improper discharge of pollutants into the Storm Drainage System;
- F. To regulate the contribution of pollutants to the municipal separate storm sewer system by storm water discharges from construction activity and development and to facilitate compliance with state and federal standards and permits by owners of construction sites, developments and permanent best management practices (BMPs).
- G. To reduce pollutants in storm water discharges from construction activity by guiding, regulating, and controlling the design, construction, use, and maintenance of any development or other activity that disturbs or breaks the topsoil or results in the movement of earth on land;
- H. To require permanent storm water runoff controls to be constructed along with development to prevent the deterioration of water quality;
- I. To establish provisions for the long-term responsibility for and maintenance of structural storm water control facilities and nonstructural storm water management practices to ensure that they continue to function as designed, are maintained, and do not threaten public safety.
- J. To establish timely and appropriate enforcement actions for violations of this Article.

NOTE: This ordinance references the Stormwater Management Manual (SWMM), dated 1996 and as amended, that contains Grand Junction and Mesa County policy and criteria pertaining to storm water runoff; federal, state and local regulations pertaining to storm water law and water quality; and grading and drainage criteria under Section 6.2.F of the City Zoning and Development Code. The Stormwater Management Manual is being currently being reviewed for revisions.

3. A new Article VII, Chapter 16 of the Code of Ordinances hereby enacted reads as follows:

Sec. 16-141. DEFINITIONS.

Sec. 16-142. ILLICIT DISCHARGES PROHIBITED INTO STORM DRAINAGE SYSTEM.

Sec. 16-143. CONTROL OF STORM WATER DISCHARGES FROM CONSTRUCTION AND POST-CONSTRUCTION ACTIVITIES.

Sec. 16-144. ENFORCEMENT.

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\* Cross reference(s) - Duties of property owner and lessee; unlawful accumulations; inspections, § 16-27; Garbage in watercourses declared a nuisance, § 16-61(3); Unlawful deposits prohibited, § 16-81; Securing of vehicle contents to prevent spillage, § 16-82; Storage or depositing of refuse in public place or body of water prohibited, § 30-36; Discharging water and other liquids except precipitation prohibited, § 32-4; Duty to clean sidewalks, § 32-9; Unsanitary deposits prohibited, § 38-32; Discharge to natural outlets prohibited, § 38-33.

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Sec. 16-141. DEFINITIONS.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Best Management Practices (BMPs)* means the specific management practices used to control pollutants in storm water. BMPs are of two types: "source controls" (nonstructural) and "treatment controls" (structural). Source or nonstructural controls are practices that prevent pollution by reducing potential pollutants at their source, such as proper chemical containment at municipal shops or construction sites, before they come into contact with storm water. Treatment or structural controls, such as constructed water quality detention facilities, remove pollutants already present in storm water. Best Management Practices can either be temporary, such as silt fence used during construction activity, or permanent detention facilities, to control pollutants in storm water.

*City* means the City of Grand Junction.

*City Manager* means the Grand Junction City Manager or his duly authorized representative.

*CDPS* means the Colorado Discharge Permit System.

*Clean Water Act (CWA)* means the Clean Water Act, also known as the Federal Water Pollution Control Act, and including amendments thereto by the Clean Water Act of 1977, 33 U.S.C. section 466 *et seq.* as amended.

*Colorado Water Quality Control Act* means Title 25, Article 8 of the Colorado Revised Statutes.

*Commercial* means any business, trade, industry or other activity engaged in for profit.

*Construction* means to make or form by combining or arranging building parts or building elements, to include but not limited to examples such as road construction, commercial shopping center, residential development or parks development, and including the initial disturbance of soils associated with clearing, grading, or excavating activities or other construction-related activities (e.g., stockpiling of fill material).

*Construction Site* means any location where construction or construction related activity occurs.

*Contaminated* means containing harmful quantities of pollutants that exceed state or federal guidelines.

*Construction Storm Water Management Plan (SWMP)* means a specific individual construction plan that describes the Best Management Practices (BMPs), as found in the current SWMM, to be implemented at a site to prevent or reduce the discharge of pollutants. The purpose of a SWMP is to identify possible pollutant sources to storm water and to set out BMPs that, when implemented, will reduce or eliminate any possible water quality impacts.

*Contractor* means any person or firm performing or managing construction work at a Construction Site, including any construction manager, general contractor or subcontractor. Also includes, but is not limited to, earthwork, paving, building, plumbing, mechanical, electrical or landscaping contractors and material suppliers delivering materials to the site.

*CDPS Permit* means a permit issued by the state of Colorado under Part 5 of the Colorado Water Quality Control Act (Title 25, Article 8 of the Colorado Revised Statutes) that authorizes the discharge of pollutants to waters of the state, whether the permit is applicable to a person, group or area.

*Development* means any public or private construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure within the jurisdiction of the City, as well as any manmade change or alteration to the landscape, including but not limited to, mining, drilling, dredging, grading, paving, excavating and/or filling.

*Discharge* means any addition or release of any pollutant, storm water, subsurface, groundwater or any other substance whatsoever to the Storm Drainage System.

*Domestic Animal Waste* means excrement and other waste from domestic animals, including household pets.

*Domestic Sewage* means sewage originating primarily from kitchen, bathroom and laundry sources, including waste from food preparation, dishwashing, garbage grinding, toilets, baths, showers and sinks.

*Drainageway* means any natural or artificial (man-made) channel which provides a course for water flowing either continuously or intermittently to downstream areas.

*Environmental Protection Agency or EPA* means the United States Environmental Protection Agency (USEPA), the regional office thereof, any federal department, agency or commission that may succeed to the authority of the USEPA and any duly authorized official of the USEPA or such successor agency.

*Fertilizer* means a substance or compound that contains an essential plant nutrient element in a form available to plants and used primarily for its essential plant nutrient element content in promoting or stimulating growth of a plant or improving the quality of a crop or a mixture of two or more fertilizers.

*Fire Protection* means any water and any substance(s) or material(s) contained therein, used by any person to control or extinguish a fire or to inspect or test fire equipment.

*Fungicide* means a substance that destroys or inhibits the growth of fungi.

*Garbage* means putrescible animal and vegetable waste materials resulting from the handling, preparation, cooking and consumption of food, including waste materials from markets, storage facilities and the handling and sale of produce and other food products.

*Groundwater* means any water residing below the surface of the ground or percolating into or out of the ground.

*Harmful Quantity* means the amount of any substance that may cause an adverse impact to the Storm Drainage System and/or will contribute to the failure of the City to meet the water quality based requirements of the CDPS / NPDES permit for discharges from the Municipal Separate Storm Sewer System.

*Hazardous Substance* means any substance listed in Table 302.4 of 40 CFR Part 302 as amended.

*Hazardous Waste* means any substance identified or listed as a hazardous waste by the EPA pursuant to 40 CFR, Part 261 as amended.

*Herbicides* means a chemical substance used to destroy plants, especially weeds.

*Illegal Discharge* means Illicit Discharge.

*Illicit Connection* means any drain or conveyance, whether on the surface or subsurface, which allows an Illicit Discharge to enter the Storm Drainage System. Such connection includes any physical connection to a publicly maintained storm drain

system composed of non-storm water that has not been permitted by the public entity responsible for the operation and maintenance of the system.

*Illicit Discharge* means any discharge to a storm drain system that is not composed entirely of storm water, except discharges pursuant to a CDPS/ NPDES permit, discharges resulting from fire fighting activities, and discharges further exempted by this Article.

*Industrial Waste* means any wastes produced as a by-product of any industrial, manufacturing, agriculture, commerce, trade or business, as distinguished from domestic or residential waste.

*Mechanical Fluid* means any fluid used in the operation and maintenance of machinery, vehicle(s) and any other equipment. Includes, but is not limited to, mechanical fluid, lubricants, antifreeze, petroleum products, oil and fuel.

*Minimum Measure* means a mandated part of a storm water management program that reduces the amount of pollutants entering streams, lakes and rivers as a result of runoff from residential, commercial and industrial areas during a storm event.

*Mobile Commercial Cleaning* means washing, steam cleaning and any other method of mobile cleaning, of vehicles and/or exterior surfaces, engaged in for commercial purposes or related to a commercial activity.

*Municipal Separate Storm Sewer System (MS4)* means a conveyance or the system of conveyances, including roads with drainage systems, municipal streets, curbs, gutters, ditches, inlets, drains, catch basins, pipes, tunnels, culverts, channels, detention basins and ponds owned and operated by the City and designed or used for collecting or conveying storm water and is not a combined sewer or used for collecting or conveying sanitary sewage.

*MSDS* means the Material Safety Data Sheet for hazardous chemicals.

*NPDES* means the National Pollutant Discharge Elimination System under section 402 of the Clean Water Act.

*NPDES Permit* means a permit issued pursuant to EPA authority. An NPDES permit allows the discharge of pollutants to navigable waters of the United States or waters of the state, whether the permit is applicable on an individual, group, or area basis.

*Notice of Violation (NOV)* means a written notice detailing any violations of this Article and any action expected of the violator(s).

*Oil* means any kind of oil in any form, including, but not limited to, petroleum, fuel oil, crude oil, synthetic oil, motor oil, cooking oil, vegetable or animal fat, grease, sludge, oil refuse and oil mixed with waste.

*Owner* means a person having dominant and/or servient interest in property, having sufficient interest to convey property, and/or having possessory interest in property. The term “owner” also includes the owner’s agent.

*Part of a larger common plan of development or sale* means a contiguous area where multiple separate and distinct construction activities will be taking place at different times on different schedules under one plan. An example would be a commercial development with multiple separate buildings constructed over the course of multiple construction schedules.

*Person* means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or its legal representative(s), agent(s), or assign(s), including all federal, state and local governmental entities.

*Pesticide* means a substance or mixture of substances intended to prevent, destroy, repel or mitigate any pest.

*Petroleum Product* means a product that is obtained from distilling and processing crude oil that is capable of being used as a fuel or lubricant in a motor vehicle or aircraft, including motor oil, gasoline, gasohol, other alcohol blended fuels, aviation gasoline, kerosene, distillate fuel oil and #1 and #2 diesel.

*Pollutant* means any substance attributable to water pollution, including but not limited to dredged spoil, solid waste, incinerator residue, filter backwash, sewage, septic waste, sewage sludge, rubbish, garbage, solid waste, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, sediment, rock, dirt, sand, mud, soil, sediment, industrial, municipal and agricultural waste, litter, debris, yard waste, pesticides, herbicides, fertilizers, domestic animal waste, mechanical fluid, oil, motor oil, used oil, grease, petroleum products, antifreeze, surfactants, solvents, detergents, cleaning agents, paint, heavy metals, toxins, household hazardous waste, small quantity generator waste, hazardous substances and hazardous waste.

*Pollution* means the alteration of the physical, thermal, chemical, or biological quality of, or the contamination of any water that renders the water harmful, detrimental, or injurious to humans, animal life, plant life, property or public health, safety or welfare, or impairs the usefulness or the public enjoyment of the water for any lawful or reasonable purpose.

*Potable Water* means water that has been treated to federal Safe Drinking Water Act standards and/or is safe for human consumption.

*Private Drainage System* means all privately owned ground, surfaces, structures or systems, excluding the Municipal Separate Storm Sewer System, that contribute to or convey storm water, including but not limited to, roofs, gutters, downspouts, lawns, driveways, pavement, roads, streets, curbs, gutters, ditches, inlets, drains, catch basins, pipes, tunnels, culverts, channels, detention basins, ponds, draws, swales, streams and any ground surface



*Property Owners Association* is an association formed by a land owner or owners to manage and maintain property in which they own an undivided common interest. The association may be referred to as a homeowners association (HOA) for residential developments or as a business owners association (BOA) for commercial developments.

*Qualified Person* means a person who possesses the required certification, license and appropriate competence, skills, and ability as demonstrated by sufficient education, training and/or experience to perform a specific activity in a timely and complete manner consistent with the regulatory requirements and generally accepted industry standards for such activity and may, for certain duties, be required to be a Professional Engineer licensed in the state of Colorado or as required under § 12-25-101, C.R.S.

*Release* means to dump, spill, leak, pump, pour, emit, empty, inject, leach, dispose or otherwise introduce into the Storm Drainage System.

*Receiving waters* means creeks, streams, rivers, lakes, estuaries or other bodies of water into which surface water and/or treated or untreated waste are discharged, either naturally or in man-made systems.

*Rubbish* means nonputrescible solid waste, excluding ashes that consist of: (A) combustible waste materials, including paper, rags, cartons, wood, excelsior, furniture, rubber, plastics, yard trimmings, leaves and similar materials; and (B) noncombustible waste materials, including glass, crockery, tin cans, aluminum cans, metal furniture, and similar materials that do not burn at ordinary incinerator temperatures (1600 to 1800 degrees Fahrenheit).

*Sanitary Sewage* means the domestic sewage and/or industrial waste that is discharged into the Persigo Sanitary Sewer System and passes through the Sanitary Sewer System to the Persigo sewage treatment plant for treatment.

*Sanitary Sewer* means the system of pipes, conduits and other conveyances which carry industrial waste and domestic sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, to the Persigo sewage treatment plant (and to which storm water, surface water and groundwater are not intentionally admitted).

*Sediment* means soil, mud, dirt, gravel and rocks that have been disturbed, eroded and/or transported naturally by water, wind or gravity, and/or mechanically by any person, vehicle or equipment.

*Septic Tank Waste* means any domestic sewage from holding tanks such as vessels, grease interceptors, chemical toilets, campers, trailers, septic tanks and aerated tanks.

*Site* means the land or water area where any facility or activity is physically located or conducted, including adjacent land used in connection with the facility or activity.

*Solid Waste* means any garbage, rubbish, refuse, yard waste and other discarded material, including solid, liquid, semisolid, or contained gaseous material, resulting from industrial, municipal, commercial, construction, mining or agricultural operations and residential, community and institutional activities.

*Storm Drainage System* means all surfaces, structures and systems that contribute to or convey storm water, including private drainage systems, to the Municipal Separate Storm Sewer System, and any non-municipal drain or pipe, channel or other conveyance, including natural and man-made washes and ditches for conveying water, groundwater, drainage water or unpolluted water from any source, excluding sewage and industrial wastes, to waters of the state and United States.

*Storm Water* means surface runoff resulting from precipitation and other storm events.

*Stormwater Management Manual* means the Stormwater Management Manual (SWMM) that contains Grand Junction and Mesa County policy and criteria pertaining to storm water runoff; federal, state and local regulations pertaining to storm water law and water quality; and grading and drainage criteria under Section 6.2.(F) of the City Zoning and Development Code, dated 1996 and as amended or replaced.

*Surface Water* means water bodies and any water temporarily residing on the surface of the ground, including oceans, lakes, reservoirs, rivers, ponds, streams, puddles, channeled flow and runoff.

*Toxic* means a substance that is harmful or poisonous according to the MSDS standards.

*Uncontaminated* means not containing harmful quantities of pollutants that exceed state or federal guidelines.

*Upset* means an exceptional incident in which there is an unintentional and temporary noncompliance because of factors beyond reasonable control. An upset does not include noncompliance to the extent caused by operational error, improperly designed or inadequate treatment, lack of preventive maintenance, or careless or improper operation.

*Wastewater* means any water or other liquid, other than uncontaminated storm water, discharged from a facility or the community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, institutions and industrial establishments, together with any incidental groundwater, surface water and storm water that may be present.

*Waters of the state* means any groundwater, percolating or otherwise, lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, marshes, inlets, canals, inside the territorial limits of the state and all other bodies of surface water, natural or artificial, navigable or non-navigable, and including the beds and banks of all water courses and bodies of surface water, that are wholly or partially inside or bordering the state or inside the jurisdiction of the state.

*Waters of the United States* means all waters which are currently used, used in the past or susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and the flow of the tide; all interstate waters, including interstate wetlands; all other waters the use, degradation or destruction of which would affect or could affect interstate or foreign commerce; all impoundments of waters otherwise defined as waters of the United States under this definition; all tributaries of waters identified in this definition; all wetlands adjacent to waters identified in this definition; and any waters within the federal definition of "Waters of the United States" at 40 CFR Section 122.2; but not including any waste treatment systems, treatment ponds or lagoons designed to meet the requirements of the federal Clean Water Act.

*Water Quality Standard* means the designation of a body or segment of surface water in the state for desirable uses and the narrative and numerical criteria deemed by state or federal regulatory standards to be necessary to protect those uses.

*Wetland* means any area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

*Yard Waste* means leaves, grass clippings, tree limbs, brush, soil, rocks or debris that result from landscaping, gardening, yard maintenance or land clearing operations.

## Sec. 16-142. ILLICIT DISCHARGES PROHIBITED INTO STORM DRAINAGE SYSTEM.

### (A) Prohibitions

(1) No person shall release or cause to be released into the Storm Drainage System any discharge that is not composed entirely of uncontaminated storm water, except as allowed in Section 16-142(B). Common storm water contaminants which cannot be released into the Storm Drainage System include herbicides and lawn chemicals, construction debris and wastes, wastewater, oil, petroleum products, cleaning products, paint products, hazardous waste, sediment, dirt and other toxic substances, including substances defined as "pollutants."

(2) Notwithstanding the provisions of Section 16-142(B), any discharge shall be prohibited by this Section if the discharge in question has been determined by the City Manager to be a source of pollutants to the Storm Drainage System.

(3) The construction, use, maintenance or continued existence of illicit connections to the Storm Drainage System are prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(4) No person shall connect a line conveying sanitary sewage, domestic sewage or industrial waste to the Storm Drainage System or allow such a connection to continue. Any existing connection must be removed.

(5) No person shall maliciously damage, destroy or interfere with Best Management Practices (BMPs) implemented pursuant to this Article.

## (B) Exemptions

Subject to § 32-4, the following non-storm water discharges are not a violation of this Article. Note that even if one of the following discharges is not covered under this Article it may still require a federal and/or state-issued permit.

Intermittent uncontaminated discharge from landscape irrigation, lawn watering, or irrigation return flows, except as restricted by 16-143 (c) (2).

- (1) Uncontaminated discharge from foundation, footing or crawl space drains and sump pumps. (Commercial air conditioning condensation and water from commercial cooler drains shall be discharged to the sanitary sewer system only.)
- (2) Uncontaminated groundwater, including rising groundwater, groundwater infiltration into storm drains, pumped groundwater and springs.
- (3) Diverted stream flows and natural riparian habitat or wetland flows.
- (4) Uncontaminated discharges from the occasional noncommercial or charity washing of vehicles or occasional not-for-profit car washing events.
- (5) De-chlorinated and uncontaminated swimming pools and hot tubs may be drained to the storm drain system. Swimming pool and hot tub drainages may be drained to the sanitary sewer system without de-chlorination.
- (6) Discharges approved by the City Manager as being necessary to protect property and/or public health and safety, such as flows from firefighting.
- (7) Waterline flushing and other infrequent discharges from potable water sources and waterline repair work as necessary to protect public health and safety.
- (8) Street wash water after mechanical cleanup (sweeping) has taken place
- (9) City activities as determined necessary by the City Manager, such as Spring Cleanup and Fall Leaf Pickup programs. The intent of these activities is to reduce pollution in the storm drain system. For this exemption to apply, the participant(s) must comply with the directions and specified time frame determined by the City Manager.

- (10) A discharge authorized by and in compliance with a CDPS or NPDES permit, other than the CDPS permit for discharges from the Municipal Separate Storm Sewer System. This type of discharge must receive advance approval by the City before the CDPS permit can be issued.

(C) Requirements Applicable to Certain Dischargers

Process waters generated from any industrial or commercial source, including carpet and rug cleaners and mobile commercial power cleaning operations, shall not discharge to the Storm Drainage System without a valid CDPS discharge permit. In the absence of a CDPS discharge permit, discharges from power cleaning operations shall be reclaimed via wet vacuum sweeping or other type of containment before entering the Storm Drainage System. (Discharge to the sanitary sewer is allowed with prior City authorization.)

(D) Release Reporting and Cleanup

Any person responsible for a known or suspected release of materials which results in, or may result in, illegal discharges to the Storm Drainage System shall take all necessary steps to ensure the discovery, containment, abatement and cleanup of such release. In the event of such a release of a material, said person shall comply with all state, federal and local laws requiring reporting, cleanup, containment and any other appropriate remedial action in response to the release. Notice shall be given to the City Manager and followed by a written report of the remedial action(s) taken.

(E) Authorization to Inspect, Adopt and Impose Best Management Practices

The City has the authority to conduct storm water inspections at commercial and industrial facilities and residential facilities under common ownership (for detention ponds owned by POAs) and to require implementation of Best Management Practices (BMPs) where appropriate. The selection, application and maintenance of BMPs must be sufficient to prevent or reduce the likelihood of pollutants entering the Storm Drainage System. The City may adopt and impose requirements identifying specific BMPs in the Stormwater Management Manual for any activity, operation or facility, which may cause a discharge of pollutants to the Storm Drainage System. Where specific BMPs are required, every person undertaking such activity or operation or owning or operating such facility shall implement and maintain BMPs at the person's own expense.

Sec. 16-143. CONTROL OF STORM WATER DISCHARGES FROM CONSTRUCTION AND POST-CONSTRUCTION ACTIVITIES.

## (A) General Requirements for Construction Sites

(1) All proposed development as described in § 16-143 (A)(2) must provide for on-site erosion and sediment control, control of illegal discharges, and runoff collection and conveyance in accordance with the Stormwater Management Manual and applicable federal and state laws.

(2) The owner of a construction site and/or conducting construction activity, including but not limited to subdivision development, subsequent lot development, individual home and building construction, and developments as defined, that disrupt or expose soil or remove vegetation on one (1) or more acres of land during the life of the construction project, shall be responsible for obtaining a state discharge permit and compliance with the requirements of this Article, and to utilize specific BMPs adopted by the City and within the Stormwater Management Manual. All BMPs designed to meet the requirements of this ordinance shall comply with the Stormwater Management Manual and the Construction Storm Water Management Plan.

(3) Waste Disposal. Solid waste, industrial waste, yard waste, rubbish, discarded building materials, chemicals, sanitary wastes and any other pollutants or waste on any construction site shall be controlled through the use of BMPs. Waste containers shall be provided and maintained by the owner or contractor on construction sites where there is the potential for release of waste. Uncontained waste, rubbish and other pollutants or toxins that may blow, wash or otherwise be released from the site are prohibited.

(4) Ready-mixed concrete or any materials resulting from the washing or cleaning of vehicles or equipment containing or used in transporting or applying ready-mixed concrete, shall be contained in a designated area on construction sites for proper disposal. All washing-out of concrete mixer truck bowls and chutes and release of these materials in to storm drains is prohibited.

(5) Erosion and Sediment Control. BMPs shall be implemented to prevent the release of sediment from construction sites and development. Disturbed area(s) shall be minimized and disturbed soil, including but not limited to construction sites and entrances and exits therefrom, shall be managed to prevent tracking, blowing and fugitive emissions release. Any water used in cleaning operations shall not be disposed into the storm sewer system. Sediment, dirt and mud tracked onto public streets shall be removed immediately by sweeping, scooping and shoveling at the owner's expense. Sediment not removed within the specified time limits as stated in a notification will be removed by the City or designated contractor. Such removal costs will be billed to the property owner and, if not paid, become a lien on the property.

(6) Materials storage: Construction materials stored on public streets or required as part of a public construction project occurring in the Right-of-Way will require BMPs if determined appropriate by the City Manager .

## (B) Construction Sites Requiring an Approved Construction Storm Water Management Plan

(1) Where any public or private construction, including subdivision development, will disturb or expose soil or remove vegetation on one (1) or more acres of land during the life of the construction project, including the disturbance of less than one (1) acre of total land that is part of a larger common plan of development or sale, if the larger common plan will ultimately disturb one (1) or more acres, or on smaller projects as designated by the City, a Construction Storm Water Management Plan for the project must be provided to the City and implemented by the construction site owner as follows:

(a) The preparation, content and implementation of the Construction Storm Water Management Plan shall comply with this Article, the Stormwater Management Manual and all applicable laws.

(b) The area included in the Construction Storm Water Management Plan, shall be assumed to include the entire property area, unless the applicable Construction Storm Water Management Plan specifically excludes certain areas from disturbance.

(c) Construction Storm Water Management Plans must be provided for all phases of development, including sanitary sewer and Storm Drainage System construction, waterline, street and sidewalk construction, grading, installation of other utilities, the construction of all buildings and/or individual site development and landscaping for common areas owned and maintained by the POA.

(d) The Construction Storm Water Management Plan must be provided by the owner and submitted to the City Community Development Department for approval during the development review process.

(e) The City will review the Construction Storm Water Management Plans as part of the development review process and approval must be provided before commencement of construction.

(f) Construction activity, including any soil disturbance, stockpiling or transport, or removal of vegetation, shall not commence on the site until the Community Development Department has issued written approval of the Construction Storm Water Management Plan Acceptance.

(g) The property owner bears all legal and financial responsibility for implementation, monitoring of and for the approved Construction Storm Water Management Plan, for all construction activity within the development and for notification of all contractors and utility agencies on the site regarding compliance with the same. The requirement to follow the terms of the Construction Storm Water Management Plan shall be recorded as a note on the property plat. The owner shall provide a copy of the approved Construction Storm Water Management Plan to all utility agencies, subcontractors and other agencies or person(s) prior to working on or within the construction site or subdivision development. If a property is sold the owner is responsible for insuring the Plan is part of the property sale and is included when a Planning Clearance is obtained for a building permit. The

Construction Storm Water Management Plan must be attached to the Planning Clearance to obtain a building permit.

(C) Construction Storm Water Management Plans

Preparation, content and implementation of Construction Storm Water Management Plans for all public and private construction activity shall, in addition to requirements in the Stormwater Management Manual and all applicable laws:

(1) Be prepared under the direction of a qualified person, as defined in §16-141 of this Article.

(2) Provide the name, address and phone number of the project owner for purposes of correspondence and enforcement.

(3) Specify and provide detail for all BMPs necessary to meet the requirements of this Article, including any applicable BMPs that have been adopted and imposed by the City.

(D) Implementation of Approved Construction Storm Water Management Plans

(1) BMPs shall be installed and maintained by a Qualified Person(s).

(2) The owner shall be able to provide upon request a copy of the Construction Storm Water Management Plan on site during construction.

(3) The owner shall inspect all BMPs at least once every fourteen days, and after any precipitation or snowmelt event that causes surface erosion. The owner must provide consent to the City for the City to inspect any BMP without advance notice or permission from the owner.

(4) Based upon inspections performed by the owner or by authorized City personnel, modifications to the Construction Storm Water Management Plan shall be necessary if at any time the specified BMPs do not meet the objectives of this Article.

(5) If modification is required, the owner shall meet and confer with authorized City personnel to determine the nature and extent of modification(s). All approved modification(s) shall be completed in a timely manner, but in no case more than seven calendar days after the inspection showing that modification is needed. Modification(s) shall be recorded on the owner's copy of the Construction Storm Water Management Plan. In the case of an emergency, the contractor shall implement conservative BMPs and follow up with City personnel the next working day.

(E) Post-Construction Requirement of Permanent BMPs.

(1) Land development that meets the requirements of Section 16-143(B)(1) shall implement storm water runoff controls through the use of permanent BMPs. All



permanent BMPs shall be maintained in good working condition for the life of the development.

(2) Developments that have permanent BMPs installed shall maintain those BMPs in good working condition for the life of the development.

(3) Structural BMPs located on property shall be owned, operated, inspected and maintained by the owner(s) of the property and those persons responsible for the property on which the BMP is located. The legal responsibility to maintain the BMPs shall be included in POA incorporation articles and covenant restrictions, and development agreements for commercial sites. As a condition of approval of the BMP(s), the owner and those persons responsible for the property shall also agree to maintain the BMP to its design capacity unless or until the City shall relieve the property owner of that responsibility in writing. The obligation to maintain the BMP(s) shall be recorded on the property plat. The development agreement shall include any and all maintenance easements required to access and inspect the BMP(s) and to perform routine maintenance as necessary to ensure proper functioning of the storm water BMP. The building of any structures on such maintenance easements is prohibited. Any agreement arising out of or under this Article shall be recorded in the office of the Grand Junction City Clerk and/or the Mesa County land records.

(4) The City will issue annual notices to POAs to ensure inspections and maintenance of permanent BMPs are performed properly.

#### (F) Certification of Permanent BMPs

(1) Upon completion of a construction project and before a certificate of occupancy or clearance by the Building Department shall be granted, the City shall be provided a written certification signed by a Qualified Person stating that the completed project is in compliance with the approved Construction Storm Water Management Plan. All applicants are required to submit "as built" plans for any permanent BMP(s) after final construction is completed. A digital copy of the as-built plans is required in current AutoCAD format. A final inspection by the City is required before the release of any performance securities may occur.

#### (G) Ongoing Inspection and Maintenance of Permanent BMPs

Permanent BMPs included in a Construction Storm Water Management Plan which is subject to an inspection and maintenance agreement must undergo ongoing annual inspections by a Qualified Person or Professional Engineer to document maintenance and repair needs and to ensure compliance with the requirements of the agreement, the Construction Storm Water Management Plan and this Article.

#### Sec. 16-144. ENFORCEMENT.

(A) The City Manager shall have the right to enter the premises at any time to investigate if the discharger is complying with all requirements of this Article when there

is reason to believe that there exists, or potentially exists, in or upon any premises, any condition which constitutes a violation of this Article. Investigation may include, but is not limited to, the following: the sampling of any suspected discharge, the taking of photographs, interviewing of any person having any knowledge related to the suspected discharge or violation and access to any and all facilities or areas within the premises that may have any effect on the discharge or alleged violation. In the event that the owner or occupant refuses entry after a request to enter has been made, the City is hereby empowered to seek assistance from the City Attorney and the municipal court in obtaining such entry.

(B) Whenever the City finds that any person has violated any portion of this Article, the City Manager shall serve a Notice of Violation (NOV), a written notice stating the nature of the violation. Within the time specified after the date of such notice the person shall submit to the City Manager evidence of the satisfactory correction of the violation.

(C) Whenever the City Manager finds that any person has violated or is violating this Article or a permit or Administrative Order issued hereunder, the City Manager may have served upon said person an Administrative Order. Such order may be a Compliance Order, a Show Cause Order, a Cease and Desist Order or an order assessing an administrative fine. Compliance with an Administrative Order shall not relieve the user of liability for any violations occurring before or after the issuance of the Administrative Order or prevent the City Attorney from taking any other enforcement action.

(D) Upset condition

(1) An upset condition determination constitutes an affirmative defense to an action brought for noncompliance when the terms of this article are met. An owner who wishes to establish the affirmative defense of upset must demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- a. An upset occurred and that the cause(s) of the upset can be identified; and
- b. The facility or operation was at the time being properly operated; and
- c. Notice of the upset was submitted as required in § 16-142 (D); and
- d. Remedial measures were complied with as required.

(2) Burden of proof. In any enforcement proceeding the one seeking to establish the occurrence of an upset has the burden of proof.

(E) Any person wishing to appeal any decision, action, Administrative Order, assessment of administrative fine, or determination made and issued by the City Manager in interpreting, enforcing or implementing the provisions of this Article, or the provision of any Administrative Order issued under this Article, shall file with the City Manager a written request for reconsideration within ten working days of such decision, action,

Administrative Order or determination. That written request shall set forth in detail the facts supporting the request. The City Manager shall hold a hearing within ten working days of such request. All requests for reconsideration shall be heard by the City Manager within ten working days from the date of the hearing. The decision, action, Administrative Order or determination shall remain in effect during the reconsideration period.

(F) Any person entitled to appeal an order of the City Manager pertaining to a violation of this Article may do so by filing an appeal with the City Manager within ten working days from the date of the City Manager's determination or order. The appeal shall contain the following items:

1. A heading in the words "Before the Storm water Hearing Board of the City of Grand Junction, Colorado" or "Before the Storm water Hearing Officer of the City of Grand Junction, Colorado";
2. A caption reading "Appeal of \_\_\_\_\_," giving the names of all participating appellants;
3. A statement of the legal interest of the appellants in the affected facility, together with the name of the authorized representative thereof;
4. A concise statement of the action protested, together with any material facts;
5. Verified signatures of all appellants, together with official mailing addresses and telephone numbers; and
6. Verification by declaration under perjury of at least one appellant as to the truth of the matters stated in the appeal.

Upon receipt of a properly filed appeal, the City Manager shall notify the City Council, and the City Manager shall convene a Storm Water Hearing Board or appoint a hearing officer. The hearing shall commence no sooner than ten days, but no later than sixty days, after the appeal is filed.

(G) The City Manager is authorized to order any user who causes, makes, or allows an unauthorized direct or indirect discharge or a harmful contribution to the Storm Drainage System to show cause why appropriate enforcement action should not be taken. In such case, a notice shall be served on the respondent user specifying the time and place of a hearing regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause why the proposed enforcement action should not be taken. The notice of the hearing shall be served upon the user personally or by certified mail, return receipt requested, at least ten days before the hearing. Service may be made on any agent or authorized representative of a corporation or partnership.

(H) The City Manager may appoint a hearing officer or may instead convene a Storm Water Hearing Board to conduct the hearing or appeal. The board may consist of a City Council member or designee, the City Manager, a 5-2-1 Drainage Authority Board

member or designee and an employee of the Public Works and Utilities Department. The hearing officer or Storm Water Hearing Board shall have the power to:

1. Issue in the name of the City Council notices of hearings requiring the attendance and testimony of witnesses and the production of evidence.
2. Hold a quasi-judiciary hearing, and receive relevant evidence relating to compliance with the requirements set forth in this Article. Hearings shall be conducted informally. Rules of civil procedure and evidence shall not solely determine the conduct of the hearing or the admissibility of evidence. All testimony shall be given under oath, and a tape recording or other evidence of the verbatim content of the hearing shall be made. The burden of persuasion in either an appeal or show cause hearing shall be upon the appellant or respondent. The standard of proof to be utilized by the officer or board in making its findings or recommendations shall be a preponderance of the evidence.
3. Determine and find whether just cause exists for not taking the proposed enforcement actions, or whether the order or action appealed is unwarranted.
4. Transmit a report of the evidence and hearing, including transcripts, tapes, and copies of other evidence requested by any party, together with findings and recommendations to all parties to the hearing and to the City Council.

(I) Findings and recommendations of the hearing board or officer shall be final and binding upon the City Manager and parties to the hearing, provided, however, that if the City Council disapproves the recommendations of the hearing board or officer within thirty days thereof, the Council may conduct its own hearing, make its own findings, and issue its own orders. An order consistent with findings and recommendations of the hearing board or officer, or the City Council, as the case may be, shall be issued by the City Manager. The order may provide for imposition of appropriate penalty charges, and for administrative fines designed to reimburse the City for the costs of the permit enforcement action. Further orders and directives, as are necessary and appropriate to enforce the provisions of this Article may be issued by the City Manager.

(J) Any person who violates a prohibition or fails to meet a requirement of this Article will be subject, without prior notice, to one or more of the enforcement actions identified herein, when attempts to contact the person have failed and the enforcement actions are necessary to stop an actual or threatened discharge, which presents or may present imminent danger to the environment, or to the health or welfare of persons or to the well being of the Storm Drainage System.

(K) Any person who fails to comply with a Notice of Violation shall be subject to any of the following:

(1) The City Manager may issue a Stop Work Order to the owner and contractors on a construction site, by posting the order at the construction site. Unless express written exception is made, the Stop Work Order shall prohibit all further construction activity at the site and shall bar any further inspection or approval(s) necessary to commence or continue construction or to assume occupancy of the site. A Notice of Violation shall accompany the Stop Work Order, and shall define the compliance requirements.

(2) The City Manager may order City representatives to terminate an illicit connection to the Municipal Separate Storm Sewer System. Any expense related to abatement by City or its contractor(s) or agent(s) shall be fully reimbursed by the property owner. Failure to pay may result in the property being lienied as provided herein.

(3) When a property owner is not available, not able or not willing to correct a violation, the City Manager may order City personnel, contractor(s) or agent(s) to enter private property to take any and all measures necessary to abate the violation. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow City representatives to enter upon the premises for these purposes. Any expense related to such abatement by City representatives shall be fully reimbursed by the property owner. Failure to pay may result in the property being lienied as provided herein.

(4) Within 30 days after abatement by City representatives, the City Manager shall notify the property owner of the costs of abatement, including administrative costs, and the deadline for payment. If the amount due is not paid, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment plus an administrative charge of 25%. The unpaid liens and charges shall be certified to the County Assessor so that the Assessor may enter the amounts of the assessment against the parcel as it appears on the current assessment roll, and the amount of the assessment on the bill for taxes levied against the parcel of land.

(5) Where necessary for the reasonable implementation of this Article, the City Manager may, by written notice, order any owner of a construction site or subdivision development to post surety, in a form approved by the City Attorney not to exceed a value determined by the City Manager to be necessary to achieve consistent compliance with this Article. The City may deny approval of any building permit, subdivision plat, site development plan, or any other City permit or approval necessary to commence or continue construction or to assume occupancy, until such surety has been filed with the City.

(L) Any person who violates or continues to violate a prohibition or requirement of this Article shall be subject to criminal prosecution to the fullest extent of the law and shall be subject to criminal penalties.

(M) The violation of any provision of this Article or with any orders, rules, regulations, permits and permit conditions shall be deemed a municipal offense. Any person violating this Article shall, upon an adjudication of guilt or a plea of guilty or no contest, be fined to a maximum of \$1,000 for each violation and up to a year in jail. Each

separate day on which a violation is committed or continues shall constitute a separate offense.

(1) If any person violates any order of the City Manager, a hearing board or officer or the council, or otherwise fails to comply with any provisions of this Article or the orders, rules, regulations and permits issued hereunder, or discharges into the Storm Drain System or into state waters contrary to the provisions of this Article, federal or state requirements, or contrary to any order of the City, the City may commence an action in a court of record for appropriate legal and equitable relief. In such action, the City may recover from the defendant reasonable attorney fees, court costs, deposition and discovery costs, expert witness fees, and other expenses of investigation, enforcement action, administrative hearings, and litigation, if the City prevails in the action or settles at the request of the defendant. Any person who violates any of the provisions of this Article shall become liable to the City for any expense, loss, or damage to the City or to the Storm Drain System occasioned by such violation. The City Attorney may seek a preliminary or permanent injunction or both which restrains or compels the activities on the part of the discharger.

(2) Any person who knowingly makes, authorizes, solicits, aids, or attempts to make any false statement, representation or certification in any hearing, or in any permit application, record, report, plan, or other document filed or required to be maintained pursuant to this Article, or who falsifies, tampers with, bypasses, or knowingly renders inaccurate any monitoring device, testing method, or testing samples required under this Article, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed \$1,000.00 per day for each violation and/or imprisonment not to exceed one year or both.

(3) The remedies provided for in this Article, including recovery of costs, administrative fines and treble damages, shall be cumulative and in addition to any other penalties, sanctions, fines and remedies that may be imposed. Each day in which any such violation occurs, whether civil and/or criminal, shall be deemed a separate and distinct offense.

INTRODUCED, READ, PASSED on first reading and ordered published by the City Council of the City of Grand Junction, Colorado, this 17<sup>th</sup> day of August 2005.

PASSED AND ADOPTED on second reading this \_\_\_\_ day of \_\_\_\_\_ 2005.

CITY OF GRAND JUNCTION, CO

\_\_\_\_\_  
Bruce Hill  
President of the Council

ATTEST:

\_\_\_\_\_

Stephanie Tuin  
City Clerk

**Attach 8**

**2006 LEAF Grant for DUI Enforcement**

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
<b>Subject</b>	2006 LEAF Grant for DUI Enforcement						
<b>Meeting Date</b>	17 August 2005						
<b>Date Prepared</b>	11 August 2005				<b>File #</b>		
<b>Author</b>	R.J. Russell			<b>Lieutenant</b>			
<b>Presenter Name</b>	Harry Long			<b>Services Captain</b>			
<b>Report results back to Council</b>	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	<b>Yes</b>	<b>When</b>		
<b>Citizen Presentation</b>	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	<b>No</b>	<b>Name</b>		
<b>Workshop</b>	<input checked="" type="checkbox"/>	<b>Formal Agenda</b>			<input checked="" type="checkbox"/>	<b>Consent</b>	<b>Individual Consideration</b>

**Summary:**

The Colorado Department of Transportation is accepting applications for grant funding of DUI enforcement projects. Local governments are allowed to apply for this funding three years. This will be the third consecutive year the Grand Junction Police Department will be seeking funds from this grant source. Funding has been received during the past two years. In the 2005 process the Grand Junction Police Department applied for \$145,133 to fund DUI enforcement activities and a Mobile DUI vehicle. The Mobile DUI vehicle was denied, \$35,000 was awarded to fund DUI enforcement activities.

**Budget:**

The Grand Junction Police Department will be applying for \$146,987.05 in the 2006 process. This will provide funding to replace a Mobile DUI vehicle which is no longer functional, overtime for a police officer to work Thursday, Friday and Saturday nights for five (5) hours, strictly dedicated to DUI enforcement, and to conduct two (2) DUI checkpoints during the year.

**Action Requested/Recommendation:**

The Grand Junction Police Department requests authorization to apply for the 2006 LEAF grant in the amount of \$146,987.05

**Attachments:**

2006 LEAF grant announcement  
Grant Data Sheet

**Background Information:**

The Grand Junction Police Department has participated in LEAF for the past two years. When combined with an effective media promotion and enforcement activities, the program has been a successful deterrent to those considering driving under the influence and at removing those who choose to drive while intoxicated from the streets of Grand Junction.





**CITY OF GRAND JUNCTION  
GRANT DATA SHEET**

DATE: 8/11/2005 REVISION NUMBER \_\_\_\_\_

DEPARTMENT: Police CONTACT: Bob Russell PHONE: 244-3656

SUB-RECIPIENT: \_\_\_\_\_ CONTACT: \_\_\_\_\_ PHONE: \_\_\_\_\_

**CONTRACT REQUIRED FOR ALL SUB-RECIPIENTS!**

GRANT NAME: 2006 LEAF Grant GRANT #: \_\_\_\_\_

SOURCE OF FUNDS: State of Colorado (FEDERAL, STATE, OTHER)

GRANTOR: CDOT CONTACT: Glenn Davis PHONE: (303) 757-9462  
Theresa Long PHONE: (303) 757-9273

**PURPOSE/PRODUCT/OUTCOME:**

These funds are specifically earmarked to pay for police overtime for DUI enforcement activities and to purchase necessary capital equipment in support of DUI enforcement.

***IF FEDERAL /STATE FUNDS, CHECK COMPLIANCE REQUIREMENTS LIST ON BACK!***

**REQUIREMENTS/SCHEDULE:**

WILL THIS REQUIRE: NEW EMPLOYEE(S)? No NEW EQUIPMENT? No

**FINANCIAL SUMMARY ( ATTACH DETAIL):**

Projected cost of project or program:	\$	<u>146,987</u>	
Estimated cost of administration:		_____	
Grant in-eligible costs (application):		_____	
Total costs of grant.....	\$	<u>146,987</u>	
Amount of grant	\$	<u>146,987</u>	
Other revenues		_____	
Total revenues.....	\$	<u>146,987</u>	
Net cost of the project to the City.....	\$	<u>0</u>	
Amount to be appropriated:	\$	_____	

**FUTURE IMPACTS:**

**Description**

Annual ongoing expenditures: \$ 835 Estimated vehicle maintenance & fuel costs.

Onetime/periodic expenditures: \$ \_\_\_\_\_

Revenue account number: Fund 100 Org 422 Account 42520 Pgm 21 Activity \_\_\_\_\_

Expenditure account number: Fund 100 Org 422 Account 53990 Pgm 21 Activity \_\_\_\_\_

*(If more than one account, attach a list.)*

Are revenues/expenses included in the current budget? No Revised? No

APPROVALS: Department Director: [Signature] Date: 08-11-05

Grant Coordinator: \_\_\_\_\_ Date: \_\_\_\_\_

Finance Director: \_\_\_\_\_ Date: \_\_\_\_\_

City Manager: \_\_\_\_\_ Date: \_\_\_\_\_

City Council: Approved: \_\_\_\_\_ Acceptance: \_\_\_\_\_ Contracts: \_\_\_\_\_

**DATES:**

Application deadline 9/1/2005 Award of grant: \_\_\_\_\_ Extension deadline \_\_\_\_\_

Date of receipt: \_\_\_\_\_ Required completion date: \_\_\_\_\_ Closeout \_\_\_\_\_

Report(s) required: \_\_\_\_\_ (date, monthly, quarterly)

**ATTACH NOTES AS NECESSARY – FINANCIAL ANALYSIS, METHOD/TIMING OF PAYMENTS, MULTIPLE REQUIREMENTS, SCHEDULE, OTHER EXPLANATIONS.**

### City of Grand Junction Compliance Check List

This check list is provided to help the Department Contact in identifying requirements of the grant for which the requestor is responsible. It does not move the responsibility for compliance or the monitoring of compliance of a department or sub-recipient to the Administrative Services Department

- Co-applicants
- Contract(s)                      Sub-recipient                       Source of funds                       Other
- Insurance/bonding
  
- Single Audit
- Environmental review
- Equal employment opportunity enforcement
- Davis Bacon
- Minority and/or other preference processes
  
- Matching funds                      Budgeted                       Unbudgeted                       Generated
- Program income
- Federal funds                      Advance                       or Reimbursement
- Payment requests, reports
- Debt issuance
- Cost allocation plan for indirect costs
  
- State checklist available
- Local determinations
  
- Hearings / public input / notices / signs
- Open competitive bids
- Plan for real property acquisition and replacement, relocation of people
- Inspections / grantee / grantor
  
- Subsequent maintenance and/or monitoring
- Subsequent restrictions of use
- Asset monitoring, inventions, patents, equipment (subsequent usage)
- Record retention
- System of documentation
  
- Other (explain)

**ATTACH ANY ADDITIONAL COMMENTS.  
ATTACH A COPY OF THE GRANT APPLICATION, AWARD, AND OTHER DOCUMENTATION.**

# MEMORANDUM

DEPARTMENT OF TRANSPORTATION  
HQ Safety and Traffic Engineering Branch  
4201 East Arkansas Ave., EP770  
Denver, CO 80222



TO: **All 2006 LEAF applicants**

FROM: **Glenn Davis and Theresa Long, State LEAF Co-Administrators**

SUBJECT: **2006 LEAF applications**

DATE: **July 1, 2005**

The 2006 LEAF application is available on-line in Microsoft Word format. You can access the application at: <http://www.dot.state.co.us/Safety/alcohol/leaf.htm>. Instructions for completing the application are also available on this web site. The completed application is due back to CDOT no later than 5:00 pm on September 1, 2005. Any applications received after this time cannot be considered. Please mail the completed application and any supporting information to:

**Colorado Department of Transportation  
State LEAF Administrator  
4201 E. Arkansas Ave., EP 770  
Denver, Colorado 80222**

Whereas all correctly submitted applications will be considered for funding, it should be noted that every year, demand for LEAF grant funds outpaces the amount of dollars available. With this in mind, outlined below are the funding priorities, in order of importance, for 2006:

1. DUI Overtime (Person Services);
2. Operating Expenses (PBTs, checkpoint supplies, etc.);
3. Capital Equipment (equipment with a unit cost of \$5,000 or greater).

The vast majority of LEAF funds will be allocated to DUI overtime enforcement. The purchase of capital equipment and full-time DUI officers will still be considered, but these are areas of lower priority and will therefore need detailed justification from requesting agencies.

Priority will be given to:

- Agencies in areas that have a higher than average rate of alcohol-related traffic crashes and fatalities.
- Agencies that participate in DUI Checkpoint Colorado.
- Agencies in their 2nd or 3rd year of LEAF funding. However, please understand that past receipt of LEAF grant money does not guarantee future funding.

Please note that funding decisions will be made by CDOT on or before October 31, 2005.

Agencies will be chosen for LEAF funds based on the priorities listed above and on the basis of need as determined by CDOT's Statewide Problem Identification as well as the agency's proposal and projected impact. There are other criteria that are also measured which help to determine grant selection and funding amounts. These can be found in the LEAF application guidelines.

It is important that applicants are specific in their problem identification. Applicants should clearly outline a workable proposal along with specifics as to how LEAF funding will assist the agency in attaining its goals.

If you have any questions regarding the 2006 LEAF application or procedures, feel free to contact Theresa Long at 303-757-9273 or [theresa.m.long@dot.state.co.us](mailto:theresa.m.long@dot.state.co.us) or Glenn Davis at 303-757-9462 [glenn.davis@dot.state.co.us](mailto:glenn.davis@dot.state.co.us).

Once again, thank you for your interest in the LEAF program and for your agency's efforts against drunken and drugged drivers.



**Attach 9**

**Designation of 131 S. 6<sup>th</sup> Street/560 Colorado Avenue as a Historic Structure**  
**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>		Designation of Historic Structure				
<b>Meeting Date</b>		August 17, 2005				
<b>Date Prepared</b>		August 8, 2005			<b>File #</b> HBD-2005-174	
<b>Author</b>		Kristen Ashbeck		Senior Planner		
<b>Presenter Name</b>		Kristen Ashbeck		Senior Planner		
<b>Report results back to Council</b>		<input checked="" type="checkbox"/>	<b>No</b>	<input type="checkbox"/>	<b>Yes</b>	<b>When</b>
<b>Citizen Presentation</b>		<input type="checkbox"/>	<b>Yes</b>	<input checked="" type="checkbox"/>	<b>No</b>	<b>Name</b>
<input type="checkbox"/>	<b>Workshop</b>	<input checked="" type="checkbox"/>	<b>Formal Agenda</b>		<input type="checkbox"/>	<b>Consent</b>
<input type="checkbox"/>		<input type="checkbox"/>			<input checked="" type="checkbox"/>	<b>Individual Consideration</b>

**Summary:** R.A. Schiesswohl, owner of the Schiesswohl Building located at 131 South 6<sup>th</sup> Street/560 Colorado Avenue, is requesting that the building be designated as historic in the City Register of Historic Sites, Structures and Districts.

**Background Information:** City Council adopted Section 7.4, Historic Preservation, in the Zoning and Development Code in 1994 which established a City Register of Historic Sites, Structures and Districts, to which eligible historic resources may be designated. The criteria by which the Historic Preservation Board and Council shall review a proposed designation are specified in the ordinance.

The following pages describe the characteristics of the Schiesswohl Building that justify its designation and detail the particular features of the building that should be preserved. Given this description, the Historic Preservation Board finds that the building meets the following designation criteria outlined in section 7.4.F.1.a. of the Zoning and Development Code:

- Structure is at least 50 years old
- Exemplifies specific elements of an architectural style or period
- Is an established and familiar visual feature of the City
- Enhances the sense of identity of the City
- Is associated with a notable person(s) in the community

**Budget:** N/A

**Action Requested/Recommendation:** It is recommended that City Council approve the resolution designating the Schiesswohl Building as historic in the City Register of Historic Sites, Structures and Districts.

## **ATTACHMENTS**

- A.** Location Map
- B.** Letter from Property Owner
- C.** Property Information Form
- D.** Historic and Current Photographs of Building
- E.** Proposed Resolution



2945-143-20-022  
R. A SCHIESSWOHL  
560 COLORADO AVE



Schiesswohl Oil Company  
1935 N. 5 TH. ST.  
Grand Jct., Colorado  
81501

July 26, 2005

Historic Preservation Board  
250 N. 5 TH. ST.  
Grand Junction

Dear Members of the Board,

The Building has been owned and operated by the Schiesswohl family for nearly 100 years and a lot of Grand Junction history has passed through its doors. I feel that it is important to add the building to the Historic Register to recognize one of the few historic structures left adjoining Colorado Avenue and preserve it for the future.

Sincerely,

A handwritten signature in black ink, appearing to read "R.A. Schiesswohl". The signature is written in a cursive style with a large initial "R" and a stylized "S".

R.A. Schiesswohl  
Owner

## PROPERTY INFORMATION FORM

**County:** Mesa                      **City:** Grand Junction                      **State ID No.**  
5ME4198

**Current Building Name:** Schiesswohl Building

**Address:** 131 South 6<sup>th</sup> Street/560 Colorado Avenue, Grand Junction, CO 81501

**Owner:** R.A. Schiesswohl 1835 North 5<sup>th</sup> Street Grand Junction CO 81501

**Township:** 1S                      **Range:** 1W                      **Section:** 14, NE1/4

**Historic Name:** Schiesswohl Block

**USGS quad name:** Grand Junction 1973   X  7.5' \_15'

**Block:** 117    **Lot(s):** 17 through 21                      **Addition:** City                      **Yr. of Addition:** 1882

**Date of Construction:** 1908

**Source:** Downtown Grand Junction Walking Tour Brochure

**Historic Use:** Office/Commercial/Residential    **Present Use:** Office/Commercial

**Style:** Italianate                      **Stories:** 2                      **Location:**   X  original   moved

**Site Size:** 125' x 125' = 15,625 sf                      **Building Square Footage:** 6,126

**Materials:** Brick, Stone, Metal

**Architectural Description:** The main, two-story part of the Schiesswohl building features simple Italianate design typical of the early 20<sup>th</sup> Century commercial architecture. The first floor of the front façade has four storefront bays, each with a large display window and a single wood and glass doorway. The transoms above the display windows have been boarded but the original glazing pattern is still evident in the remaining muntins. At the south end of the bays there is a double-door entry to the second floor.

The second story of the front façade has eight evenly-spaced one-over-one windows and a two-over-two window located over the second floor entry. The windows are accented by sandstone caps and the arched window features a Romanesque arched voussoir also in sandstone. Typical of Italianate commercial architecture, the front rises above the actual roofline of the building and has an elaborate sheet metal cornice. The cornice is topped by a brick parapet and inlaid brick panels and a decorative sandstone cap.

The back façade of the building is very plain and functional with two entries and two upper floor windows. As with the rear, the side facades are not nearly as detailed as the front, each having only a few simple windows. The stone accents were, however, carried to the second floor window of the north, alley-facing façade.

The interior floorplan of the building still consists of the original four long and narrow spaces (12 feet high by 12 feet wide by 23 feet long). While they have undergone remodel over the years, these four original office-retail bays are still intact and used as such. On the second floor there were originally four offices with five-foot wide hallway down the entire length of the floor. These spaces were converted into two residential apartments when business tenants became scarce during the 1930s. Vacant for many years, the second floor was recently remodeled and is now leased as four office spaces.

The 1934 single story wing addition to the south of the main building, while presently not used as such, reflects its historic use as an early gasoline service station. The main, south-facing façade of the wing has an angled corner typical of corner filling station design, commercial display windows, and two garage bays on the western end. The back of the addition has a row of six small paired, warehouse-type windows which are placed high on the wall. Overall, the wing addition appears much as it did at the time of its construction but the gasoline pumps and the canopy that covered them have long since been removed.

**Architect(s):** J.B. Boyer and J.R. Wilson  
Schliesswohl

**Original Owner:** Jacob H.

**Builder(s)/Contractor(s):** Louis Spallone and Nunzio Grasso, R.A. Matthews  
Construction Company, C.T. Trobitz

**Construction History:** The original two-story rectangular structure of the Schliesswohl Block was constructed in phases with different contractors used for each phase. Brick and stone contractors were hired to build the concrete sidewalks, flooring and structural foundation for the building. Schliesswohl then contracted with the R.A. Matthews Construction Company to construct the building. Finally, a third contractor, C.T. Trobitz, was hired to put in the steam heating plant, plumbing, and the gas piping. After only 48 days of construction, Jacob Schliesswohl moved into his office in the fall of 1908.

In 1925, Schliesswohl built a station for, and leased the two adjacent lots to the south of his building to, Sinclair Oil Company and later (through the early 1930s) to the Texas Oil Company. During the Depression, Phillips Petroleum approached Schliesswohl when the Texas Oil Company notified him that it could no longer lease his filling station. As part of that business contract, Phillips requested that two underground tanks be installed. This required that the old station be demolished to build the tanks and a larger station. The work was completed in 1934. Other than some interior remodel and the painting of the exterior which have occurred over time as uses changed, the Schliesswohl building remains intact as originally constructed.

**Historical Background:** Jacob H. Schliesswohl moved to the Colorado Western Slope in the early 1890s in search of a healthier climate from a stomach ailment. He settled in the Grand Valley where he began in the fruit-growing industry. When that proved too strenuous for his health, Schliesswohl started selling real estate, specializing in agricultural properties. Within a few years, he was prosperous enough to purchase a vacant lot upon which to build himself an office with additional space he could lease for added business income.

During this time (1907), the Grand Valley was enjoying its first real boom—fueled by a bumper fruit crop. Adding insurance sales to his business, Schliesswohl prospered.

Within a year of purchasing the property on Sixth Street between Main Street and Colorado Avenue, he had enough capital to begin construction and the building was completed in 1908 in only 48 days.

By 1910, Jacob Schiesswohl reached the height of his career. However, in this same year, the fruit industry suffered major setbacks. He decided to close his real estate business and had begun to search for a new business venture when his health began to decline. Schiesswohl never returned to business, but lived well off of his real estate investments.

As with the Grand Valley as a whole, the Schiesswohl Building suffered economic hard times until the boom brought on by World War I. The Grand valley boomed with coal and vanadium production for the war effort. During this period, the Schiesswohl Building was occupied by two mining engineers and a lawyer.

The Grand Valley economy steadied following the war and into the growth period of the 1920s. This prosperity was evidenced by the fact that the Schiesswohl Building enjoyed for the first time full business occupancy. Since that time, the history of the Schiesswohl Building has continued to mirror the prevailing economic conditions of the Grand Valley economy. Through the boom-bust cycles of the 1950s uranium exploration and production, to the 1980s oil shale operations, the Schiesswohl Building has experienced the same ups and downs.

Even today, as the Grand Valley and, in particular, the downtown area of Grand Junction, are experiencing a steady growth and regrowth, the Schiesswohl Building mirroring this activity. In 1995, the building underwent a "facelift" with a new coat of exterior paint, cleaning of the pressed metal cornice and other exterior improvements. An extensive interior remodel of the second floor was completed in 2004. Clearly, the Schiesswohl Building will continue its contribution to the urban fabric of downtown Grand Junction just as it has over the past 97 years.

**Significance:**

Architectural significance:

represents the work of a master

possess high artistic values

Represents a type, period or method of construction

Historic significance:

associated with significant persons

associated with significant events or patterns

contributes to an historic district

**Statement of Significance:** The Schiesswohl Building is architecturally significant because it is the best preserved example of a structure of this period and type in the Grand Junction downtown area. Its location just off Main Street saved it from the ravages of alterations suffered by most other, more prominent buildings of its period. Historically, the Schiesswohl Building has mirrored the prevailing conditions of the local economy, serving at various times a wide variety of office, retail, commercial and residential uses.

**Sources of Information:**

Bailey, David P. The Schiesswohl Building: An Economic Barometer of Grand Valley Business Activity, 1908-1934. Museum of Western Colorado, Grand Junction.

Colorado Historical Society. Inventory Record. Resource No 5ME4198. July 1982.

Museum of Western Colorado. Downtown Walking Tour. Unpublished Manuscript. 1992.



SCHIESSWOHL BLOCK AS ORIGINALLY CONSTRUCTED



SERVICE STATION ADDITION c. 1925







## SCHIESSWOHL BUILDING PRIOR TO 1990s REHABILITATION





SCHIESSWOHL BUILDING - CURRENT



## SCHIESSWOHL BUILDING - CURRENT

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. \_\_\_\_-05

A RESOLUTION DESIGNATING THE SCHIESSWOHL BUILDING  
LOCATED AT 131 SOUTH 6<sup>th</sup> STREET / 560 COLORADO AVENUE  
IN THE CITY REGISTER OF HISTORIC SITES, STRUCTURES AND  
DISTRICTS

WHEREAS, the City Council has established by Ordinance 2765 a City Register of Historic Sites, Structures and Districts in order to officially recognize historic resources of local significance; and

WHEREAS, the property owner of the Schiesswohl Building located at 131 South 6<sup>th</sup> Street / 560 Colorado Avenue is aware of and consents to the designation of this property as a local historic resource; and

WHEREAS, the Historic Preservation Board has reviewed the Schiesswohl Building located at 131 South 6<sup>th</sup> Street / 560 Colorado Avenue for conformance to the adopted criteria for designating historic resources and finds that the building meets the following criteria: structure is at least 50 years old; exemplifies specific elements of an architectural style or period; is an established and familiar visual feature of the City; enhances the sense of identity of the City; and is associated with a notable person(s) in the community.

WHEREAS, the Historic Preservation Board recommended approval of the designation of the Schiesswohl Building located at 131 South 6<sup>th</sup> Street / 560 Colorado Avenue at its August 2, 2005 meeting.

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

That the Schiesswohl Building located at 131 South 6<sup>th</sup> Street / 560 Colorado Avenue is hereby designated a historic building in the City Register of Historic Sites, Structures and Districts.

PASSED and APPROVED this 17<sup>th</sup> day of August, 2005.

ATTEST:

\_\_\_\_\_

City Clerk

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



**Attach 10**  
**Public Hearing - Formation of Downtown Grand Junction BID**  
**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	Formation of Downtown Grand Junction Business Improvement District					
<b>Meeting Date</b>	August 17, 2005					
<b>Date Prepared</b>	July 14, 2005				<b>File #</b>	
<b>Author</b>	Stephanie Tuin		<b>City Clerk</b>			
<b>Presenter Name</b>	Stephanie Tuin John Shaver		<b>City Clerk</b> <b>City Attorney</b>			
<b>Report results back to Council</b>		<b>No</b>		<b>Yes</b>	<b>When</b>	
<b>Citizen Presentation</b>		<b>Yes</b>	<input checked="" type="checkbox"/>	<b>No</b>	<b>Name</b>	
	<b>Workshop</b>	<input checked="" type="checkbox"/>	<b>Formal Agenda</b>		<b>Consent</b>	<input checked="" type="checkbox"/> <b>Individual Consideration</b>

**Summary:** The Downtown Grand Junction Business Improvement District group has turned in petitions which represent more than 50% of the property owners in the proposed Business Improvement District. At the hearing, the City Council will determine if the petitions were signed in conformity with the law and if the District should be formed. The City Council may exclude property from the district as allowed by statute or if it deems it to be in the best interest of the District. Once the Improvement District is formed, the petition group has asked that Council set a special election for November 1, 2005 for a ballot question on a special assessment and authorizing the retention of all revenues (de-Brucing).

**Budget:** The District representatives have remitted a check to cover the costs of forming the District. By statute, the group is required to cover all expenses connected with the proceedings.

**Action Requested/Recommendation:** Conduct a public hearing and consider final passage and final publication of an ordinance that will create the Downtown Grand Junction Business Improvement District.

**Attachments:**

1. Map of the proposed district
2. Proposed Operating Plan and 2006 Budget
3. Proposed Ordinance

**Background Information:** On June 22, 2005, and subsequently on July 5 and July 12, 2005, the City received petitions representing the Downtown Grand

Junction Business Improvement District group. In all, the City received 135 petition sections.

The total acreage being proposed for the district is 69.332 acres, with a valuation of \$24,067,310. Petitions were submitted to the City that represent 35.569 acres, valued at \$15,139,980. The law requires that the petitions must represent more than 50 percent of both the property and of the valuation. The petitions appear to represent 51.30% of the property and 62.91% of the valuation.

The proposed ordinance will form the district and adopt the proposed operating plan and budget. The ordinance also designates the Grand Junction City Council as the initial board of directors. The City Clerk as the secretary to the District, can then conduct the election being requested for the special assessment.

The proposal also calls for the Business Improvement District to expire in ten years unless renewed.

The City Clerk will published a notice and mailed by certified mail to all affected property owners a notice of the hearing. If approved at second reading, the City Clerk will file the ordinance with the County Assessor.

The District proposers have suggested that after the election, the City Council, by ordinance, designate the Downtown Development Authority board of directors as the District board.



# PROPOSED BUSINESS IMPROVEMENT DISTRICT

Grand Junction



 Included in BID       Signed Petition

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# PROPOSED BUSINESS IMPROVEMENT DISTRICT

Grand Junction



**Exempt Property** **Residential Property** **Included in BID** **Excluded from BID** **Signed Petition**

# DOWNTOWN GRAND JUNCTION BID OPERATING PLAN AND BUDGET

## I. SUMMARY

The Downtown Grand Junction Business Improvement District (BID) is designed to improve the economic vitality and overall commercial appeal of the Downtown area. The BID will provide programming and benefits to businesses and commercial properties located Downtown that will include marketing, promotions and special events. BID services will be in addition to the services in the Downtown area currently provided by the City of Grand Junction. BIDs help improve image, increase sales, occupancies and property values and attract new customers and businesses in commercial districts and downtowns throughout Colorado and the country. Here are the main characteristics of the BID:

**Name:** Downtown Grand Junction Business Improvement District

**Proposed Boundaries:** The proposed BID boundary generally encompasses the commercial property within the Downtown area bounded by US Highway 340 and Crosby Avenue on the west, 8th Street on the east, Grand Avenue on the north and Ute Avenue on the south. The proposed boundary encompasses the B-1 and B-2 zone. A map of the proposed BID boundary is attached.

**BID Programs:** Based upon public forums, written surveys and individual interviews with downtown property and business owners, the BID would perform the following functions:

***Downtown Marketing and Promotions:***

- Public relations to project a positive image
- Collaborative advertising
- Production and packaging of marketing materials including Downtown map, directory, web site
- Newsletter and other district communications
- Market research & Downtown stakeholder surveys

***Special Events:***

- Festivals and street fairs
- Themed, historical events
- Ongoing events programming

**Budget:** Total proposed budget for the first year of operation (2006) will be approximately \$150,000.

**Cost:** The principle source of financing for the BID - totaling approximately \$125,000 - will be based upon a special assessment on commercial property located within the BID boundary. Additionally, the BID will seek voluntary contributions of approximately \$25,000 from the City of Grand Junction and Mesa County.

**Special**

**Assessments:** Special assessments will be based upon a combination of commercial land area and first floor commercial building square footage. By law, any property that is within the BID Boundary but is classified for assessment by the County Assessor as residential or agricultural is not subject to the revenue raising powers of the BID and so will not be assessed by the BID. In order to allocate the costs of the services to be furnished in a way that most closely reflects its benefits, there will be two special assessment rates applied:

- Properties fronting Main Street (from 1<sup>st</sup> to 7<sup>th</sup> Avenues), as the central retail spine of Downtown, will benefit most from BID programs and will pay a higher assessment rate than properties off Main Street.
- A lower rate of assessment shall be imposed on properties off Main Street.

The proposed assessment rate is as follows:

	Per sq.ft. of Lot	Per sq.ft. of main floor of building
Properties located on Main Street	\$.026	\$.076
Properties located off Main Street	\$.019	\$.057

- Term:** A term of ten (10) years is recommended for the Downtown Grand Junction BID, but the BID may be renewed for additional terms in the future.
- City Services:** A base level of services agreement between the BID and the City of Grand Junction will outline the City's current level of services in Downtown, as the City will maintain its existing services in Downtown. BID services will be *in addition to* any City services currently provided downtown.
- District Formation:** The formation of a BID in Colorado requires submission of petitions from owners of real and personal property representing more than 50% of total acreage and assessed value within the district, a public hearing and a City Council ordinance forming the BID.
- Financial Approval:** In order to allow for a BID assessment, a majority of qualified electors within the proposed district who actually vote must approve the assessment in an election to be held in November 2005.
- Governance:** The BID will be governed by the nine-member board of the Downtown Development Authority (DDA), whose board members shall continue to be appointed by the Grand Junction City Council in accordance with the DDA governing documents and City appointment policies. The DDA will request that appointments continue to represent different geographic areas of the BID, small and large businesses and a variety of uses such as office, retail, restaurants and services.
- Dissolution:** The BID may be dissolved if property owners representing more than 50% of total acreage and assessed value within the District submit petitions to dissolve it, or if the BID fails to submit an operating budget to City Council for two successive years.

## II. WHY FORM A BID?

There are several reasons why now is the right time to form a Business Improvement District in Downtown Grand Junction:

- **Increase Sales, Occupancies and Property Values:** More than 1,000 BIDs have been formed throughout North America and are acknowledged as a critical ingredient in Downtown revitalization. BIDs are proven to work by funding improvements and services that enhance the overall vitality of a business district. Success is measured by higher occupancies, sales and property values. Nationally, the BID renewal rate is 99%.
- **Strengthen Downtown Grand Junction's Competitiveness in the Regional Marketplace:** The BID supports a results-oriented set of programs that will produce both short-term and long-term tangible improvements. These improvements and services will help accelerate efforts to attract and retain consumers, visitors, new businesses and investment to Downtown.
- **Create a Reliable Source of Funding for Downtown:** A three-year funding commitment to support Downtown marketing and special events from the City of Grand Junction sunsets at the end of 2005. A BID will provide a reliable, multi-year source of funding to ensure these programs can continue to showcase and benefit Downtown.
- **Leverage Positive Changes in the Downtown commercial core:** There are exciting changes in Grand Junction – with new businesses and investment creating an eclectic and exciting business mix, Downtown Grand Junction is experiencing a renaissance. The BID will help to ensure that the benefits of the new investment and energy will be spread throughout Downtown.
- **Broaden Private Sector Control and Accountability:** The Downtown Grand Junction BID will be governed by a board of district property and business owners. Annual BID work plans and budgets will be developed by the board, ensuring that the BID will be directly accountable to those who pay an assessment. New programs will be subject to private sector performance standards and controls.
- **Create a Unified Voice for Downtown Grand Junction:** A BID will help broaden the foundation for developing a viable and unified private sector voice for the Downtown business district. A BID will unify and enhance the efforts of the Downtown Association (DTA) and the Downtown Development Authority (DDA).

### III. PROCESS TO CREATE THE BID OPERATING PLAN

The Plan for creating a BID for Downtown Grand Junction is the result of a community process in which more than 100 Grand Junction area property and business owners have participated between the fall of 2004 and the winter of 2005. The Downtown Grand Junction Partnership, an alliance of the Downtown Development Authority and the Downtown Association, retained the consulting firm of Progressive Urban Management Associates (P.U.M.A.) to determine the feasibility of forming a BID. Key steps of the process included:

- **BID Steering Committee:** To guide the consultant team and test the viability of the BID concept, a Steering Committee composed of district property owners and business owners was created. A roster of the Steering Committee is provided as an attachment to this document.
- **One-On-One Meetings with Key Property Owners:** A series of one-on-one meetings were held with business and property owners in the BID study area.
- **Stakeholder Focus Groups:** To involve Downtown property and business owners in the design and development of the plan, three stakeholder focus groups were held in January, 2005. The focus groups included a survey designed to assess service priorities and whether there was an appetite to support various BID improvements and activities.
- **Direct Mail Survey:** A direct mail survey was sent to property owners within the Downtown Grand Junction BID study area in January, 2005. Sixty-five (65) surveys were returned providing additional input for the design of the BID work plan.
- **Plan Review Workshops/Final Plan:** The draft BID work plan and budget were reviewed by the BID Steering Committee and then presented Downtown property and business owners in two workshops held in early March, 2005. Input from the workshops and Steering Committee led to the completion of the final plan.

**Top community priorities** that emerged from nearly 100 surveys completed by participants in one-on-one meetings and focus groups and respondents to the mail survey included:

- Marketing & Promotions
- Special events

#### IV. DOWNTOWN GRAND JUNCTION BID OPERATING PLAN

As determined by area property and business owners, the top priorities for improvements and activities within the Downtown Grand Junction BID study area include:

- Marketing and promotions to increase Downtown's image as a destination and increase the consumer draw into Downtown.
- Special Events including continuing and improving existing events and potentially adding others as appropriate and/or relevant.

Based upon these findings, the BID programs recommended in Downtown include consumer marketing, promotions and special events -- programs currently managed by the Downtown Association (DTA). If the BID is formed, it will manage these programs with creative input from the DTA. The following narrative provides recommendations for the first operating year of the BID. The Board may amend program activities in subsequent years within the general categories authorized by state law and in the approved annual operating plan and budget. Final programs and budgets will be subject to the annual review and approval of the BID Board of Directors.

#### BID PROGRAMS

It is recommended the BID programming build and expand upon the marketing initiatives and special events the DTA has established in recent years.

**Marketing and Promotions:** Initiatives are recommended to enhance the overall image and marketability of Downtown Grand Junction to attract a wide array of consumers and promote Downtown shops, restaurants, night clubs and other attractions. The BID Board of Directors will set annual priorities for marketing projects. Options include:

- **Public relations** to raise regional awareness of Downtown and its unique restaurants, shops, and attractions.
- **Map and Directory** to help consumers find their way around Downtown and to locate specific venues.
- **Collaborative Marketing** among the various merchants and vendors Downtown in order to leverage marketing funds and resources.
- **Downtown website** that maintains current information on Downtown businesses, special events and contact information for Downtown personnel and services



- **Market research** to better understand who is shopping in Downtown Grand Junction and what shops, services, restaurants and events are gaining the biggest consumer draw.
- **Communications** including the publication of a periodic newsletter and annual stakeholder surveys to determine the overall satisfaction with and effectiveness of BID programs.

**Special Events:** Special events and promotions that bring focus and attention to Downtown are encouraged to continue and perhaps expand. Existing successful Downtown special events include:

- Farmer's Market
- Art and Jazz Festival
- Parade of Lights

In order to keep special events fresh and meaningful, it is recommended the BID evaluate current special events and make adjustments as necessary. Recommendations include:

- Conduct a comprehensive review of current special events to determine which are the most successful and relevant.
- Determine if any special events need to be updated or eliminated.
- Solicit input from Downtown restaurants, retailers and other stakeholders for ideas and feedback regarding specific special events.
- Conduct a periodic audit of special events to make sure they meet intended goals such as income generation, seasonal celebration, Downtown awareness, etc.,

**BID Operations:** In order to manage and implement the preceding marketing and events programming, the BID Board of Directors may engage professional staff support in a variety of ways, including employing marketing and events professionals as full time staff members, part time staff or contracting marketing functions to private firms.

## V. BID BUDGET

The proposed annual BID budget is approximately \$150,000, to be raised through a combination of financing sources including:

- Special assessments upon commercial property located within the boundaries of the BID totaling approximately \$125,000
- A voluntary or “fair share” contribution from the City and the County totaling \$25,000.

The Budget includes provisions for defraying the costs of collecting the special assessments and other expenses normally associated with special assessment processes. The proposed breakdown is as follows:

**Bonds:** The BID shall be authorized to issue bonds at the discretion of, and in such amounts as may be determined by, the BID Board of Directors, and subject further to the approval of a majority of BID electors at an election called for the purpose of authorizing such bonds.

**Fees and Charges:** Although the current budget and operating plan do not contemplate imposing rates and charges for services furnished or performed, the BID shall be authorized to impose and collect reasonable fees and charges for specific services as determined by the BID Board of Directors. There are no plans to impose any additional fees and charges beyond the annual BID assessment at this time.

**Vendor’s Fees:** Because sales-tax generating businesses will likely be the primary beneficiary of Downtown marketing efforts, the BID may elect to request business owners within its boundary to contribute all or part of their vendor’s fees to the BID.

## VI. ASSESSMENT METHODOLOGY

Under Colorado statutes, business improvement districts can generate revenues through several methods, including charges for services rendered by the district, fees, taxes, special assessments, or a combination of any of these. In order to allocate the costs of the services to be furnished by the BID in a way that most closely reflects the benefits conferred upon the businesses and commercial properties in the BID, the BID has elected and shall be authorized to determine, impose and collect the following:

Special assessments based upon commercial land and first floor commercial building square footage.

An annual City and County contribution.

The **special assessment methodology** is intended to equitably address the intended benefits to Downtown based upon real property characteristics to achieve the following:

BID services will improve overall image and marketability of properties throughout the entire area of the BID, leading to increased occupancies and values. Land square footage is utilized as an assessment variable to distribute the anticipated benefit to property resulting from these services.

First floor building square footage is assessed at a higher rate than land. The first floor of real property is expected to benefit from image enhancement activities that increase occupancies and sales, particularly from retail related uses.

Second floor and higher building square footage is omitted from the special assessment because these spaces do not provide the same level of economic return as first floor spaces and are less likely to be occupied by retail related uses.

Commercial property fronting Main Street is assessed at a higher rate than commercial properties off Main Street. Properties and businesses on Main Street stand to gain more from the BID programs as Main Street is landscaped and streetscaped, receives City parks maintenance services, and is the retail core of Downtown. Marketing efforts will benefit Main Street more than other areas within the BID.

**City/County Contribution:** The BID will ask the City and County to make a “fair share” contribution whereby the City and County pay an amount approximately equal to that which would be assessed on City and County owned properties (excluding public parking lots).

The following assessment methodology is applied to a database of Downtown properties that has been assembled by the Downtown Development Authority utilizing data supplied by the Mesa County Assessor. Estimated assessment rates on real property for the first operating year of the BID are:

	Per sq.ft. of Land	Per sq.ft. of main floor of building
Properties located on Main Street	\$.026	\$.076
Properties located off of Main Street	\$.019	\$.057

**Annual Adjustments:** Upon its organization, the BID will conduct the public process required by state law to consider the desirability of and the need for providing the services and improvements and imposing the assessments,

and determining the special benefits to be received by the properties to be assessed. In order to provide adequate funding for the costs of providing its services and improvements in the future, the BID shall be authorized to increase the rates of assessment set forth above not more than five percent (5%) each year, on a cumulative basis. The assessment will be collected by the Mesa County Treasurer pursuant to an agreement to be entered into by between the BID and Treasurer's Office.

## **VII. BID GOVERNANCE AND PROGRAM MANAGEMENT**

The BID is intended to provide the lasting foundation for an enduring and unified private sector voice in Downtown. The BID governance and program management structure will meet the following objectives:

Avoid duplication and fragmentation among public and private sector organizations and to promote and improve Downtown Grand Junction.  
Leverage limited personnel and administrative resources and create cost-efficiencies for new service programs.  
Strengthen Downtown Grand Junction's influence for advocating common issues and interests.

**Simplify and Unify:** Throughout the process to develop the BID operating plan, property and business owners have voiced that the BID should aim to help simplify and unify Downtown's existing organizations. These include the Downtown Development Authority (DDA), a quasi-governmental agency that can design, plan and develop "bricks and mortar" improvements, and the Downtown Association (DTA), a 501(c)6 non-profit membership organization that creates and carries out marketing and special event programming.

To meet the goal of "simplifying and unifying" Downtown's organizations, the BID will utilize a Colorado BID statute option that allows the DDA board to also serve as the BID board. The DTA will continue to provide creative input into the development and implementation of marketing and events, and with its non-profit structure, will provide a conduit for grants, sponsorships and membership dues.

**BID Board of Directors:** The Colorado BID statute states that if more than one-half of the property of the BID is also located within a Downtown Development Authority (DDA), the DDA Board can constitute ex-officio the board of directors of the BID. It is recommended the nine member Grand Junction DDA Board constitute the BID Board. DDA board members shall continue to be appointed by the Grand Junction City Council in accordance with the DDA governing documents and City appointment policies. The DDA will request that appointments continue to represent different geographic areas

of the BID, small and large businesses and a variety of uses such as office, retail, restaurants and services.

Serving as the BID board of directors, the DDA board would have the following responsibilities related to the BID:

- Prepare and file the annual BID budget in accordance with state legal requirements and ensure compliance with other state laws.
- Provide direction and coordination in carrying out BID funded improvements and services.

On the DDA board, different business sectors should be represented, including office, retail, restaurants and services, small and large property and businesses owners, and all geographic areas served by the BID, including Main Street, north of Main Street and south of Main Street.

## **VIII. CITY SERVICES**

A base level of services agreement between the BID and the City of Grand Junction will outline the City's current level of services in Downtown. BID services will be *in addition to* any City services currently provided downtown.

## **IX. TERM**

The BID will sunset ten (10) years after it begins operations in 2006, unless extended beyond such term by petitions meeting the requirements of current (*i.e.*, 2005) state law for organization of a new business improvement district in the BID, approved by the City Council.

## 2005-2006 BID Budget

### ***Revenue***

BID Assessments	\$125,000
City/County Contribution	\$ 25,000
Other Revenues	\$ 5,000
Interest	\$ 500
<b>Total</b>	<b>\$155,500</b>

### ***Expenditures***

<i>Program Services:</i>	
Marketing, Promotions, Events	\$140,000
<i>Administrative:</i>	
Accounting, Assessment Collections, Legal Miscellaneous	\$10,000
<b>Total</b>	<b>\$150,000</b>
<b>Ending Fund Balance</b>	<b>\$5,500</b>

# Proposed Business Improvement District

(District Includes Only Commercial Property)



PUBLISHED MARCH 17, 2005

Attachment

**DOWNTOWN GRAND JUNCTION BID STEERING COMMITTEE ROSTER**

Brunella Gualerzi  
Doug Simons  
Karen Vogel  
Scott Howard  
PJ McGovern  
Karen Hildebrand  
Harold Staf



**ORDINANCE NO.**

**AN ORDINANCE CREATING AND ESTABLISHING  
THE DOWNTOWN GRAND JUNCTION BUSINESS IMPROVEMENT DISTRICT  
AND APPROVING AN OPERATING PLAN AND BUDGET THEREFOR**

**Recitals:**

On July 20, 2005, the City Council of the City of Grand Junction was presented with petitions from the Downtown Grand Junction Business Improvement District organizing committee requesting formation of a business improvement district.

Upon review of the petitions and signatures thereon, it appears that the petitions meet the requirements of the *Business Improvement District Act*, Part 12 of Article 25 of Title 31, of the Colorado Revised Statutes.

The formation of the district will provide continuing, dedicated resources to promote business activity in the area by improving the economic vitality and overall commercial appeal of the Downtown area.

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

**Section 1.** Upon consideration of the petitions requesting the formation of the Downtown Grand Junction Business Improvement District, the Council finds:

(a) That the proposed district was initiated by petitions filed with the City Clerk, that the petitions were duly signed and presented in conformity with the Business Improvement District Act, Part 12 of Article 25 of Title 31 of the Colorado Revised Statutes and that the allegations of the petition are true;

(b) That the City Council has fixed a place and time for a hearing on the petition;

(c) That notice of such hearing has been duly published and mailed in accordance with the *Business Improvement District Act*;

(d) That an operating plan and budget for 2006, has been filed with the City Clerk of the City of Grand Junction;

(e) That the Downtown Grand Junction Business Improvement District is lawful and necessary, should be created and established and should include the area described and set forth herein.

**Section 2.** The Downtown Grand Junction Business Improvement District is hereby created and established for the purposes and with the powers set forth in the 2006 operating plan.

**Section 3.** The District is located within the boundaries of the City of Grand Junction and a general description of the boundaries of its area is: all commercial property within the downtown area bounded by US Highway 340 and Crosby Avenue on the west, 8<sup>th</sup> Street on the east, Grand Avenue on the north and Ute Avenue on the south. Specifically, the District will include the following parcels:

Parcel No.	Parcel No.	Parcel No.	Parcel No.	Parcel No.
2945-142-37-018	2945-143-14-018	2945-143-20-001	2945-143-28-010	2945-144-06-003
2945-142-38-014	2945-143-14-020	2945-143-20-002	2945-143-28-011	2945-144-06-004
2945-142-38-018	2945-143-14-021	2945-143-20-004	2945-143-28-012	2945-144-06-005
2945-142-38-020	2945-143-15-001	2945-143-20-005	2945-143-28-014	2945-144-07-002
2945-142-38-023	2945-143-15-004	2945-143-20-006	2945-143-28-015	2945-144-07-003
2945-142-39-010	2945-143-15-005	2945-143-20-008	2945-143-28-018	2945-144-07-003
2945-142-39-015	2945-143-15-010	2945-143-20-009	2945-143-28-019	2945-144-08-004
2945-142-42-006	2945-143-15-013	2945-143-20-010	2945-143-28-948	2945-144-08-025
2945-142-42-009	2945-143-15-021	2945-143-20-011	2945-143-29-001	2945-144-17-001
2945-142-42-010	2945-143-15-022	2945-143-20-012	2945-143-29-002	2945-144-17-002
2945-142-42-011	2945-143-15-023	2945-143-20-013	2945-143-29-004	2945-144-17-003
2945-143-01-007	2945-143-15-024	2945-143-20-014	2945-143-29-005	2945-144-17-005
2945-143-01-015	2945-143-15-025	2945-143-20-015	2945-143-29-006	2945-144-17-006
2945-143-01-016	2945-143-15-027	2945-143-20-021	2945-143-29-007	2945-144-17-007
2945-143-01-020	2945-143-16-006	2945-143-20-022	2945-143-29-008	2945-144-17-008
2945-143-01-021	2945-143-16-007	2945-143-20-025	2945-143-30-001	2945-144-17-009
2945-143-02-001	2945-143-16-008	2945-143-21-001	2945-143-30-002	2945-144-17-013
2945-143-02-004	2945-143-16-009	2945-143-21-002	2945-143-30-005	2945-144-17-014
2945-143-02-005	2945-143-16-010	2945-143-21-003	2945-143-30-007	2945-144-18-002
2945-143-02-006	2945-143-16-011	2945-143-21-004	2945-143-34-003	2945-144-18-003
2945-143-02-007	2945-143-16-012	2945-143-21-005	2945-143-34-004	2945-144-18-005
2945-143-03-009	2945-143-16-013	2945-143-21-006	2945-143-34-019	2945-144-18-006
2945-143-04-002	2945-143-16-014	2945-143-21-007	2945-143-35-012	2945-144-18-007
2945-143-04-003	2945-143-16-015	2945-143-21-008	2945-143-35-013	2945-144-20-001
2945-143-04-006	2945-143-16-016	2945-143-21-011	2945-143-35-014	2945-144-20-003
2945-143-05-006	2945-143-16-017	2945-143-21-014	2945-143-35-020	2945-144-20-004
2945-143-05-007	2945-143-16-018	2945-143-21-015	2945-143-36-001	2945-144-20-005
2945-143-05-014	2945-143-16-019	2945-143-21-016	2945-143-36-003	2945-144-20-006
2945-143-05-016	2945-143-16-021	2945-143-21-017	2945-143-47-001	2945-144-20-013
2945-143-06-001	2945-143-16-948	2945-143-22-001	2945-143-47-002	2945-144-20-014
2945-143-06-004	2945-143-17-001	2945-143-22-002	2945-143-48-001	2945-144-29-021
2945-143-06-006	2945-143-17-002	2945-143-22-003	2945-143-49-000	2945-144-30-001
2945-143-07-002	2945-143-17-003	2945-143-22-004	2945-143-49-001	2945-144-30-002
2945-143-07-003	2945-143-17-004	2945-143-22-005	2945-143-49-002	2945-144-30-008
2945-143-07-004	2945-143-17-005	2945-143-22-023	2945-143-49-003	2945-144-49-001
2945-143-07-007	2945-143-17-006	2945-143-22-024	2945-143-49-004	2945-144-49-002
2945-143-07-008	2945-143-17-007	2945-143-23-009	2945-143-49-005	2945-154-01-007
2945-143-07-009	2945-143-17-008	2945-143-23-016	2945-143-49-006	2945-154-01-010
2945-143-07-010	2945-143-17-010	2945-143-23-022	2945-143-49-008	2945-154-01-012
2945-143-07-011	2945-143-17-011	2945-143-23-023	2945-143-49-009	2945-154-01-013
2945-143-07-012	2945-143-17-012	2945-143-23-024	2945-143-49-011	2945-154-04-001
2945-143-07-013	2945-143-17-013	2945-143-25-004	2945-143-49-012	2945-154-04-002
2945-143-07-014	2945-143-17-014	2945-143-26-002	2945-143-49-013	2945-154-04-003
2945-143-07-015	2945-143-17-015	2945-143-26-003	2945-143-49-014	2945-154-04-004
2945-143-07-016	2945-143-17-016	2945-143-26-004	2945-143-50-000	2945-154-04-005

2945-143-07-018	2945-143-17-017	2945-143-26-005	2945-143-50-001	2945-154-04-006
2945-143-09-010	2945-143-17-018	2945-143-26-006	2945-143-50-002	2945-154-04-007
2945-143-10-005	2945-143-17-019	2945-143-26-007	2945-143-50-003	2945-154-04-008
2945-143-10-006	2945-143-17-020	2945-143-26-008	2945-143-50-004	2945-154-04-009
2945-143-10-007	2945-143-18-001	2945-143-26-009	2945-143-50-005	2945-154-04-010
2945-143-10-008	2945-143-18-002	2945-143-26-010	2945-143-50-006	2945-154-04-011
2945-143-11-009	2945-143-18-006	2945-143-26-011	2945-143-50-007	2945-154-05-010
2945-143-11-010	2945-143-18-007	2945-143-26-012	2945-143-52-000	2945-154-05-011
2945-143-11-011	2945-143-18-008	2945-143-26-013	2945-143-52-001	2945-154-05-012
2945-143-11-017	2945-143-18-012	2945-143-26-014	2945-143-52-002	2945-154-05-013
2945-143-12-016	2945-143-19-001	2945-143-26-948	2945-143-52-003	2945-154-05-014
2945-143-13-001	2945-143-19-002	2945-143-27-001	2945-143-52-004	2945-154-05-016
2945-143-13-004	2945-143-19-004	2945-143-27-003	2945-143-52-005	2945-154-05-017
2945-143-13-005	2945-143-19-005	2945-143-27-007	2945-143-52-006	2945-154-05-018
2945-143-14-004	2945-143-19-006	2945-143-27-008	2945-143-52-007	2945-154-07-013
2945-143-14-013	2945-143-19-011	2945-143-28-003	2945-144-06-001	2945-154-07-014
2945-143-14-017	2945-143-19-012	2945-143-28-006	2945-144-06-002	

The Downtown Grand Junction Business Improvement District shall consist only of taxable real property located within the service area which is not classified for property tax purposes as either residential or agricultural together with any taxable personal property located on such taxable real property. Any residential or agricultural property located within the boundaries of the service area is not subject to the District's revenue-raising powers until such time as the property changes classification for property tax purposes.

**Section 4.** The Downtown Grand Junction Business Improvement District shall be governed by the nine-member board of the Downtown Development Authority (DDA) as provided in the *Business Improvement District Act* and the District's operating plan except that the Grand Junction City Council shall govern the District until completion of the November 1, 2005 election at which time the City Council may by ordinance designate the DDA board of directors as the board of directors of the District as provided in 31-25-1209 (c) C.R.S. The terms of office of the board of directors shall be four years, running concurrently with the terms for the DDA board of directors.

**Section 5.** The 2006 operating plan and budget, as filed with the City Clerk of the City of Grand Junction, is hereby approved.

**Section 6.** The Downtown Grand Junction Business Improvement District shall expire on January 1, 2016 unless renewed.

**Section 7.** This ordinance shall be in full force and effect from and after its passage and publication as provided by the Charter.

Introduced on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

Passed and adopted on second reading, after a duly noticed public hearing, this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_

\_\_\_\_\_

President of the Council

ATTEST:

\_\_\_\_\_

City Clerk

**Attach 11**  
**Setting a Special Election for the DGJBIDistrict Special Assessment**  
**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	Setting a Special Election, Approving an Intergovernmental Agreement with Mesa County and Approving a Mail Ballot Plan for the Downtown Grand Junction Business Improvement District Special Assessment					
<b>Meeting Date</b>	August 17, 2005					
<b>Date Prepared</b>	August 8, 2005				<b>File #</b>	
<b>Author</b>	Stephanie Tuin			<b>City Clerk</b>		
<b>Presenter Name</b>	Stephanie Tuin John Shaver			<b>City Clerk</b> <b>City Attorney</b>		
<b>Report results back to Council</b>		<b>No</b>		<b>Yes</b>	<b>When</b>	
<b>Citizen Presentation</b>		<b>Yes</b>	X	<b>No</b>	<b>Name</b>	
	<b>Workshop</b>	X	<b>Formal Agenda</b>		<b>Consent</b>	X <b>Individual Consideration</b>

**Summary:** The City Council acting as the Board of Directors for the Downtown Grand Junction Business Improvement District (DGJBID) has been requested to set a Special Election to vote on a Special Assessment for the properties in the newly formed District. In conjunction with setting an election, the Board for the DGJBID will need to approve an Intergovernmental Agreement with Mesa County and approve a Mail Ballot Plan with the Secretary of State.

**Budget:** The anticipated cost of the election is \$4,000. The costs will be funded from the DDA operating account.

**Action Requested/Recommendation:** Adopt the Resolution setting the election and the ballot title, approve the Intergovernmental Agreement with Mesa County and the Mail Ballot Plan with the Secretary of State for the Downtown Grand Junction Business Improvement District Special Assessment

**Attachments:**

Proposed Resolution (including Intergovernmental Agreement and Mail Ballot Plan)

**Background Information:** The petitioners for the Downtown Grand Junction Business Improvement District are seeking a Special Assessment to raise revenues for marketing, promotions and special events in the Downtown. The assessment proposed is two fold - on the square footage of the main floor of the building and on the square footage of the property - with properties on Main

Street assessed at a higher amount than those off of Main Street. The proposal is as shown on the table below:

<b>Assessment Methodology</b>	<b>Commercial Properties On Main Street</b>	<b>Commercial Properties Off Main Street</b>
Per square foot of Main Floor Commercial Building	\$.076	\$.057
Per square foot of Commercial Land	\$.026	\$.019

The City Council has the option of conducting the DGJBID Special Assessment election by mail ballot; however, State law requires that even though the City can "opt-out" of the coordinated election in favor of a mail ballot, the TABOR notice must still be coordinated with the County. An Intergovernmental Agreement is required for the County to include any TABOR comments in their mailing. Secondly, in order to conduct a mail ballot, the City must submit a written plan for the conduct of the election, a "Mail Ballot Plan", to the Secretary of State for approval.

The petitions have suggested that after the election, the City Council, by ordinance, designate the Downtown Development Authority board of directors as the District board.

**RESOLUTION NO. \_\_\_\_\_-05**

**A RESOLUTION CALLING A SPECIAL ELECTION IN THE  
DOWNTOWN GRAND JUNCTION BUSINESS IMPROVEMENT DISTRICT;  
AND PROVIDING OTHER DETAILS RELATING THERETO**

**Recitals.**

1. The Downtown Grand Junction Business Improvement District (the "District"), located in the City of Grand Junction, Mesa County, Colorado, is a quasimunicipal corporation duly organized and existing under the laws of the State of Colorado.
2. The members of the City Council of the City of Grand Junction (the "Council") have been duly elected and qualified and serve ex officio as the Board of Directors of the District (the "Board").
3. Article X, Section 20 of the Constitution ("TABOR") requires voter approval for incurring debt, the creation of any tax, and for spending certain moneys above limits established by TABOR.
4. The interest of the District and the public interest and necessity demand and require financing by Special Assessment a portion of the costs of operations of the District, to include but not be limited to, marketing, promotions and special events for the Downtown.
5. TABOR requires the District to submit ballot issues (as defined in TABOR) and spending questions to the District's electors on certain election days before action can be taken on such ballot issues and spending questions.
6. November 1, 2005, is one of the election dates at which ballot issues and spending questions may be submitted to the District's eligible electors in accordance with TABOR.
7. It is necessary to submit to the electors of the District, at the election to be held on November 1, 2005, the question of authorizing the Board to impose a Special Assessment and spend the revenues thereof and the question of authorizing the Board to collect, keep and spend all revenues it receives as a voter approved revenue change under Article X, Section 20 of the Colorado Constitution.
8. It is necessary to set forth certain procedures concerning the conduct of the election.

9. The Board elects to utilize the provisions of the Municipal Election Code, Title 31 Article 10 and Section 1-7.5-101 *et seq*, C.R.S., in order to conduct a mail ballot election on November 1, 2005.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO, AS THE EX OFFICIO BOARD OF DIRECTORS OF THE DOWNTOWN GRAND JUNCTION BUSINESS IMPROVEMENT DISTRICT THAT:

**Section 1.** All action heretofore taken (consistent with the provisions of this resolution) by the District and the officers thereof, directed toward the election and the objects and purposes herein stated is hereby ratified, approved and confirmed.

**Section 2.** Unless otherwise defined herein, all terms used herein shall have the meanings defined in Title 31, Article 10, C.R.S., Title 31, Article 25, Part 12, C.R.S. and TABOR.

**Section 3.** Pursuant to TABOR, Title 31, Article 10, C.R.S., Title 31, Article 25, Part 6, C.R.S., and the Section 1-7.5-101 *et seq*, C.R.S., the Board hereby determines to call a special election to be conducted on November 1, 2005, as a mail ballot election (the "election"). The Board hereby determines that at the election to be held on November 1, 2005, there shall be submitted to the eligible electors of the District the question set forth in Section 4 hereof. Because the election will be a mail ballot election, the Board hereby authorizes the Secretary of the District to file a mail ballot election plan with the Secretary of State. If necessary, the officers of the District are authorized to enter into an intergovernmental agreement with the County Clerk pursuant to Section 1-7-116, C.R.S.

**Section 4.** The Council hereby authorizes and directs the designated election official to submit to the eligible electors of the District at the election questions in the substantially the following forms:

QUESTION NO. 5D

"SHALL DOWNTOWN GRAND JUNCTION BUSINESS IMPROVEMENT DISTRICT BE AUTHORIZED TO COLLECT, RETAIN AND EXPEND FOR PUBLIC PURPOSES THE FULL AMOUNT RECEIVED BY THE DISTRICT FROM SPECIAL ASSESSMENTS ON COMMERCIAL PROPERTY WITHIN THE DISTRICT; SUCH ASSESSMENTS TO BE COLLECTED AT RATES NOT TO EXCEED \$0.026 PER SQUARE FOOT OF LAND ON MAIN STREET, \$0.019 PER SQUARE FOOT OF LAND OFF MAIN STREET, \$0.076 PER SQUARE FOOT OF FIRST FLOOR OF BUILDINGS ON MAIN STREET, AND \$0.057 PER SQUARE FOOT OF FIRST FLOOR OF BUILDINGS OFF MAIN STREET; SUCH ASSESSMENT RATES TO INCREASE BY NOT MORE THAN



FIVE PERCENT ANNUALLY AS DETERMINED BY THE BOARD OF DIRECTORS OF THE DISTRICT, BUT MAY BE COMPUTED ON A RUNNING CUMULATIVE BASIS FROM 2005 UNTIL THE YEAR ANY INCREASE IS MADE; AS DESCRIBED IN THE "PETITION FOR THE ORGANIZATION OF THE DOWNTOWN GRAND JUNCTION BUSINESS IMPROVEMENT DISTRICT (BID)" ON FILE IN THE OFFICE OF THE CITY CLERK OF THE CITY OF GRAND JUNCTION, AND SHALL THE DISTRICT BE AUTHORIZED TO COLLECT, RETAIN AND EXPEND FOR PUBLIC PURPOSES THE FULL AMOUNT RECEIVED BY THE DISTRICT FROM STATE AND LOCAL GRANTS AND ANY OTHER REVENUE SOURCES OTHER THAN ASSESSMENTS, NOTWITHSTANDING ANY SPENDING, REVENUE RAISING OR OTHER LIMITS IN ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION?"

**Section 5.** The City Clerk is hereby appointed as the Designated Election Official for the District for purposes of performing acts required or permitted by law in connection with the election.

**Section 6.** The City Clerk as the Designated Election Official is hereby authorized to enter into the attached intergovernmental agreement (Exhibit A) with Mesa County for the coordination of the TABOR notice as required by Colorado Law.

**Section 7.** The Mail Ballot Plan, as attached (Exhibit B), is hereby approved and the City Clerk, as the Designated Election Official is hereby authorized to sign.

**Section 8.** Any authority to impose a Special Assessment, if conferred by the results of the election, shall be deemed and considered a continuing authority so authorized at any one time, or from time to time, and neither the partial exercise of the authority so conferred, nor any lapse of time, shall be considered as exhausting or limiting the full authority so conferred.

**Section 9.** The officers of the District are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this resolution.

**Section 10.** If any section, subsection, paragraph, clause, or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, subsection, paragraph, clause, or provision shall in no manner affect any remaining provisions of this resolution, the intent being that the same are severable.

**Section 11.** All orders, resolutions, bylaws, ordinances or regulations of the City, or parts thereof, inconsistent with this resolution are hereby repealed to the extent only of such inconsistency.

ADOPTED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

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President of the Council  
ex officio President of the  
District

(SEAL)

ATTESTED:

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City Clerk  
ex officio Secretary of the District

EXHIBIT A

**INTERGOVERNMENTAL AGREEMENT  
DOWN TOWN DEVELOPMENT AUTHORITY,  
CITY OF GRAND JUNCTION  
COORDINATED ELECTION - NOVEMBER 1, 2005**

The following shall represent the Intergovernmental Agreement ("Agreement") between the Mesa County Clerk and Recorder hereinafter referred to as ("Clerk") and the City of Grand Junction hereinafter referred to as ("Political Subdivision"), as required by §1-7-116(2), C.R.S. (2005).

1. PURPOSE: Pursuant to the terms of this Agreement, the Clerk and Political Subdivision agree to the scheduling and coordination of a "TABOR" notice as required by the Colorado Constitution, Article X, Section 20, the Colorado Revised Statutes and Secretary of State Rules for a Coordinated Election to be conducted by the Clerk on November 1, 2005. The "TABOR" notice may involve more than one Political Subdivision with overlapping boundaries, and the Clerk shall serve as the Coordinated Election Official (CEO) for all political subdivisions involved in this notice. The "Designated Election Official" (DEO) for the Political Subdivision shall be Stephanie Tuin, the Clerk for the City of Grand Junction, who will have primary responsibility for election procedures that are the responsibility of the Political Subdivision.

LEGAL NOTICES: Publication of any required legal notices concerning Political Subdivision's election, including a notice of financial information as set forth in §1-7-908, C.R.S. (2005) on Political Subdivision's website no later than **October 12, 2005**, which is 20 days before the Coordinated Election. A copy of the published legal notice shall be submitted to the Clerk.

2. RECEIVING OF WRITTEN COMMENTS AS COVERED BY SECTION 20 OF ARTICLE X OF THE COLORADO CONSTITUTION: Pursuant to §1-7-901, C.R.S. (2005), the process of receiving written comments and summarizing such comments, as required by Section 20 of Article X of the Colorado Constitution, shall be solely the responsibility of Political Subdivision. Pursuant to §1-7-901(4), C.R.S. (2005), the deadline for filing comments pertaining to a ballot issue with the DEO is Friday, **September 16, 2005**.

3. RECEIVING OF PETITION REPRESENTATIVE'S SUMMARY OF COMMENTS: Receipt of the summary of comments from the petition representatives shall be the sole responsibility of the Political Subdivision. Pursuant to §1-7-903(3), C.R.S. the summary of comments must be filed with the Political Subdivision no later than Monday, **September 19, 2005**.
4. PREPARATION AND MAILING OF NOTICES FOR BALLOT ISSUE ELECTIONS: Pursuant to §1-7-904, C.R.S. (2005), Political Subdivision shall certify the "Tabor Notice" information and the final and exact summary of comments concerning its ballot issue(s) to the Clerk no later than 5:00 p.m. on Tuesday, **September 20, 2005**, for inclusion in the ballot issue mailing as required by Section 20, Article X, of the Colorado Constitution. Time is of the essence. Data shall be transmitted to the Clerk on a 3.5" (high density) diskette or CD Rom in MS Word. The Clerk shall coordinate the text for the ballot issue mailing for all participating Mesa County political subdivisions into one notice. Said ballot issue mailing shall be prepared and mailed by the Clerk in accordance with Article X, Section 20(3)(b) of the Colorado Constitution at least 30 days prior to the election, which deadline, pursuant to §1-1-106(5), C.R.S. (2005) shall be Friday, **September 30, 2005**.
5. ALLOCATION OF COST OF ELECTION: Pursuant to §1-7-116(2)(b), C.R.S. (2005), the Clerk shall determine a reasonable cost allocation for each political subdivision participating in the Coordinated Election. Each political subdivision shall reimburse the Clerk for its proportionate share of the cost of the TABOR notice and election costs allocated to the particular political subdivision. Such reimbursement shall be made to the Clerk within thirty (30) days of receipt of billing from the Clerk. The Clerk's determination regarding allocation of costs shall be final and at her sole discretion and shall not be subject to dispute unless clearly unreasonable.
6. INDEMNIFICATION: Political Subdivision agrees to indemnify and hold harmless the Clerk from any and all loss, costs, demands or actions, arising out of or related to any actions, errors or omissions of Political Subdivision in completing its responsibilities relating to the Coordinated Election.
7. VENUE: Venue for any dispute hereunder shall be in the District Court of Mesa County, Colorado.

THIS AGREEMENT has been executed by the parties hereto as of the dates and year written below.

MESA COUNTY CLERK AND RECORDER      CITY OF GRAND JUNCTION

\_\_\_\_\_

Janice Ward

Stephanie Tuin

D.E.O., City of Grand  
Junction

Attest:

\_\_\_\_\_

Date

\_\_\_\_\_ Date

EXHIBIT B

**WRITTEN PLAN FOR THE CONDUCT OF A  
MAIL BALLOT ELECTION**

**SUBMITTED BY: Stephanie Tuin, City Clerk/ex officio District Secretary**

**ELECTION ADMINISTRATOR FOR: Downtown Grand Junction Business  
Improvement District, a Part of the City of Grand Junction, Colorado**

1. **LEGAL NAME OF JURISDICTION:** Downtown Grand Junction Business Improvement District, a part of the City of Grand Junction, Colorado
2. **TYPE OF JURISDICTION:** A Business Improvement District as defined in 31-25-1203, C.R.S.
3. **DESCRIPTION OF ELECTION TO BE HELD:** Special Election on a Ballot Issue to be held on Tuesday, November 1, 2005
4. **AUTHORITY TO HOLD THIS ELECTION:** 31-10-108 C.R.S., 31-25-1212, C.R.S. and TABOR
5. **ESTIMATED NUMBER OF ELECTORS: 400 electors as defined in 31-25-1203(4) C.R.S.** real and personal property owners, leaseholders, designees of such owners and leaseholders if not a natural person and residents within the District, eighteen years of age or older and a resident of the State of Colorado
6. **NAME OF CHIEF ELECTION ADMINISTRATOR:** Stephanie Tuin, City Clerk/ex officio District Secretary and Designated Election Official (hereinafter "D.E.O.")
7. **COUNTY CLERK AND RECORDER WILL:** provide registration lists and assist as requested. The TABOR notice required for this election will be coordinated with the County's notice and an intergovernmental agreement has been executed for that purpose.
8. **NUMBER OF PLACES OF DEPOSIT:** One - City Clerk's Office at City Hall at 250 North 5<sup>th</sup> Street, Grand Junction, Co. 81501
9. **IF BALLOT PACKETS ARE RETURNED AS UNDELIVERABLE:** Undeliverable ballots will be tallied/recorded on the DAILY RECONCILIATION OF MAIL BALLOTS (see Exhibit "A"), entered as "U" on the ballot distribution database, alphabetically slotted into trays marked "Undeliverable", and secured in a locked box accessible only by clerks/election judges/deputy clerks. These ballots will not be remailed, but may be reissued to any addressee appearing in person at the City

Clerk's Office, upon presentation of proper identification of elector and address.

10. **HOW POSTAGE WILL BE HANDLED FOR BALLOT PACKETS RETURNED AS UNDELIVERABLE:** Ballots will be mailed in accordance with both USPS and state statutory requirements, each envelope bearing "RETURN SERVICE REQUESTED" as per the Domestic Mail Manual, Section F, 010.5.3. This will guarantee return of "undeliverable" envelopes to the City Clerk's Office. If a new address is identified by the yellow USPS label, the D.E.O. will comply with 1-2-605(5) C.R.S.
  
11. **PROCEDURES TO BE FOLLOWED TO ENSURE COMPLIANCE WITH STATUTES AND RULES INCLUDING NAMES OF THOSE RESPONSIBLE:**
  - a) Planning and procedural meetings will be held involving the D.E.O. and D.E.O. staff. Title 1, Article 7.5 C.R.S. and the Secretary of State's Rules and Regulations will be reviewed and explained for implementation and administration of the state's mail ballot process. The State Statutes and the rules and regulations will be administered under the direct supervision of Stephanie Tuin, the D.E.O. Additional staff will be required for this mail ballot election and hired as judges for the final tally of the ballots. The County Elections Director and/or the County Clerk may be consulted as needed.
  - b) Printing and mailing of the TABOR NOTICE will be coordinated with Mesa County as required by law. County Elections Director Sheila Reiner will supervise this in accordance with Article X, Section 20(3)(b), with a mailing date no later than September 30, 2005.
  - c) Absentee mail ballot applications will be processed for mail distribution on the date required by law and in accordance with the appropriate regulations.
  - d) Mail ballot packages, including absentee ballots, will be prepared in accordance with the mail ballot election law and under the supervision of D.E.O. Stephanie Tuin.
  - e) Mail ballot packages for each eligible voter will be prepared and mailed no later than October 17, 2005 to all voters that did not request absentee ballots. The ballot distribution system for this election will be manual and D.E.O. Stephanie Tuin will oversee this process. There are 400 eligible electors.

- f) Each business day, ballot envelopes received or returned to the Elections Office will be date-stamped and tallied for recordkeeping. Each envelope will then be preliminarily verified (first verification) for completion of necessary information (including name, address, signature) and voter eligibility. The pollbook will be updated daily for each ballot received, indicating by code either accepted, rejected or undeliverable. Accepted ballot envelopes will be deposited into a "dated" and sealed ballot box. Rejected or undeliverable ballot envelopes will be filed alphabetically in trays in a locked box in a secured facility. Daily receipt, coding and securing of ballots will include those received at the one drop off location or via mail. D.E.O. Stephanie Tuin and her designated assistants will be responsible for this process.
  
- g) The official verification of ballots will begin on Monday, October 24, 2005. Boxes representing each day's receipt of accepted ballots shall be opened, the envelopes slit, and the ballot stub number in each envelope checked against the ballot number issued. If acceptable, the ballot stub shall be removed, then the secrecy envelope removed and the ballot shall be placed in a transfer box. In the event a ballot is returned without a secrecy envelope, secretsies will be readily available for the election judge to enclose the ballot before removing it from the envelope. All envelopes will be sealed, numbers recorded and stored in a secured facility. D.E.O. Stephanie Tuin will oversee this aspect of the election.
  
- h) The City Clerk's Office, 250 N. 5<sup>th</sup> Street, will be open for issue of ballots for the reissue of ballots to those who have spoiled, lost, moved, or for some reason did not receive a ballot for the period of Tuesday, October 25, 2005 to Monday, October 31, 2005, from 7:30 a.m. to 5:30 p.m. daily and Tuesday, November 1, 2005 7:00 a.m. to 7:00 p.m. Prior to October 25, 2005, these requests will be handled in the regular City Clerk's Office area by D.E.O. staff.

Anytime that a replacement or new ballot is issued a REQUEST FOR BALLOT/REPLACEMENT BALLOT (see Exhibit "B") sworn statement must be completed, with signatures gathered either in person at the City Clerk's Office or through the mail. Ballots issued through the mail will have a mark on their return envelope (next to their signature affirmation) that will immediately alert the election judge that a completed sworn statement must be included with the voted ballot.

**12. DESCRIBE PROCEDURES TO ENSURE BALLOT SECURITY:**

- a) Ballot packages are prepared and stored in secured facilities by D.E.O. staff. Ballot packages will be sealed and delivered to the United States Post Office at 241 N. 4<sup>TH</sup> Street. The packages are then processed in accordance with USPS regulations and state statutory provisions.



- b) Ballots, including pre-distribution and non-issued, will be kept in a locked box on secured premises at all times. All election materials, ballots, and ballot boxes will be monitored during utilization by D.E.O. staff and placed under locked security each night. The area used for ballot processing is in the City Clerk's Office. Only three keys to the critical ballot and materials areas exist, and those are held by the D.E.O. and her two assistants. All empty ballot boxes and envelopes will be witnessed before and during both sealings (first and second verifications), including the recording of seal numbers.
- c) Ballots will be paper ballots. There is only a single ballot type for this election so no color-coding is necessary for the ballot.
- d) At the single drop off site, the City Clerk's Office, there will be a locked ballot box.
- e) All employees (D.E.O. staff) will be sworn in, affirming their adherence to the election statutes, rules and procedures. Observers (or watchers) will need to present completed forms, and the secured area is not accessible to the cleaning staff during the period of October 7<sup>th</sup> through November 2nd. Ballots will be tabulated by hand at the City Clerk's Office and then stored in the vault.

**13. DESCRIBE THE PROCEDURES FOR SIGNATURE VERIFICATION:**  
 The very day each ballot envelope is received (initial verification), it will be verified for name, address, and signature. If a signature cannot be read, the voter's original signature if a registered voter will be retrieved from microfilm for verification. If any of the foregoing information does not correspond to the ballot issue record or if all information is not provided, the ballot will be rejected for discrepancies. The rejection will be coded on the pollbook and the envelope placed in alphabetical order in the "REJECTED" tray, which will be stored in the secured facility. Periodic checks of signatures on record will be performed to ensure the integrity of the mail ballot election in the Downtown Grand Junction Business Improvement District, City of Grand Junction.

**14. DESCRIBE THE PROCEDURES TO ENSURE SECRECY OF BALLOTS:**  
 A secrecy envelope will be enclosed with each ballot mailed to all active eligible voters on or before October 17, 2005. Voter instructions will specifically ask voters to place the voted ballot in a secrecy envelope when returning the ballot. Ballots initially received are left in sealed envelopes until the final verification. At the time of final verification, when ballot stubs are removed, each election judge will have secrecy envelopes to slip around any ballot (while it's still in the envelope) in the event the voter did not place his/her voted ballot in the secrecy envelope. Ballots rejected with the stub still attached will be alphabetized and locked away

nightly. Every D.E.O. staff member will be thoroughly trained on the vital importance and necessity of ballot security.

- 15. DESCRIBE THE PROCEDURE TO RECONCILE BALLOTS ISSUED, BALLOTS RECEIVED, DEFECTIVE BALLOTS AND SUBSTITUTE BALLOTS:** Reconciliation will occur daily for every ballot issued and every ballot received using the DAILY RECONCILIATION FORM (see Exhibit "A") and the DAILY RUNNING TALLY (See Exhibit "C"). Reconciliation will be manual, and each day's current status will be available by 9 am the following morning. FINAL DISPOSITION OF BALLOT RECONCILIATION (see Exhibit "D") will reflect the number of ballots issued and reissued, less the number of ballots accepted, less the number rejected, less the number undeliverable, less the number of ballots returned after the deadline and/or never returned, which will equal the total number of ballots issued. Additionally, a STATEMENT OF BALLOTS (see Exhibit "E") will be placed in each sealed envelope to assure verification with tabulation and the canvass board. Many safeguards have been built into the procedures; and yet the ability to immediately explain and /or access any ballot discrepancy will exist. Double checking by different staff members will occur daily to ensure tracking accuracy.

**DATE OF SUBMISSION:** \_\_\_\_\_

**ELECTION OFFICIAL SIGNATURE:** \_\_\_\_\_

**TITLE:** City Clerk/ex officio District Secretary/DEO

**TIMETABLE ENCLOSED**

**TIMETABLE**  
**For the conduct of a Mail Ballot Election**  
**(Rule 12.3.3.b)**

Please indicate dates by which each item will be completed

<u>08/17/05</u>	Written Plan submitted to governing body.	Rule 12.3.2
<u>08/17/05</u>	Election approved by governing body.	Rule 12.3.3b
no later than <u>09/07/05</u>	Submission of written plan to Secretary of State (55 days prior to election)	1-7.5-105(1) Rule 12.3.2
<u>09/22/05</u>	Last date for approval by Secretary of State (15 days after receipt in Secretary of State's office)	1-7.5-105(2)
<u>09/22/05</u>	Registration records ordered by designated election official from County Clerk and Recorder (at least 40 days prior to election)	1-5-303(1)
<u>09/30/05</u>	List of electors submitted to election official (at least 30 days prior to election)	1-7.5-107(2)(a)
<u>10/03/05</u>	Close of registration (29 days prior)	1-2-201(3)
<u>10/07/05</u> through <u>10/17/05</u>	Ballots mailed (not sooner than 25 days and no later than 15 days prior)	1-7.5-107(3)(a)
<u>10/07/05</u>	Ballots available at election official's office (no sooner than 25 days prior)	1-7.5-107(3)(c)
<u>10/12/05</u>	Notice of election to electorate (at least 20 days prior) with copy to County Clerk	1-5-205(2) 1-7.5-107(2.5)
<u>10/12/05</u>	Notice of election to County Clerk & Recorder	Rule 12.3.1a
<u>10/12/05</u>	Notice of election to County Assessor	1-5-304
<u>10/12/05</u>	Publish Notice of Election	1-7.5-107(2.5)(a)
<u>10/12/05</u>	Supplemental list of electors submitted (at least 20 days prior)	1-7.5-107(2)(b)
<u>10/24/05</u>	Verification of ballot numbers to pollbook (may begin at any time during the 10 days before)	1-7.5-107.5
<u>11/01/05</u>	Election day	31-10-108 City Charter, §3
<u>11/02/05</u>	Canvass dates/certification issued (canvass no later than 2 days after the election)	City Charter, §25 Rule 12.12

Exhibit "A"

November 1, 2005

Today's date: \_\_\_\_\_

1. Total number of ballots received \_\_\_\_\_

Information on return envelope verified Yes \_\_\_\_\_ No \_\_\_\_\_

2. Less number ballots rejected in first verification  
-insufficient information on return verification envelope \_\_\_\_\_

3. Less number ballots rejected in second verification  
-ballot number does not match poll book \_\_\_\_\_

4. Less reissued ballots pending final receipt of ballots \_\_\_\_\_

5. Equals total number ballots approved for final count  
1-2-3-4=5 \_\_\_\_\_

Number of ballots challenged \_\_\_\_\_

Spoiled \_\_\_\_\_ Incomplete \_\_\_\_\_ Damaged \_\_\_\_\_ Void \_\_\_\_\_ Undeliverable \_\_\_\_\_

Total rejected ballots \_\_\_\_\_  
2+3

Hand count \_\_\_\_\_ Judge's Int \_\_\_\_\_  
= 5

Electronic count \_\_\_\_\_ Judge's Int \_\_\_\_\_  
= 5

Seal Number \_\_\_\_\_ Judge's Signature:  
\_\_\_\_\_

Seal Number \_\_\_\_\_ Judge's Signature  
\_\_\_\_\_

Date of reseal \_\_\_\_\_  
\_\_\_\_\_

EXHIBIT "B"

**Request for Ballot**

**Original ballot number** \_\_\_\_\_

November 1, 2005

**Replacement number** \_\_\_\_\_

Date \_\_\_\_\_

I \_\_\_\_\_, registered elector of the Grand Junction Downtown  
Development Authority, City of Grand Junction at \_\_\_\_\_  
\_\_\_\_\_ Residence Address  
City/Town Zip

**Request a ballot for the November 1, 2005 Special Election for the following reason(s):**

I was not issued a ballot due to eligibility (Voter record shown as inactive)

I have not as of this date received the ballot packet mailed to me

The ballot I received was destroyed or marked incorrectly

I have not voted a ballot issued for this election and I do not intend to vote except by voting this replacement ballot.

The original ballot issued me will not be cast and if the original and the replacement ballot are cast, neither will be counted in this election.

I understand that this sworn statement must be included in the return verification envelope with the marked ballot and must be received by 7:00 p.m. on Election Day for this replacement ballot to be counted.

SIGN  
HERE

Date of Birth

\_\_\_\_\_

STATE OF COLORADO, COUNTY OF MESA, SS:

SUBSCRIBED AND SWORN BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_  
\_\_\_\_\_, 2005.

(Seal)

\_\_\_\_\_  
Clerk/Deputy/Notary  
My Commission expires : \_\_\_\_\_

EXHIBIT "C"

November 1, 2005

Today's Date \_\_\_\_\_

Number of Original Mailings \_\_\_\_\_

Number of spoiled ballots \_\_\_\_\_

Number of ballots reissued \_\_\_\_\_

Number of ballots issued to inactive voters \_\_\_\_\_

Number of ballots received \_\_\_\_\_

Number of ballots approved for final count \_\_\_\_\_

1. Number of Original Mailings \_\_\_\_\_

2. Number of ballots reissued \_\_\_\_\_

3. Number of ballots issued to inactive voters \_\_\_\_\_

4. Number of ballots spoiled \_\_\_\_\_

Total ballots issued  $1+2+3-4=$  \_\_\_\_\_

Total of ballots received \_\_\_\_\_

Total rejected ballots - \_\_\_\_\_

Total pending ballots - \_\_\_\_\_

Total of ballots approved for final count \_\_\_\_\_

EXHIBIT "D"

FINAL DISPOSITION OF MAIL BALLOT ELECTION

ISSUED/REISSUED:

ACCEPTED:

REJECTED:

SPOILED

VOID

INCOMPLETE

DAMAGED

SIGNATURE

UNDELIVERABLE

RETURNED AFTER DEADLINE

NEVER RETURNED

EXHIBIT "E"

MAIL BALLOT ELECTION  
November 1, 2005

**DOWNTOWN GRAND JUNCTION BUSINESS IMPROVEMENT DISTRICT, CITY OF  
GRAND JUNCTION, MESA COUNTY, COLORADO**

DATE OF BALLOT RECEIPT \_\_\_\_\_

NUMBER OF BALLOTS RECEIVED \_\_\_\_\_

NUMBER OF BALLOTS IN THIS TRANSFER CASE \_\_\_\_\_

TRANSFER CASE FOR THIS DAY'S RECEIPTS \_\_\_\_\_ OF \_\_\_\_\_

SEAL # \_\_\_\_\_

JUDGES SIGNATURES

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

TEAMWORK COUNT

\_\_\_\_\_



STATE OF COLORADO )  
 )  
COUNTY OF MESA ) SS.  
 )  
CITY OF GRAND JUNCTION )  
 )  
DOWNTOWN GRAND JUNCTION )  
BUSINESS IMPROVEMENT DISTRICT )

I, Stephanie Tuin, City Clerk of the City of Grand Junction, Colorado, and ex officio Secretary of the Downtown Grand Junction Business Improvement District (the "District") do hereby certify that:

1. The foregoing is a true and correct copy of a resolution (the "Resolution") passed and adopted at the regular meeting of the City Council serving ex officio as the Board of Directors of the District (the "Board") on August 17, 2005. A quorum of the Board was in attendance at the meeting.

2. The members of the Board voted on passage and adoption of the Resolution on August 17, 2005, as follows:

Those Voting Aye: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Those Voting Nay: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Those Absent: \_\_\_\_\_  
\_\_\_\_\_

Those Abstaining: \_\_\_\_\_

3. The Resolution was approved and authenticated by the signature of the Mayor, ex officio President of the Board, sealed with the City seal, attested by the City Clerk, ex officio Secretary of the Board, and recorded in the minutes of the Board.

4. Attached hereto as Exhibit C is a copy of the notice of the meeting of August 17, 2005 which was posted at Grand Junction City Hall not less than 24 hours in advance of the meeting.

IN WITNESS WHEREOF, I have hereto set my hand and the seal of the City this  
\_\_\_\_\_ day of \_\_\_\_\_, 2005.

---

City Clerk  
ex officio Secretary of the District

(SEAL)

EXHIBIT C

(meeting agenda)

**Attach 12**

**Infill / Redevelopment Incentive Request – 202 North 7<sup>th</sup> Street**  
**CITY OF GRAND JUNCTION**

<i>CITY COUNCIL AGENDA</i>					
<b>Subject</b>	Infill / Redevelopment – 202 North 7 <sup>th</sup> Street				
<b>Meeting Date</b>	August 17, 2005				
<b>Date Prepared</b>	August 11, 2005			File #	
<b>Author</b>	Bob Blanchard Sheryl Trent Tim Moore Lanny Paulson		Community Development Director Assistant To The City Manager Public Works Manager Budget And Accounting Manager		
<b>Presenter Name</b>	Bob Blanchard Sheryl Trent		Community Development Director Assistant To The City Manager		
<b>Report results back to Council</b>	<input type="checkbox"/>	No	<input type="checkbox"/>	Yes	When
<b>Citizen Presentation</b>	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	Name
<input type="checkbox"/>	Workshop	<input checked="" type="checkbox"/>	<b>Formal Agenda</b>		<input type="checkbox"/>
<input type="checkbox"/>				Consent	<input checked="" type="checkbox"/> <b>Individual Consideration</b>

**Summary:**

This is a request for infill / redevelopment incentives for an office building to be built on the northeast corner of 7<sup>th</sup> Street and Rood. Incentives include relaxation of select requirements in the Transportation Engineering Design Standards (TEDS), financial assistance to move and replace the existing sewer, financial contributions for façade improvements and assistance with several off-site improvements likely to be required as part of development review.

**Budget:**

The total of all requested incentives is approximately \$320,000. Some of this would be in direct financial contributions to offset some costs. Other could be in-kind contributions with the City performing the tasks. Potential sources of funds for incentives are discussed in the report.

**Action Requested/Recommendation:**

City Council should review the application, determine the merits of each request and choose to assist the developer with the award of any or all requested incentives or select to not participate in the development.

**Attachments:**

Attachment 1 - Infill / redevelopment program information and submittal form  
Attachment 2 - Infill / redevelopment application by Triumvirate LLC  
Attachment 3 - Photographs of the model of the proposed building  
Attachment 4 – TEDS Manual Design Exception process  
Attachment 5 – Applicants comparison of façade materials

### **Background Information:**

In September, 2004, City Council approved a resolution establishing an implementation program for the infill and redevelopment policies adopted as amendments to the Growth Plan. Specifically, the program consists of:

- Definitions of infill and redevelopment;
- Maps identifying areas where the application of infill and redevelopment incentives may be appropriate;
- A list of information to be provided to the Council for their consideration when acting on requests for incentives;
- A list of nine possible incentives; and,
- The establishment of a review committee consisting of representatives from:
  - City Manager's Office – Sheryl Trent
  - Administrative Services – Lanny Paulson
  - Public Works and Utilities – Tim Moore
  - Community Development – Bob Blanchard

Since that time, 10 applications have been reviewed. Of these, only three have been valid with most not meeting the definitions. The attached application, regarding property at 202 North 7<sup>th</sup> Street by Triumvirate LLC is the first to be forwarded to the City Council for consideration.

### **Proposed Development**

The proposed development is a two story office building to be located on the northeast corner of 7<sup>th</sup> Street and Rood Avenue. The building is to be occupied by the law firm of Killian, Guthro & Jensen, P.C.

With the exception of easement vacations, there have been no development applications for this parcel at this time. A 14 foot multi-purpose easement and a 15 foot utility and drainage easement were vacated in January, 2005. A gas line and sewer line are located in the vacated utility and drainage easement and will be relocated with new easements dedicated when development occurs.

Until recently, the entire block of Rood Avenue between 7<sup>th</sup> and 8<sup>th</sup> Streets had been vacant for several years. In 2003, an application to build the Rio Grande Federal Credit

Union was approved. Construction was completed late last year. The only activity on the subject parcel has been its use as a staging area for the credit union construction.

At just over one half acre in size, completely surrounded by development and within the adopted infill boundary, the property meets the definition of infill:

**“Infill”** development means: The development of a vacant parcel, or an assemblage of vacant parcels, within an established area of the City, and which is bordered along at least three-quarters of the parcel’s, or combined parcels’, perimeter by developed land. In addition, such parcel generally has utilities and street access available adjacent to the parcel, and has other public services and facilities available near-by. Generally, these sites are vacant because they were once considered of insufficient size for development, because an existing building(s) located on the site was demolished, or because there were other, more desirable or less costly sites for development. (For purposes of this definition, ‘developed land’ shall not include land used for agriculture, as “agriculture” is described in Section 9.27 of the Grand Junction Zoning and Development Code.)

## **Infill Application**

The application requests City assistance with four of the eight incentives:

### Assistance With City Agency Review

The applicant is requesting relaxation of the Transportation Engineering Design Standards (TEDS) for driveway separation. Rood Avenue is classified as a local commercial street which requires access points to be a minimum of 50 feet apart. The proposed site plan shows a separation of approximately 38 feet.

The TEDS manual offers a Design Exception process that allows administrative relief to the requirements if certain criteria are met (See Attachment 4). Administrative findings must be made by a committee consisting of the Public Works and Utilities Director, Fire Chief and Community Development Director. The Design Exception process does not allow an appeal process beyond asking the review committee to reconsider a request. Therefore, this request should not be considered by Council under the infill application.

### Financial Participation

The applicant is asking for financial assistance of \$25,000 to replace the existing sewer. In January, 2005, City Council approved Resolution 16-05 vacating the sewer easement where this line is located (as well as the multi-purpose easement) with the following conditions:

- a. The City approve the new location for any and all facilities and infrastructure for utilities, drainage or other multipurpose uses within the easements to be vacated;

- b. The relocation and construction of all facilities and infrastructure as approved by the City;
- c. The City's acceptance of the facilities and infrastructure and dedication to the City of new easements acceptable to the City;
- d. Applicant's payment of all costs for the recording of the dedications and the Resolution for vacating; and,
- e. All conditions must be met within 2 years from the date of City Council's approval of the Resolution.

Since the adoption of the Resolution, the applicant has changed the site plan so the building is not located over the sewer (although the applicant has indicated there may be a slight encroachment into the existing easement).

The request for assistance to replace the sewer line is based on a TV scan of the pipe that was done in May, 2002 indicating several potential problems with cracked joints and sagging pipe. However, the validity of that scan was questioned by City staff and on August 11, a new scan was run indicating the extent of the problems had been greatly exaggerated. Based on the new scan, it is staff's opinion that the sewer does not have to be replaced.

#### Contribution To Enhancements / Upgrades

This request is to assist in upgrades to the exterior façade material. The property owners hope to architectural tie the new building to existing and historic appearances of older buildings in the core area such as the restored County Courthouse. The proposal is to use Indiana Limestone on all exterior facades which is a material similar to the outside of the Courthouse.

The application indicates the approximate square footage for each of the four building facades and compares the approximate cost of stucco finish, which is the material that most likely will be used if there are cost considerations with the building, and Indiana Limestone, which is the finish of choice. The applicant is asking that the City contribute approximately 60% of the cost of the material upgrade (\$114,000). The estimated cost of a stucco finish is approximately 25% that of Indiana Limestone.

#### Off-Site Improvements Required By Code

Assistance with four Code requirements is included in the request for incentives:

##### *Underground power lines in the alley between 7<sup>th</sup> and 8<sup>th</sup> Streets:*

The Zoning and Development Code requires that all utilities be installed underground prior to street or alley surfacing or construction except when the development has less than 700 feet of frontage. In this case, the lot width is approximately 190 feet therefore the Code would not require that power lines be placed underground. The distance the applicant is

requesting that the City participate in the under grounding includes property to the east and would total approximately 380 feet.

This request is based on the assumption that the alley is vacated. The applicant is assuming that the City will consider undergrounding these lines in the future and would prefer that this be done in coordination with the building construction. The applicant has estimated this cost at \$75,000.00.

*Extension of 7<sup>th</sup> Street “Urban” Landscape Onto The Site:*

This request is to extend the 7<sup>th</sup> Street streetscape standards (still to be approved by Council) onto the office property.

*Allow North Landscape Buffer To Shift To Alley (Close Alley):*

This request involves vacating the alley behind the subject property. There has been no request for City Council to take this action. Currently the alley is used for part of the drive-thru access for the Rio Grande Credit Union to the east. Any review of a vacation request would be reviewed to ensure that all access to adjacent properties is maintained if required.

If the alley is vacated, the southern half would revert to the applicant’s ownership. Any required perimeter landscaping would then be permitted within the former alleyway.

*Replace Sidewalk And Provide Landscaping East Along Rood To Driveway:*

This request is also linked to final approval of streetscape standards for 7<sup>th</sup> Street. The applicant would like to extend the 7<sup>th</sup> Street landscaping along the front of their building to the east on Rood Avenue. This provides continuity of development as well as provides an invitation to the site off of 7<sup>th</sup> Street.

## **Budget Considerations**

Although there is currently no budget authorized to fund requests associated with the “Infill and Redevelopment Program”, several options are available for consideration.

The available fund balance in the Economic Development Fund is a likely candidate for funding this request. The projected fund balance for the year ending December 31, 2005, net of current year commitments, is \$421,284. This fund is perhaps the best fund to consider for the recommendations below. Infrastructure improvements match the direction Council has recommended when considering new economic development incentive requests rather than offering a specific dollar amount based on employment. However on-going funding for the Economic Development Fund is currently limited to a \$300,000 annual transfer of ¾ cent sales tax from the Sales Tax CIP Fund.



A second option would be to appropriate resources in either the General Fund or the Sales Tax CIP Fund as part of current budget revision and development process. If contributions are typically going to be for infrastructure improvements then a program budget in the Sales Tax CIP Fund would be appropriate, even if all or a portion of the resources originate from the General Fund via a transfer. Direct or in-kind expenditures from the Water and/or Sewer Funds for utility improvements could be re-paid from whatever source funding is designated.

Funding of the infill and redevelopment program has been identified as a specific decision items for the current budget cycle. The level and source for continued funding of this program will be the subject of a full discussion during budget deliberations later this year.

### **Staff Follow-up**

All of these requests meet the infill and redevelopment program goals as well as the economic development strategies and actions. Each request is equally valid and appropriate.

Staff would recommend that the infrastructure be the focus of any funding that the City Council considers. None of the requests related to sewer replacement and relocation, undergrounding of power lines or 7<sup>th</sup> Street landscaping are in the current budget. Should Council consider financial assistance for these projects, the recommended priority is:

- Provision of landscaping and sidewalk consistent with the approved 7<sup>th</sup> Street streetscape standards along both 7<sup>th</sup> Street and Rood Avenue (requested amount not to exceed \$30,000, recommended funding source – recommended funding source is the Economic Development Fund); and,
- Underground power lines in the current alley (requested amount not to exceed \$75,000, recommended funding source – recommended funding source is the Economic Development Fund).

Should Council support these recommendations, it is recommended that the Administrative Services Department reimburse actual costs based on receipts for completed work.

**REQUESTED INCENTIVES**  
**Triumvirate LLC**  
**202 North Seventh Street**

Requested Incentive	Amount Requested	Recommended Funding Source	Council Approval/Denial
Assistance with City review (relaxation of TEDS standards)	\$0	N/A	
Financial participation for sewer replacement	\$25,000.00	Economic Development Fund	
Contribution to upgrades of exterior façade material to Indiana limestone	\$114,000.00	Economic Development Fund	
Underground powerlines in alley from 7 <sup>th</sup> Street to 8 <sup>th</sup> Street	\$75,000.00	Economic Development Fund	
Extend 7 <sup>th</sup> Street landscaping (to be approved) onto site	\$16,000.00	Economic Development Fund	
Extend 7 <sup>th</sup> Street landscaping (to be approved) along Rood to driveway and replace sidewalk on Rood	\$14,000.00	Economic Development Fund	

CITY OF GRAND JUNCTION  
INFILL / REDEVELOPMENT PROGRAM

The City of Grand Junction has adopted an infill / redevelopment program that furthers the goals and policies of the City Council's Strategic Plan and the City's Growth Plan. After adopting definitions for "Infill" and "Redevelopment Areas," the Council developed an incentive program that will foster infill and redevelopment projects in specific geographic areas of the city.

In general terms, "Infill" relates to vacant parcels partially encircled by development. "Redevelopment" or a "Redevelopment Area" is defined as lands that are in transition and comprise at least two acres containing or consisting of improvements that do not meet current development potential.

Implementation of a program to encourage development of infill parcels and redevelopment of underutilized land within certain areas of the city of Grand Junction is beneficial for several reasons. Such development:

- Makes more efficient use of existing infrastructure including streets, water and sewer lines and other public facilities and services;
- Provides opportunities to reduce commuting distance/automobile dependency;
- May help to provide affordable housing within the city; and
- Reduces the demand for and impact from suburban sprawl.

This information packet is designed to provide information for those interested in pursuing City assistance to develop in infill and redevelopment areas. This packet of materials includes:

- A description of the process to be followed to request any of the proposed incentives;
- Definitions of "Infill" and "Redevelopment Areas;"
- Maps of the identified Infill and Redevelopment Areas; and,
- An application which identifies all of the information needed for staff to review any request and a list of possible incentives in which the City may participate.

For additional information or more detailed maps, please contact the Community Development Department, 250 North 5<sup>th</sup> Street, Grand Junction, CO, 81501 (970) 244-1430, [commdev@gjcity.org](mailto:commdev@gjcity.org).

## APPLICATION PROCESS

Application for any requested incentive is required and is made through the City's Community Development Department. An application form is included in this packet and must be completely filled out.

Once the application material is received, it is reviewed by a team including representatives from the following Departments:

- City Manager's Office
- Community Development Department
- Public Works and Utilities
- Administrative Services

After the review is complete, the request will be scheduled for presentation to the City Council. The review team will present the information provided by the applicant and make a recommendation to the City Council regarding the provision of a requested incentive. The City Council is the final decision maker.

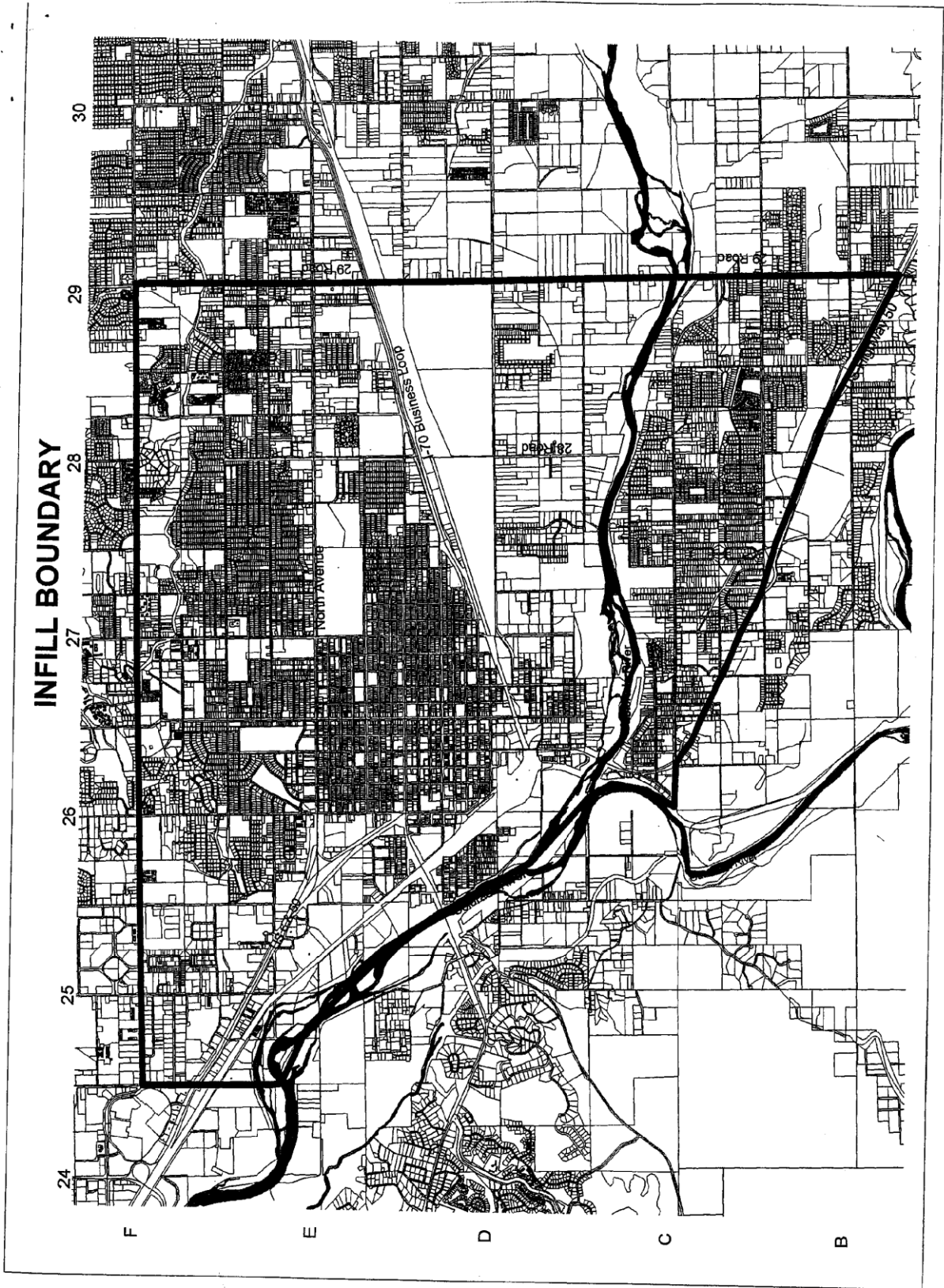
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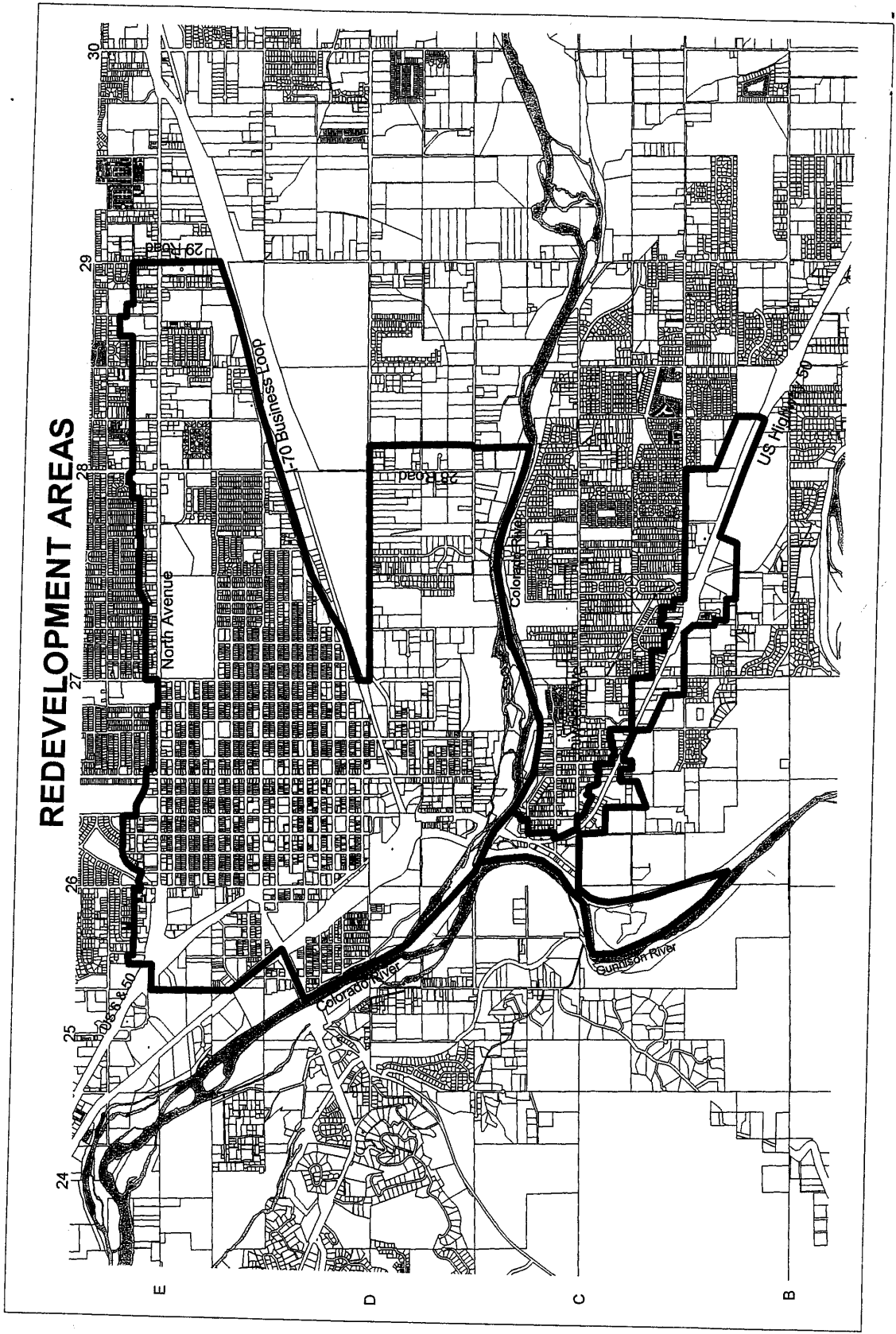
## DEFINITIONS

**"Infill"** development means: The development of a vacant parcel, or an assemblage of vacant parcels, within an established area of the City, and which is bordered along at least three-quarters of the parcel's, or combined parcels', perimeter by developed land. In addition, such parcel generally has utilities and street access available adjacent to the parcel, and has other public services and facilities available near-by. Generally, these sites are vacant because they were once considered of insufficient size for development, because an existing building(s) located on the site was demolished, or because there were other, more desirable or less costly sites for development. (For purposes of this definition, 'developed land' shall not include land used for agriculture, as "agriculture" is described in Section 9.27 of the Grand Junction Zoning and Development Code.)

**"Redevelopment"** means: Any development within a **Redevelopment Area**, including—in whole or in part—clearance, replanning, reconstruction, or rehabilitation, and the provision for industrial, commercial, residential, or public spaces and any incidental or appurtenant facilities, as appropriate.

A **"Redevelopment Area"** means: An area in transition, the boundaries of which may be more specifically defined and/or mapped by the City. Such area shall be comprised of not less than two acres, and shall contain buildings, improvements, or vacant lots that fail to exhibit an appropriate use of land or fail to generate housing, retail, or employment opportunities commensurate with the area's physical capacity and the planned use of the area as defined by Growth Plan.







# Infill / Redevelopment Application

Applicant \_\_\_\_\_  
Street Address \_\_\_\_\_  
City/State/Zip \_\_\_\_\_  
Telephone \_\_\_\_\_ Fax Number \_\_\_\_\_  
Email Address \_\_\_\_\_  
Project Name/Description \_\_\_\_\_  
\_\_\_\_\_  
Site Location \_\_\_\_\_  
Tax Parcel Number(s) \_\_\_\_\_

### Please answer the following questions

Please attach additional paper if needed.

1. Is the site within the City's geographically mapped area for:  Infill  Redevelopment
2. Does the site meet the definition of  Infill or  Redevelopment?
3. Describe how the site is compatible with the surrounding area and meets community values including compatibility with surrounding quality of design and site planning.
4. Describe the project's feasibility. This should include the developer's resume of experience, whether project financing is in place and, for non-residential projects, what tenant commitments are in place.
5. Within a distance of 1,000 feet, list any specific infrastructure projects planned and/or funded by the City or any proposed off-site contributions anticipated by the proposed project that address existing deficiencies as defined by the City.
6. What is the level of sharing of City vs. private participation for specific enhancement request or code requirements?

7. Does the proposed project include a mixture of uses? If so, describe the types and percentage.
8. Is the proposed project part of an economic development recruitment.
9. Will the proposed project preserve or enhance any historic structure or site? Has the structure or site been inventoried by the City?
10. Does the proposed project include an affordable housing element? If so, provide details including how the project meets different HUD definitions for affordable housing.
11. Does the proposed project go beyond current Code requirements and provide enhanced architectural and design elements? If so, describe.
12. The following is a list of potential forms of City involvement. Please indicate (✓) the type of incentive you would like to be considered for and provide justification for your request.

	Applicant ✓	City Staff Approval
a. Expedited development review process.		
b. Assistance with city agency review.		
c. Deferral of fees (examples may include permitting fees, tap fees and impact fees).		
d. Density bonuses for residential projects.		
e. Proactive city improvements, i.e., "prime the pump" by investing in various city improvements prior to any private development commitment.		
f. Financial participation – because many desired projects are not viable without city participation and/or to reduce the relative land cost for redevelopment versus vacant property.		
g. Contribution to enhancements / upgrades versus typical standards (for instance upgrading a split face block building treatment to a stone building treatment.)		
h. Off-site city improvements required by Code, i.e., access, undergrounding of utilities, streetscape, etc.		
i. City assemblage of development parcels for redevelopment bids.		



## Infill / Redevelopment Application

**Applicant** Triumvirate LLC  
**Street Address** 225 North Fifth Street, Suite 1010  
**City/State/Zip** Grand Junction, CO 81502  
**Telephone** 241-0707 Fax Number 242-8375  
**Email Address** mike@killianlaw.com  
**Project Name/Description** Killian, Guthro & Jensen Law Building  
**Site Location** 202 North Seventh Street  
**Tax Parcel Number(s)** 2945-144-49-002

**Please answer the following questions**  
**Please attach additional paper if needed.**

- 1. Is the site within the City’s geographically mapped area for:  Infill  Redevelopment
- 2. Does the site meet the definition of  Infill or Redevelopment?
- 3. Describe how the site is compatible with the surrounding area and meets community values including compatibility with surrounding quality of design and site planning.

The Killian, Guthro & Jensen Law Building is designed to support the transition from the 7th Street Historic District to the commercial core of Downtown Grand Junction. It is the intent of the owners to build a modern building that features articulated wall surfaces in harmony with the scale of nearby historic buildings while having the presence of buildings such as R-5 School and the Mesa County Courthouse. To further the link to the courthouse the primary exterior material will be natural Indiana limestone.

- 4. Describe the project’s feasibility. This should include the developer’s resume of experience, whether project financing is in place and, for non-residential projects, what tenant commitments are in place.

This project will be financed by a bank and principals of KGJ who are the owners and occupants. Project financing has been obtained. Only a small area is reserved for expansion and it will be leased in the short term. Leasing of the expansion area is not critical to the feasibility of the project.

- 5. Within a distance of 1,000 feet, list any specific infrastructure projects planned and/or funded by the City or any proposed off-site contributions anticipated by the proposed project that address existing deficiencies as defined by the City.

We understand the City and DDA have plans to rebuild Seventh Street with design starting this year creating the opportunity to collaborate and enhance both projects. Other existing

infrastructure deficiencies that could be addressed with this project include replacement of the deteriorated city sewer line traversing the property, undergrounding the overhead power lines, and extension of the streetscape improvements to the east along Rood. After reviewing the preliminary 7<sup>th</sup> Street designs, it looks likely that the alley might be closed due to limited traffic movements. This will allow the building and parking to shift north creating space for a plaza at the corner of 7<sup>th</sup> and Rood. KGJ will dedicate an access easement along the east side of the property to accommodate alley traffic.

**6. What is the level of sharing of City vs. private participation for specific enhancement request or code requirements?**

See response to Question 12.

**7. Does the proposed project include a mixture of uses? If so, describe the types and percentage.**

The building will accommodate offices and possibly retail in the lease area.

**8. Is the proposed project part of an economic development recruitment.**

KGJ is limited from growth in their current space, however, they will eventually expand and create new jobs once the move is made.

**9. Will the proposed project preserve or enhance any historic structure or site? Has the structure or site been inventoried by the City?**

No

**10. Does the proposed project include an affordable housing element? If so, provide details including how the project meets different HUD definitions for affordable housing.**

No

**11. Does the proposed project go beyond current Code requirements and provide enhanced architectural and design elements? If so, describe.**

Yes, the project will go far beyond the current code requirements in both building and site design. It is the intent of the owners to build an elegant structure as defined by the following statement: "The building should use two primary materials with possibly one accent material. The windows should be a highlight of the architecture and should be used to maximize the relationship between interior and exterior spaces. The form should maximize public exposure. The interior and exterior should feel professionally formal but not residential and not corporate. Daylighting technology and ingenuity are important."

12. The following is a list of potential forms of City involvement. Please indicate (✓) the type of incentive you would like to be considered for and provide justification for your request.

	Estimated Cost	City Participation (Not to Exceed)	City Staff Approval																									
<b>a. Expedited development review process.</b>																												
<b>b. Assistance with city agency review.</b>  1. Relax TEDS standards for separation between driveways and the alignment of driveways. The proposed distance between the Triumvirate, LLC driveway and Rio Grande Credit Union driveway is less than the TEDS minimum.	\$0	\$0																										
<b>c. Deferral of fees (examples may include permitting fees, tap fees and impact fees).</b>																												
<b>d. Density bonuses for residential projects.</b>																												
<b>e. Proactive city improvements, i.e., "prime the pump" by investing in various city improvements prior to any private development commitment.</b>																												
<b>f. Financial participation – because many desired projects are not viable without city participation and/or to reduce the relative land cost for redevelopment versus vacant property.</b>  1. Sewer replacement.	\$25,000	\$25,000																										
<b>g. Contribution to enhancements / upgrades versus typical standards (for instance upgrading a split face block building treatment to a stone building treatment.)</b>  1. Upgrading conventional exterior material (stucco) to Indiana limestone. This is an effort to strengthen architectural ties to historic edifices in the downtown, such as the Courthouse, and upgrade the general level of finish and design for future downtown construction.  <table border="0" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th style="text-align: center;">North</th> <th style="text-align: center;">South</th> <th style="text-align: center;">East</th> <th style="text-align: center;">West</th> </tr> </thead> <tbody> <tr> <td>Approximate façade areas (Not including windows):</td> <td style="text-align: center;">1,700 sf</td> <td style="text-align: center;">1,700 sf</td> <td style="text-align: center;">1,400 sf</td> <td style="text-align: center;">1,400 sf</td> </tr> <tr> <td>Approx. cost for Stucco (cost/sf = \$8.00):</td> <td style="text-align: center;">\$13,600</td> <td style="text-align: center;">\$13,600</td> <td style="text-align: center;">\$11,200</td> <td style="text-align: center;">\$11,200</td> </tr> <tr> <td>Approx. cost for Limestone (cost/sf = \$32.00):</td> <td style="text-align: center;">\$54,400</td> <td style="text-align: center;">\$54,400</td> <td style="text-align: center;">\$44,800</td> <td style="text-align: center;">\$44,800</td> </tr> <tr> <td>Add for stone or precast concrete sills, lintels, cornices, etc.:</td> <td colspan="4" style="text-align: center;">\$44,000</td> </tr> </tbody> </table>		North	South	East	West	Approximate façade areas (Not including windows):	1,700 sf	1,700 sf	1,400 sf	1,400 sf	Approx. cost for Stucco (cost/sf = \$8.00):	\$13,600	\$13,600	\$11,200	\$11,200	Approx. cost for Limestone (cost/sf = \$32.00):	\$54,400	\$54,400	\$44,800	\$44,800	Add for stone or precast concrete sills, lintels, cornices, etc.:	\$44,000				\$190,000	\$114,000	
	North	South	East	West																								
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Add for stone or precast concrete sills, lintels, cornices, etc.:	\$44,000																											

<b>h. Off-site city improvements required by Code, i.e., access, undergrounding of utilities, streetscape, etc.</b>			
1. Underground powerlines in alley from 7 <sup>th</sup> Street to 8 <sup>th</sup> Street.	<b>\$75,000</b>	<b>\$75,000</b>	
2. Extend 7 <sup>th</sup> street "Urban" landscape on to site.	<b>\$16,000</b>	<b>\$16,000</b>	
3. Allow north landscape buffer to shift to alley (Close Alley).	<b>\$0</b>	<b>\$0</b>	
4. Replace sidewalk and provide landscaping east along Rood to driveway.	<b>\$14,000</b>	<b>\$14,000</b>	
<b>i. City assemblage of development parcels for redevelopment bids.</b>			

**JOHN W. NISLEY, MAI**

*Real Estate Appraiser*

519 GRAND AVENUE, STE. B • POST OFFICE BOX 446  
GRAND JUNCTION, COLORADO 81502-0446



July 29, 2005

**RECEIVED**

JUL 29 2005

COMMUNITY DEVELOPMENT  
DEPT

Mr. Bob Blanchard  
Director of Community Development  
250 North 5<sup>th</sup> Street  
Grand Junction, CO 81501

Dear Mr. Blanchard:

At the request of Killian, Guthro, & Jensen, PC, Attorneys at Law, I have reviewed information regarding the potential of upgrading conventional exterior material such as stucco to Indiana Limestone. According to the materials provided to me, the approximate cost for stucco would be in the area of \$8.00 per square foot of facade area. The approximate cost for limestone is around \$32.00 per square foot, and based on the facade areas shown at around 6,200 square feet, the cost for limestone would be estimated at about \$198,400.00, compared to the cost for stucco, at \$8.00 per square foot, being around \$49,600.00. This indicates a cost in excess of stucco of about \$148,800.00. I have also reviewed the Marshall Valuation Service in order to make comparisons to other types of exterior walls, such as brick and stone. The Marshall Valuation Service estimates costs for average to above average limestone to be in the \$29.75 to \$35.00 per square foot range. This coincides with the cost estimate provided at about \$32.00 per square foot. For EIFS Stucco as a built-up panel, the average to above average costs are indicated in a range from \$4.70 to \$6.00 per square foot. This compares to about \$8.00 used in the estimate provided to me. Brick finishes that would be face brick, standard size, would have costs for an average to above classes at \$9.45 to \$11.00 per square foot with select common brick being in the from \$8.40 to \$9.75 per square foot. Concrete block with imitation flagstone would be in the range from \$7.70 to \$9.00 per square foot, with ornamental faced slump block being in the range from \$8.20 to \$9.45 per square foot.

None of the various types of ornamentation exceed about \$12.00 per square foot for above average classifications compared to the same classification for the limestone at \$35.00 per square foot. This indicates that, on an overall basis, the difference between other good quality exterior finishes would be the difference between about \$12.00 per square foot at the extreme and \$32.00 per square foot, or about \$20.00 per square foot. Given the estimated facade square footages, totaling about 6,200 square feet, this would give a difference of about \$124,000.00. At \$12.00 per square foot, the cost would be \$74,400.00, with a cost at \$32.00 per square foot being around \$198,400.00.

NISLEY & ASSOCIATES, INC.  
TELEPHONE: (970) 242-8076

REAL ESTATE APPRAISALS  
FAX: (970) 245-8155

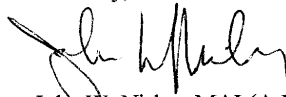
In my opinion, in the Grand Junction market, the majority of office buildings have other types of finishes that would typically not exceed the cost of around \$12.00 per square foot at the extreme. If the building proposed by Mr. Killian's group has a cost in excess of the other types of finishes, in my opinion this would be considered as "functional obsolescence" as a superadequacy as defined in Appraisal Institute publications. A typical market would not pay the additional \$124,000.00 over and above a more standard cost estimated at the extreme of around \$75,000.00.

The above information can be supported, at least in part, by the fact that most of the recent construction that has occurred, even in more expensive buildings such as the medical office building at 3150 North 12<sup>th</sup> Street, have been built with either brick exterior or stucco panels. Granite or limestone has rarely been use in the construction of commercial buildings in Grand Junction of recent date that I am aware of.

Based on the above data, if a total of close to \$200,000.00 is spent in the construction of the subject property for the exterior facade being limestone, in my opinion, the market would only recapture about \$75,000.00 of that value, with the difference of roughly \$125,000.00 being lost to the owners through superadequate construction.

I trust this information is beneficial. If you have any other questions, please feel free to contact me.

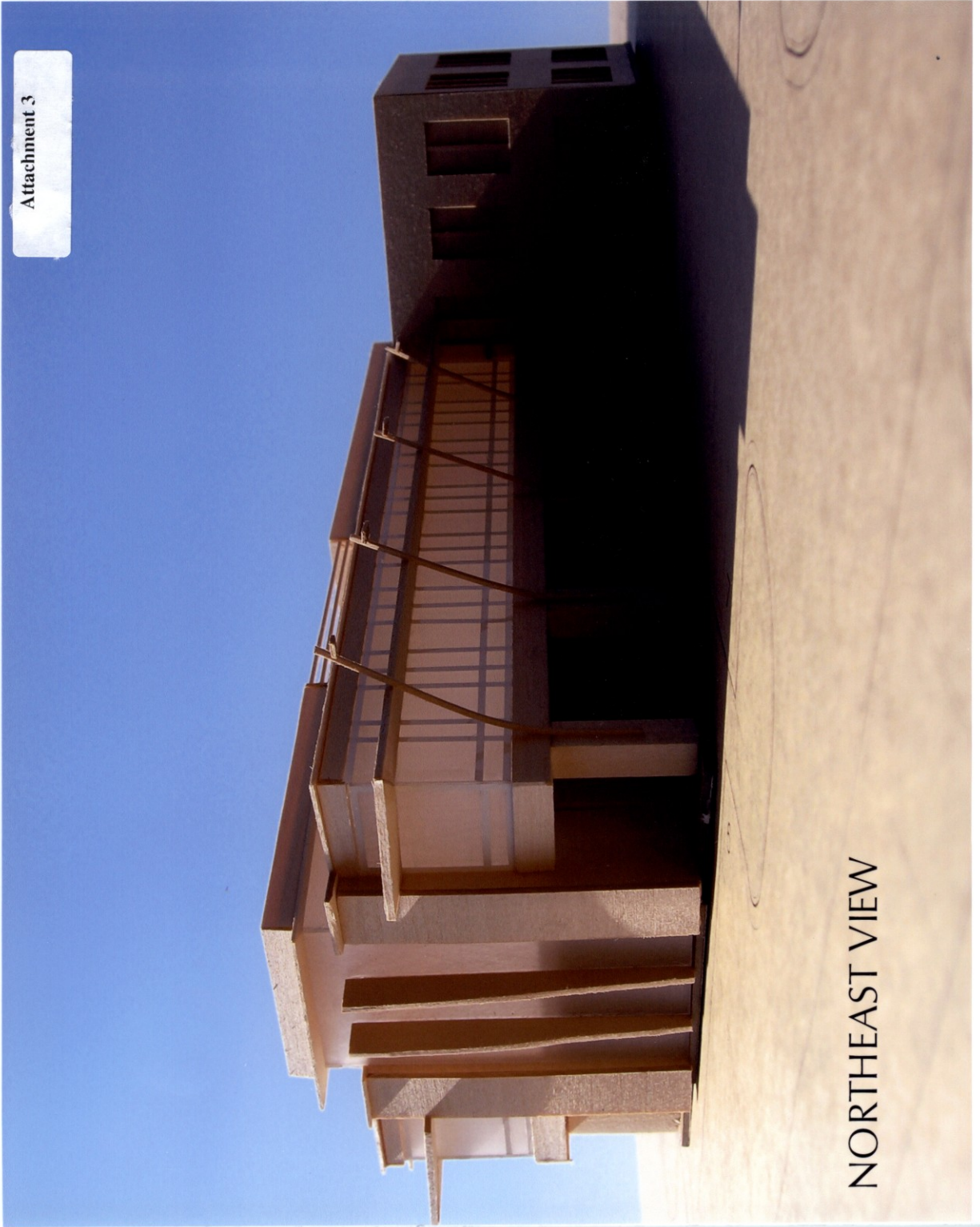
Sincerely,



John W. Nisley, MAI (A.I.)  
Certified General Appraiser  
Colorado #CG01313453

JWN:mrp

Attachment 3

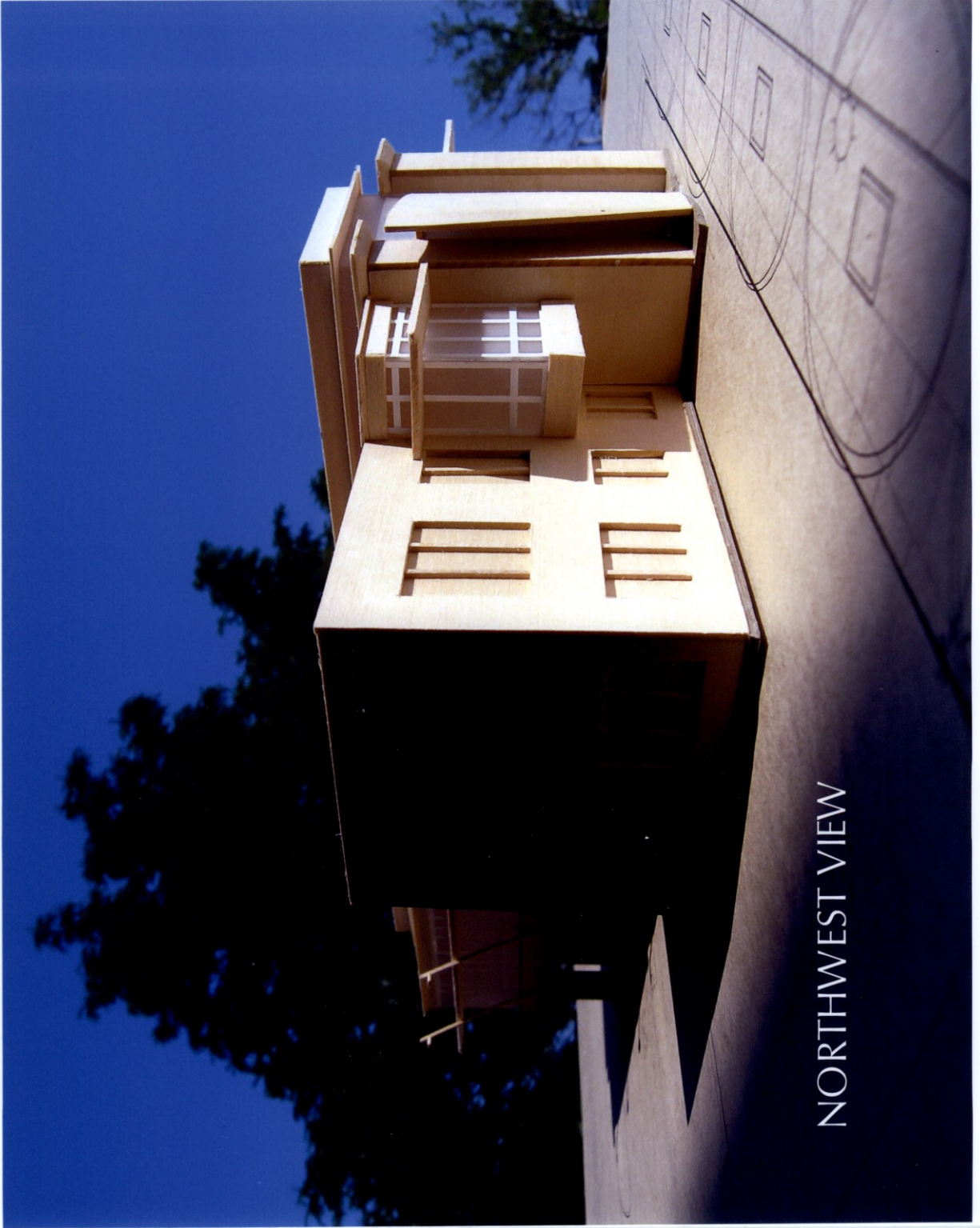


NORTHEAST VIEW









NORTHWEST VIEW



## 14.0 DESIGN EXCEPTIONS

This manual establishes standards for the construction of transportation and infrastructure improvements in the City and urban areas of the County. There may be certain circumstances where those standards do not adequately meet the public's needs. The public needs, as defined by these standards, may conflict with constraints on the property or a new or innovative development proposal.

This chapter describes an exception process. It may be that an exception is a one-time event or it may be that the Manual will be revised to incorporate the exception.

The flowchart depicts the design exception process.

The burden in the development process shall be on the applicant to demonstrate that the proposed exception, if granted, will not result in a dangerous condition as determined by the City or County. No exception shall be allowed if the resulting design is dangerous or otherwise fails to meet the fundamental needs of the community. The fundamental needs of the community shall be determined by the City or County, but primarily are the provision of safe, efficient and effective transportation.

Any exceptions to the TEDS manual should be clearly proposed as early as possible in the project development and review process. Exceptions to TEDS should be identified no later than preliminary plan submittal.

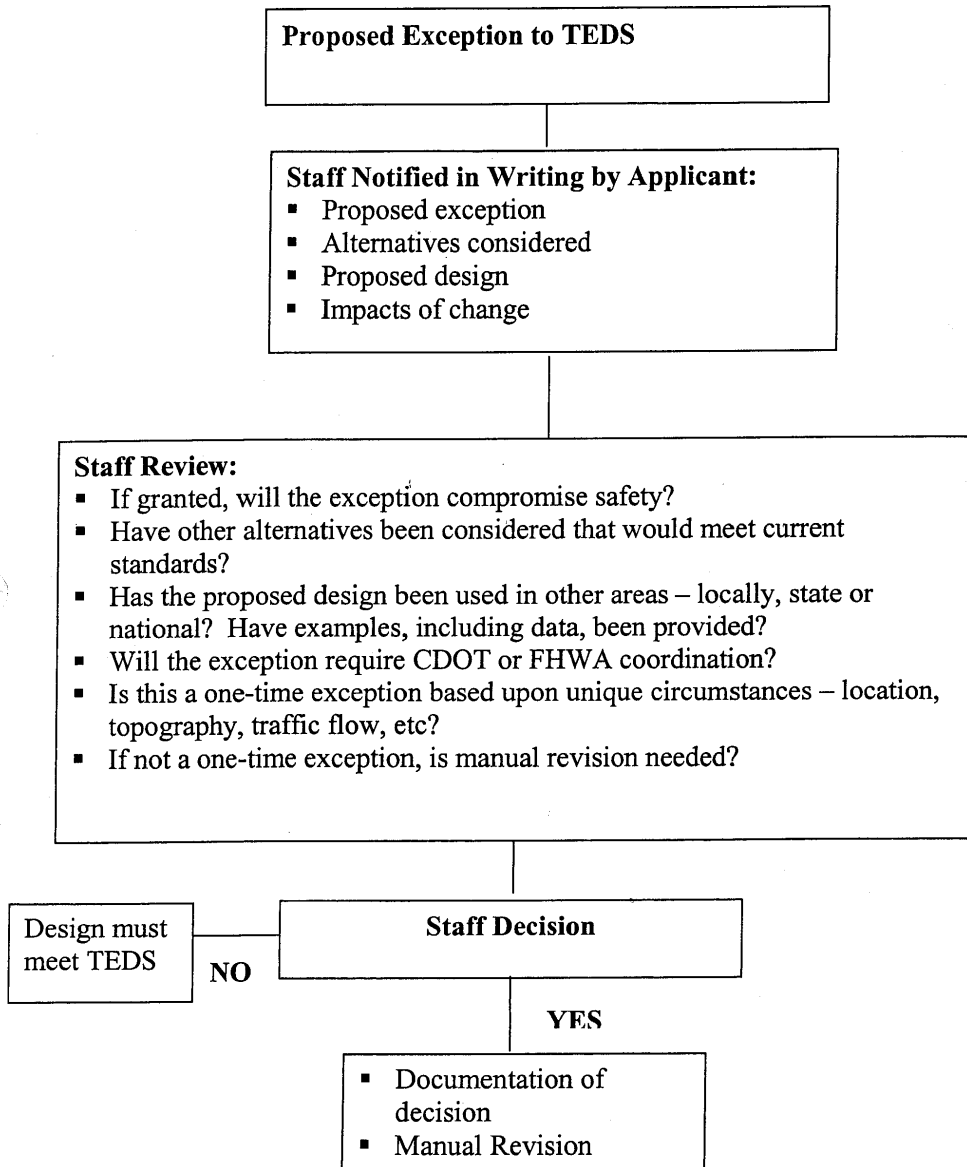
If a design exception is to be a permanent modification to the TEDS Manual, it will be the responsibility of the City and County staff to update TEDS and disseminate the change to CDOT, other municipal or county departments and the development community.

When geometric standards or other design criteria are not specifically addressed in the City or County standards, then the latest editions of the following standards and criteria shall govern the design.

- Colorado State Highway Access Code
- CDOT Roadway Design Manual
- Institute of Transportation Engineers' "Traffic Engineering Handbook"
- American Association of State Highway and Transportation Officials "A Policy on Geometric Design of Highways and Streets"

To Table of Contents:

## Design Exception Process





# ENDURING



## Limestone

The rich natural color of limestone adds interest and provides a sense of enduring continuity.



## Stucco

# MONUMENTAL



## Limestone

The monumental nature of limestone buildings promotes a sense of permanence



## Stucco

CITY OF  
**Grand Junction**  
COLORADO

C H A M B E R L I N  
A R C H I T E C T S



# TRANSCENDENT



**Limestone**

Limestone buildings transcend through generations. The use of stone sets a high standard for the quality of future development



**Stucco**



C H A M B E R L I N  
A R C H I T E C T S

# TIMELESS

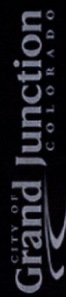


**Limestone**

Limestone is both classic and contemporary; It resists the trends of fashion, and will never be dated.



**Stucco**



C H A M B E R L I N  
A R C H I T E C T S



# CIVIC STABILITY

We have the opportunity to provide an enduring work of architecture that marks a thriving commerce in downtown Grand Junction. A limestone building can provide a sense of stability for both the people of today and the generations that follow.



**Attach 13**

**Position on Statewide Issues Referenda C & D**

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	Position on Statewide Issues Referenda C & D					
<b>Meeting Date</b>	August 17, 2005					
<b>Date Prepared</b>	August 11, 2005				<b>File #</b>	
<b>Author</b>	Sam Rainguet		Communications & Community Relations Coordinator			
<b>Presenter Name</b>	Sam Rainguet		Communications & Community Relations Coordinator			
<b>Report results back to Council</b>	X	No		Yes	<b>When</b>	
<b>Citizen Presentation</b>		Yes	X	No	<b>Name</b>	
	<b>Workshop</b>	X	<b>Formal Agenda</b>		<b>Consent</b>	X <b>Individual Consideration</b>

**Summary:** The Grand Junction City Council is considering a resolution endorsing State Referenda C & D.

**Budget:** N/A

**Action Requested/Recommendation:** Recommend approval of the resolution.

**Attachments:** N/A

**Background Information:** On August 1, 2005, the Grand Junction City Council hosted a forum to discuss the issues relative to State Referenda C & D, two ballot issues which will be voted upon in November 2005. The forum was attended by State lawmakers as well as representatives from a number of local governments in the area, Mesa State College, School District #51, and the State Department of Transportation. The reason for the forum was to educate policymakers, as well as citizens, on the effects of Referenda C & D. Since that time, Council has decided that they would like to take a formal position on the ballot issues.

## CITY OF GRAND JUNCTION

### RESOLUTION # \_\_\_\_\_

#### A RESOLUTION SUPPORTING REFERENDA C AND D

##### RECITALS:

On November 1, 2005 Colorado voters will have the opportunity to advance the quality of life and economic health of all Coloradoans by supporting Referenda C and D, known together as the Colorado Economic Recovery Plan. That plan, if approved will include general and specific plans for restoring the financial viability of the State. If approved, Referenda C and D will help improve the quality of life of the citizens of Grand Junction.

During and since the recession following September 11, the State has severely cut spending. Those spending cuts cannot be restored to pre-recession levels without voter approval even though state revenues have recovered from the recession.

Important State programs are adversely affected whenever the State suffers a financial crisis. City revenues and programs, as well as those of other local governments, will be severely affected if statewide voters do not approve Referendum C.

The City stands to benefit from transportation improvements if Referenda C and D are approved. Projects include:

- I-70 B widening and intersection improvements (1.5-mile segment)
- Funding for Grand Valley Transit - provides federal transit fund match for bus maintenance facility
- I-70 B widening and multiple intersection improvements (2.8 miles)
- I-70, west end of DeBeque Canyon to Palisade widening for shoulders, reconstruction and curve smoothing (six-mile segment)
- I-70 at State Highway 340 in Fruita ramp improvements and intersection signalization

In addition to local projects, Referendum C will provide statewide funding for transportation, education, health care and police and fire retirement plans. It may also reduce the impact of greatly increased caseloads in Mesa County District Court as funding for additional judges could be made available.

Referendum C permits the state to retain excess revenues for five years and eliminates the "ratchet" effect of TABOR following economic downturns, without revising TABOR or raising taxes.

Referendum D would accelerate construction and other expenditures for highways and bridges, K-12 and higher education facilities and police and fire retirement plans through the issuance of voter approved bonds.

Referenda C and D utilize the opportunity afforded voters by the Taxpayers Bill of Rights (TABOR) for the State to retain excess revenue in order to provide needed services.

NOW, THEREFORE, the City Council of the City of Grand Junction endorses Referenda C and D and urges the citizens of Grand Junction to vote for both measures.

Read and approved this \_\_\_\_ day of August, 2005.

\_\_\_\_\_  
Bruce Hill  
Mayor and President of the Council

ATTEST:

\_\_\_\_\_  
Stephanie Tuin  
City Clerk

**Attach 14**  
**Public Hearing - Water's Edge No. 2 Annexation and Zoning**  
**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	Annexation and zoning of the Water's Edge No. 2 Annexation located at 2927 D Road					
<b>Meeting Date</b>	August 17, 2005					
<b>Date Prepared</b>	August 11, 2005				File #ANX-2005-116	
<b>Author</b>	Senta L. Costello		Associate Planner			
<b>Presenter Name</b>	Senta L. Costello		Associate Planner			
<b>Report results back to Council</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>When</b>	
<b>Citizen Presentation</b>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Name</b>	
	<b>Workshop</b>	<input checked="" type="checkbox"/>	<b>Formal Agenda</b>		<input type="checkbox"/>	<b>Consent</b>
					<input checked="" type="checkbox"/>	<b>Individual Consideration</b>

**Summary:** Acceptance of a petition to annex and consider the annexation and zoning for the Water's Edge No. 2 Annexation. The Water's Edge No. 2 Annexation is located at 2927 D Road and consists of 1 parcel on 0.97 acres. The zoning being requested is RMF-8.

**Budget:** N/A

**Action Requested/Recommendation:** 1) approve resolution accepting a petition for annexation, 2) public hearing to consider final passage of annexation and zoning ordinances.

**Background Information:** See attached Staff Report/Background Information

**Attachments:**

1. Staff report/Background information
2. Annexation - Location Map / Aerial Photo
3. Growth Plan Map / Zoning Map
4. Acceptance Resolution
5. Annexation Ordinance
6. Zoning Ordinance

STAFF REPORT / BACKGROUND INFORMATION					
<b>Location:</b>		2927 D Road			
<b>Applicants:</b>		Owner: LaDuke Enterprises Development, LLP – Duncan McArthur Representative: Development Construction Services, Inc – Tracy Moore			
<b>Existing Land Use:</b>		Residential / Agricultural			
<b>Proposed Land Use:</b>		Single Family Residential subdivision			
<b>Surrounding Land Use:</b>	<b>North</b>	Residential / Agricultural			
	<b>South</b>	Gravel Pit			
	<b>East</b>	Residential / Agricultural			
	<b>West</b>	Residential / Agricultural			
<b>Existing Zoning:</b>		County RSF-R			
<b>Proposed Zoning:</b>		City RMF-8			
<b>Surrounding Zoning:</b>	<b>North</b>	County RSF-R			
	<b>South</b>	City RSF-R			
	<b>East</b>	City RMF-8			
	<b>West</b>	County RSF-R			
<b>Growth Plan Designation:</b>		Residential Medium 4-8 du/ac			
<b>Zoning within density range?</b>		X	Yes		No

**Staff Analysis:**

**ANNEXATION:**

This annexation area consists of 0.97 acres of land and is comprised of 1 parcel. The property owners have requested annexation into the City as the result of needing a rezone in the County to subdivide. Under the 1998 Persigo Agreement all rezones require annexation and processing in the City.

It is staff's opinion, based on review of the petition and knowledge of applicable state law, including the Municipal Annexation Act Pursuant to C.R.S. 31-12-104, that the Water's Edge No. 2 Annexation is eligible to be annexed because of compliance with the following:

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

- d) The area is or will be urbanized in the near future;
- e) The area is capable of being integrated with the City;
- f) No land held in identical ownership is being divided by the proposed annexation;
- g) No land held in identical ownership comprising 20 contiguous acres or more with an assessed valuation of \$200,000 or more for tax purposes is included without the owners consent.

**Zone of Annexation:** The requested zone of annexation to the RMF-8 district is consistent with the Growth Plan density of Residential Medium 4-8 du/ac. The existing County zoning is RSF-R. Section 2.14 of the Zoning and Development Code states that the zoning of an annexation area shall be consistent with either the Growth Plan or the existing County zoning.

In order for the zoning to occur, the following questions must be answered and a finding of consistency with the Zoning and Development Code must be made per Section 2.6 as follows:

1. The existing zoning was in error at the time of adoption;

Response: The requested zoning is to place the property into an appropriate City zoning designation due to the annexation request. Therefore, this criterion is not applicable.

2. 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.;

Response: The zoning request is in conjunction with an annexation request. Therefore this criterion is not applicable.

3. The proposed zone 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 nuisances;

Response: The proposed zoning is compatible with the neighborhood and will not create any adverse impacts to the area. Any issues that arise with development of the property will be addressed through the review of the development.

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

Response: The proposed zoning is consistent with the Goals and polices of the Growth Plan, the requirements of the Zoning and Development Code and other City regulations and guidelines.

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

Response: Adequate public facilities are available or will be supplied at the time of further development of the property.

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

Response: The zoning request is in conjunction with an annexation request. Therefore this criterion is not applicable.

7. The community or neighborhood will benefit from the proposed zone.

Response: The zoning request is in conjunction with an annexation request. Therefore this criterion is not applicable.

**PLANNING COMMISSION RECOMMENDATION:**

The Planning Commission recommended approval of the requested zone of annexation to the City Council, finding the zoning to the RMF-8 district to be consistent with the Growth Plan, the existing County Zoning and Sections 2.6 and 2.14 of the Zoning and Development Code.

The following annexation and zoning schedule is being proposed.

<i><u>ANNEXATION SCHEDULE</u></i>	
<b>July 6, 2005</b>	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
<b>July 26, 2005</b>	Planning Commission considers Zone of Annexation
<b>August 3, 2005</b>	Introduction Of A Proposed Ordinance on Zoning by City Council
<b>August 17, 2005</b>	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
<b>September 18, 2005</b>	Effective date of Annexation and Zoning



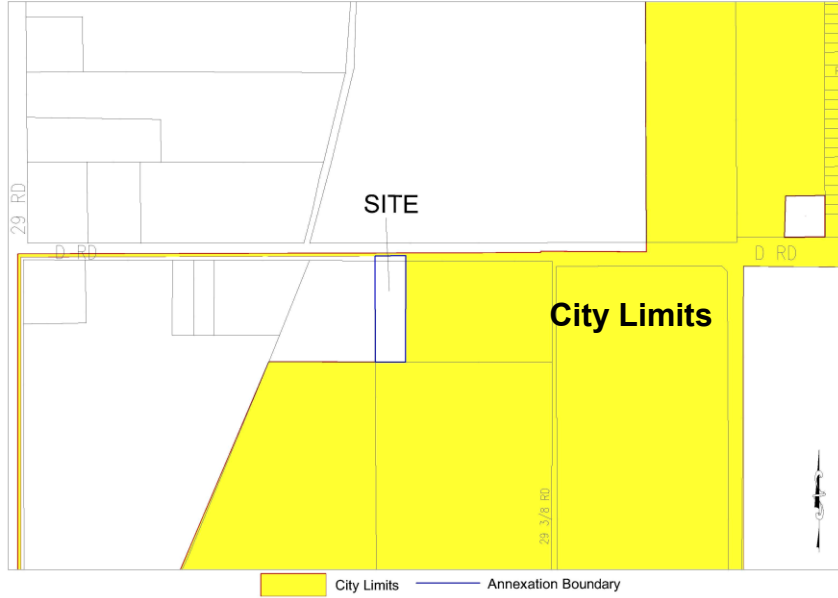
**WATER'S EDGE NO. 2 ANNEXATION SUMMARY**

<b>File Number:</b>	ANX-2005-116	
<b>Location:</b>	2927 D Road	
<b>Tax ID Number:</b>	2943-202-00-035	
<b>Parcels:</b>	1	
<b>Estimated Population:</b>	0	
<b># of Parcels (owner occupied):</b>	0	
<b># of Dwelling Units:</b>	1	
<b>Acres land annexed:</b>	0.97 acres	
<b>Developable Acres Remaining:</b>	0.953 acres	
<b>Right-of-way in Annexation:</b>	0.0 acres	
<b>Previous County Zoning:</b>	RSF-R	
<b>Proposed City Zoning:</b>	RMF-8	
<b>Current Land Use:</b>	Residential / Agricultural	
<b>Future Land Use:</b>	Single Family Residential subdivision	
<b>Values:</b>	<b>Assessed:</b>	= \$2,430
	<b>Actual:</b>	= \$30,550
<b>Address Ranges:</b>	2927 D Road	
<b>Special Districts:</b>	<b>Water:</b>	Ute Water
	<b>Sewer:</b>	Central Grand Valley Sanitation
	<b>Fire:</b>	Grand Junction Rural
	<b>Irrigation/ Drainage:</b>	Grand Valley Irrigation/Grand Jct Drainage
	<b>School:</b>	Mesa Co School District #51
	<b>Pest:</b>	N/A

# Site Location Map

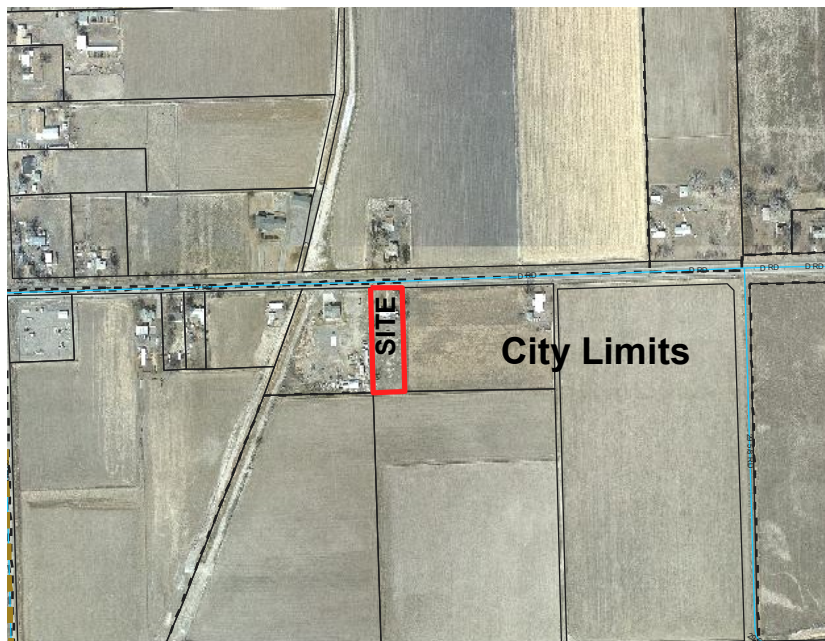
Figure 1

Water's Edge Annexation No. 2  
Figure 5



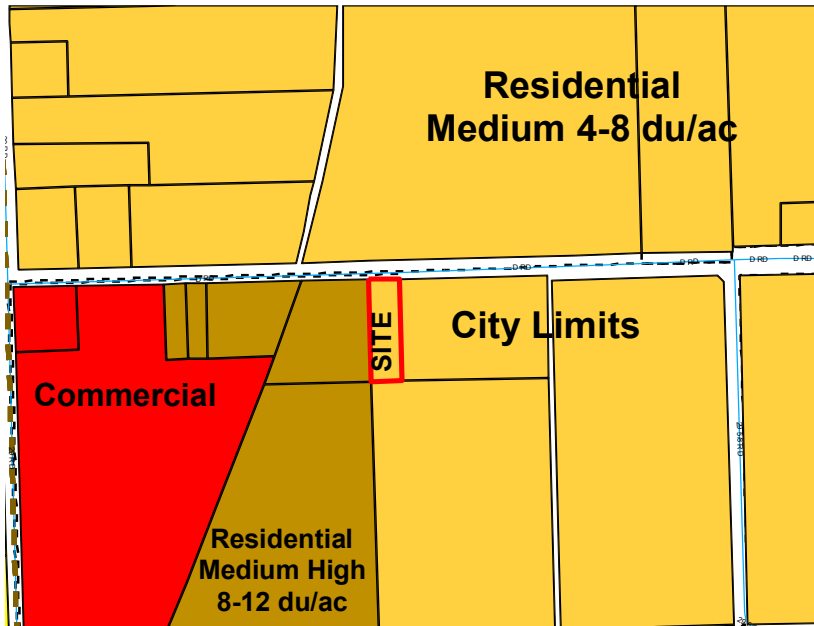
# Aerial Photo Map

Figure 2



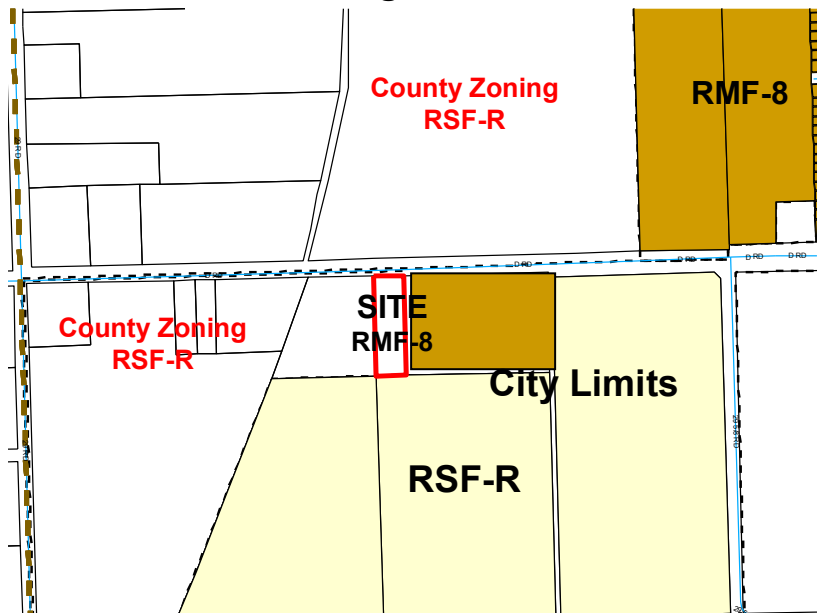
# Future Land Use Map

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."

**RESOLUTION NO. \_\_\_\_**

**A RESOLUTION ACCEPTING A  
PETITION FOR ANNEXATION, MAKING CERTAIN  
FINDINGS, DETERMINING THAT PROPERTY KNOWN AS THE**

**WATER'S EDGE NO. 2 ANNEXATION**

**LOCATED AT 2927 D ROAD**

**IS ELIGIBLE FOR ANNEXATION**

WHEREAS, on the 6<sup>th</sup> day of July, 2005, a petition was submitted to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

**WATER'S EDGE NO. 2 ANNEXATION**

A parcel of land located in the Northeast Quarter of the Northwest Quarter (NE 1/4 NW 1/4) of Section 20, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at the Northwest corner of the NE 1/4 NW 1/4 of said Section 20, and assuming the North line of the NE 1/4 NW 1/4 of said Section 20 to bear N89°58'45"E with all bearings contained herein relative thereto; thence from said Point of Commencement S00°03'15"E along the West line of the NE 1/4 NW 1/4 of said Section 20 a distance of 10.00 feet to a point on the South line of the Ephemeral Resources Annexation No. 3, Ordinance No. 3299, City of Grand Junction also being the Point of Beginning; thence N89°58'45"E along the South line of said Ephemeral Resources Annexation No. 3 a distance of 108.00 feet to the Northwest corner of the Water's Edge Annexation, Ordinance No. 3706, City of Grand Junction; thence S00°03'15"W along the West line of said Water's Edge Annexation a distance of 393.00 feet to the Southwest corner of said Water's Edge Annexation; thence S89°58'45"W a distance of 108.00 to the West line of the NE 1/4 NW 1/4 of said Section 20; thence N00°03'15"E along the West line of the NE 1/4 NW 1/4 of said Section 20 a distance of 393.00 feet to the Point of Beginning.

Said parcel contains 0.97 acres (42,441 square feet) more or less as described.

WHEREAS, a hearing on the petition was duly held after proper notice on the 17<sup>th</sup> day of August, 2005; and

WHEREAS, the Council has found and determined and does hereby find and determine that said petition is in substantial compliance with statutory requirements therefore, that one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; that a community of interest exists between the territory and the City; that the territory proposed to be annexed is urban or will be urbanized in the near future; that the said territory is integrated or is capable of being integrated with said City; that no land held in identical ownership has been divided without the consent of the landowner; that no land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; and that no election is required under the Municipal Annexation Act of 1965.

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

The said territory is eligible for annexation to the City of Grand Junction, Colorado, and should be so annexed by Ordinance.

**ADOPTED** this 17<sup>th</sup> day of August, 2005.

Attest:

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President of the Council

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City Clerk

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

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

**WATER'S EDGE NO. 2 ANNEXATION**

**APPROXIMATELY 0.97 ACRES**

**LOCATED AT 2927 D ROAD**

**WHEREAS**, on the 6<sup>th</sup> day of July, 2005, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

**WHEREAS**, a hearing on the petition was duly held after proper notice on the 17<sup>th</sup> day of August, 2005; and

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

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

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

**WATER'S EDGE NO. 2 ANNEXATION**

A parcel of land located in the Northeast Quarter of the Northwest Quarter (NE 1/4 NW 1/4) of Section 20, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at the Northwest corner of the NE 1/4 NW 1/4 of said Section 20, and assuming the North line of the NE 1/4 NW 1/4 of said Section 20 to bear N89°58'45"E with all bearings contained herein relative thereto; thence from said Point of Commencement S00°03'15"E along the West line of the NE 1/4 NW 1/4 of said Section 20 a distance of 10.00 feet to a point on the South line of the Ephemeral Resources Annexation No. 3, Ordinance No. 3299, City of Grand Junction also being the Point of Beginning; thence N89°58'45"E along the South line of said Ephemeral Resources

Annexation No. 3 a distance of 108.00 feet to the Northwest corner of the Water's Edge Annexation, Ordinance No. 3706, City of Grand Junction; thence S00°03'15"W along the West line of said Water's Edge Annexation a distance of 393.00 feet to the Southwest corner of said Water's Edge Annexation; thence S89°58'45"W a distance of 108.00 to the West line of the NE 1/4 NW 1/4 of said Section 20; thence N00°03'15"E along the West line of the NE 1/4 NW 1/4 of said Section 20 a distance of 393.00 feet to the Point of Beginning.

Said parcel contains 0.97 acres (42,441 square feet) more or less as described.

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

**INTRODUCED** on first reading on the 6<sup>th</sup> day of July, 2005 and ordered published.

**ADOPTED** on second reading this 17<sup>th</sup> day of August, 2005.

Attest:

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President of the Council

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City Clerk

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE ZONING THE WATER'S EDGE NO. 2 ANNEXATION TO  
RMF-8**

**LOCATED AT 2927 D ROAD**

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 zoning the Water's Edge No. 2 Annexation to the RMF-8 zone district for the following reasons:

The zone district meets the recommended land use category as shown on the future land use map of the Growth Plan and the Growth Plan's goals and policies and/or are generally compatible with appropriate land uses located in the surrounding area. The zone district meets the criteria found in Section 2.6 of the Zoning and Development Code.

After the public notice and public hearing before the Grand Junction City Council, City Council finds that the RMF-8 zone district be established.

The Planning Commission and City Council find that the RMF-8 zoning is in conformance with the stated criteria of Section 2.6 of the Grand Junction Zoning and Development Code.

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

The following property shall be zoned RMF-8 with a density not to exceed 8 units per acre.

**WATER'S EDGE NO. 2 ANNEXATION**

A parcel of land located in the Northeast Quarter of the Northwest Quarter (NE 1/4 NW 1/4) of Section 20, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at the Northwest corner of the NE 1/4 NW 1/4 of said Section 20, and assuming the North line of the NE 1/4 NW 1/4 of said Section 20 to bear N89°58'45"E with all bearings contained herein relative thereto; thence from said Point of Commencement S00°03'15"E along the West line of the NE 1/4 NW 1/4 of said Section



20 a distance of 10.00 feet to a point on the South line of the Ephemeral Resources Annexation No. 3, Ordinance No. 3299, City of Grand Junction also being the Point of Beginning; thence N89°58'45"E along the South line of said Ephemeral Resources Annexation No. 3 a distance of 108.00 feet to the Northwest corner of the Water's Edge Annexation, Ordinance No. 3706, City of Grand Junction; thence S00°03'15"W along the West line of said Water's Edge Annexation a distance of 393.00 feet to the Southwest corner of said Water's Edge Annexation; thence S89°58'45"W a distance of 108.00 to the West line of the NE 1/4 NW 1/4 of said Section 20; thence N00°03'15"E along the West line of the NE 1/4 NW 1/4 of said Section 20 a distance of 393.00 feet to the Point of Beginning.

Said parcel contains 0.97 acres (42,441 square feet) more or less as described.

Introduced on first reading this 3<sup>rd</sup> day of August, 2005 and ordered published.

Adopted on second reading this 17<sup>th</sup> day of August, 2005.

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Mayor

ATTEST:

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City Clerk

**Attach 15**

**Public Hearing – Pomona Commons Rezone, Located at 589 25 ½ Road**  
**CITY OF OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	Pomona Commons rezone request					
<b>Meeting Date</b>	August 17, 2005					
<b>Date Prepared</b>	August 9, 2005			File #RZ-2005-163		
<b>Author</b>	Lori V. Bowers		Senior Planner			
<b>Presenter Name</b>	Lori V. Bowers		Senior Planner			
<b>Report results back to Council</b>	X	No		Yes	<b>When</b>	
<b>Citizen Presentation</b>		Yes	X	No	<b>Name</b>	
	<b>Workshop</b>	X	<b>Formal Agenda</b>		<b>Consent</b>	X <b>Individual Consideration</b>

**Summary:** A request to rezone 1.92 acres from RMF-5 to RMF-12. The property is located at 589 25 ½ Road

**Budget:** N/A

**Action Requested/Recommendation:** Hold a Public Hearing and consider final passage of the proposed ordinance rezoning the property.

**Background Information:** See attached Staff Report/Background Information

**Attachments:**

8. Staff report/Background information
9. General Location Map
10. Aerial Photo
11. Growth Plan Map
12. Zoning Map
13. Annexation map
14. Zoning Ordinance

BACKGROUND INFORMATION					
Location:		589 25 ½ Road			
Applicants:		Patricia Jarvis, property owner; IFI Corporation, petitioner.			
Existing Land Use:		Single family residential			
Proposed Land Use:		Residential, multi-family			
Surrounding Land Use:	North	Paradise Valley Mobile Home Park			
	South	Paradise Valley Mobile Home Park			
	East	Pomona Elementary			
	West	Paradise Valley Mobile Home Park			
Existing Zoning:		RMF-5			
Proposed Zoning:		RMF-12			
Surrounding Zoning:	North	PD (7.05)			
	South	PD (7.05)			
	East	CSR			
	West	PD (7.05)			
Growth Plan Designation:		RMH – 8 to 12 dwelling per acre			
Zoning request is within density range?		X	Yes		No

**STAFF ANALYSIS:**

1. Background: The property is located on 25 ½ Road. It is surrounded on three sides by the Paradise Valley Mobile Home Park and Pomona Elementary is directly across the street to the east. The subject property was part of a forty (40) acre parcel that was agricultural until the mid 1960's. The property was split, thirty-eight (38) acres being developed into Paradise Valley Mobile Home Park and the subject two (2) acres for the remaining single-family home. The subject property was annexed into the City in 1983 as an enclave annexation. The mobile home park was annexed into the City in 1978, with Pomona Elementary being annexed in 1979, which created the enclave.
2. Consistency with the Growth Plan: The parcel as it is currently zoned is not consistent with the Growth Plan. The Growth Plan designation is Residential Medium

High, 8 to 12 dwelling units per acre. The existing zoning is RMF-5. The request for RMF-12 zoning is consistent with the Growth Plan.

3. Section 2.6.A of the Zoning and Development Code:

Zone requests must meet all of the following criteria for approval:

1. The existing zoning was in error at the time of adoption;

Response: The applicant assumes that the zoning designation, reminiscent of the current RMF-5, was assigned the subject property along with the land use transition in the mid 1960's.

2. 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.;

Response: The current zoning may have been entirely adequate and appropriate for the mid 1960's and 1970's. The past 10 to 15 years, however, have seen a change of character in the neighborhood. Improvements have been made to 25 ½ Road along with the water, sewer and storm sewer under lying 25 ½ Road. The subject property lies in a transition district between a trade district and single family housing. All three districts (Trade, Transitional and Single Family) have seen substantial growth in recent years. This growth along with the infrastructure improvements makes a rezoning of the subject property to RMF-12 much more compatible with the neighborhood.

3. 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 nuisances;

Response: Further, the proposed rezone should not create any adverse impacts on the neighborhood or the (Section 2.6.A.3) infrastructure already in place. The project is designed to have self contained parking. The relatively new storm sewer in 25 ½ Road adjoins the property and should be usable especially if a retention/detention pond is installed. There is a new eight (8) inch sewer line in 25 ½ Road. The applicant feels that City Engineering has led them to believe that Pomona Elementary is the only user of this line. The fire station and Monument Little League ball fields use a different line. The sewer line dead ends at Pomona Elementary Cafeteria, the line does not extend north to Patterson. The sewer line is shallow and pump station will have to be installed. Pomona Elementary is also on a pump station. There are sewer manholes in 25 ½ Road at the north and south borders of the subject property. Fire hydrants are

planned in the development. Currently there is sufficient flow in the looped eight (8) inch water main in 25 ½ Road to service the fire hydrants in the project. (A completed Fire Flow Form was attached as Exhibit B).

A soils report for the project has been completed by Western Colorado Testing, Inc. Soil conditions are compatible for the size of the proposed structures. (A copy of the geotechnical report was provided).

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

Response: Currently the subject property is zoned RMF-5 units per acre. We are proposing an increase in density to twelve (12) units per acre. The subject property is approximately 1.92 acres. The net density increase we are seeking is from nine (9) units to twenty-three (23) units, a (14 unit) increase.

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

Response: Minimal, if any at all, effects on public facilities such as fire, police, sanitation, roads, parks and schools are expected.

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

Response: This property is located within the infill area.

7. The community or neighborhood will benefit from the proposed zone.

Response: Some of the items being planned for the project are:

1. Open space and conserve as many of the existing trees and shrubs as possible.
2. A single centralized irrigation system to efficiently use the existing water rights.
3. A privacy fence around the subject property.
4. All of the existing buildings will be demolished.

Alternatives: In addition to the zoning that the petitioner has requested, the following zone district would also be consistent with the Growth Plan designation for the subject property.

- d. RMF-8 (Residential Multi-family, not to exceed eight units per acre).

#### FINDINGS OF FACT/CONCLUSIONS:

After reviewing the Pomona Commons application, RZ-2005-163 request for a rezone, the Planning Commission made the following findings of fact and conclusions:

1. The requested zone is consistent with the Growth Plan
2. The review criteria in Section 2.6.A of the Zoning and Development Code have all been met.

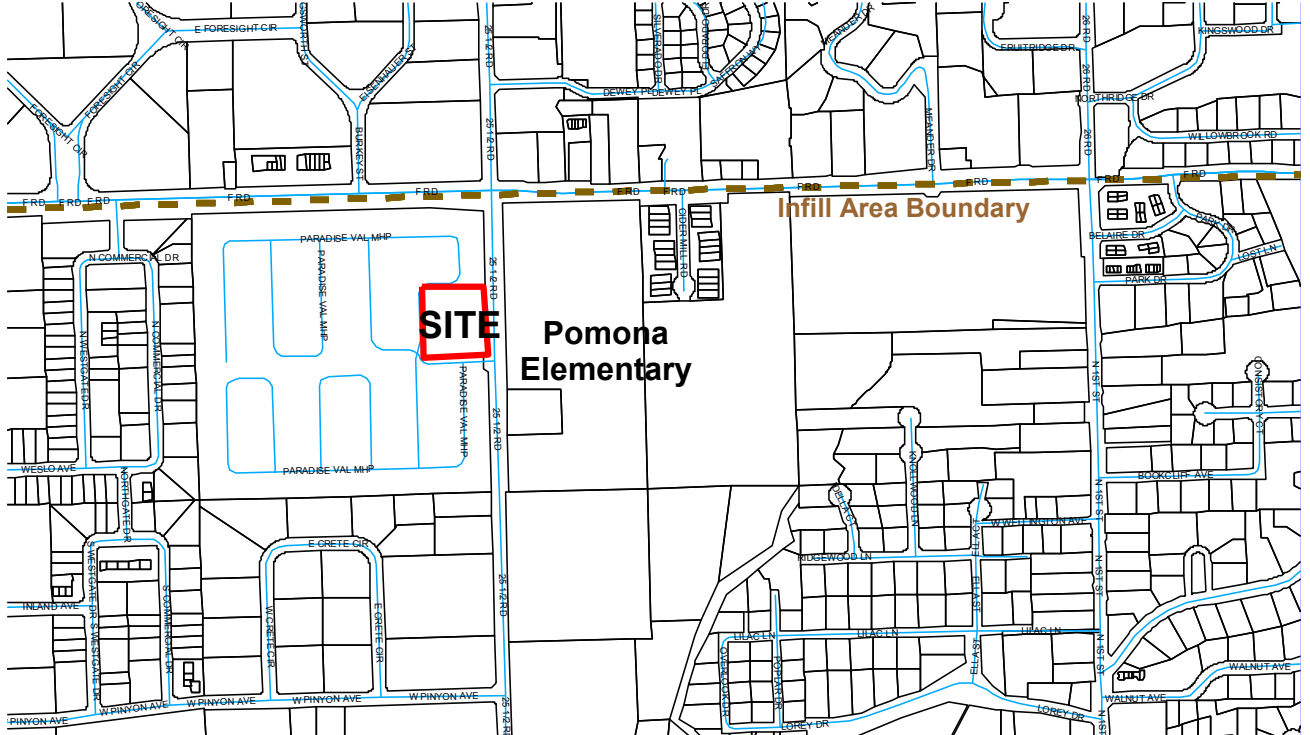
#### PLANNING COMMISSION RECOMMENDATION:

The Pomona Commons rezone request was considered a non-controversial item and was placed on the Consent Calendar by the Planning Commission on July 26, 2005. The Planning Commission forwards a recommendation of approval to the City Council for the requested rezone; file number RZ-2005-163, with the findings and conclusions as listed above.



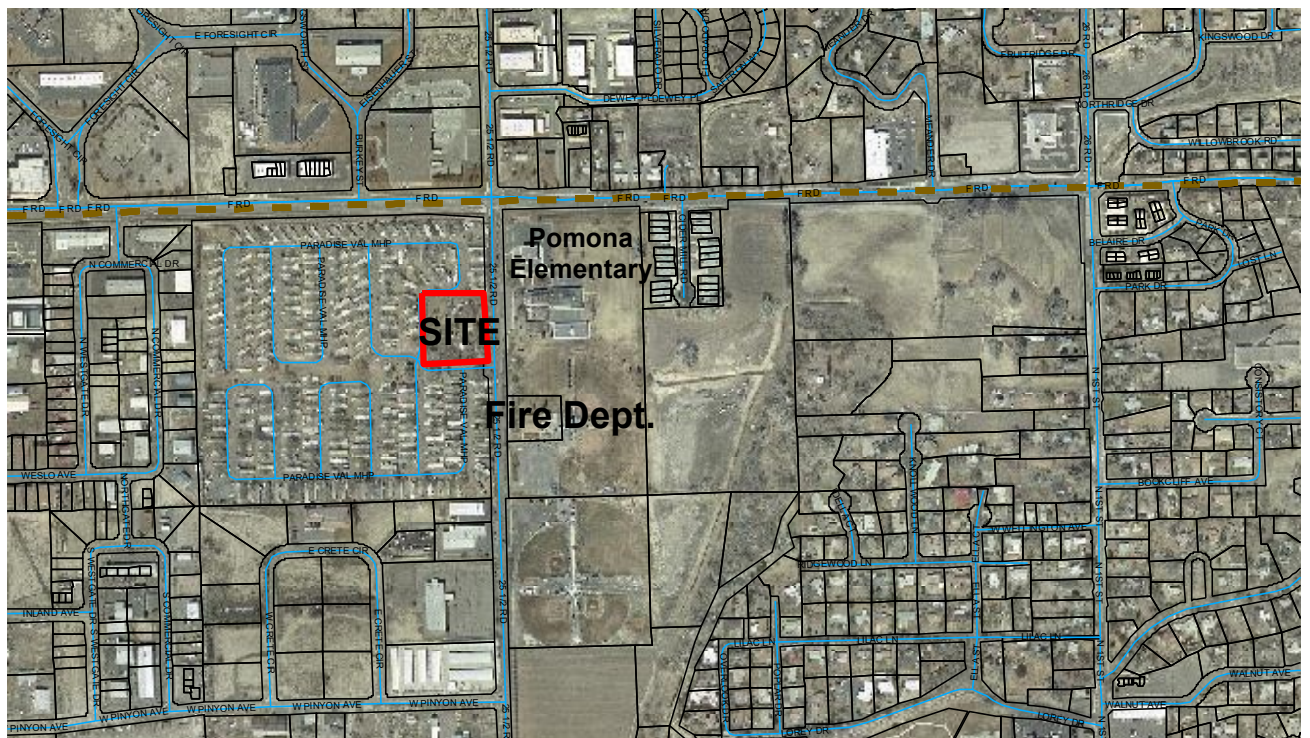
# Site Location Map

589 25 1/2 Road



# Aerial Photo Map

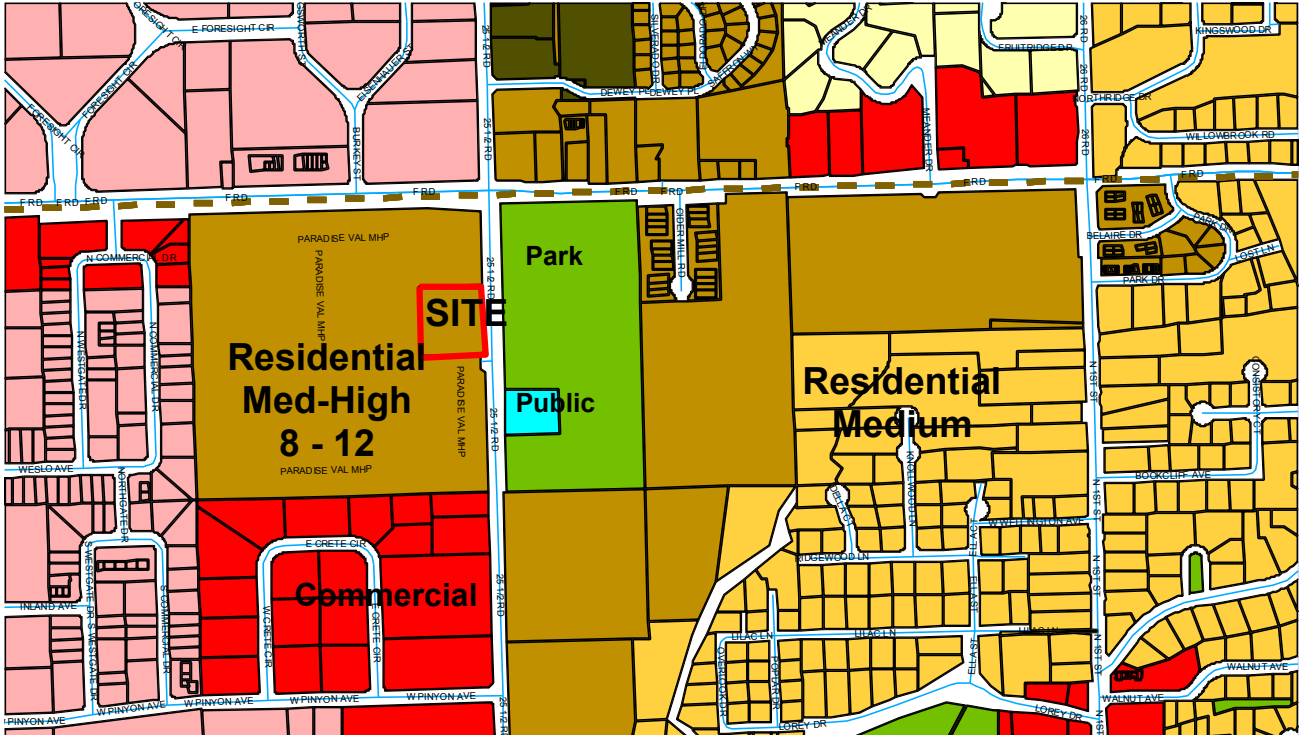
589 25 1/2 Road





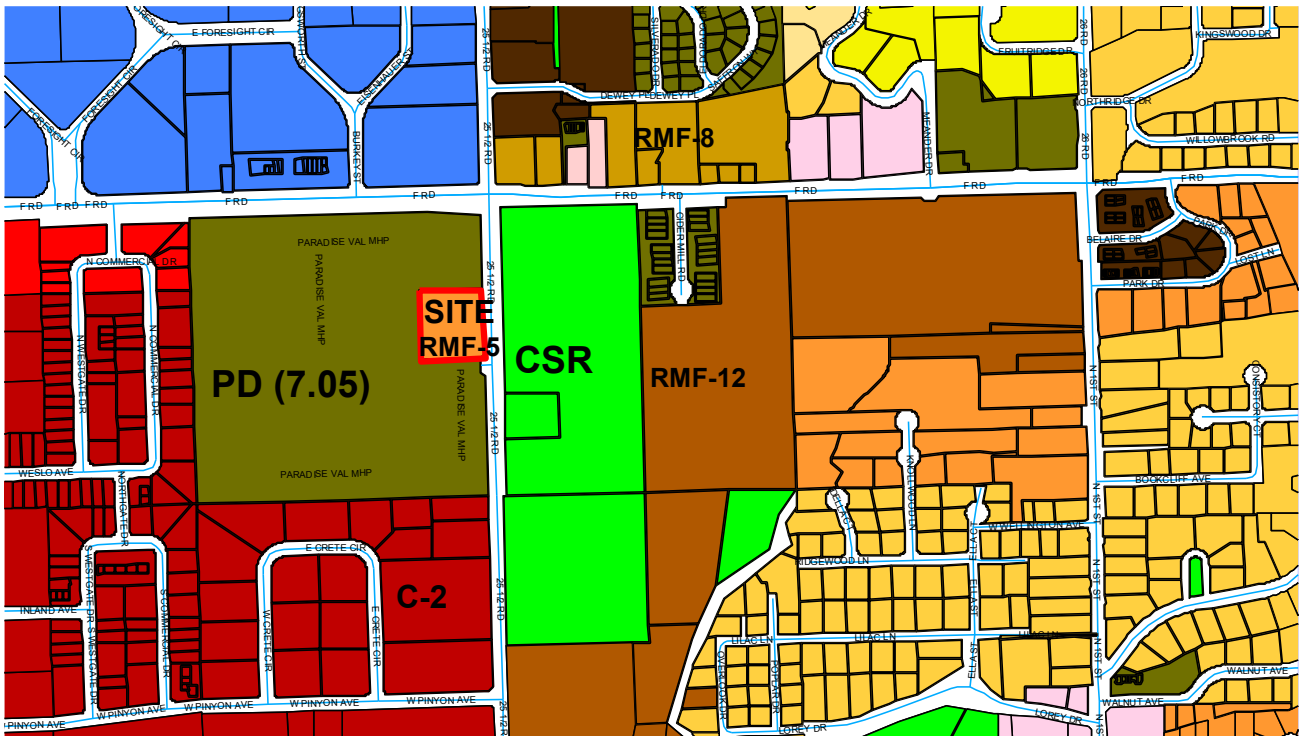
# Future Land Use Map

589 25 1/2 Road



# Existing City and County Zoning

589 25 1/2 Road



CITY OF GRAND JUNCTION, COLORADO

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

AN ORDINANCE ZONING 1.92 ACRES OF LAND LOCATED  
AT 589 25 ½ ROAD, POMONA COMMONS, TO RMF-12

Recitals.

A rezone from the Residential Multi-Family Five (RMF-5) district to the Residential Multi-Family Twelve (RMF-12) district has been requested for the property located at 589 25 ½ Road for purposes of developing a multi-family residential subdivision. The City Council finds that the request meets the goals and policies and future land use set forth by the *Growth Plan* (Residential Medium High, 8 to 12 dwelling units per acre). City Council also finds that the requirements for a rezone as set forth in Section 2.6 of the Zoning and Development Code have been satisfied.

The Grand Junction Planning Commission, at its July 26, 2005 hearing, recommended approval of the rezone request from the RMF-5 district to the RMF-12 district.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE PARCEL DESCRIBED BELOW IS HEREBY ZONED TO THE RESIDENTIAL MULTI-FAMILY TWELVE (RMF-12) DISTRICT:

589 25 ½ Road, Tax Parcel Identification # 2945-102-00-153, consisting of 1.92 acres.

Uses Permitted: Those uses as listed in Chapter Three, of the Zoning and Development Code.

INTRODUCED for FIRST READING and PUBLICATION this 3<sup>rd</sup> day of August 2005.

PASSED on SECOND READING this \_\_\_\_ day of \_\_\_\_\_, 2005.

ATTEST:

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

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

**Attach 16**

**Initiation of Condemnation Proceedings for the Acquisition of a Portion of the Property at 2741 D Road for the Riverside Parkway Project**

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
<b>Subject</b>		Determining the Necessity of and Authorizing the Acquisition of Real Estate by Condemnation for the Riverside Parkway Project					
<b>Meeting Date</b>		August 17, 2005					
<b>Date Prepared</b>		August 11, 2005			<b>File #</b>		
<b>Author</b>		Jim Shanks Trent Prall		Riverside Pkwy Program Manager Riverside Pkwy Project Manager			
<b>Presenter Name</b>		Mark Relph		Public Works and Utilities Director			
<b>Report results back to Council</b>		X	No		Yes	When	
<b>Citizen Presentation</b>			Yes	X	No	Name	
	<b>Workshop</b>	X	<b>Formal Agenda</b>			<b>Consent</b>	X <b>Individual Consideration</b>

**Summary:** The proposed resolution will authorize the City to initiate condemnation proceedings to acquire a portion of a parcel at 2741 D Road.

**Budget:** Sufficient funds exist in the 2005 Riverside Parkway budget to complete the City's due diligence investigations and purchase of this right-of-way:

<b>2005 Right-of-Way Budget</b>	<b>\$10,000,000</b>
2005 Right-of-Way Related Expenses to Date:	\$7,847,947
<b>Costs Related to this Property Purchase:</b>	
Property purchase (includes moving & relocation)	\$935,000
<b>Total Costs Related to This Request</b>	<b>\$935,000</b>
<b>2005 Remaining Right-of-Way Funds</b>	<b>\$1,217,053</b>
<b>Total Project Budget</b>	
	<b>\$91,495,000</b>
Estimated Project Costs:	
Prelim. Engineering / 1601 Process	\$5,486,000
Other Prelim. Engineering	\$3,115,000
Utility Relocations / Street Lights	\$4,500,000
Final Design	\$2,994,000
Construction	\$52,000,000
Construction Oversight	\$4,400,000
Right-of-Way & Land Purchases and Relocations	\$19,000,000
<b>Total Estimated Project Costs</b>	<b>\$91,495,000</b>
Remaining Funds / Contingency	\$0

**Action Requested/Recommendation:** Pass and adopt proposed resolution.

**Attachments:**

1. Proposed Resolution.

**Background Information:** On November 4, 2003, a majority of the City electorate voted to authorize the City to issue \$80 million in bonds to fund the Riverside Parkway. The authorized funding will expedite the design, property acquisition and construction of this transportation corridor.

The City Council has adopted details, plans, schedules and funds for the construction of the Riverside Parkway. Acquisition of the right-of-way at 2741 D Road is required to complete Phase 1 of the project.

Negotiations to purchase the subject right-of-way began on April 28, 2005. At that time the City received an appraisal from Associated Value Consultants estimating the fair market value of the portion of the subject property needed to be \$500,500 and that is the amount the City initially offered to purchase the subject right-of-way. During negotiations it was determined that there were existing improvements on the property including asphalt pads that were being taken and that a 38,000 square foot remnant portion of the property would have no utility or value to the owner. A revised offer was made to the property owner for \$700,000.

On August 15, 2005, the City gave the owners a final offer letter to purchase the subject right-of-way for the sum of \$700,000. In addition it was determined that the property owner would be eligible for business and moving expenses in the amount of \$235,000. The final offer letter states that if it is necessary to acquire the subject right-of-way through litigation, the City reserves the right to present evidence based upon the

amount of just compensation as determined by its appraiser. The owners have not accepted the City's final offer, but instead made a counter offer to sell the real estate and move the personal property for \$1,180,000.

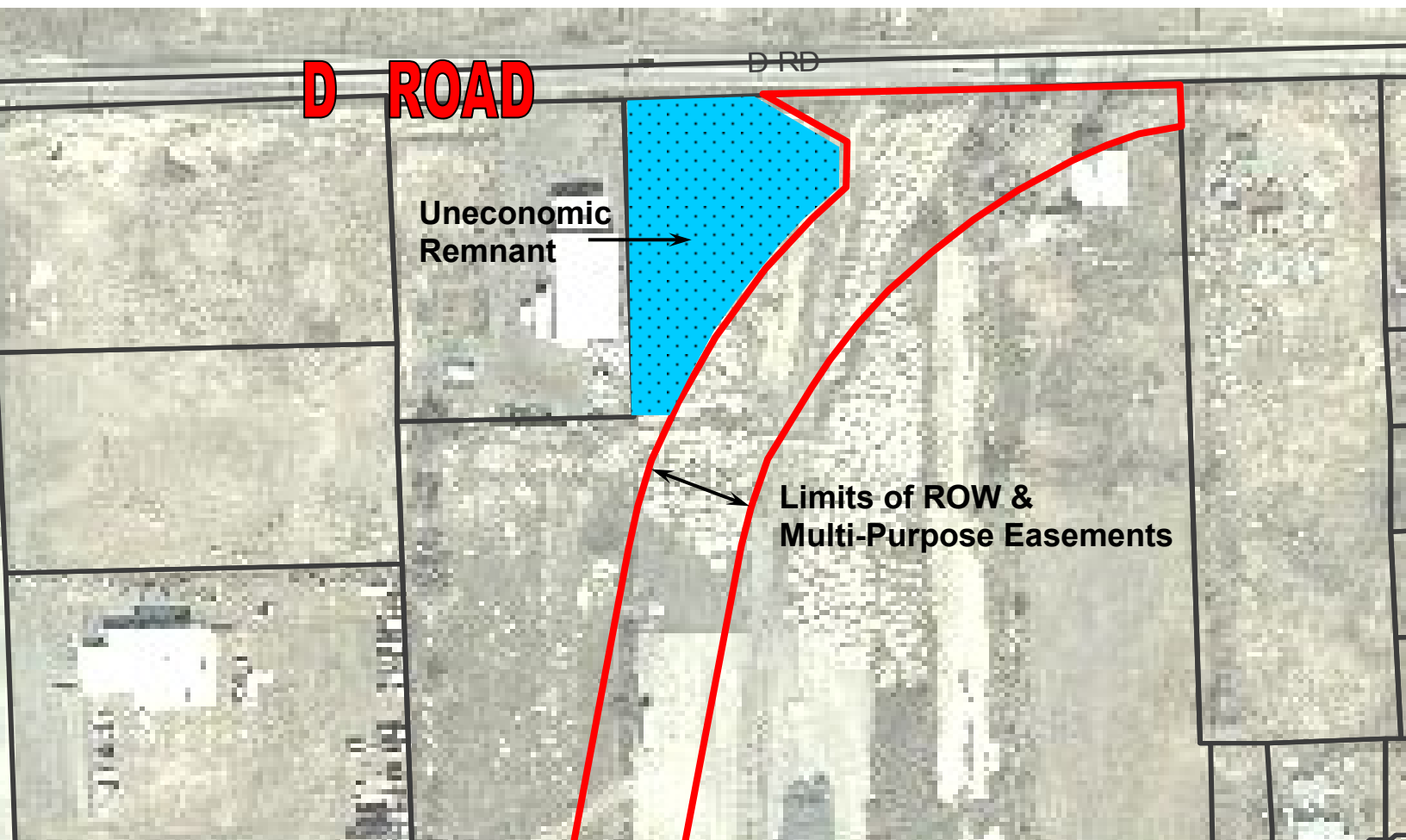
To facilitate the construction schedule for Riverside Parkway, 2741 D Road needs to be available by October 17, 2005. As a result, staff is suggesting Council direction on the issue will be required on August 17, 2005, allowing the statutory time necessary to secure a court date and obtain immediate possession. The City and the owners may continue to attempt to reach a settlement until a valuation hearing is held.

The subject property is located just east of 15<sup>th</sup> Street and south of D Road and is owned by Parkerson Brothers LLC doing business on the property as the Rock Shop.

The subject property contains 25 industrially zoned acres. The project requires 2.83 acres for right of way, 30,226 square feet for multipurpose easements, 987 square feet for a sight distance easement and 6,518 square feet in temporary construction easements.

A Phase I Environmental Audit has been completed for the purchase. No special remediation requirements are anticipated for the portion of property needed for the Parkway.

#### VICINITY MAP





RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION DETERMINING THE NECESSITY OF  
AND AUTHORIZING THE ACQUISITION OF CERTAIN PROPERTY,  
BY EITHER NEGOTIATION OR CONDEMNATION,  
FOR MUNICIPAL PUBLIC FACILITIES**

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

Section 1. It is hereby determined that it is necessary to the public health, safety and welfare that certain property be acquired for public street, sidewalk, parking, utility and drainage purposes. The necessary property as hereafter described in Section 3, is to be acquired by negotiation and purchase if possible; provided, however, the condemnation of said property is hereby specifically approved and authorized. The property sought to be acquired is to be used for municipal public purposes associated with the Riverside Parkway project.

Section 2. The City Attorney is hereby specifically authorized and directed to take all necessary legal measures, including condemnation, to acquire the property which is legally described and set forth in the following section, which is hereby determined to be necessary to be acquired to be used for public street, sidewalk, parking, utility and drainage purposes. The City Attorney is further authorized to request immediate possession of the parcels hereinafter set forth.

Section 3. Interest to be acquired: Fee simple absolute, perpetual easements and temporary construction easements.

Owner of record: Parkerson Brothers, LLC

Legal Description:

Mesa County Tax Assessor Parcel No. 2945-242-00-231

The interest to be acquired is undeveloped land as realty in accordance with Colorado law.

Section 4. The City Council hereby finds and resolves, in the event that acquisition by condemnation of the parcels described in this resolution is commenced, that immediate possession is necessary for the public health, safety and welfare, due to design and construction deadlines.

Section 5. The Charter authorizes this resolution and the actions described. The resolution shall be effective upon an affirmative vote of a majority of the City Council considering it.

PASSED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

Attest:

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

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