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**CITY COUNCIL AGENDA  
WEDNESDAY, DECEMBER 17, 2014  
250 NORTH 5<sup>TH</sup> STREET  
6:30 P.M. – ADMINISTRATION CONFERENCE ROOM  
7:00 P.M. – REGULAR MEETING – CITY HALL AUDITORIUM**

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

**Call to Order**  
(7:00 P.M.)

Pledge of Allegiance  
Invocation – A Moment of Silence

**Presentation**

Economic Development Report

[Supplemental Documents](#)

**Proclamation**

Proclaiming December 18, 2014 as “International Day of the Migrant” in the City of Grand Junction [Attachment](#)

**Appointments**

To the Historic Preservation Board

\*\*\*Ratify the Appointment to the Grand Junction Regional Airport Authority Board

*Revised December 18, 2014*

*\*\* Indicates Changed Item*

*\*\*\* Indicates New Item*

*® Requires Roll Call Vote*

**REVISED**

**Citizen Comments**

[Supplemental Documents](#)

**Council Comments**

**\*\*\* CONSENT CALENDAR \*\*\*®**

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

*Action: Approve the Summary of the December 1, 2014 Workshop and the Minutes of the December 3, 2014 Regular Meeting*

- 2. **Setting a Hearing on the Comprehensive Plan Amendment and Rezone for Baker’s Boutique, Located at 726 24 Road** [File #CPA-2014-418 and RZN-2014-419] [Attach 2](#)

Request approval to change the Comprehensive Plan Future Land Use Map designation for property located at 726 24 Road (0.86 +/- acres) from "Park" to "Village Center" and to rezone from CSR (Community Services and Recreation) to B-1 (Neighborhood Business) zone district in anticipation of future neighborhood business commercial development. The proposed resolution to amend the Comprehensive Plan will be considered with the second reading of the rezone ordinance.

Proposed Ordinance Rezoning the Baker’s Boutique Property from CSR (Community Services and Recreation) to B-1(Neighborhood Business), Located at 726 24 Road

*Action: Introduce a Proposed Ordinance and Set a Public Hearing for January 7, 2015*

Staff presentation: Scott D. Peterson, Senior Planner

- 3. **Setting a Hearing on Rezoning and Approving an Outline Development Plan for the Grand Junction Housing Authority Senior Living Planned Development, Located at 805 Bookcliff Avenue** [File #PLD-2014-447] [Attach 3](#)

The Grand Junction Housing Authority is requesting approval to rezone 3.763 acres from R-16 (Residential – 16 units per acre) to PD (Planned Development) with a default zone of R-24 (Residential – 24 units per acre) and

recommendation to City Council of approval of an Outline Development Plan (ODP) for the Grand Junction Housing Authority (GJHA) Senior Living Planned Development, Highlands Apartments.

Proposed Ordinance Rezoning Approximately 3.763 Acres from R-16 to PD (Planned Development) and Approving the Outline Development Plan (ODP), Grand Junction Housing Authority Senior Living Planned Development – Highlands Apartments (aka The Epstein Property), Located at 805 Bookcliff Avenue

Action: *Introduce a Proposed Ordinance and Set a Public Hearing for January 7, 2015*

Staff presentation: Lori V. Bowers, Senior Planner  
Kristen Ashbeck, Senior Planner

4. **Rates and Fees Effective January 1, 2015** [Attach 4](#)

Proposed rate/fee increases which would be effective January 1, 2015 are for Water, Wastewater, Solid Waste, Two Rivers Convention Center, Avalon Theatre, and Fire Ambulance Transport.

Resolution No. 46-14—A Resolution Adopting Fees and Charges for Water, Wastewater, Solid Waste, Two Rivers Convention Center, Avalon Theatre, and Fire Ambulance Transport

®Action: *Adopt Resolution No. 46-14*

Staff presentation: Jodi Romero, Financial Operations Director

\*\*\*5. **Design and Implementation of a Firefighter Heart and Circulatory Malfunction Benefit Fund Program** [Attach 5](#)

Senate Bill 14-172, codified as C.R.S. 29-5-301 *et. seq.* requires that any municipality, special district, fire authority, or county improvement district employing one or more firefighters to provide benefits for heart and circulatory malfunctions for full time firefighters, as long as the state provides sufficient funding to cover the cost. The employer may purchase accident insurance, self-insure, either separately or as part of a pool, or participate in a multiple employer trust in order to provide benefits required by law to firefighters eligible to receive the benefit(s). The law is effective January 1, 2015.

Resolution No. 47-14 –A Resolution Authorizing the City Manager to Design and Implement a Firefighter Heart and Circulator Malfunction Benefit Fund Program

®Action: *Adopt Resolution No. 47-14*

Staff presentation: Elizabeth Tice, Management and Legislative Liaison  
Ken Watkins, Fire Chief

\*\*\*6. **Urban Trails Committee Re-Establishment and Adoption of Bylaws** [Attach 6](#)

The Urban Trails Committee has served as a sub-committee of the Riverfront Commission since 1994. The proposed Resolution will re-establish the committee as an advisory board to the City Council on matters pertaining to the safe, convenient, and efficient movement of pedestrians and bicyclists of all ages and abilities, as well as other forms of transit.

Resolution No. 48-14 –A Resolution Re-Establishing the Urban Trails Committee and Adoption of Bylaws

®Action: *Adopt Resolution No. 48-14*

Staff presentation: Kathy Portner, Community Services Manager

\*\*\*7. **Construction Management/General Contractor Services Contract for Fire Station No. 4** [Attach 7](#)

This request is for authorization from the City Council to purchase pre-construction and construction management/general contractor (CM/GC) services from FCI Constructors Inc., for a new fire station to be constructed at 2880 B 1/2 Road.

Action: *Authorize the City Purchasing Division to Enter into a Contract with FCI Constructors, Inc. to Provide Construction Management/General Contractor Services for an Estimated Total Price of \$2,621,904*

Staff presentation: Ken Watkins, Fire Chief  
Jay Valentine, Internal Services Manager

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

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

8. **Public Hearing—Patterson Place Rezone, Located at 2562/2566/2570 Patterson Road** [File # RZN-2014-262] [Attach 8](#)

A request to rezone properties totaling 3.523 acres from a City R-8 (Residential 8 du/ac) to MXG-3 (Mixed Use General) and MXS-3 (Mixed Use Shopfront) zone districts.

Ordinance No. 4647—An Ordinance Rezoning Patterson Place from R-8 (Residential 8 du/ac) to MXG-3 (Mixed Use General) and MXS-3 (Mixed Use Shopfront), Located at 2562/2566/2570 Patterson Road

*®Action: Adopt Ordinance No. 4647 on Final Passage and Order Final Publication of the Ordinance in Pamphlet Form*

Staff presentation: Senta Costello, Senior Planner

9. **Public Hearing—2014 Second Supplemental Appropriation Ordinance and the 2015 Budget Appropriation Ordinance** [Attach 9](#)

[Supplemental Documents](#)

This request is to appropriate certain sums of money to defray the necessary expenses and liabilities of the accounting funds of the City of Grand Junction based on the 2014 amended and 2015 proposed budgets.

Ordinance No. 4649—An Ordinance Making Supplemental Appropriations to the 2014 Budget of the City of Grand Junction

Ordinance No. 4650—An Ordinance Appropriating Certain Sums of Money to Defray the Necessary Expenses and Liabilities of the City of Grand Junction, Colorado and the Downtown Development Authority for the Year Beginning January 1, 2015 and Ending December 31, 2015

*®Action: Adopt Ordinance Nos. 4649 and 4650 on Final Passage and Order Final Publication of the Ordinances in Pamphlet Form*

Staff presentation: Rich Englehart, City Manager  
Jodi Romero, Financial Operations Director

10. **Public Hearing—Extension of the Downtown Grand Junction Business Improvement District (DGJBID)** [Attach 10](#)

Consideration of the extension of the DGJBID for 20 years effective on the date of adoption of an ordinance amending Ordinance No. 3815.

Ordinance No. 4651—An Ordinance Amending Ordinance No. 3815 to Extend the Downtown Grand Junction Business Improvement District for 20 years

*®Action: Adopt Ordinance No. 4651 on Final Passage and Order Final Publication of the Ordinance in Pamphlet Form*

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

11. **Municipal Recreation Agreement with the Bureau of Reclamation – Green Mountain Reservoir Water** [Attach 11](#)

A 40 year agreement between the City of Grand Junction, Town of Palisade, City of Fruita (municipalities), and the Bureau of Reclamation for the delivery of surplus water from Green Mountain Reservoir for recreational purposes in the Colorado River between Palisade and Loma, Colorado.

*Action: Authorize the Mayor to Sign a Forty Year Agreement with the Bureau of Reclamation for Diversion of Water from Green Mountain Reservoir*

Staff presentation: Greg Lanning, Public Works and Utilities Director  
John Shaver, City Attorney

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

13. **Other Business**

14. **Adjournment**



# Grand Junction

State of Colorado

## PROCLAMATION

*WHEREAS, the City of Grand Junction is home to many immigrants from all over the world; and*

*WHEREAS, the City of Grand Junction honors the dignity of all city residents, regardless of nationality, and recognizes the importance of their many contributions to the social, religious, cultural, and economic life of the City; and*

*WHEREAS, the City of Grand Junction is concerned that immigration reform legislation be just, fair and comprehensive; and*

*WHEREAS, the City of Grand Junction supports the Constitution of the United States and the Bill of Rights; and*

*WHEREAS, the United States, because of the Constitution is a beacon of hope for people all over the globe seeking a better life and peaceful future; and*

*WHEREAS, December 18<sup>th</sup> is recognized by the United Nations as the "International Day of the Migrant", and is a day for our Country to look closely at our immigration policies and practices.*

*NOW, THEREFORE, I, Phyllis Norris, by the power vested in me as Mayor of the City of Grand Junction do hereby proclaim December 18, 2014 as*

*"International Day of the Migrant"*

*in the City of Grand Junction and encourage fair, just, and comprehensive immigration reform in order to provide principled solutions to our nation's immigration situation.*

*IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official Seal of the City of Grand Junction this 17<sup>th</sup> day of December 2014.*

\_\_\_\_\_  
Mayor



## Minutes

### **GRAND JUNCTION CITY COUNCIL WORKSHOP SUMMARY December 1, 2014 – Noticed Agenda Attached**

Meeting Convened: 5:10 p.m. in the City Auditorium

Meeting Adjourned: 7:29 p.m.

Council Members present: All Council except Susuras. Staff present: Englehart, Shaver, Moore, Tice, Valentine, Lanning, Kovalik, Dackonish, and Tuin.

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#### Agenda Topics 1 and 2. Meet with State Legislators and Municipal Legislative Issues

In attendance were State Representative Elect for District 54 Yeulin Willett and State Representative Elect for District 55 Dan Thurlow. Council President Phyllis Norris thanked the legislators for coming and introduced Management and Legislative Liaison Elizabeth Tice.

Ms. Tice distributed a summary of legislative topics that the City Council watches and a legislative policy document from the Colorado Municipal League (CML). She explained the City's reliance on lobbying efforts of CML as well as the information they provide. Topics included severance tax, local control, and broadband. Specific issues discussed were the Construction Defects bill, unionization of police and fire departments, worker's compensation mandates, regulations on homeowners associations, State grant funding (specifically for parks), affordable housing, job creation (and the need for \$16+/hour jobs), unfunded mandates, biogas/CNG, stormwater management rights, and economic development. The underlying themes for the City Council were local control, differentiating the issues here from those in the metro area, the lack of familiarity front range has with the western slope and particularly Grand Junction, and the need for assistance in improving the economic picture on the western slope as it still has not really come out of the recession yet.

Ms. Tice also distributed a report on the Action Items and Information and Discussion Items being taken up by CML. Some of those were briefly discussed and explained.

Councilmember McArthur asked about the remote testimony option being available this next session. Representative Elect Thurlow said the infrastructure is not complete but they are working on it.



Agenda Topic 3. David Ludlam, Western Colorado Oil and Gas Association

The topic on which Mr. Ludlam was going to report on has been settled (Roan Plateau settlement) so this item has been removed from the agenda. City Manager Englehart advised that the Oil and Gas Task Force is meeting in Rifle on December 10<sup>th</sup> and 11<sup>th</sup>.

Agenda Topic 4. 2015 Persigo Budget Calendar

Based on a letter received from Mesa County Commission Chair John Justman, a resolution has been drafted that outlines the expectations for next year in reviewing policy and budget for the Persigo Waste Water System. It is written as a joint resolution and there are no concerns that the County will not accept the resolution as written. The City Council agreed to place the resolution on the December 3<sup>rd</sup> City Council agenda under the Consent Calendar.

There was a discussion regarding a review of the Persigo Agreement as it has been in place since 1998 and many things have changed.

Councilmember Boeschstein raised concerns about allowing any new individual sewer treatment systems noting that all new development should be required to hook onto sewer.

Agenda Topic 5. Economic Development Marketing Update

Ms. Tice provided an update to the Economic Development Marketing Plan contract work laying out the proposed timeline. The contractor, North Star, will be working with the Economic Development (ED) Partners in order to become familiar with current plans and information that is available. The next step is a Vision Survey and the contractor is asking the ED Partners to provide names and email addresses for business and community leaders to participate in the survey. They are looking for about 400-plus names total. Councilmember Traylor Smith suggested that some of the names need to be for people that are outside this current effort so that fresh ideas and comments can be captured.

The time frame for the plan is no more than 36 weeks. In the meantime the City and the other ED Partners will continue to work on things already in the works like improvements to wireless and broadband, the North Avenue Catalyst project, the new website, Grand Junction Economic Partnership (GJEP) projects, and Incubator projects.

Councilmember Chazen said that all the Partners should be discussing how to implement the Plan so that once the Plan is received they can begin implementation right away.

Councilmember Traylor Smith suggested that the Request for Proposals (RFP) for the marketing implementation plan should be sent out early so that can also get off the ground as soon as the Plan is received.

#### Agenda Topic 7. Other Business

City Manager Englehart asked the City Council to review the CML Action Items and to get him any comments. He noted Ms. Tice will be traveling over to Denver to share the City's comments and concerns.

#### Agenda Topic 6. Board Reports

Councilmember McArthur said the 521 Drainage Authority will not be meeting again this year but will be finalizing the end of year business with an electronic meeting and electronic voting.

Councilmember Chazen said the Associated Governments of Northwest Colorado (AGNC) will be hiring a new Executive Director now that their current director was elected into office. The Downtown Development Authority Board (DDA) has been discussing the use of a line of credit for their TIF funding rather than using bond issues. A line of credit will provide more flexibility.

Councilmember Traylor Smith attended the National League of Cities (NLC) Conference in Austin, Texas and said she thought the Conference provided a wealth of information. She noted that NLC does a lot of legislative work on behalf of municipalities at the national level and encouraged Councilmembers to consider attending the legislative visit to Washington D.C. in March. Two items she mentioned she learned about was forming a "Millennial Board" in order to get input from that age group on what is needed in this community and the use of a service called opengov.com that opens up financials for public viewing.

Councilmember Boeschstein advised that the Riverfront Commission wrote a letter protesting the Yellow Bill Cuckoo habitat designation. He attended the Horizon Drive Association Business Improvement District's unveiling of artwork for the new roundabout. He mentioned the Incubator's upcoming Holiday Open House. He attended the Museum's focus group which put forth a lot of ideas. Regarding the Vagrancy and Homeless Committee, they haven't met recently but he attended the gathering at Grand Valley Catholic Outreach.

Councilmember Traylor Smith advised she has been asked and has accepted an appointment to the Workforce Center Board.

Councilmember Doody advised that the Parks and Recreation Advisory Board continues to brainstorm about Whitman Park.

Councilmember McArthur said he went on an assisted housing tour.

Council President Norris said the Grand Valley Regional Transportation Committee (GVRTC) is working on the 2040 vision. There is not a lot of change from the 2035 Vision. The City's contribution to GVRTC will remain the same for next year.

Councilmember Traylor Smith mentioned that the Golf Division is hosting an open house on December 8<sup>th</sup> at 4:00 p.m. to possibly look at changes to Lincoln Park.

City Manager Englehart said that and other possibilities can be discussed at the next workshop under the topic of visioning.

Agenda Topic 7. Other Business continued

There was no other business.

With no other business, the meeting adjourned.

**GRAND JUNCTION CITY COUNCIL  
MONDAY, DECEMBER 1, 2014**

**WORKSHOP, 5:00 P.M.  
CITY AUDITORIUM  
250 N. 5<sup>TH</sup> STREET**

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

- 1. Meet with State Legislators**
- 2. Municipal Legislative Issues**
- 3. David Ludlam, Western Colorado Oil and Gas Association**
- 4. 2015 Persigo Budget Calendar**
- 5. Economic Development Marketing Update**
- 6. Board Reports**
- 7. Other Business**

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

**December 3, 2014**

The City Council of the City of Grand Junction convened into regular session on the 3<sup>rd</sup> day of December, 2014 at 7:05 p.m. in the City Auditorium. Those present were Councilmembers Bennett Boeschstein, Martin Chazen, Jim Doody, Duncan McArthur, Barbara Traylor Smith, and Council President Phyllis Norris. Absent was Councilmember Sam Susuras. Also present were City Manager Rich Englehart, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Norris called the meeting to order. The audience stood for the Pledge of Allegiance led by Councilmember Traylor Smith followed by an invocation from David Eisner, Congregation Ohr Shalom Jewish Community.

**Presentation**

Jacque Chappell-Reid and Miffie Blozvich, representing the Legends of the Grand Valley Committee, and Committee member Sam Baseler were present. Ms. Chappell-Reid briefly described the book about the Enstrom Family to be presented. The book titled "Chet" by authors Ann Enstrom Scott and Ken Johnson has been signed by Mr. Johnson. Ms. Blozvich and Mr. Baseler gave two copies of the book to each Councilmember. Ms. Chappell-Reid and Ms. Blozvich thanked Council for their support of the Legends of the Grand Valley Sculpture Project.

**Citizens Comments**

Bruce Lohmiller, 445 Chipeta Avenue, #25, and a guest were present. Mr. Lohmiller thanked his church for publishing an article that asked for donations for the night patrol. He listed the following topics: a discussion about a tape, poisonings at School District 51, and sex education classes. Mr. Lohmiller introduced John, no last name given. John asked for contributions of blankets, food, etc. for the night patrol; donations are accepted at the Collective near the library.

Vara Kusal, 675 34 Road, and Darshann Ruckman, no address provided, members of the Horizon Drive Association Business Improvement District, thanked City Council for placing the "Spare Change Doesn't Make Change" signs on the I-70/Horizon Drive exit ramps. Ms. Kusal said there had been a regular group of panhandlers at those locations with "out of gas" signs; since the signs have been up this organized band of panhandlers has not been back. She then mentioned the desire for a hiking and biking trail between Horizon Drive and the golf course. This idea has been brought up before; they would like to pursue it and are willing to work with the City to find the best location. Ms. Ruckman, General Manager of the Clarion, said their customers would stay an extra day if they had something to do and some would return for vacations. A walking trail would be a nice addition.

### **Council Comments**

Councilmember Traylor Smith went to the National League of Cities (NLC) Conference that was held in Austin, TX in November. The conference offered many workshops and a wealth of information. Topics that stood out were government transparency and efficiency, how to best use government funds, economic development, and homelessness. Councilmember Traylor Smith appreciated the opportunity to network and find out what solutions other cities have used. Grand Junction is considered a mid-size city.

Councilmember Doody attended the BioCNG (Compressed Natural Gas) Project groundbreaking that was held at the Persigo Waste Water Treatment Plant on December 2<sup>nd</sup>. He mentioned he has been on Council since 2005 and recognized those who were instrumental in the original CORE (Conserving Our Resources Efficiently) group: Kathy Portner (Community Services Manager), Dan Tonello (Wastewater Services Manager), Darren Starr (Street Systems Manager), Terry Franklin (former Water Services Manager), and many others. He congratulated the City on this project and for continuing to be a CNG leader; he is looking forward to the project completion.

Councilmember Boeschstein attended the Mesa County Partners' (MCP) Annual Thanks for Giving Dinner at Colorado Mesa University on November 20<sup>th</sup>. MCP is a wonderful organization; they do a lot of work in the community to maintain and improve parks and open spaces. Also on November 20<sup>th</sup> he attended the Grand Valley Coalition for the Homeless meeting at the newly-remodeled homeless shelter on North Avenue. There are a lot of facilities in the Grand Valley for the homeless. On December 1<sup>st</sup>

Councilmember Boeschstein met with State Legislators and on December 2<sup>nd</sup> he attended the Grand Junction Incubator meeting; they will be scheduling a Holiday Open House soon. Councilmember Boeschstein also congratulated Staff on the BioCNG Project; this project will put Grand Junction on the map.

Council President Norris recommended Ms. Kusal and Ms. Ruckman contact the Urban Trails Committee regarding the hiking and biking trail they would like built along Horizon Drive.

## **CONSENT CALENDAR**

Councilmember Doody read Consent Calendar items #1 through #7 and then moved to adopt the Consent Calendar. Councilmember Boeschstein seconded the motion. Corrections were put forward by City Attorney John Shaver who also noted the additional Item #8. Councilmember Doody made the amendments in his motion to include Item #8 and Councilmember Boeschstein accepted the amendments and seconded the amended motion. Motion carried by roll call vote.

1. **Minutes of the Previous Meeting**

*Action: Approve the Minutes of the November 19, 2014 Regular Meeting*

2. **Setting a Hearing on the 2014 Second Supplemental Appropriation Ordinance and the 2015 Budget Appropriation Ordinance**

This request is to appropriate certain sums of money to defray the necessary expenses and liabilities of the accounting funds of the City of Grand Junction based on the 2014 amended and 2015 proposed budgets.

Proposed Ordinance Making Supplemental Appropriations to the 2014 Budget of the City of Grand Junction

Proposed Ordinance Appropriating Certain Sums of Money to Defray the Necessary Expenses and Liabilities of the City of Grand Junction, Colorado and the Downtown Development Authority for the Year Beginning January 1, 2015 and Ending December 31, 2015

*Action: Introduction of Proposed Ordinances and Set a Public Hearing for December 17, 2014*

3. **Property Tax Resolutions for Levy Year 2014**

The resolutions set the mill levies of the City of Grand Junction (City) and the Downtown Development Authority (DDA). The City and DDA mill levies are for operations.

Resolution No. 42-14 — A Resolution Levying Taxes for the Year 2014 in the City of Grand Junction, Colorado

Resolution No. 43-14 — A Resolution Levying Taxes for the Year 2014 in the Downtown Development Authority

*Action: Adopt Resolution Nos. 42-14 and 43-14*

4. **Setting a Hearing on the Patterson Place Rezone, Located at 2562/2566/2570 Patterson Road** [File #RZN-2014-262]

A request to rezone properties totaling 3.523 acres from a City R-8 (Residential 8 du/ac) to MXG-3 (Mixed Use General) and MXS-3 (Mixed Use Shopfront) zone districts.

Proposed Ordinance Rezoning Patterson Place from R-8 (Residential 8 du/ac) to MXG-3 (Mixed Use General) and MXS-3 (Mixed Use Shopfront), Located at 2562/2566/2570 Patterson Road

*Action: Introduction of Proposed Zoning Ordinance and Set a Public Hearing for December 17, 2014*

5. **Setting a Hearing on the Extension of the Downtown Grand Junction Business Improvement District (DGJBID)**

Consideration of the extension of the DGJBID for 20 years effective on the date of adoption of an ordinance amending Ordinance No. 3815.

Proposed Ordinance Amending Ordinance No. 3815 to Extend the Downtown Grand Junction Business Improvement District for 20 years

*Action: Introduction of Proposed Ordinance and Set a Public Hearing for December 17, 2014*



6. **Power Transfer Switch for Generator Backup at Persigo Wastewater Treatment Plant (WWTP)**

Backup power to the head works and raw sewage pump station is currently provided by two generators. In the event of a power outage the generators are manually switched to power these facilities. This purchase will allow automatic switching and transfer of backup power.

*Action: Authorize the Purchasing Division to Enter into a Contract with C.A.M. Electric, Inc. to Provide and Install Power Auto Transfer Switches for Backup Generators at Persigo WWTP, in the Amount of \$69,160*

7. **Revocable Permit for RRB Holdings, Inc. to Display Vehicles within the F ½ Road Right-of-Way, Adjacent to 651 Market Street** [File #RVP-2014-378]

RRB Holdings, Inc. is requesting a Revocable Permit to display vehicles within a portion of the F ½ Road right-of-way, in connection with its proposed use of the adjacent property at 651 Market Street as a car dealership.

Resolution No. 44-14 — A Resolution Concerning the Issuance of a Revocable Permit to RRB Holdings, Inc. Adjacent to Property Located at 651 Market Street

*Action: Adopt Resolution No. 44-14*

8. **2016 Persigo Sewer System Policy Development and Budget**

In order for the City Council and the Mesa County Board of Commissioners to most efficiently and effectively consider and decide policy matters regarding the Persigo Waste Water Treatment Facility and adopt a joint annual operating budget, the proposed resolution states the expectations for 2015 meetings/2016 budget development.

Resolution No. 45-14 — A Joint Resolution Concerning 2016 Persigo Sewer System Policy Development and Budget

*Action: Adopt Resolution No. 45-14*

**ITEMS FOR INDIVIDUAL CONSIDERATION**

**Public Hearing Amending the Zoning and Development Code (Title 21, Grand Junction Municipal Code) to add Section 21.04.030 Regarding Short-Term Rentals**

The proposed ordinance amends the Zoning and Development Code, Title 21, of the Grand Junction Municipal Code (GJMC), to add a section regarding Short-Term Rentals, to establish development standards and procedures for Short-Term Rentals, and to amend the table in Section 21.04.010 (Use Table) to add a row for the principal use of "Short-Term Rentals".

The public hearing was opened at 7:27 p.m.

Senta Costello, Senior Planner, introduced this item and noted that the Visitor and Convention Bureau (VCB) Manager Barb Bowman was present to address questions. She described the request and the reason behind the request. Short-term rentals are allowed in a number of other communities and Staff researched many of these. They asked what type of issues arose with this type of use. Some of the concerns were parking impacts on a neighborhood, added trash, noise, and the need for a local contact person to address issues. Some similar standards were incorporated into this proposed ordinance to address some of these issues. The proposal calls for an annual permit and an administrative review so that any issues can be addressed to maintain the quality of the neighborhoods at the time and at the renewal.

Councilmember Boeschstein asked how these issues would be enforced and if additional enforcement staff will be needed to verify owners are meeting the requirements. Ms. Costello said the administrative review will be complaint driven; the City will have the ability to revoke permits if the owners are not in compliance. Councilmember Boeschstein asked if lodging tax would be collected, how often, and by whom. Ms. Costello said the property owner would collect taxes for each rental. Councilmember Boeschstein asked what the penalty will be for not collecting the tax. Ms. Costello said that would be grounds for revoking the permit.

Councilmember Traylor Smith asked when the lodging tax would be due. Ms. Bowman said it would follow the same collection schedule as hotels, bed and breakfasts (B & B), and recreational vehicle campgrounds. Councilmember Traylor Smith asked if they had considered collecting this less often since this business would not pay as much in taxes. City Manager Englehart commented it is a good suggestion and it could be looked at.

Councilmember Doody asked if this request was proposed because Staff had seen an increase in this type of rental. Ms. Bowman said this is a new trend and Staff anticipates it will increase. The goal is to keep travelers safe and allow them to live like a local; this request will put Grand Junction ahead of other communities in terms of regulating this type of rental. Ms. Bowman said this was a huge topic at the annual

conference she attended in July; there is a large number of short-term rentals advertised on-line.

Council President Norris asked what types of inspections are required for hotels and B & B's. Ms. Costello said they are inspected only if there is a specific complaint.

Councilmember Chazen asked if anything other than the lodging tax will be collected. Ms. Costello said sales, lodging, and possibly state taxes will need to be collected. Councilmember Chazen asked if the sales tax is based on the rental price. Ms. Costello answered yes. Councilmember Chazen then asked if the sales and lodging tax could be filed on the same form. Ms. Costello was not sure, but she thinks they are on the same form. Councilmember Chazen asked if there will be a fee for the permit and if so, how much will it be. Ms. Costello said there will be a fee; the amount has not been finalized. Fee updates will be reviewed in the near future and this permit fee will be included in that discussion. Councilmember Chazen asked what other communities charge for permits. Ms. Costello said fees ranged from zero up to \$450. This request proposes a fee only for the initial permit, not the renewal. Councilmember Chazen asked what the penalty would be to operate without a permit. City Attorney Shaver said presently there is none; the purpose of these discussions is to ascertain the Council's expectations in order to establish policy and to determine the appropriate level of regulation. Staff is currently feeling their way through this process. For example, B & B's are required to adhere to specific regulations based on the business's activities. The difficulty lies in learning the different expectations and activities for this type of rental. Therefore Staff is not proposing anything at this time, but rather looking for policy direction from Council.

Councilmember Chazen asked if people currently operating a short-term rental are violating City Code. City Attorney Shaver said there are no clear answers. The City Code does have a family provision relative to the number of people who can occupy a home which makes it difficult to determine the category of a home that someone uses for economic benefit. Short-term rentals do not neatly fit into the category of a lodging property because renting is not the sole use of the property.

Councilmember McArthur asked if the purpose of this request is to collect lodging tax. Ms. Costello said there is a dual purpose of tax collection and bringing this type of rental up to the same standards as other short-term rentals in the community. Councilmember McArthur noted the definition of "short-term" in this request is less than 30 days. He presented a scenario of an owner avoiding taxes by writing rental contracts for 31 days. Ms. Costello said her research did not show that to be an issue.

City Attorney Shaver said the 30 day limit was drawn from the City's current lodging tax ordinance and applies to all lodging properties. Anything over that limit is considered an extended stay and is occupancy, not lodging. Councilmember McArthur asked if stays over 30 days are subject to the lodging tax. City Attorney Shaver said they are not.

Councilmember Doody asked if this permit would require additional licensing or insurance. City Attorney Shaver said this is a concern of his; there is no required protection for owners against the potential risks. This is why Staff is asking Council for direction on the level of regulation for this type of permit, knowing there will not be a lot of enforcement. The policy direction Staff is recommending is to move slowly, see what comes up, and deal with issues as they arise.

Councilmember Traylor Smith asked if training sessions would be offered to review all of the different aspects involved. City Attorney Shaver said the VCB has held meetings and looked closely at the variety of issues regarding this. He noted short-term rentals are an emerging trend with many variations which makes things more complicated.

Ms. Bowman said meetings have been held with Vacation Home Rentals; they helped draft some of these regulations. Each time a new property comes through, the VCB offers guest relations services: information on what the VCB offers and how they can help the business. Additionally, contact is made annually with each lodging group.

Councilmember Traylor Smith said she knows people who have thought about offering short-term rentals. She feels it would be helpful to offer classes that go over the operating details of this type of business within the City limits. She noted this ordinance would apply only to those within the City limits; has Staff had any discussion with the County?

Ms. Bowman said the VCB has an "Expand the Tent" program which allows lodging properties within Mesa County to participate in the VCB's marketing programs for a cost of 3% of their gross; this will also be available to these rentals. Ms. Bowman clarified this would not extend to Airbnb's, only full residences.

Councilmember Chazen asked how many short-term rentals are in the community. Ms. Bowman said at last count there are over 30 full residence rentals. She has not tracked Airbnb's although they too are a growing trend in the industry.

Councilmember Traylor Smith asked for clarification on what an Airbnb is. Ms. Bowman said an Airbnb is a rental of a room within a residence.

Councilmember Chazen asked if people are buying houses specifically for this purpose or are they renting their own house. Ms. Bowman said it is a combination of both.

Councilmember Chazen then asked if any of these property owners have voluntarily contacted the VCB. Ms. Bowman said they have; they see the advantage of participating in the VCB's strong marketing program.

City Attorney Shaver mentioned that Staff discussed having an occupancy threshold, but decided it would be too cumbersome to have owners report the amount of time they were not living at the property.

Councilmember Boeschstein asked if Staff had received input from local hotels, motels, or B & B's. Ms. Bowman said they have and they are in favor of the regulations. Since this aspect of the industry is in direct competition with their businesses, they feel these regulations will help keep them on the same level.

Council President Norris asked for public comment.

LeeAnn Unfred, 638 Horizon Drive, Owner of Castle Creek B & B and member of the Colorado West B & B Association, reiterated what Ms. Bowman stated, the B & B's would like industry parity. Ms. Unfred said it took three years to acquire the needed permit for her B & B and she feels the short-term rental properties should be held to the same requirements and standards for property occupation and guest safety, and be assessed the same taxes. Ms. Unfred asked how the County will be informed these businesses are present in order to adjust their property tax rate.

City Attorney Shaver said this information will be made available to the County Assessor's Office and the Assessor will make those determinations.

Ms. Unfred said some requirements with which she had to comply were paving her parking lot, having a Fire Department inspection, and obtaining feedback from the neighborhood; will these properties have the same requirements? She feels they should.

Julie Commons, 3694 F Road, Owner of Dreamcatcher B & B and treasurer for the Colorado West B & B Association, said other concerns are guest safety, the high cost of required insurance, and the condition to have an owner on site. She added Airbnb's do not pay any local lodging taxes and therefore do not contribute to the local infrastructure.

John, no last name given, no address provided, said anybody not paying their fair share of taxes is not doing enough for the cause. He then stated the previous comment simply reeks of white privilege.

Scott Miller, no address provided, said his son bought a couple of units in the St. Regis Hotel; one for himself and the other to rent out on a short-term basis. Mr. Miller said the discussion did not make it clear whether a small unit in a developed building would qualify as a short-term rental property. Any requirements put in place should be for all properties so people aren't confused.

Amy Lentz, no address provided, said she and her husband own and operate two vacation rentals in town and charge \$16 more per room for their Airbnb rentals in order to pay the taxes.

There were no other public comments.

The public hearing was closed at 8:02 p.m.

Councilmember Chazen asked if there are Internal Revenue Service (IRS) regulations on residences becoming businesses. City Attorney Shaver said he did not look at IRS regulations; the problem is how short-term rentals will interface with the Zoning Code. Most of these properties are presumed residential and are in residential zones, so the question is what to do when the activities do not match the zoning. Staff has been looking at this from a land use perspective, not a tax perspective. Councilmember Chazen then asked if there are any timeshare properties in the City and how are those treated. Ms. Bowman said the City does not have any; Powderhorn has some through RCI.

Councilmember Chazen asked if there is an occupancy limit for short-term rentals. City Attorney Shaver said there are occupancy limits; two persons per bedroom plus an additional two persons. Councilmember Chazen asked if City Attorney Shaver knew the County Assessor's threshold for determining whether a property is residential or commercial. City Attorney Shaver believes it is based on the period of owner occupancy.

Councilmember Boeschstein noted the City has a provision for rooming and boarding houses in the Zoning Code and asked if this request falls under this provision. Ms. Costello said there are similarities, but the primary difference is rooming and boarding houses allow occupancy longer than 30 days. City Attorney Shaver stated rooming and boarding houses do not have self-contained facilities such as a kitchen and/or bathroom in the area rented to the occupant.

Council President Norris mentioned if the amount of taxes are not known, there is no way to know if this ordinance will create parity with the other lodging properties. City Attorney Shaver said it will not establish the same standards, but in terms of the lodging and other

taxes within the City's control, it is a step in the right direction. In response to a previous question, he said there would not be a neighborhood notice process because it would be a residential occupancy in a developed residential neighborhood. There are still gray areas to be addressed.

Councilmember Doody asked where they are looking to get more guidance. City Attorney Shaver answered that from Staff's perspective this is the first step and it won't be perfect because things are still evolving. This proposal is to see if Council would like to take this step, see how it goes, and then refine it through time.

Councilmember Chazen said he is wrestling with this; he doesn't disagree with the concept, but feels it is not fleshed out enough. He would like to see some of the issues being discussed now resolved, for example will the properties be zoned residential or commercial, and what will the consequences be for noncompliance. At this time, he will not support this.

Councilmember Traylor Smith referenced her trip to the NLC Conference and regretted not being able to attend the workshop, "The Sharing Economy (Airbnb, Uber, Lyft, etc.): Challenges and Opportunities in the Regulatory Environment". The workshop focused on economic benefits, current approaches cities are taking, and regulatory challenges these industries may introduce. Councilmember Traylor Smith agreed with Councilmember Chazen; she would like to see the details of this request flushed out more before a decision is made. She suggested getting information from the NLC regarding the different ways communities have addressed this issue. She feels more information and definitions are needed before moving an ordinance forward.

Council President Norris also agreed more information is needed before moving forward. She believes in free enterprise and good competition, but a level playing field is needed. She feels this may be more of a real estate issue and the City should get more information on how other communities around the world are handling this. She will not support this ordinance at this time.

Councilmember Doody is concerned about the lack of liability and safety. A lot of things can happen and it is bothersome there are no answers to these questions.

Councilmember Chazen suggested more work be done and bring it back in a work session for discussion. He would also like information regarding the IRS regulations on residences becoming businesses.

Councilmember Boeschstein said he stayed in a vacation rental in Washington state; they are wonderful when inspected and adequate protection exists. Since there are a lot of unanswered questions, he is not ready to approve. He would like to see inspection procedures and tighter regulations included.

Councilmember McArthur understood the opinions of the other Councilmembers. He also understood what City Attorney Shaver said, but he believes the City won't know if the ordinance will work if it is not tried and there would be an option to amend it. If this is too much of a burden, people will find a way not to do it, so caution needs to be exercised. There are some benefits like marketing and he would like to see this process move more in the direction of education. He feels until the ordinance is tried, the City will not know how the market will respond.

Councilmember Chazen agreed and said he did not want to snuff out a market opportunity, but still felt more research is needed.

Councilmember Traylor Smith commented since this is a new and developing industry the City does need to be mindful of putting regulations in place. There have been enough questions expressed to show the need to consider more information. She will try to get a transcript from the NLC workshop to find out what information was offered and how other communities have dealt with this. Perhaps questions were raised that City Council has not thought of yet.

Councilmember McArthur said he will contact some people in the property management business, but the City should be sensitive to existing businesses since there is no parity. Right now, there is no way of knowing if existing businesses are losing customers.

Councilmember Chazen asked how to proceed and if there was a motion on the table.

Council President Norris asked if the Councilmembers are not in agreement, can the ordinance be sent back.

City Attorney Shaver said the City is in the position of having a public hearing at this time. If Council would like to significantly change this ordinance, it should be voted down; if only slight amendments are being requested, the hearing can be extended and Staff can amend the language, but the Planning Commission would not be able to review the changes. The cleanest option is to have a motion and vote on it. City Attorney Shaver asked Council to identify which constituency (those occupying, the neighbors, or those in related industries) they would like Staff to research more.



Ordinance No. 4647 — An Ordinance Amending the Zoning and Development Code, Grand Junction Municipal Code adding Section 21.04.030, Short-Term Rentals

Councilmember Doody moved to adopt Ordinance No. 4647 on final passage and ordered it published in pamphlet form. Councilmember McArthur seconded the motion. Motion failed with Councilmembers Chazen, Doody, Traylor Smith, Boeschstein, and Council President Norris voting NO. Each provided the following direction to Staff: Councilmember Chazen said all areas need to be researched as it is a balance of the three constituencies. Councilmember Doody agreed and added public safety and liability as areas of concern. Councilmember McArthur would like to implement this and flesh out issues as they arise as well as get input from those in the real estate industry. Councilmember Traylor Smith agreed with Councilmembers Chazen and Doody but also wanted to clarify with the County Assessor on what ways there can be parity. Councilmember Boeschstein said he is in favor of this with the right conditions in place like protecting the public by having safety standards in place, regulatory parity with related industries, and liability issues addressed. Council President Norris agreed with the other Councilmembers but again questioned if this is an issue to be regulated or if it is a real estate rental issue.

**Public Hearing- Amending the Zoning and Development Code (Title 21, Grand Junction Municipal Code), Section 21.06.080 Regarding Outdoor Lighting**

Request to amend the Zoning and Development Code regarding outdoor lighting, specifically lighting under fueling station canopies, Section 21.06.080(c)(7).

The public hearing was opened at 8:27 p.m.

Lori V. Bowers, Senior Planner, presented this item. She described the request. She reviewed the history of bringing this request forward. It started with a request from City Market for a variance for lighting that was denied. She has reviewed lighting ordinances in over 23 communities. She described the maximum foot-candles recommended by the Illuminating Engineering Society (IES). She detailed some of the other research she did with the Dark Sky Society and with a lighting engineer. By increasing the City's Code to a 30 foot-candle maximum it will bring all existing stations into conformance. Adding a light loss of one foot-candle will account for the difference between lab results and real life illumination. The Planning Commission recommends approval; the important things are downcasting and reducing glare.

Councilmember Traylor Smith asked how much it will cost for existing businesses to come into conformance. Ms. Bowers said most are already in that range. City Attorney Shaver said some businesses have less illumination; there is no requirement for those businesses to increase illumination.

Councilmember McArthur asked for clarification on what the recommended 1.0 foot-candle loss factor is. Ms. Bowers said it is a dimming factor that comes with the aging of a bulb.

Councilmember McArthur then asked if the local astronomy club is for or against this amendment. Ms. Bowers said they are in favor of it; they are just concerned about glare and want the lights downcast to protect the night sky.

Councilmember Boeschstein asked if the City has a requirement for downcasting. Ms. Bowers answered that is in the Code already.

Councilmember Chazen asked for the definition of a foot-candle. Ms. Bowers said a foot-candle equals 10.76 lumens and is the brightness of a candle from the distance of one foot. Councilmember Chazen asked if the astronomy club addressed specific wave lengths of light that would be disruptive to night viewing. Ms. Bowers said they did not. Councilmember Chazen noted the current requirement is half of this recommendation and encouraged Staff to review other codes to see if more updates should be made.

City Attorney Shaver clarified a foot-candle is based on a one foot radius and a lumen s based on one foot square and although there is variation, it is the amount of light it takes to cover these dimensions. Light intensity is the casting of the light.

Councilmember McArthur read these definitions from the internet.

Council President Norris wanted clarification that this has nothing to do with City Market; this is a Zoning Code change. Ms. Bowers said this Zoning Code change resulted from a request by the Planning Commission to review the City's lighting standards. She added some communities have extensive lighting ordinances and some have none; the City's are simple with an emphasis on downcasting.

There were no public comments.

The public hearing was closed at 8:40 p.m.

Ordinance No. 4648 — An Ordinance Amending the Grand Junction Municipal Code, Section 21.06.080 (c)(7) Concerning Outdoor Lighting

Councilmember Chazen moved to adopt Ordinance No. 4648 on final passage and ordered it published in pamphlet form. Councilmember Traylor Smith seconded the motion. Motion carried by roll call vote.

### **Professional Architect and Landscape Architect Services for Las Colonias Amphitheater Area**

Parks and Recreation is seeking approval to complete final design and construction documents for the Las Colonias Park Amphitheater. The services will include architectural and landscape architectural services to prepare schematic design services for the complete amphitheater project in addition to construction documents for the first phase of construction that would include the stage, lawn seating, essential support services, utilities, and parking.

Rob Schoeber, Parks and Recreation Director, introduced this item and explained the request. Two significant parts of this project design are the amphitheater and the landscaping; each has its own dimension and importance, so two different requests for proposal (RFP) were sent out. There were six respondents for the amphitheater and three for the landscaping. Staff recommends Method Studios for the amphitheater design in the amount of \$102,503, and Design Workshop for the landscaping design in the amount of \$81,955. Some of the funding will be from a Department of Local Affairs (DOLA) grant that was secured earlier this year in the amount of \$180,000, plus a donation of \$10,000 from the local Lions Club and \$15,000 from the Parks Open Space account.

Councilmember McArthur said Council recently learned of a critical habitat designation along the Colorado River for the Western Yellow Billed Cuckoo; he asked whether this facility will be in or outside of this designated area. Mr. Schoeber said the facility will be within the area being considered for the habitat. Nationally, half a million acres across ten western states have been identified as potential critical habitat. The U.S. Fish and Wildlife (F&W) Service comment period has been extended until January 15<sup>th</sup>; it is hoped a decision will be rendered in 2015. Staff feels the best approach is to request sections, to include Las Colonias Park, be excluded from this designation.

Councilmember McArthur asked, since the designation is still up in the air, isn't this a risky investment. Mr. Schoeber said it could be, but this request is only for the design. Before funds are made available for construction, Staff should have a better idea of the direction this designation may take. Also, it is important to have plans in place and be

shovel ready because it is unknown when funding may become available.

Councilmember McArthur asked if Staff has had any discussions with F&W. Mr. Schoeber said they have talked to the local office, but have not spoken to anyone at the Federal level. The local F&W office will continue to be involved with the planning for Las Colonias Park along with those at the Federal level when possible. Councilmember McArthur said he would like a better feel for being able to build the amphitheater before funds are allocated for the design.

Councilmember Boeschstein said he understood Councilmember McArthur 's concerns. He congratulated Mr. Schoeber and Staff for bringing this forward and obtaining all of the grants. He mentioned the Colorado Division of Natural Resources does not think it is justifiable to create a huge critical range for this bird; only one Western Yellow Billed Cuckoo has been found in the Grand Valley within the last twenty years. This property was a uranium mill tailings pile for many years, not a wildlife habitat. In the Las Colonias Master Plan there is a large area that will be created for natural habitat; the City should move ahead with this project as it will be great for the City as a whole and the south downtown area in particular.

Councilmember Chazen noted the bulk of funding is from DOLA. He then asked if the Western Yellow Billed Cuckoo concern had been raised at the time this request was submitted to DOLA. If not, has the City contacted DOLA to see if they have any concerns or new information that would impact the grant?

Mr. Schoeber does not believe this concern was known at the time the application was submitted. However, it would be worth a call to DOLA; Ms. Portner may have a better feel for this since she applied for the grant.

Councilmember Traylor Smith asked what will become of the project if the area is designated as a critical habitat after the project has been started, and does DOLA have any provisions in the terms of the grant if the project cannot be completed.

Council President Norris asked if the DOLA grant can be used for anything other than the amphitheater. Mr. Schoeber said the grant is specifically for the amphitheater.

City Manager Englehart clarified the grant was awarded before the concern of the Cuckoo bird habitat was raised. Staff feels the best approach is to move forward with the project for a couple of reasons. Since Staff and Council don't feel the designation should take place and if the City has plans in place, it should help the City's cause to proceed. Also, once the design has been approved the City is able to start seeking future grant dollars for the building phase. Therefore the City would not gain much by

putting this project on hold and DOLA may allow an extension until this issue is resolved.

Councilmember McArthur asked how long the design period will take. Mr. Schoeber estimated it will take about three to four months. Councilmember McArthur noted the F&W comment period ends on January 15<sup>th</sup>. He suggested consulting with F&W biologists regarding the possible designation and find out what the impact to Las Colonias will be and what the City will need to do to get the amphitheater approved. Councilmember McArthur previously asked F&W Biologist John Toolen what the benefit would be of establishing this habitat. He noted the current habitat was created by the community through the Riverfront Commission and this legislation may actually de-incentivize the process; the habitat will be better off if the legislation does not move forward. Mr. Toolen answered because it is the law. The City needs to ask how to operate within the guidelines that will probably be imposed and bring it back to the next meeting.

Councilmember Chazen said he likes the project and would like to proceed, but Council has a fiduciary responsibility to the taxpayers, the Lions Club, and DOLA. A few answers are needed before this can proceed. He asked about the \$27,332 from the expenditure side; he asked if this is for work done internally or for outside contracts. Mr. Schoeber said this remaining balance has been set aside for smaller projects that may need to be done, within the larger contract, like soil testing.

Councilmember Doody said he feels it is safe to move forward with the design; everything is in place and this is for the City's park. In spring/summer of 2015 the design will be ready. Councilmember Doody feels if this does not move forward, it could be a local campaign issue.

Councilmember Traylor Smith expressed concern about using the current funding, but then not being able to build the park. City Attorney Shaver said the grant is not conditioned on the build; the grant is for the planning stage. He also mentioned there are opportunities for habitat banking which are habitat conservation plans that move the habitat to another area. The likelihood of completely stopping this designation is remote.

Councilmember Chazen asked if the City already has the grant and donation funds. Mr. Schoeber said the City will be reimbursed upon submission of invoices. Councilmember Chazen then asked when the project contracts were to be let. Mr. Schoeber said as soon as possible. Councilmember Chazen asked if there is any

wording in the contract that would allow the City to stop the project midstream and not pay the full amount.

City Attorney Shaver said that language is not in the current contract, but it could be added to the terms. Jay Valentine, Internal Services Manager, said the RFP language does include those terms but it also states the price is only good for 30 days and if there is a delay the contractor has the option to withdraw completely or change the price. If this case is the case, the City could renegotiate with the architect or send out another RFP.

Council President Norris asked when the 30 day timeline would begin. Mr. Valentine said the 30 day timeline begins when the RFP's are opened.

Councilmember Boeschstein said some Councilmembers met with Biologist John Toolen and the Mesa County Commissioners to discuss Las Colonias. He remembers Mr. Toolen saying this designation would not impede Las Colonias Park, but the City may need to apply for a Section 7 waiver; he never said this will scuttle Las Colonias. He feels the City should move ahead.

Councilmember McArthur stated he doesn't understand the reluctance to ask Mr. Toolen directly how this may impact the project. He doesn't feel it is responsible to commit money without knowing the answer.

Councilmember Boeschstein said the question was asked and Mr. Toolen said it would not harm the Park.

Councilmember Chazen asked if Staff contacted Mr. Toolen for a definitive answer. Mr. Schoeber said Staff has been working with the local F&W office all along; they have been guiding Staff on water quality issues and are on board.

Councilmember McArthur asked if the F&W office is addressing issues in reference to fish or the Cuckoo, because the impact on a bird is different than a fish. Mr. Schoeber said he can't answer that specific question.

Councilmember Boeschstein said he distinctly remembers Mr. Toolen saying this would not upset Las Colonias. This area is not the natural habitat for the Cuckoo and one of the great things about the Riverfront Project is that it has brought back habitat for species like the Bald Eagle which was endangered and is now nesting there.

Councilmember McArthur agreed with Councilmember Boeschstein, but commented the area is under Federal jurisdiction and they can establish a critical habitat there.

Councilmember Traylor Smith asked if this could be passed with a request for contact to be made with Mr. Toolen regarding the specifics of the project.

City Manager Englehart said he understands Council's concerns, but explained that there can't be any specifics until the City has design plans. He is not sure how Mr. Toolen will react regarding the overall designs since they have not been made yet. Also, he doesn't believe the criteria for the habitat has been established.

Councilmember Traylor Smith stated the local F&W office is not in charge of this; they will provide information to the federal level and that is from where the designation and guidelines will come. She then asked if the Federal government had worked with the City on habitat banking in the past.

City Attorney Shaver said they have worked with the City on habitat banking for the endangered fish.

Councilmember Chazen said before spending the money it would be wise to talk to Mr. Toolen.

Council President Norris mentioned Councilmember Traylor Smith's point that it's not the local office that decides these policies; it is Washington. She agreed with Councilmember McArthur to give it a couple of weeks to get more information.

Councilmember Traylor Smith asked what the 30 day window is. Mr. Valentine said he wasn't sure and would contact the architect; they are usually amenable to holding the price.

Councilmember Boeschstein mentioned there is an advantage to moving forward with this contract because the work will be done under today's dollars.

Councilmember Doody moved to authorize the Purchasing Division to enter into a contract with Method Studios for Architect Services in the amount of \$102,503; and Design Workshop for Landscape Architect Services in the amount of \$81,955 for the Proposed Amphitheater Project at Las Colonias Park. Councilmember Boeschstein seconded the motion. Councilmember Traylor Smith offered an amendment to the motion for Mr. Schoeber to contact Mr. Toolen but the motion maker declined. Motion failed with Councilmembers McArthur, Chazen and Council President Norris voting NO.

Councilmember Traylor Smith moved to authorize the Purchasing Division to enter into a contract with Method Studios for Architect Services in the amount of \$102,503; and Design Workshop for Landscape Architect Services in the amount of \$81,955 for the

Proposed Amphitheater Project at Las Colonias Park with the condition that Parks and Recreation Director Schoeber visit with the local Fish and Wildlife Staff to determine if there are significant impediments to this project. Councilmember Doody seconded the motion. Councilmember Chazen inquired who will make the determination as to whether the impediments rose to the level of having to return to City Council. Councilmember Traylor Smith indicated Mr. Schoeber and Mr. Valentine would make that determination. Motion carried by roll call vote.

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

John, no last name given, no address provided, said he was amazed Council spent 15 minutes to decide if an item should be postponed. He noted the Federal government makes decisions that “rip in your face” yet Council still holds its hand out for dollars. He thanked Council and quoted Thomas Jefferson who said, “I prefer dangerous freedom over peaceful slavery” and said he was probably an idiot. He looks forward to seeing Council in two weeks.

### **Other Business**

Councilmember McArthur said he attended a F&W presentation that morning on the Cuckoo and Sage Grouse. He will request the F&W representative who made the presentations to the Associated Members for Growth and Development to save the two presentations and send them to Council.

### **Adjournment**

The meeting was adjourned at 9:19 p.m.

Stephanie Tuin, MMC  
City Clerk





Date: December 5, 2014  
 Author: Scott D. Peterson  
 Title/ Phone Ext: Senior  
Planner/1447  
 Proposed Schedule: 1<sup>st</sup> Reading:  
December 17, 2014  
 2<sup>nd</sup> Reading: January 7, 2015  
 File #: CPA-2014-418 & RZN-  
2014-419

Attach 2

**CITY COUNCIL AGENDA ITEM**

<b>Subject:</b> Baker's Boutique - Comprehensive Plan Amendment and Rezone, Located at 726 24 Road
<b>Action Requested/Recommendation:</b> Introduce a Proposed Ordinance and Set a Public Hearing for January 7, 2015
<b>Presenters Name &amp; Title:</b> Scott D. Peterson, Senior Planner

**Executive Summary:**

Request approval to change the Comprehensive Plan Future Land Use Map designation for property located at 726 24 Road (0.86 +/- acres) from "Park" to "Village Center" and to rezone from CSR (Community Services and Recreation) to B-1 (Neighborhood Business) zone district in anticipation of future neighborhood business commercial development. The proposed resolution to amend the Comprehensive Plan will be considered with the second reading of the rezone ordinance.

**Background, Analysis and Options:**

The existing property located at 726 24 Road is located adjacent to Canyon View Park and contains a single-family detached home and an accessory building. The applicant, Baker's Boutique, desires to operate a retail business on the property, and therefore requests a change in the Comprehensive Plan Future Land Use Map designation from "Park" to "Village Center" and a rezone from CSR (Community Services and Recreation) to B-1 (Neighborhood Business) zone district. The applicant currently operates a bakery and retail store at 2478 Patterson Road, Suite 19, and desires to re-locate the business to the subject property. The applicant anticipates to remodel the interior of the home to make it a commercial retail business. The application for a Change of Use/Site Plan Review from residential to commercial is being administratively reviewed separately (City file number COU-2014-420) by City staff and will be required to meet all applicable Code requirements for building, fire, access, signage and site plan.

The subject property is surrounded on three sides by the City owned Canyon View Park but has been in private ownership since the Park's inception. In 1993, the City Council adopted Resolution #67-93 authorizing the purchase of land surrounding the subject property for the Park and also a Right of First Refusal agreement between the City and the landowner, Leonard Long (recorded at Book 2032, Page 621) giving the City the right to purchase the subject property at 726 24 Road. The City declined to exercise its rights under that agreement however, and in 2014 the property was purchased by the applicant, Callie Ash.

If the property is to be rezoned for a commercial land use, B-1 (Neighborhood Business) would be the preferred option because that zone district limits the hours of operation from 5 AM to 11 PM, prohibits outdoor storage and permanent display, carries a minimum lot size of 10,000 sq. ft. and allows land use(s) that could be considered compatible with and would reasonably protect the adjacent Canyon View Park.

Generally speaking, rezones that are consistent with a community's comprehensive plan are not considered "spot zoning" and so do not violate the tenets of zoning law.

### **Neighborhood Meeting:**

The applicant held a Neighborhood Meeting on October 22, 2014, however no one from the public attended the meeting nor provided written comments as of this date.

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

Granting the Comprehensive Plan Future Land Use Map Amendment and Rezone will allow the applicant to utilize the property for a neighborhood business operation and supports the following goals and policies from the Comprehensive Plan.

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

**Policy A:** To create large and small "centers" throughout the community that provide services and commercial areas.

**Policy B:** Create opportunities to reduce the amount of trips generated for shopping and commuting and decrease vehicle miles traveled thus increasing air quality.

**Goal 6:** Land Use decisions will encourage preservation of existing buildings and their appropriate reuse.

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

**Policy B:** The City and County will provide appropriate commercial and industrial development opportunities.

### **Economic Development Plan:**

The purpose of the recently adopted Economic Development Plan by City Council is to present a clear plan of action for improving business conditions and attracting and retaining employees. The proposed Comprehensive Plan Future Land Use Map Amendment and Rezone meets with the goal and intent of the Economic Development Plan by supporting and assisting an existing business within the community as it expands their business offerings at a new larger location to serve area residents.

**Board or Committee Recommendation:**

The Planning Commission recommended approval of the applications at their December 9, 2014 meeting.

**Financial Impact/Budget:**

No financial impact for these items.

**Legal issues:**

City Legal Staff has reviewed the requested Comprehensive Plan Future Land Use Map Amendment and Rezone application.

**Other issues:**

No other issues have been identified.

**Previously presented or discussed:**

These items have not been presented or discussed at a previous City Council meeting or workshop.

**Attachments:**

1. Staff report/Background information
2. Site Location Map / Aerial Photo Map
3. Comprehensive Plan Future Land Use Map / Existing Zoning Map
4. Ordinance

BACKGROUND INFORMATION					
<b>Location:</b>		726 24 Road			
<b>Applicant:</b>		Baker's Boutique Callie Ash, Owner			
<b>Existing Land Use:</b>		Single-family detached home			
<b>Proposed Land Use:</b>		Retail business			
<b>Surrounding Land Use:</b>	<b>North</b>	Canyon View Park			
	<b>South</b>	Canyon View Park			
	<b>East</b>	Canyon View Park			
	<b>West</b>	Vacant land – zoned Mixed Use			
<b>Existing Zoning:</b>		CSR (Community Services and Recreation)			
<b>Proposed Zoning:</b>		B-1 (Neighborhood Business)			
<b>Surrounding Zoning:</b>	<b>North</b>	CSR (Community Services and Recreation)			
	<b>South</b>	CSR (Community Services and Recreation)			
	<b>East</b>	CSR (Community Services and Recreation)			
	<b>West</b>	M-U (Mixed Use)			
<b>Future Land Use Designation:</b>		Park			
<b>Zoning within density range?</b>		X	<b>Yes</b>		<b>No</b>

**Sections 21.02.130 & 140 of the Grand Junction Zoning and Development Code:**

The City may rezone and amend the Comprehensive Plan if the proposed changes are consistent with the vision (intent), goals and policies of the Comprehensive Plan and meets one or more of the following criteria:

*(1) Subsequent events have invalidated the original premise and findings;*

The current zoning and land use designation anticipated that the property might be incorporated into the adjacent Canyon View Park, which surrounds it on three sides. The City had retained a right of first refusal to purchase the property when it became available; but the City declined the option to purchase and the property remains in private ownership. To make optimum use of the property, the owner wishes to up-zone and develop the property as a neighborhood retail business. Therefore subsequent events have invalidated the original premise for the future land use and zoning designations. Changing the property to Village Center and zoning B-1, Neighborhood Business will allow the applicant to use the property as a commercial business to serve the users of the park and the growing commercial development within the area of 24 Road and G Road by the construction of Community Hospital and adjacent medical clinic, thereby supporting Goals 3, 6 and 12 of the Comprehensive Plan.

Therefore, this criterion has been met.

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

The character of the area has changed in that commercial development has extended from the Patterson Road area north toward Canyon View Park, and west along G Road (Community Hospital and the medical office building). Since the property will remain in private ownership rather than being incorporated into Canyon View Park, the character of the property and surrounding areas are more commercial in nature. It is also likely that at some point in the future, the vacant properties across 24 Road will also develop into commercial and/or multi-family residential mixed-use development. Changing the subject property to Village Center and zoning the property B-1, Neighborhood Business will allow the applicant to use the property as a commercial business to serve the adjacent users of the park and the growing commercial development also within the area of 24 Road and G Road by the construction of Community Hospital and adjacent medical clinic, thereby supporting Goals 3, 6 and 12 of the Comprehensive Plan.

Therefore, this criterion has been met.

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

Adequate public and community facilities and services are available to the property and are sufficient to serve the proposed land use associated with the B-1 Neighborhood Business zone district. Ute Water is available in both 24 Road and within Canyon View Park, City sanitary sewer is available within Canyon View Park. Property is being served by Xcel Energy electric and natural gas. Obviously, Canyon View Park is adjacent and within a short distance is Community Hospital and medical clinic, while a little further to the south is Patterson Road for availability of public transit connections, Mesa Mall, grocery store, restaurants and additional retail opportunities.

Therefore, this criterion has been met.

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

While there are other vacant commercially zoned properties within the area of 24 Road, most are large acreage and would require additional development and construction costs. There is very little B-1 zoned properties within the City limits (273 parcels total = 132.6 acres) and no B-1 zoned properties within the 24 Road corridor area, therefore there is an inadequate supply within this area of the city.

Therefore, this criterion has been met.

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

The community and area will derive benefits from the proposed amendment and rezone by the reuse and utilization of an existing building with existing infrastructure in place as encouraged by Goal 6 of the Comprehensive Plan. The proposed rezone to neighborhood business is compatible with and will benefit the users of Canyon View Park by providing a business that could potentially serve the public by serving light refreshments, coffee and pastry items.

Therefore, this criterion has been met.

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

- a. R-8 (Residential – 8 du/ac)
- b. R-12 (Residential – 12 du/ac)
- c. R-16 (Residential – 16 du/ac)
- d. R-24 (Residential – 24 du/ac)
- e. R-O (Residential – Office)
- f. C-1 (Light Commercial)
- g. Form Based Zone Districts of MXR, MXG & MXS
- h. M-U (Mixed Use)

In reviewing the other zoning district options, the residential zone districts of R-8 and the mixed use zone district of R-O do not allow commercial retail land uses. The C-1 zone district could be an option but other allowed land uses within this zoning district and the possibility of 24 hour operations, might not be compatible with the adjacent park. The Form Based Zone District's are intended for new development with buildings adjacent to the front property line and is more appropriate when a site is being redeveloped and the developer wants to use the Form District zone. The M-U Mixed Use zone district would not be applicable as the minimum lot size is one acre. City Project Manager feels that the B-1 (Neighborhood Business) zone district would be the desired option as it limits the hours of operation to be from 5 AM to 11 PM, prohibits outdoor storage and permanent display and allows a minimum lot size of 10,000 sq. ft.

If the Planning Commission chooses to recommend one of the alternative zone designations, specific alternative findings must be made as to why the Planning Commission is recommending an alternative zone designation the City Council.

## **FINDINGS OF FACT AND CONCLUSIONS**

After reviewing the Baker's Boutique application, CPA-2014-418 and RZN-2014-419, request for a Comprehensive Plan Future Land Use Map designation from "Park" to "Village Center" and Rezone from CSR (Community Services and Recreation) to B-1 (Neighborhood Business) zone district, the following findings of fact and conclusions have been determined:

1. The requested Comprehensive Plan Future Land Use Map Amendment and Rezone is consistent with the goals and polices of the Comprehensive Plan, specifically, Goals 3, 6, and 12.
2. The review criteria, items 1 through 5 in Sections 21.02.130 and 140 of the Grand Junction Zoning and Development Code have been met.







**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE REZONING THE BAKER'S BOUTIQUE PROPERTY  
FROM CSR (COMMUNITY SERVICES AND RECREATION) TO  
B-1 (NEIGHBORHOOD BUSINESS)**

**LOCATED AT 726 24 ROAD**

Recitals:

The applicant, Baker's Boutique, wishes to rezone an unplatted 0.86 +/- acre parcel of land from CSR (Community Services and Recreation) to B-1 (Neighborhood Business) in anticipation of future commercial development for the purpose of establishing a retail business.

The existing single-family detached home and accessory structure on the property will ultimately be remodeled to accommodate the proposed business for Baker's Boutique. The property owner is requesting review of the rezone application in order to determine if the business can be located and zoned on this property.

The Comprehensive Plan Future Land Use Map designation is Park but as part of this rezone request the Future Land Use Map is requested to be changed to Village Center.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of rezoning the Baker's Boutique property from CSR (Community Services and Recreation) to the B-1 (Neighborhood Business) 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 Comprehensive Plan, proposed Village Center and the Comprehensive Plan's goals and policies and/or is generally compatible with appropriate land uses located in the surrounding area.

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

The Planning Commission and City Council find that the B-1 zoning is in conformance with the stated criteria of Section 21.02.140 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 rezoned B-1 (Neighborhood Business).

Beginning at the SW corner of Lot 31 and running thence North along the West boundary of said Lot 31, a distance of 145.80 feet; thence East 258 feet; thence South 145.80 feet to the South boundary of Lot 31; thence West 258 feet to the point of beginning.

All in Pomona Park, County of Mesa, State of Colorado.

Introduced on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2014 and ordered published in pamphlet form.

Adopted on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2015 and ordered published in pamphlet form.

ATTEST:

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

\_\_\_\_\_  
Mayor



Date: December 3, 2014  
 Author: Lori V. Bowers  
 Title/ Phone Ext: Sr. Planner / 256-4033  
 Proposed Schedule: PC-Dec 9, 2014  
CC-1<sup>st</sup> reading Dec 17, 2014  
2nd Reading: Jan 7, 2015  
 File #: PLD-2014-447

**Attach 3**  
**CITY COUNCIL AGENDA ITEM**

<b>Subject:</b> Rezoning and Approving an Outline Development Plan for the Grand Junction Housing Authority Senior Living Planned Development, Located at 805 Bookcliff Avenue
<b>Action Requested/Recommendation:</b> Introduce a Proposed Ordinance and Set a Public Hearing for January 7, 2015
<b>Presenter(s) Name &amp; Title:</b> Lori V. Bowers, Senior Planner Kristen Ashbeck, Senior Planner

**Executive Summary:**

The Grand Junction Housing Authority is requesting approval to rezone 3.763 acres from R-16 (Residential – 16 units per acre) to PD (Planned Development) with a default zone of R-24 (Residential – 24 units per acre) and recommendation to City Council of approval of an Outline Development Plan (ODP) for the Grand Junction Housing Authority (GJHA) Senior Living Planned Development, Highlands Apartments.

**Background, Analysis and Options:**

The Housing Authority purchased the subject property in August 2013. The property has been known as the Epstein property for many years as the previous owner was Emanuel Epstein. The parcel was annexed into the City in 1964 as the McCary Tract Annexation. Air photos dating back as far as 1937 show the property as vacant.

The Housing Authority proposes to construct 128 apartment dwelling units on the parcel. The rezone to Planned Development will allow the flexibility to subdivide the parcel into two separate lots and to construct two buildings in two phases, with the buildings sharing a wall along the shared lot line. This is flexibility which the Housing Authority needs to secure its funding. The two lots will share common elements as well such as common interior recreation, meeting and office space, parking and outdoor walkways and open space. A side setback of zero is not an available bulk standard in an R-16 or R-24 zone district. The public benefits supporting the PD zoning include needed housing types, more efficient use of existing public infrastructure and infill.

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

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

The proposed project will provide needed affordable housing on an infill site within the City Center, taking advantage of making efficient use of existing infrastructure and amenities in the area.

**Goal 5:** To provide a broader mix of housing types in the community to meet the needs of a variety of incomes, family types and life stages.

The proposed project will provide affordable senior apartment living in an area where needed services are readily available.

**How this item relates to the Economic Development Plan:**

**Goal:** Continue to make strategic investments in public amenities that support Grand Junction becoming “the most livable community west of the Rockies by 2025.”

The proposed project is a quality development and will provide visual appeal through attractive architectural design and public spaces throughout the Planned Development.

It will also provide a needed housing type and housing close to medical, shopping, public transportation routes and downtown.

**Board or Committee Recommendation:**

The Planning Commission forwarded a recommendation of approval to the City Council after their public hearing held on December 9, 2014.

**Financial Impact/Budget:**

No financial impact can be identified at this time.

**Legal issues:**

There are no legal issues identified at this time.

**Other issues:**

No other issues have been identified.

**Previously presented or discussed:**

This item has not been previously presented or discussed.

**Attachments:**

Staff Report

Site Location Map / Aerial Photo Map

Comprehensive Plan Map / Existing Zoning Map

Neighborhood Meeting Notes with Sign In Sheet

Outline Development Plan

Planned Development Rezone Ordinance

BACKGROUND INFORMATION					
<b>Location:</b>		805 Bookcliff Avenue			
<b>Applicants:</b>		Grand Junction Housing Authority, owner and developer. Rich Krohn, representative.			
<b>Existing Land Use:</b>		Vacant land			
<b>Proposed Land Use:</b>		Residential			
<b>Surrounding Land Use:</b>	<b>North</b>	St Mary's Hospital property and Colorado West Senior Citizens housing			
	<b>South</b>	Tope Elementary School and Grounds			
	<b>East</b>	Apartment building and single-family residences			
	<b>West</b>	Business offices			
<b>Existing Zoning:</b>		R-16 (Residential – 16 units per acre)			
<b>Proposed Zoning:</b>		PD (Planned Development)			
<b>Surrounding Zoning:</b>	<b>North</b>	PD (Planned Development) & R-16 (Residential – 16 du/ac)			
	<b>South</b>	R-8 (Residential – 8 units per acre)			
	<b>East</b>	R-16 (Residential – 16 units per acre)			
	<b>West</b>	B-1 (Neighborhood Business)			
<b>Future Land Use Designation:</b>		Business Park Mixed Use			
<b>Zoning within density range?</b>		X	Yes		No

## ANALYSIS

### Background

The proposed project is located on the south side of Bookcliff Avenue between 7th Street and 9th Street across from the south terminus of Little Bookcliff Avenue. The Grand Junction Housing Authority purchased the subject property in August 2013. The parcel was annexed into the City in 1964 as the McCary Tract Annexation. Air photos dating back as far as 1937 show the property as vacant.

The property consists of 3.763 acres. The half street right-of-way at the north boundary of the subject property is 30 feet by 550 feet (16,500 square feet) or .379 acres, making the total acreage for density calculation 4.142 acres. The applicant proposes to develop the property into 128 units of multi-family residential units for seniors in two phases, with each phase consisting of 64 residential units, resulting in an ultimate proposed density of 30.9 units per acre. In addition, an area for indoor amenities such as offices for resident service provider visits (such as home health care and Veterans Administration) together with common fitness, wellness, and socializing areas is anticipated to be constructed as part of the first phase.

Common open space is to be provided to be shared by Phase 1 and Phase 2, including planned shared active open space between the Phase 1 and Phase 2 buildings and a walking trail around the west, south, and east perimeters of the property. The south and east boundaries of the property have existing fencing. The Zoning and Development Code requires a fence as a buffer between residential and commercial properties/zones. This requirement would affect the west boundary of the property which abuts an office building. The commercial neighbor, however, has indicated it would prefer no fence, but possibly some other landscaped buffer or berm or open fencing design, on that property line to preserve the open feel of the area. As part of the PD zone, staff recommends including flexibility in this requirement.

The public will benefit from the development, construction, and operation of affordable multi-family housing for low to moderate income seniors on this property, which will be facilitated by PD zoning. PD zoning will allow for the possibility of a greater quality and quantity of private open space and other recreational amenities appropriate for seniors, including a private walking trail around the property. Additional housing is needed in our community for low to moderate income seniors, particularly in a location such as this near St. Mary's Hospital and other services, businesses, transportation and amenities necessary or desirable for this demographic.

A neighborhood meeting was held on November 24, 2014. There were approximately eight interested neighbors, along with the representatives and staff who attended the meeting. The notes are attached to this report.

### **Consistency with the Comprehensive Plan**

The proposed ODP is consistent with the Comprehensive Plan goals stated below:

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

Goal 5: To provide a broader mix of housing types in the community to meet the needs of a variety of incomes, family types and life stages.

The Future Land Use Map of the Comprehensive Plan shows this area to develop with the designation of Business Park Mixed Use. Applicable zones that implement this designation include R-8, R-12, R-16, R-24, R-O, B-1, CSR, BP and I-O. R-24 is the requested default zone for the proposed Planned Development.

### **Review criteria of Chapter 21.02.150 of the Grand Junction Municipal Code**

Requests for an Outline Development Plan shall demonstrate conformance with all of the following:

The Outline Development Plan review criteria in Section 21.02.150(b):

- a) The Comprehensive Plan, Grand Valley Circulation Plan and other adopted plans and policies.

The project meets the Comprehensive Plan Goals stated below.

**Goal 4.** “Support the continued development of the downtown area of the City Center into a vibrant and growing area with jobs, housing and tourist attractions.” The proposed project will provide needed affordable housing on an infill site within the City Center, taking advantage of making efficient use of existing infrastructure and amenities in the area.

**Goal 5.** “To provide a broader mix of housing types in the community to meet the needs of a variety of incomes, family types and life stages.” The proposed project will provide affordable senior apartment living in an area where needed services are readily available.

The Grand Valley Circulation Plan defines Bookcliff Avenue as a minor collector. There are no major improvements required for Bookcliff Avenue with the proposed use. All other access will be internal with the use of drive aisles and parking areas.

b) The rezoning criteria provided in Section 21.02.140 of the Grand Junction Municipal Code (GJMC).

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

The original premise has not been invalidated. The rezone request meets the goals and criteria of the Comprehensive Plan and the zoning that supports the future land use designation of Business Park Mixed Use. The PD zone designation will allow the applicant a higher and better use of this infill site.

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

The subject parcel has been vacant since it was annexed into the City in 1964. Growth has taken place on all surrounding properties, and some properties have re-developed in this area as the subject parcel remained vacant. This is an infill project in an area where all support and public amenities exist, particularly for this type of proposed use.

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

The vicinity of the subject property contains a variety of uses. St. Mary’s Hospital property is located directly north and to the northwest of the subject property. Tope Elementary School and grounds is located immediately to the south. The property to the west is zoned B-1 and developed for business uses. There are restaurants within walking distance to the property and Grand Valley Transit has stops located nearby on Bookcliff Avenue.



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

This is one of the last vacant parcels of land in this highly desirable area in the City Center. To accommodate a Planned Development on the site will allow for better design and utilize the amenities and services of this area more efficiently.

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

The community will benefit by a housing type that is needed. This is an ideal location for this type of housing since it is near the hospital, medical offices, restaurants and bus service.

- c) The planned development requirements of Section 21.05.040(f) GJMC;
1. Setback Standards – The applicant is requesting the setbacks for the property to be the same as those in the R-24 zoning district except for the allowance of zero setbacks for the side setbacks interior to the parcel. It is anticipated that the parcel will need to be split for financing reasons for development of Phase 2. The development plan anticipates that the buildings constructed in Phases 1 and 2 will be attached, sharing the common interior spaces that are constructed with Phase 1.
  2. Open Space – Common open space is to be provided to be shared by Phase 1 and Phase 2, including planned shared active open space between the Phase 1 and Phase 2 buildings and a walking trail around the west, south, and east perimeters of the property.
  3. Fencing/Screening – The south and east boundaries of the property have existing fencing. The west boundary of the property will be fenced for B-1 zone compatibility. The Owners Association of the B-1 zoned property request that the required fencing be an open style of fence or provide a landscaping screen/berm for the buffer required by the Zoning and Development Code.
  4. Landscaping – Landscaping will be provided as part of the development in compliance with city requirements.
  5. Parking – On-site parking will be constructed to meet code requirements for R-24 zoning.
  6. Street Development Standards – This requirement is not applicable. All access to the property will be directly from existing street improvements on Bookcliff Avenue. Interior drive aisles and parking areas will be the only vehicular travel improvements.

- d) The applicable corridor guidelines and other overlay districts in Chapter 21.07.

The subject parcel does not fall in any overlay district or is it subject to any corridor guidelines.

- e) Adequate public services and facilities shall be provided concurrent with the projected impacts of the development.

There are existing bus stops on Bookcliff Avenue. City water and sanitary sewer are available within the street and can be extended through the site from Bookcliff Avenue for service. There is also a storm sewer located in Bookcliff Avenue. The parcel is within the Grand Valley Drainage District which includes the Buthorn Drain sub basin. Drainage detention will be addressed with the review of the site plan, which may include detention features on site.

- f) Adequate circulation and access shall be provided to serve all development pods/areas to be developed.

Access will be from Bookcliff Avenue. Internal drive aisles and parking will accommodate circulation for residents, visitors and employees. Adequate fire access will be provided by the drive aisles.

- g) Appropriate screening and buffering of adjacent property and uses shall be provided;

Fencing and/or a landscape screen or berm will be provided along the western edge of the property as a buffer between the subject parcel and the adjacent property zoned B-1 (Neighborhood Business). The fencing will be open in character so the adjacent property can see through to avoid a walled-in effect.

- h) An appropriate range of density for the entire property or for each development pod/area to be developed;

The existing parcel is 3.763 acres. By adding in the allowed 1/2 Right-of- Way (30' x 550') an additional 16,500 square feet or .379 acres may be added to the property for the purpose of calculating the allowed density. The total acreage for calculating the density is then 4.142 acres. The applicant is proposing 128 units, resulting in a density of 30.9 units/acre. The applicant requests, and staff supports, an overall density of between 24 and 32 units per acre.

- i) An appropriate set of "default" or minimum standards for the entire property or for each development pod/area to be developed.

The default zoning for the Planned Development will be R-24. The setback requirements for R-24 will be utilized with one deviation being the side setback for the interior of the parcel. A zero lot line is requested for the purpose of subdividing the parcel in the future for funding purposes.

- j) An appropriate phasing or development schedule for the entire property or for each development pod/area to be developed.

Development is anticipated to consist of two phases. Financing efforts and design planning are already underway. It is anticipated that construction of Phase 1 can begin in late 2015. Timing for Phase 2 will be prior to December 1, 2020. Staff proposes the following phasing/development schedule:

Phase 1: Planning Clearance shall be pulled no later than December 1, 2015.

Phase 2: Planning Clearance shall be pulled no later than December 1, 2020.

## **FINDINGS OF FACT/CONCLUSIONS**

After reviewing the Grand Junction Housing Authority application, PLD-2014-447 for a Planned Development, Outline Development Plan, staff makes the following findings of fact and conclusions:

- 3. The requested Planned Development, Outline Development Plan is consistent with the Comprehensive Plan.
- 4. The review criteria in Section 21.05.040 of the Grand Junction Municipal Code have all been met.
- 5. The review criteria in Section 21.02.140 of the Grand Junction Municipal Code (rezoning) will be met.
- 4. The review criteria in Section 21.02.150 of the Grand Junction Municipal Code have been met.

## Site Location Map



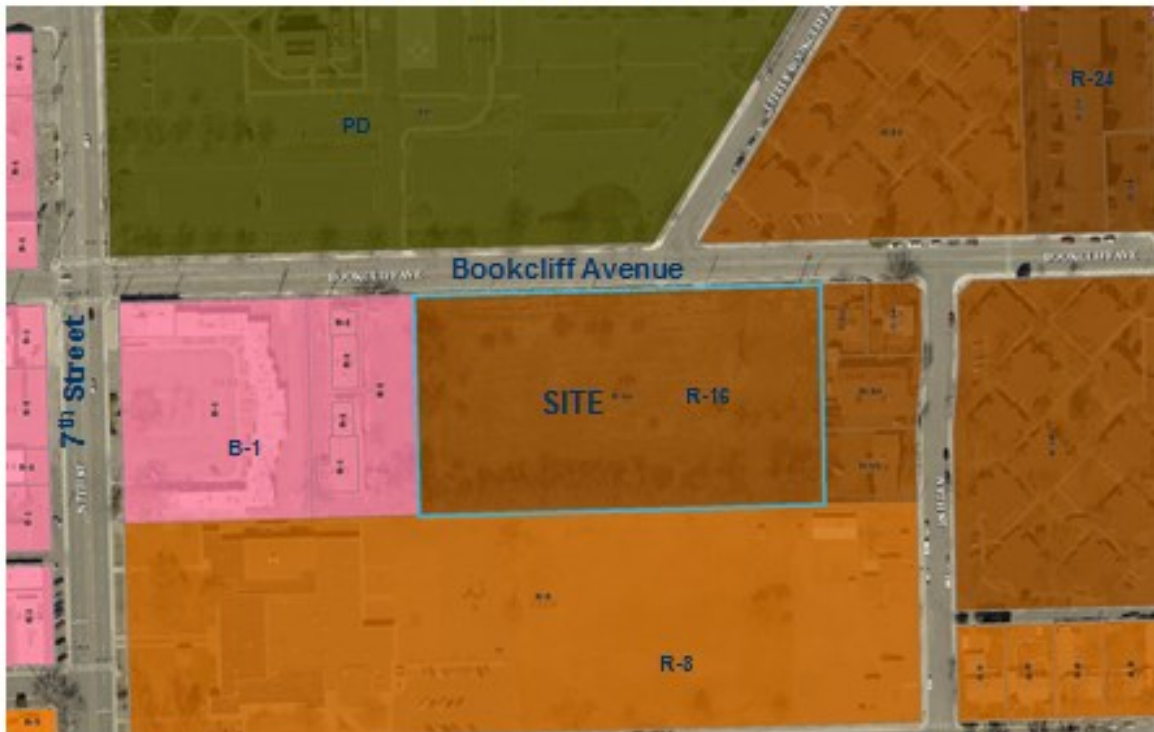
## Aerial Photo Map



## Future Land Use Map



## Existing Zoning Map



**NEIGHBORHOOD MEETING NOTES**  
**HIGHLANDS APARTMENTS**  
**805 Bookcliff Avenue Rezone**

A neighborhood meeting was held in advance of the anticipated filing by Grand Junction Housing Authority (GJHA) of an application to rezone vacant land owned by GJHA with an address of 805 Bookcliff Avenue on November 24, 2014 at 5:30 pm at The Art Center located at 1803 N. 7<sup>th</sup> Street. Approximately a half dozen members of the public attended, in addition to representatives of GJHA and Lori Bowers from the City Planning and Development Department. A sign in sheet was available to attendees, who were encouraged to sign in. A copy of the sign in sheet is submitted with these notes.

GJHA representatives provided a power point presentation explaining the history of GJHA and describing several of its previous affordable multi-family housing developments in Grand Junction. The presentation also included visual representations of the results of a three day charrette conducted by several architects and graduate level architectural students under the auspices of University of Colorado at Denver to brainstorm possible designs for the development of this property as senior housing for low to moderate income residents. It was explained that the charrette was not a representation or guaranty of what will be constructed on the property, but rather an intensive effort to identify strengths and constraints associated with the property and one or more ways in which the desired goal of high quality affordable senior housing could be constructed on the property while maintaining compatibility with the surrounding neighborhood.

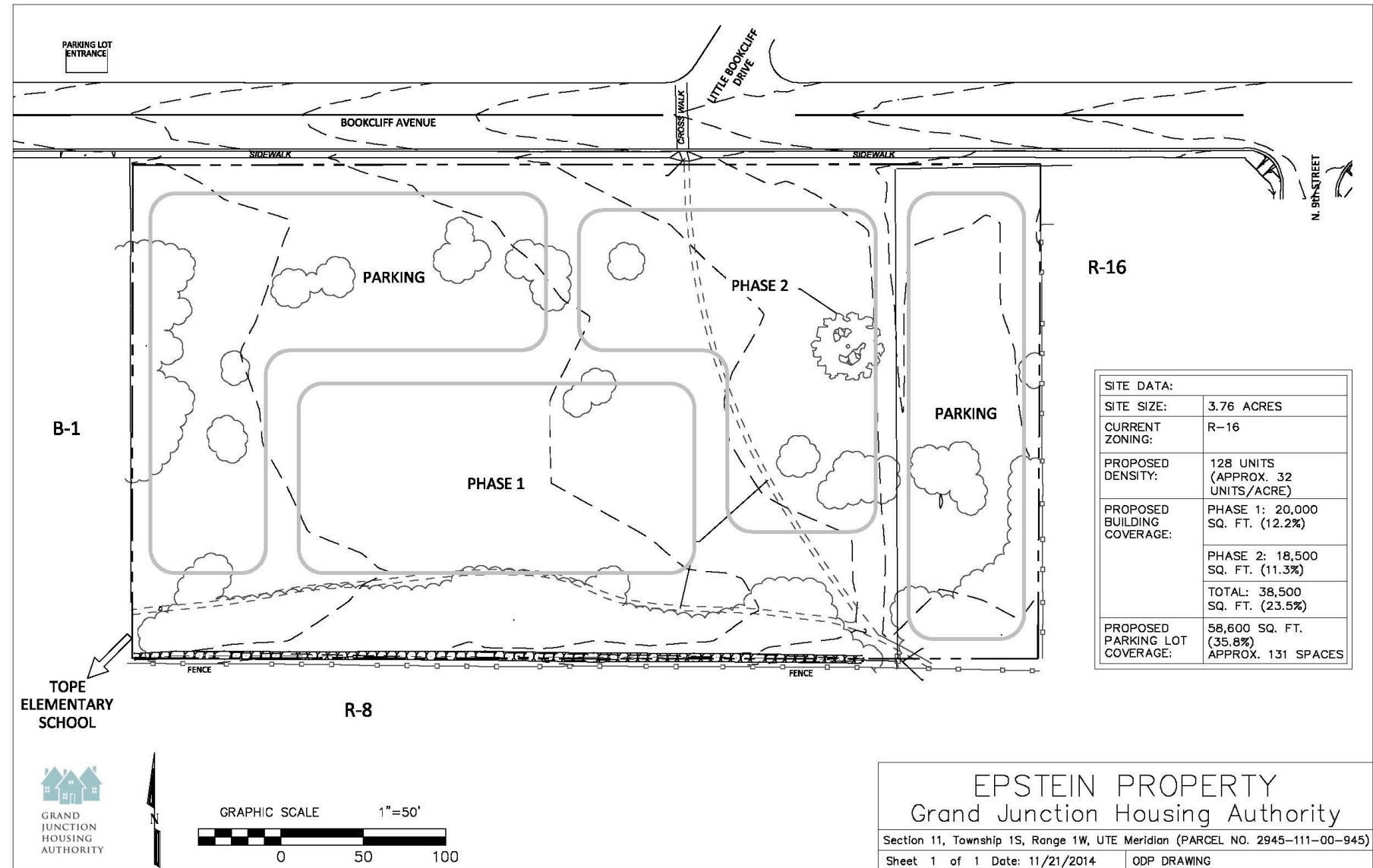
The meeting lasted about an hour and included an extensive question and answer session. Matters discussed included fencing, landscaping, planned development zoning, parking and design possibilities.

24 NOV 2014

GJHA  
805 Brookcliff AVE  
Neighborhood Intg

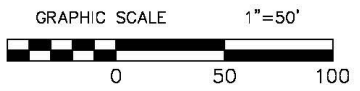
### Sign IN Sheet

<u>NAME</u>	<u>Address</u>	<u>PHONE</u>	<u>EMAIL</u>
LISA REW	(905 Brookcliff)	210-5916	-
Kevin Sparte	284 Gloucester Cir E	986-7129	ksparte@outlook.com
Tim Spaul	762 1/2 Rd Fwy	986-5669	Tspaul@ohio.org
KATE FISCHER	24 Columbus Canyon Rd	433-8297	katefisher@aol.com
George Wheeler	3820 Applewood	245-1712	
LORI Bowers	City Planning		
Aker Carmichael	2030 158th St.	245-6752	
John Wolcott	729 Brookcliff Ave	260-6532	wwolcott@wolcottllc.net
JODY KOLG	2256 PINETERRACE CT	242-1122	
Scott/GILLIAN AKER	2030 N 8th	270-4067	akercarm@gmail.com
Rich Krohn	744 Horizon Ct, #300	248-5850	rkrohn@duwile.com



SITE DATA:	
SITE SIZE:	3.76 ACRES
CURRENT ZONING:	R-16
PROPOSED DENSITY:	128 UNITS (APPROX. 32 UNITS/ACRE)
PROPOSED BUILDING COVERAGE:	PHASE 1: 20,000 SQ. FT. (12.2%)
	PHASE 2: 18,500 SQ. FT. (11.3%)
	TOTAL: 38,500 SQ. FT. (23.5%)
PROPOSED PARKING LOT COVERAGE:	58,600 SQ. FT. (35.8%) APPROX. 131 SPACES

TOPE  
ELEMENTARY  
SCHOOL



EPSTEIN PROPERTY  
Grand Junction Housing Authority

Section 11, Township 1S, Range 1W, UTE Meridian (PARCEL NO. 2945-111-00-945)  
Sheet 1 of 1 Date: 11/21/2014 ODP DRAWING



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

AN ORDINANCE REZONING APPROXIMATELY 3.763 ACRES FROM R-16 TO PD  
(PLANNED DEVELOPMENT) AND APPROVING  
THE OUTLINE DEVELOPMENT PLAN (ODP)

GRAND JUNCTION HOUSING AUTHORITY SENIOR LIVING  
PLANNED DEVELOPMENT – HIGHLANDS APARTMENTS  
(AKA THE EPSTEIN PROPERTY)  
LOCATED AT 805 BOOKCLIFF AVENUE

Recitals:

A request for a Rezone and Outline Development Plan approval has been submitted in accordance with the Grand Junction Municipal Code. The applicant has requested that approximately 3.763 acres, located at 805 Bookcliff Avenue, be rezoned from R-16 (Residential - 16 units per acre) to PD (Planned Development) with a default zoning of R-24 (Residential – 24 units per acre). The applicant proposes to develop the property into 128 units of multi-family residential units for seniors in two phases, with each phase consisting of 64 residential units, resulting in an ultimate proposed density of 30.9 units per acre. In addition, an area for indoor amenities such as offices for resident service provider visits (such as home health care and Veterans Administration) together with common fitness, wellness, and socializing areas is anticipated to be constructed as part of the first phase.

This PD zoning ordinance will establish the default zoning, including uses and deviations from the bulk standards.

In public hearings, the Planning Commission and City Council reviewed the request for the proposed Rezone and Outline Development Plan approval and determined that it satisfied the criteria as set forth and established in Section 21.02.140 of the Grand Junction Municipal Code and the proposed Rezone and Outline Development Plan is consistent with the purpose and intent of the Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE AREA DESCRIBED BELOW IS REZONED FROM R-16 TO PD WITH THE FOLLOWING DEFAULT ZONE AND DEVIATIONS FROM THE DEFAULT ZONING:

Property to be Rezoned:

All that part of the N1/4 of the SW1/4NE1/4 of Section 11, Township 1 South, Range 1 West of the Ute Meridian, lying East of the center line of North Seventh Street;  
EXCEPT the West 450 feet of said tract;  
AND ALSO EXCEPTING THEREFROM all roads, easements and rights of way of record in Mesa County, Colorado.

Containing 3.763 acres, more or less.

See Attached Exhibit A, Outline Development Plan.

A. Deviation of Uses

The following uses shall also be allowed:

Management office with residential unit for on-site manager, including support offices for resident service providers such as home health care and Veterans Administration, together with fitness, wellness, and socializing areas. Other indoor amenities may include a coffee shop and/or sandwich shop.

In lieu of a solid fence the required fence buffer on the west side of the property can be open style fencing (to see through) or a landscaping berm.

B. Deviations from Bulk Standards

A zoning density range of 24 to 32 dwelling units per acre.

Minimum side yard setbacks shall be zero for the interior of the lot, to allow for future subdivision of the lot for financing reasons. This will allow attached buildings, sharing the common area.

**INTRODUCED** on first reading on the \_\_\_ day of \_\_, 2014 and ordered published in pamphlet form.

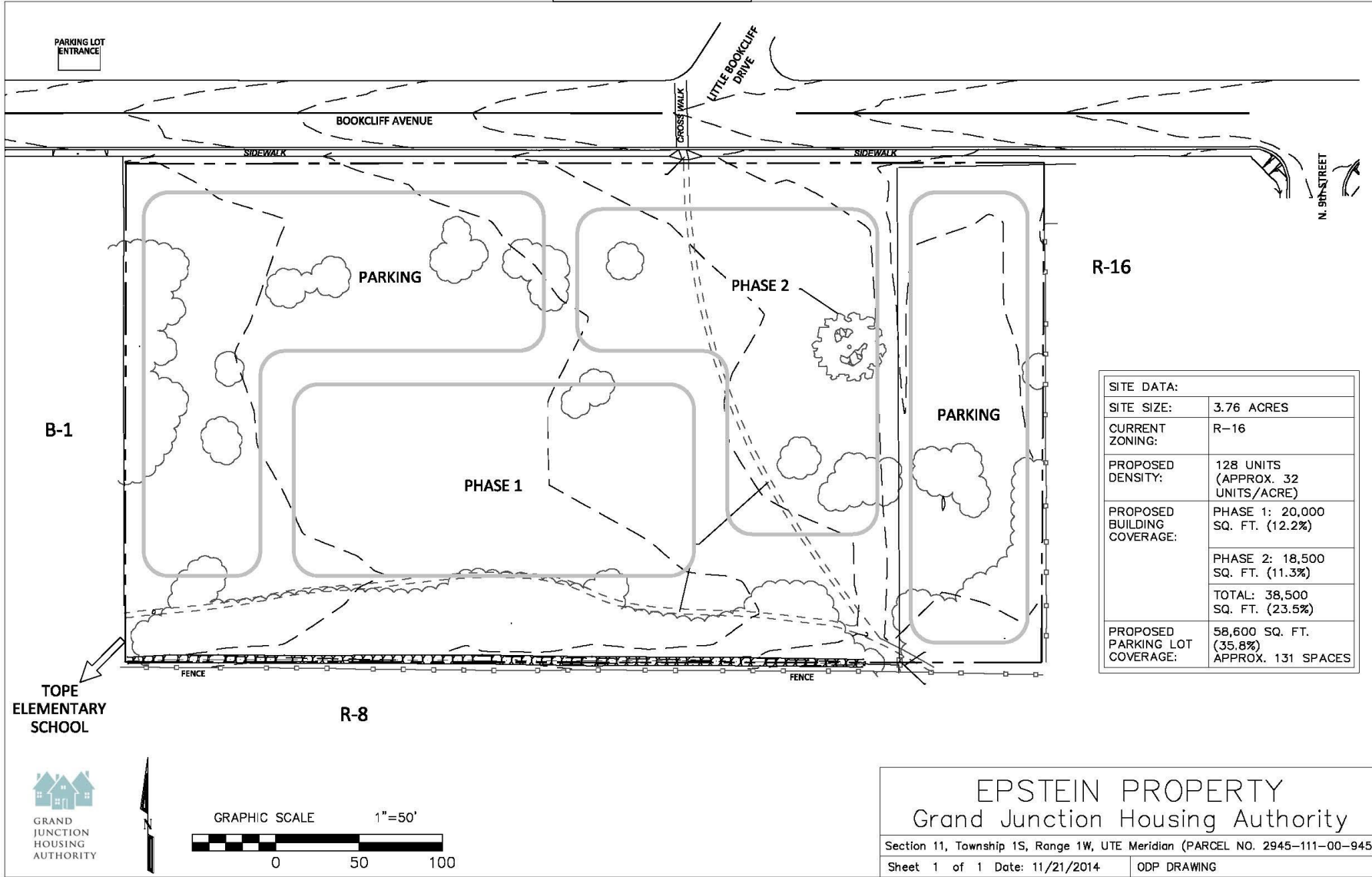
**ADOPTED** on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

ATTEST:

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

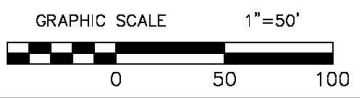
\_\_\_\_\_  
City Clerk

Exhibit A



SITE DATA:	
SITE SIZE:	3.76 ACRES
CURRENT ZONING:	R-16
PROPOSED DENSITY:	128 UNITS (APPROX. 32 UNITS/ACRE)
PROPOSED BUILDING COVERAGE:	PHASE 1: 20,000 SQ. FT. (12.2%)
	PHASE 2: 18,500 SQ. FT. (11.3%)
	TOTAL: 38,500 SQ. FT. (23.5%)
PROPOSED PARKING LOT COVERAGE:	58,600 SQ. FT. (35.8%) APPROX. 131 SPACES

TOPE ELEMENTARY SCHOOL



EPSTEIN PROPERTY  
Grand Junction Housing Authority

Section 11, Township 1S, Range 1W, UTE Meridian (PARCEL NO. 2945-111-00-945)  
Sheet 1 of 1 Date: 11/21/2014 ODP DRAWING



Date: 12/8/14  
 Author: Jodi Romero  
 Title/ Phone Ext: 1515  
 Proposed Schedule: December 17th  
2014  
 2nd Reading  
 (if applicable): \_\_\_\_\_  
 File # (if applicable): \_\_\_\_\_

Attach 4

**CITY COUNCIL AGENDA ITEM**

<b>Subject:</b> Rates and Fees Effective January 1, 2015
<b>Action Requested/Recommendation:</b> Adopt the Fees for Water, Wastewater, Solid Waste, Two Rivers Convention Center, Avalon Theatre, and Fire Ambulance Transport for 2015
<b>Presenter(s) Name &amp; Title:</b> Jodi Romero, Financial Operations Director

**Executive Summary:**

Proposed rate/fee increases which would be effective January 1, 2015 are for Water, Wastewater, Solid Waste, Two Rivers Convention Center, Avalon Theatre, and Fire Ambulance Transport for 2015.

**Background and Analysis:**

**City Water System:** Recommended \$1.00 increase in the minimum water rate per 3,000 gallons. Recommended increase in the commodity rates for the three levels of water consumption above the minimum 3,000 gallons; increase \$0.10 for each level. The increases, which include a water conservation rate, will be used by the Water Funds for major capital waterline replacement program.

**Wastewater:** Recommended increase of 10 cents per single family residential equivalent unit (EQU) to cover the cost of on-going operating expenses, including energy and debt service, and to fund the Waste Water capital sewer line replacement program.

The \$124 increase in the plant investment fee (PIF) per EQU reflects a 3% increase in the system value and was recommended during the last sewer rate study which was performed during 2006. The PIF is established on the “buy in method” in which new development pays for existing capacity in the waste water plant and collection system based on a current value of that infrastructure.

**Solid Waste:** Recommended increases in Solid Waste rates ranging from \$.40 for 1-64 gallon trash container to \$5.64 for an 8 cubic yard dumpster. Increases are needed to cover the costs of ongoing operating expenses.

**Two Rivers Convention Center:** Recommended \$.25 increase to service club lunch meals to offset increased cost of food.

**Avalon Theatre:** The only requested change to the fees and charges per Resolution No. 25-14 (adopted August 6<sup>th</sup>, 2014) is changing the language regarding the collection of a damage deposit before an event.

~~*“Please note that a damage deposit will not be collected prior to the event however, if there are any damages or excessive cleaning, the lessee will be billed for repairs, replacement costs, and or labor.”*~~

Replaced with- *“A \$500 damage deposit may be collected prior to the event at the discretion of the General Manager.”*

**Fire Ambulance Transport:** By prior resolution the City Council established ambulance transport fees in accordance with and pursuant to the Mesa County EMS standards. For 2015 the City Council affirms the prior action of that resolution.

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

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

**Board or Committee Recommendation:**

The Board of County Commissioners approved the 2015 Persigo budget December 8<sup>th</sup>, 2014.

**Financial Impact/Budget:**

The impact of these rate increases are reflected in the 2015 proposed revenue budgets for the Water Fund, Joint Sewer Fund, and Solid Waste Fund.

**Legal issues:**

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

**Previously presented or discussed:**

Utility rates were discussed with City Council on June 30<sup>th</sup> and November 17<sup>th</sup>.

**Attachments:**

Proposed Resolution

**RESOLUTION NO. \_\_\_\_-14**

**A RESOLUTION ADOPTING FEES AND CHARGES FOR WATER, WASTEWATER, SOLID WASTE, TWO RIVERS CONVENTION CENTER, AVALON THEATRE, AND FIRE AMBULANCE TRANSPORT**

**Recitals:**

The City of Grand Junction establishes rates for utility service and ambulance transports on a periodic basis, and by this resolution, the City Council establishes these rates to implement decisions made in the long-term financial plans for the Utilities and Fire Departments.

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

Effective January 1, 2015 rates for utility services, ambulance transports, Two Rivers Convention Center, Avalon Theatre, and Fire Ambulance Transport change according to the following schedule.

<b>Water</b>			
<b>System-Description</b>	<b>2014 Current</b>	<b>2015 Proposed</b>	<b>Change</b>
<b>City Water System</b>			
0 - 3,000 Gallons	\$14.00	\$15.00	\$1.00
3,000 - 10,000 Gallons (per 1,000)	\$2.05	\$2.15	\$0.10
10,000 - 20,000 Gallons (per 1,000)	\$2.45	\$2.55	\$0.10
>20,000 Gallons (per 1,000)	\$2.85	\$2.95	\$0.10

<b>Wastewater</b>			
<b>Description</b>	<b>2014 Current</b>	<b>2015 Proposed</b>	<b>Change</b>
Per Residential Equivalent Unit (EQU)	\$19.50	\$19.60	\$0.10
Plant Investment Fee Per EQU	\$4,120.00	\$4,244.00	\$124.00

<b>Solid Waste</b>			
<b>Automated Monthly Container Prices</b>	<b>2014 Current</b>	<b>2015 Proposed</b>	<b>Change</b>
1-64 Gallon Container	\$10.45	\$10.85	\$0.40
1-96 Gallon Container	\$13.25	\$13.75	\$0.50
2-64 Gallon Container	\$16.00	\$16.61	\$0.61
1-64, 1-96 Gallon Container	\$18.80	\$19.51	\$0.71
2-96 Gallon Container	\$21.60	\$22.42	\$0.82
<b>Commercial Monthly Dumpster Prices</b>			
1-2 Cubic Yard - Pick-Up 1 Time Per Week	\$55.75	\$57.88	\$2.13
1-4 Cubic Yard - Pick-Up 1 Time Per Week	\$90.32	\$93.75	\$3.43
1-6 Cubic Yard - Pick-Up 1 Time Per Week	\$122.20	\$126.84	\$4.64
1-8 Cubic Yard - Pick-Up 1 Time Per Week	\$153.68	\$159.52	\$5.84

<b>Two Rivers Convention Center</b>			
<b>Facilities Rental</b>	<b>2014 Current</b>	<b>2015 Proposed</b>	<b>Change</b>
Service Club Weekly Lunch/Person	\$12.75	\$13.00	\$.25
Service Club Monthly Lunch/Person	\$13.25	\$13.50	\$.25
Service Club Monthly Dinner/Person	\$17.25	\$17.50	\$.25

**Avalon Theatre:**

*“A \$500 damage deposit may be collected prior to the event at the discretion of the General Manager.”*

**Fire Ambulance Transport:** See the current (2014/2015) fee schedule (attached). The 2015/2016 fees will be established by the County on or about April 1, 2015 and will be adopted according to City law and policy.

PASSED and ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2014.

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

Attest:

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

Current (2014/2015) Fee Schedule:

## Mesa County Sheriff's Office

Sheriff Stan Hilkey



**Mike Hill, Mesa County System EMS Coordinator**

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

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

March 3, 2014

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

Dear Chief Watkins,

In accordance with the Mesa County EMS Resolution and the CPI formula, an annual review of maximum ambulance rates has been conducted. This review was conducted in February 2014 using the most recent calendar year Consumer Price Index data (January - December 2013). This review indicated a 1.80% increase in maximum ambulance rates. The following table illustrates the CPI factors that are considered and how the increase is calculated.

CPI Factor	% Change	Ratio	Adjustment
All Items	1.6	0.2	.32
Transportation	1.2	0.4	0.48
Medical Care	2.5	0.4	1.0
Total Adjustment			1.80

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

Service	New Maximum Rate
Advanced Life Support (ALS)	\$980
Basic Life Support (BLS)	\$719
ALS Critical Care Transport	\$1068
BLS Critical Care Transport	\$816
Critical Care / Specialty Care	\$3258

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

Sincerely,

Michael D. Hill  
Mesa County EMS System Coordinator

for Andrew Martsof  
Mesa County Emergency Manager





Date: December 16, 2014  
 Author: Ken Watkins  
 Title/ Phone Ext: Fire Chief/5801  
 Proposed Schedule: Dec. 17, 2014  
 2nd Reading  
 (if applicable): \_\_\_\_\_  
 File # (if applicable): \_\_\_\_\_

**Attach 5**  
**CITY COUNCIL AGENDA ITEM**

<p><b>Subject:</b> Design and Implementation of a Firefighter Heart and Circulatory Malfunction Benefit Fund Program</p>
<p><b>Action Requested/Recommendation:</b> Adopt a Proposed Resolution Authorizing the City Manager to Design and Implement a Firefighter Heart and Circulatory Malfunction Benefit Fund Program</p>
<p><b>Presenter(s) Name &amp; Title:</b> Elizabeth Tice, Management and Legislative Liaison          Ken Watkins, Fire Chief</p>

**Executive Summary:**

Senate Bill 14-172, codified as C.R.S. 29-5-301 *et. seq.* requires that any municipality, special district, fire authority, or county improvement district employing one or more firefighters to provide benefits for heart and circulatory malfunctions for full time firefighters, as long as the state provides sufficient funding to cover the cost. The employer may purchase accident insurance, self-insure, either separately or as part of a pool, or participate in a multiple employer trust in order to provide benefits required by law to firefighters eligible to receive the benefit(s). The law is effective January 1, 2015.

**Background, Analysis and Options:**

This new state statute requires that full-time firefighters of certain employers be provided this benefit if specific eligibility criteria are met. The benefit can be provided through accident insurance, self-insure (either separately or as part of a pool) or participate in a multiple employer trust.

Senate Bill 14-172 also created the Firefighter Benefits Cash Fund. The Colorado Department of Local Affairs (DOLA) is responsible for administering this fund and receives annual appropriations from the State General Fund to be used to reimburse employers for the direct costs of maintaining coverage benefits. Beginning January 1, 2015, DOLA will reimburse the City for the direct cost of maintaining the coverage benefit(s)/self-insurance plan for qualifying firefighters as required, provided and specified by Senate Bill 14-172. If funding for the benefits required under this bill are insufficient to cover the costs of the benefits, then maintaining the benefits becomes optional for the City.

The City staff has carefully reviewed the law and all options currently available to provide the prescribed benefit(s) and recommends to the City Council that it self-insure for the provision of the benefit(s) in accordance with and as provided by law.

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

This item does is not related to any Comprehensive Plan goals or policies.

**How this item relates to the Economic Development Plan:**

Public Safety is one of the Guiding Areas of Emphasis in the 2014 Economic Development Plan and a goal is to create and maintain a safe community through professional, responsive and cost effective public safety services. The specific action step provides for the safety and effectiveness of firefighters by supporting employees if they have a work related cardiac or circulatory event with a goal to return the injured employee back to service as soon as possible. Reimbursement by DOLA for the costs of this program allows this benefit without use of City funds earmarked for other uses.

**Board or Committee Recommendation:**

The City formed a Senate Bill 14-172 Committee to evaluate options for this program. The Committee has recommended that the City self-insure this coverage.

**Financial Impact/Budget:**

Funds have been budgeted in the 2015 General Fund Budget to cover the cost of this benefit. The City will apply for reimbursement from DOLA of these funds upon opening of the reimbursement period in January 2015.

**Legal issues:**

The City Attorney has evaluated the requirements of Senate Bill 14-172 and created the attached resolution. Any and all agreements related to the design and implementation of a Firefighter Heart and Circulatory Malfunction Benefit Fund Program will be reviewed and approved by the City Attorney.

**Other issues:**

No other Issues have been identified.

**Previously presented or discussed:**

This issue has been discussed with City Council during legislative updates, most recently on December 15, 2014.

**Attachments:**

Proposed Resolution

**CITY OF GRAND JUNCTION, COLORADO**

**RESOLUTION NO. \_\_-14**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO DESIGN AND IMPLEMENT A  
FIREFIGHTER HEART AND CIRCULATORY MALFUNCTION BENEFIT FUND PROGRAM**

RECITALS.

Senate Bill 14-172, codified as C.R.S. 29-5-301 *et. seq.* requires that certain employers of firefighters shall maintain accident insurance, self-insure, either separately or as part of a pool, or participate in a multiple employer trust in order to provide benefits required by law to firefighters eligible to receive the benefit(s). The law is effective January 1, 2015.

The Colorado Department of Local Affairs (DOLA), according to law and for so long as there is sufficient funding, will reimburse the City for the direct cost of maintaining the coverage benefit(s)/self-insurance plan for qualifying firefighters as required, provided and specified by Senate Bill 14-172 and the interpretations thereof by DOLA, the Colorado Department of Regulatory Agencies (DORA) and Colorado Courts. If/when the State funds required to maintain the coverage benefit(s)/self-insurance plan are depleted then the City Council may elect to terminate the benefit fund authorized by the resolution. State funding is deemed to be an express condition to the provision of the benefit fund program authorized by this resolution.

The City staff has carefully reviewed the law and all options currently available to provide the prescribed benefit(s) and recommends to the City Council that it self-insure for the provision of the benefit(s) in accordance with and as provided by law.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Grand Junction authorizes the City Manager to design and implement a firefighter heart and circulatory malfunction benefit fund program in accordance with and pursuant to the recitals stated above, which authorization shall include the creation of a self-insurance fund and the promulgation, in consultation with the City Attorney and the various Departments of the City, of the procedures necessary or required for the administration of claims/benefits for the qualifying firefighters; and,

FURTHERMORE, BE IT RESOLVED THAT the City Manager shall take the steps necessary or required to apply for the reimbursement and provide to the Council an annual report on the funding provided by the State of Colorado with the express understanding that the continuation of that funding shall be a pre-condition to the continuation of the benefit program.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

---

Phyllis Norris

Mayor and President of the City Council

ATTEST:

---

Stephanie Tuin

City Clerk



Date: December 16, 2014  
 Author: Kathy Portner  
 Title/ Phone Ext: 1420  
 Proposed Schedule: Dec. 17, 2014  
 2nd Reading  
 (if applicable): \_\_\_\_\_  
 File # (if applicable): \_\_\_\_\_

**Attach 6**  
**CITY COUNCIL AGENDA ITEM**

<b>Subject:</b> Urban Trails Committee Re-Establishment and Adoption of Bylaws
<b>Action Requested/Recommendation:</b> A Resolution Re-establishing the Urban Trails Committee and Adopting Bylaws
<b>Presenter(s) Name &amp; Title:</b> Kathy Portner, Community Services Manager

**Executive Summary:**

The Urban Trails Committee has served as a sub-committee of the Riverfront Commission since 1994. The proposed Resolution will re-establish the committee as an advisory board to the City Council on matters pertaining to the safe, convenient, and efficient movement of pedestrians and bicyclists of all ages and abilities, as well as other forms of transit.

**Background, Analysis and Options:**

Resolution No. 48-94 created the Grand Junction Trails Board in 1994 to serve as the principal coordinating body for the development of a trails and pathway system throughout Grand Junction and connecting to trail systems outside the City; to plan, develop and promote such a path system and help coordinate the implementation of the Multi-Modal Plan; and to actively pursue the development of new trails both in the City and in areas which may be annexed.

Since 1994, the Urban Trails Committee (UTC) has participated in transportation planning through the Regional Transportation Planning Organization (RTPO), including all modes, and review of development projects, as well as promoting safe and efficient active transportation through a number of programs and projects. With the City's recent focus on Safe Routes to School projects and other bicycle/pedestrian planning efforts, the City Council has requested that UTC be a committee of the City rather than a subcommittee of the Riverfront Commission. To that end, UTC has been working on a strategic plan and an active transportation project priority list and is recommending adoption of the proposed bylaws.

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

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

UTC is the advisory board to the City on bicycle and pedestrian issues, with a goal to promote, plan for and construct safe and efficient bicycle and pedestrian facilities, as well as other forms of transit.

**How this item relates to the Economic Development Plan:**

1.4 Providing Infrastructure that Enables and Supports Private Investment

Goal: Continue to make investments in capital projects that support commerce and industry and provide for long-term economic competitiveness.

Providing for all modes of transportation is an important component of the community infrastructure.

**Board or Committee Recommendation:**

The Urban Trails Committee recommends approval of the proposed bylaws.

**Financial Impact/Budget:**

None.

**Legal issues:**

A complete set of bylaws is important to the proper and lawful functioning of committee. The City Attorney has reviewed and approved the form of the bylaws.

**Other issues:**

No other issues.

**Previously presented or discussed:**

The City Council had a briefing by the Urban Trails Committee at a workshop in the summer of 2014 and discussed this proposal at the workshop on December 15, 2014.

**Attachments:**

Resolution with attached bylaws

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

**A RESOLUTION RE-ESTABLISHING THE URBAN TRAILS COMMITTEE AND  
ADOPTION OF BYLAWS**

**RECITALS.**

Resolution No. 48-94 created the Grand Junction Trails Board in 1994 to serve as the principal coordinating body for the development of a trails and pathway system throughout Grand Junction and connecting to trail systems outside the City; to plan, develop and promote such a path system and help coordinate the implementation of the Multi-Modal Plan; and to actively pursue the development of new trails both in the City and in areas which may be annexed.

Since 1994, the Urban Trails Committee (UTC) has participated in transportation planning through the RTPO, including all modes, and review of development projects, as well as promoting safe and efficient active transportation through a number of programs and projects. With the City's recent focus on Safe Routes to School projects and other bicycle/pedestrian planning efforts, the Council has requested that UTC be a committee of the City rather than a subcommittee of the Riverfront Commission. To that end, UTC has been working on a strategic plan and an active transportation project priority list and is recommending adoption of the proposed bylaws.

The purpose of the Urban Trails Committee is to plan and promote the City Council's goals for an interconnected network of sidewalks, paths and routes for active transportation and recreation throughout the Grand Junction urbanized area. The Urban Trails Committee will act in an advisory capacity to the Grand Junction City Council on matters pertaining to the safe, convenient and efficient movement of pedestrians and bicyclists of all ages and abilities throughout the community, as well as other forms of transit.

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council of the City of Grand Junction does hereby adopt the attached Urban Trails Committee Bylaws and Re-establish UTC with the appointments as follows, with the two vacant positions to be determined by the City Council:

	Term Expiration
Julie Sabin	06-30-16
Dr. Scott McBrayer	6-30-16
Daniel Fitzgerald	6-30-16
Dr. Kristin Heumann	6-30-17
Eric Marchese	06-30-17
Jeff Kuhr, Ph.D.	06-30-17
Elizabeth Collins	6-30-18
Vacant	06-30-18
Vacant	06-30-18

Adopted and approved this \_\_\_\_\_ day of \_\_\_\_\_,  
2014.

\_\_\_\_\_  
Phyllis Norris  
President of the Council

ATTEST:

\_\_\_\_\_  
Stephanie Tuin  
City Clerk



GRAND JUNCTION URBAN TRAILS COMMITTEE  
BYLAWS

Article 1. Purpose. Committee. Place of Business.

- (a) The purpose of the Urban Trails Committee is to plan and promote the City Council's goals for an interconnected network of sidewalks, paths and routes for active transportation and recreation throughout the Grand Junction urbanized area. The Urban Trails Committee will act in an advisory capacity to the Grand Junction City Council on matters pertaining to the safe, convenient and efficient movement of pedestrians and bicyclists of all ages and abilities throughout the community, as well as other forms of transit.
- (b) The business and affairs of the Committee shall be managed by its members, comprised of seven (7) to nine (9) persons appointed by the Grand Junction City Council, consistently with the rules and these bylaws adopted by said City Council for such Committee.
- (c) The place of business of the Grand Junction Urban Trails Committee shall be in Grand Junction, Colorado with a mailing address of 250 N. 5<sup>th</sup> Street, 81501

Article 2. Ethical Conduct.

Committee members shall comply with City of Grand Junction Resolution No. 79-06 (and as amended by Resolution No. 46-13) which establishes ethical standards for members of the City's boards, commissions and similar groups.

Article 3. Appointment of Members.

- (a) The Urban Trails Committee shall consist of seven (7) to nine (9) members.
- (b) Composition and selection:
  - 1. The members of the Committee shall be appointed by the Grand Junction City Council for individual terms of three (3) years.
  - 2. Members shall be selected without regard to race, color, religion, sex, age, sexual orientation, national origin, marital status, or physical handicap.
  - 3. Qualifications shall include either (1) residence within the city limits of the City of Grand Junction; or (2) employed in a business that operates within the city limits of the City of Grand Junction.
- (c) If requested by the Grand Junction City Council, the Committee shall make a recommendation to the appointing body as to the expertise needed. The appointing body may consider this recommendation when making appointments.

Article 4. Terms. Conditions.

- (a) The term of each individual committee member shall be three (3) years and the terms shall be staggered. No Committee member shall be appointed for more than two (2) consecutive full terms.
- (b) Members shall hold office until their successors have been appointed and qualified, unless the member is no longer a city resident or employed within the city limits. A member may be appointed for one or more terms subject to any term limitations as cited in Article 3 and 4(a). An appointment to fill a partial term shall only be for the remainder of the full term.

Article 5. Vacancies

In the event of death, resignation, or removal of any member, his/her successor shall be appointed in the manner prescribed in Article 3 above, for the duration of the unexpired term.

Article 6. Removal

- (a) The Committee may petition to the City Council, by formal two-thirds vote of the membership, to remove any member who is failing to fulfill the duties and responsibilities of office, provided the individual is notified of such action and is given the opportunity to address the Committee prior to tendering of such petition for removal to the Council for consideration.
- (b) Failure to attend two-thirds (2/3) of the regularly scheduled Committee meetings within any twelve (12) month period shall result in a recommendation to the City Council for removal of the member.

Article 7. Officers

- (a) The officers of the Committee shall be Chair and Vice Chair, elected annually in October by the members.
- (b) The Chair shall preside at meetings of the Committee, serve as ex-officio member of all committees, serve as the official spokesperson for the Committee, work with the City Community Development staff to develop meeting agendas and serve as the Committee liaison to the City.
- (c) No member shall serve more than two consecutive years as Chair or Vice Chair.
- (d) In the absence of the Chair, the Vice Chair shall assume the duties of the Chair.
- (e) The Vice Chair shall be assigned other specific duties by the Chair as required to assure efficient operation of administrative functions of the Committee.

Article 8. Meetings. Notice. Open Meetings.

- (a) Regular meetings shall be held the second Tuesday of each month at 5:30 p.m. and shall go no later than 7:00 p.m. unless agreed to by a majority of members present.
- (b) The Committee shall conduct all meetings in accordance with generally accepted parliamentary procedures.
- (c) Notice of any meeting of the Committee, including the purpose thereof, shall be given to each member by mail, facsimile, e-mail or in an equivalent manner at least 72 hours before the scheduled meeting. Attendance by a member at any meeting of the Committee shall be a waiver of notice by him/her of the time and place thereof. Any lawful business of the Committee may be transacted at any meeting for which proper notice has been given.
- (d) Any meeting, or member participation, may be held by telephone or video conference call.
- (e) Meetings and affairs of the Committee shall be subject to the Open Meetings Act and the Open Records Acts, as amended, as though the Committee is a local government under those acts.

- (f) Minutes of each meeting shall be recorded and retained in accordance with the City's record retention policy.
- (g) Notice of meetings shall be posted at City Hall at least 24 hours in advance of the meeting.

Article 9. Conflicts. Compensation. Expenses.

- (a) No compensation shall be paid to any member of the Committee for their services. The Committee shall not enter into any contract with any member nor pay or authorize any remuneration to any member. The rules and requirements of the City Charter and state law that apply to members of the City Council regarding conflicts of interest, disclosure, gifts and appearances of impropriety shall likewise apply to each member of the Committee.
- (b) In accordance with the rules and requirements of the City, a member may be reimbursed for his/her reasonable expenses incurred in the performance of his/her duties as a member, provided however that all such expenses are approved in advance by the City and shall be paid by the finance director of the City.

Article 10. Quorum.

A majority of the authorized number of members of the Committee shall constitute a quorum for the transaction of business. However, if at any meeting a quorum is no longer present whether due to conflict of interest or otherwise, a majority of those present may adjourn the meeting. The act of a majority of the members present at a meeting in which a quorum is present shall be the act of the Committee.

Article 11. Action of Members without a Meeting.

Any action that could have occurred at a meeting of the members can also be accomplished without a meeting if all of the members entitled to vote with respect to the subject matter thereof sign a written consent or provide an electronic proxy specifying the action.

Article 12. Ex-Officio Members. Support.

- (a) The City Manager, or designee(s), shall be ex-officio, non-voting members of the Committee.
- (b) The City Manager's designee(s) shall provide support services for the Committee as needed, to include keeping a full and accurate account and record of all meetings of the Committee, correspondence, files and records.

Article 13. Amendment of Bylaws.

The Committee may, by the affirmative vote of a majority of its members, recommend amendments to these Bylaws. Proposed amendments approved by the Committee must be considered and approved by the City Council.

Adopted by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2014  
by Resolution No. \_\_\_\_\_

---

President of the City Council

Attest:

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City Clerk

Note: The City's insurance provides coverage for its volunteers and will defend members of the Committee against losses, costs and expenses, including legal counsel fees, reasonably incurred by reason of his/her being or having been a member of the Committee, so long as the member does not act or has not acted maliciously, criminally, with deliberate intent to violate a law or regulation or with intent to injure. A committee member must immediately contact the City Attorney in the event a claim is made, and may contact the City Attorney if he or she has any questions or concerns about liability.

City Attorney: 244-1508, at City Hall, email [johns@gjcity.org](mailto:johns@gjcity.org)

City Clerk: 244-1511, at City Hall, email [stepht@gjcity.org](mailto:stepht@gjcity.org)



Date: November 18, 2014  
 Author: J. Bright  
 Title/ Phone Ext: Deputy Chief/5802  
 Proposed Schedule: Dec. 17, 2014  
 2nd Reading  
 (if applicable): \_\_\_\_\_

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

<b>Subject:</b> Construction Management/General Contractor Services Contract for Fire Station No. 4
<b>Action Requested/Recommendation:</b> Authorize the City Purchasing Division to Enter into a Contract with FCI Constructors, Inc. to Provide Construction Management/General Contractor Services for an Estimated Total Price of \$2,621,904
<b>Presenter(s) Name &amp; Title:</b> Ken Watkins, Fire Chief Jay Valentine, Internal Services Manager

**Executive Summary:**

This request is for authorization from the City Council to purchase pre-construction and construction management/general contractor (CM/GC) services from FCI Constructors Inc., for a new fire station to be constructed at 2880 B 1/2 Road.

**Background, Analysis and Options:**

In 2008, the Fire Department conducted a study to determine future fire station locations and coverage areas. Research determined that the relocation of Fire Station No. 4 was a cost effective way to increase coverage on Orchard Mesa while still meeting response time goals. City Council has previously authorized the purchase, zoning, and annexation of property at 2880 B 1/2 Road and further authorized a contract for architect design services for this project. This request is a continuation of the process to relocate Fire Station No. 4.

A formal Request for Proposal was issued via BidNet (an on-line site for government agencies to post solicitations), posted on the City's Purchasing website, sent to the Grand Junction Chamber of Commerce and the Western Colorado Contractors Association, and advertised in The Daily Sentinel. Five companies submitted formal proposals, which were found to be responsive and responsible as follows:

<b>Firm</b>	<b>Location</b>
FCI Constructors, Inc.	Grand Junction, CO
Asset Engineering	Grand Junction, CO
Shaw Construction	Grand Junction, CO
PNCI Construction	Grand Junction, CO
JBlanco Enterprises	Sheridan, CO

After careful evaluation of the proposals received, the top two rated firms were FCI Constructors Inc., and Asset Engineering. These two firms were interviewed, and their submitted fees reviewed (see fee breakdown below).

<b>Firm</b>	<b>Contractor Overhead &amp; Profit (OH&amp;P) %</b>	<b>Contractor General Conditions (GC's)</b>	<b>Total Cost Estimates for OH&amp;P and GC's</b>
FCI Constructors	4% (equates to approximately \$112,000)	\$220,000	\$332,000
Asset Engineering	2% (equates to approximately \$56,000)	\$136,650	\$192,650

FCI Constructors of Grand Junction, CO was chosen as the preferred proposer based on their extensive experience in fire station construction and experience working with the project architect and City staff on previous projects.

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

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

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

Relocating Fire Station No. 4 to a more central location will better serve the Orchard Mesa and Pear Park areas now and as the population of these areas grow in the future. The relocation site reduces the large redundant coverage areas between the current Fire Station No. 4 and Fire Station No. 1, allowing for a greater overall coverage area and meeting response time goals. Additionally, with the construction of the 29 Road Bridge, this site provides a better interconnect of fire station coverage areas on the east side of the City.

**How this item relates to the Economic Development Plan:**

Public Safety is one of the Guiding Areas of Emphasis in the 2014 Economic Development Plan and one of the roles of the City is to invest in the development of public amenities with a goal of creating and maintaining a safe community through professional, responsive and cost effect public safety services. The specific Action Step of contracting with FCI Constructors, Inc., provides the ability to meet these public safety goals with an experienced firm that has constructed fire stations in this community and others. In addition, FCI Constructors Inc. will be utilizing local subcontractors as part of their team, helping to keep economic development funding in the community.

**Board or Committee Recommendation:**

A selection committee consisting of the project architect and City staff evaluated the proposals and recommended FCI Constructors, Inc., as the selected bidder. This selection was based on FCI Constructors, Inc., extensive experience in fire station construction and experience working with the project architect and City staff on previous projects.

**Financial Impact/Budget:**

The 2015 Capital Improvements Fund has \$2,621,904 budgeted for construction of this new station. This budget was contingent on receiving a Department of Local Affairs (DOLA) Energy Impact grant of \$1,966,000. DOLA has granted \$1,500,000 of the \$1,966,000 original request and the budget breakdown is as follows:

**Sources**

DOLA Energy Impact Grant	\$1,500,000
Sale of Existing Fire Station #4	560,000
2015 Sales Tax CIP Funding	<u>95,476</u>
<b>Total Budgeted Project Sources</b>	<b>\$2,155,476</b>

**Expenditures**

<b><i>Estimated Construction Contract FCI</i></b>	<b><u>\$2,621,904</u></b>
<b>Funding Deficit</b>	<b>\$466,428</b>

**Additional sources to fund the deficit could come from the following:**

Project Savings (Land Acquisition)	\$144,914
2014 Sales & Use Tax Above Projections	200,000
2014 Audit Revenue Above Projections	100,000
Other Sources	<u>21,514</u>
<b>Total Potential Funding Sources</b>	<b>\$466,428</b>

**Legal issues:**

If the City Council authorizes the award, the form of any and all agreements will be reviewed and approved by the City Attorney.

**Other issues:**

No other issues have been identified.

**Previously presented or discussed:**

This project and funding has been discussed at City Council retreats and budget workshops over the last two years, most recently on December 15, 2014.

**Attachments:**

None



Attach 8

**CITY COUNCIL AGENDA ITEM**

**Subject:** Patterson Place Rezone Request, Located at 2562/2566/2570 Patterson Road

**Action Requested/Recommendation:** Adopt Proposed Ordinance on Final Passage and Order Final Publication of the Ordinance in Pamphlet Form

**Presenter(s) Name & Title:** Senta Costello, Senior Planner

**Executive Summary:**

A request to rezone properties totaling 3.523 acres from a City R-8 (Residential 8 du/ac) to MXG-3 (Mixed Use General) and MXS-3 (Mixed Use Shopfront) zone districts.

**Background, Analysis and Options:**

The properties have been used historically as agricultural land and more recently as single family homes. The properties were annexed into the City in 1979 (zoned R-1-C), 1980 (zoned R-1-C) and 1986 (zoned RSF-4) respectively. The properties have since been rezoned through several changes to zone district designations with updates to the Zoning and Development Code. All are currently zoned R-8.

In 2009, the City of Grand Junction City Council adopted the Comprehensive Plan followed in 2010 by an updated Zoning and Development Code. The new Plan and Code created the Mixed Use Opportunity Corridor and Form Based zone districts that could be requested within the Opportunity Corridor in addition to the other zone districts that would implement the Future Land Use Map designation.

The properties involved in this request are designated Residential Medium High;



however, they also have the Opportunity Corridor overlay allowing the request for a Form Based district which allow for both residential and commercial uses.

A neighborhood meeting was held July 1, 2014. Approximately 30 neighbors attended the meeting. Several topics were discussed; however, there were two particular points of concern from the surrounding property owners. One was the intensity/type of uses to be included along Dewey Place and the other was traffic. Overall the office and/or professional service type uses that could be constructed along the northern portion of the property was considered appropriate. The potential of traffic from the site exiting to the north was a major concern to the neighborhood north of the site and traffic entering and exiting the site onto Patterson Road and potential conflicts with the street on the south side of Patterson Road. It was explained that the current request was for the rezone only and traffic circulation had not yet been evaluated.

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

This project is consistent with the following Goals and Policies of the Comprehensive Plan:

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

Policy A. City and County land use decisions will be consistent with the Comprehensive Plan Future Land Use Map.

The request is in conformance with the Future Lands Use Map.

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

Policy B. Create opportunities to reduce the amount of trips generated for shopping and commuting and decrease vehicle miles traveled thus increasing air quality.

The request will create opportunities for businesses along the corridor that will be accessible to the surrounding neighborhoods that will limit or eliminate the need to drive to take advantage of businesses located on these properties.

**Goal 7 – New development adjacent to existing development (of a different density/unit type/land use type) should transition itself by incorporating appropriate buffering.**

Policy A. In making land use and development decisions, the City and County will balance the needs of the community.

The request proposes buffering the residential to the north from the busier uses and streets to the south by using the different proposed zone districts; keeping the less intense office/professional service uses/zoning closer to the residential uses and the more intense commercial/retail uses/zoning closer to Patterson Road.

**How this item relates to the Economic Development Plan:**

The purpose of the recently adopted Economic Development Plan by City Council is to present a clear plan of action for improving business conditions and attracting and retaining employees. The proposed rezone for Patterson Place meets with the goal and intent of the Economic Development Plan by creating construction jobs through the development for both public infrastructure and commercial buildings and adding shopping opportunities and locations for professional businesses.

**Board or Committee Recommendation:**

Planning Commission forwarded a recommendation of approval at their November 12, 2014 meeting.

**Financial Impact/Budget:**

The provision of municipal services will be consistent with adjacent properties in the City.

**Legal issues:**

The City Attorney's office has reviewed the proposal and found no issues.

**Other issues:**

None.

**Previously presented or discussed:**

Item has not been previously discussed.

**Attachments:**

Staff Report  
Letters/Emails from neighbors  
Site Location Map / Aerial Photo Map  
Future Land Use Map / Existing City Zoning Map  
Blended Residential Map  
Zoning Map Exhibit  
November 12, 2014 Draft Planning Commission Minutes  
Ordinance

BACKGROUND INFORMATION			
Location:		2562/2566/2570 Patterson Road	
Applicants:		DRK Investing - Masi Khaja	
Existing Land Use:		Single Family Residential	
Proposed Land Use:		Commercial	
Surrounding Land Use:	North	Single Family Residential/Multi-Family	
	South	Single Family Residential/School	
	East	Single Family Residential/Commercial	
	West	Single Family Residential/Medical office	
Existing Zoning:		R-8 (Residential 8 du/ac)	
Proposed Zoning:		MXG-3 (Mixed Use General) and MXS-3 (Mixed Use Shopfront)	
Surrounding Zoning:	North	PD (Planned Development)/R-24 (Residential 24 du/ac)	
	South	PD (Planned Development)/CSR (Community Services & Recreation)	
	East	R-8 (Residential 8 du/ac)	
	West	R-24 (Residential 24 du/ac)/R-O (Residential Office)	
Future Land Use Designation:		Residential Medium High 8-16 du/ac	
Blended Residential Land Use Categories Map (Blended Map):		Residential Medium 4-16 du/ac	
Zoning within density range?		<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Section 21.02.140 of the Grand Junction Municipal Code**

Zone requests must meet at least one of the following criteria for approval:

*(1) Subsequent events have invalidated the original premise and findings;*

The adoption of the Comprehensive Plan in 2009 with the Future Land Use Map, which included a Mixed Use Opportunity Corridor along major transportation corridors, created new opportunities for potential development. The Comprehensive Plan was followed by a revised Zoning and Development Code in 2010 which included Form Based districts to implement the Opportunity Corridor. These occurrences offered new options.

This criterion has been met.

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

The character of the area has been changing during the past several years. Several commercial projects have been built including dental and general offices to the west and the Corner Square development to the southeast. While these properties have been making improvements, the subject properties have been deteriorating.

This criterion has been met.

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

There are adequate public and community facilities in the area to serve the property and development as proposed. An 8" sewer line bisects the property and an 18" sewer line is located in Patterson Road. There is an 8" water line located in Patterson Road and another 8" water line located in Dewey Place. A 12" storm sewer line is located in Patterson Road. Pomona Elementary is located across Patterson Road to the south, West Middle School is approximately 1 mile away and Grand Junction High School is approximately 1.5 miles away. Baseball fields and Fire Station No. 3 are located south along 25 ½ Road and a Post Office is located to the west along Patterson Road. The properties are located along the GVT bus route with stops located near 25 ½ Road and Patterson intersection and near the North 1<sup>st</sup> Street and Patterson intersection. There are also stops on 25 ½ Road, north and south of Patterson Road.

This criterion has been met.

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

There is only one other property located within the City of Grand Junction currently zoned to a form based district. That property is located on 29 Road, south of Patterson Road, more than 3 miles away and is 1.702 acres. The subject properties will be, if approved the only other properties with a form based zone district in the community.

This criterion has been met.

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

The area will derive benefits from the proposal as a buffer between the heavily traveled Patterson Road and the residential properties to the north. The project proposes MXG along the northern portion of the property for development of office/professional service uses closer to the residential properties and commercial/retail uses along the Patterson Road side.

This criterion has been met.

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

- a. R-4 (Residential 4 du/ac)
- b. R-5 (Residential 5 du/ac)
- c. R-12 (Residential 12 du/ac)
- d. R-16 (Residential 16 du/ac)
- e. R-O (Residential Office)
- f. MXR-3,5 or 8
- g. All MXG-3, 5 or 8
- h. All MXS-3, 5 or 8

**From:** Chuck Wiman <chuck.wiman@gmail.com>  
**To:** <sentac@gjcity.org>  
**Date:** 7/14/2014 4:15 PM  
**Subject:** RZN-2014-262

Senta Costello

My name is Chuck Wiman 618 Saffron Way Grand Jct. CO>81505. I am the point man for The Orchard HOA Board Of Directors and am the person who spoke at the July 1st meeting. We are in the process of getting all of the home owners letters with there comments regarding the Zone change hearing and subsequent development of the property delivered to your office tomorrow, there are a number of folks on vacation ect. and we will try and get there letters as soon as possible.

I believe I can honestly say that the majority of home owners have no objection to the zoning change and development of property, however we are united in our opposition to any ingress and egress on to Dewey. As far as we are concerned they can enter and exit on to Patterson the same as many of the other business up and down Patterson do. .Of course there are a number of other issues that will be aired out at the appropriate time.

Yes, it is a little tougher to try and exit the project heading east but that is something they needed to consider in there design. I am a little surprised that they chose to pursue his course. I wonder where the advise or encouragement came from. I might add I have spent over 40 years in developing residential/commercial project in Mesa county and as I recall, Planning was always in objection to dumping commercial traffic into a residential sub. If you send this to planning commission and council recommending there proposed traffic flow, You will encounter a lot of opposition. Perhaps they would be well advised to consider a plan B.

What is date council will hear this rezone petition and I assume this will be open to public and that Beehive Estates will be notified of dates, time and location of hearing. Please keep me advised of meetings,ect so we can respond.

Chuck Wiman

**From:** Nyla Kladder <nkladder@gmail.com>  
**To:** <sentac@gjcity.org>  
**Date:** 7/9/2014 9:35 AM  
**Subject:** RZN-2014-262-Patterson Place Rezone

I went to the meeting on this rezoning and saw the proposed plat. We have no objection to the rezoning - it is inevitable. Our objection is the City's requiring that the entrance to the area is placed opposite our entrance. It is difficult enough gaining access to Patterson without the competition directly opposite our drive. Why couldn't their entryway be moved to the West so it does not compete with ours.

Colony Park Homeowners Association Nyla Kladder, President, and Nyla Kladder individually as a homeowner.

**From:** <yogjo@aol.com>  
**To:** "sentac@gjcity.org" <sentac@gjcity.org>  
**Date:** 7/15/2014 3:12 PM  
**Subject:** RZN-2014-262 - Patterson Place Rezone

Hi Ms. Costello,

A concern I have for safety is the main entrance to the Patterson Place Rezone being directly opposite Cider Mill Road. I see this as being a serious health safety concern with people turning onto Cider Mill Road from the east or the west of Patterson Rd. as others are turning into Patterson Place from Patterson Rd. again from the east or west. Meanwhile, people would be turning out of Cider Mill Road going east or west on Patterson and others will be turning out of Patterson Place going east or west. Moving the entrance to Patterson Place, so that it is not directly across from Cider Mill Road would alleviate some of those issues. Additionally, not allowing a left-hand turn out of Patterson Place would eliminate some of the safety issues. I do not feel the residents on Cider Mill Road should have to be limited by a left or right hand turn due to the development/rezone of Patterson Place.

Thank you for your considerations.

Joanie Cherp



**From:** "Sherry Opp" <opp618@bresnan.net>  
**To:** <sentac@gjcity.org>  
**Date:** 7/16/2014 12:40 PM  
**Subject:** Land development at 25 1/2 Road and Patterson

I live at 618 Eldorado Drive and am writing regarding the plans for development at 25 1/2 Road and Patterson. I am very concerned regarding ANY access on Dewey Place. The street has become very busy both in the AM as well as the PM in regard to commuter traffic. Any additional traffic would become a hazard for our children, pets and homeowners. PLEASE try to find a way to do the development that we know will happen in such a way that we are able to maintain our privacy, our safety, protect our children, and retain our home values (\$300,000 range). Your help and consideration on this matter would be greatly appreciated.

Sincerely,  
Sherry Opp  
618 Eldorado Drive

**From:** "Julie Nealon" <jvela@bresnan.net>  
**To:** <sentac@gjcity.org>  
**Date:** 7/16/2014 4:18 PM  
**Subject:** Proposed Development Plans

Hello Senta,

This is in reference to the proposed development plans to rezone parcels on Patterson Road and Dewey Ct. RZN-2014-262-PATTERSON PLACE REZONE-2570,2566 and 2562 PATTERSON ROAD

A notice posted on our mail receptacle in the Fall Valley Subdivision indicated this rezoning is dependent on allowing a north commercial access through the project to Dewey Ct and that the flow of commercial traffic would then continue west to the Dewey Ct intersection or though to the Fall Valley Subdivision.

The reason for this email is that I do oppose this proposed rezoning as this specific intersection and area currently has a heavy traffic flow. Any new commercial development in this area will only add to this existing problem. In my mind, the only development or change that should be considered to the 25 1/2 Road and Patterson intersection is to build a right turn lane on 25 1/2 Road for the traffic turning west on Patterson. This would indeed help the current gridlock.

Senta, thank you again for returning my call and for your time in explaining the process.

Best Regards,

Julie Nealon  
Telephone: 970-434-1396  
Fax: 970-434-3528  
E-mail: jvela@bresnan.net

**From:** Nicole Byrnes <umber\_39@yahoo.com>  
**To:** Senta Costello <sentac@ci.grandjct.co.us>  
**Date:** 7/17/2014 6:46 AM  
**Subject:** Comments on Patterson Road Development

Good morning, Senta.

Here are my thoughts on proposed rezoning for 2562, 2566 and 2570 Patterson Road.

I agree with the residents of Beehive Estates- assigning Dewey Place as the access for a new mixed use/commercial development area is a poor idea, not only because the narrow, curving road is unsuitable for increased vehicle traffic, but also because no consideration has been given to the impacts on Fall Valley subdivision to the north, which is where I live.

Left turns between 25 1/2 Road and Dewey Place are difficult due to the busy intersection. It is reasonable to expect that traffic from the proposed development will make regular use of the roads to the north through Fall Valley for ingress and egress.

Like Beehive Estates, the roads in Fall Valley are narrow, curving two-lane roads. Residents and their visitors regularly park vehicles, motor homes, and a variety of trailers on the streets. The kids in Fall Valley play basketball in our streets. Residents frequently ride bikes up and down the roads, and there are numerous joggers and dog-walkers in the neighborhood on a daily basis. Fall Valley is not suitable for use as a main thoroughfare.

Just east of the houses in Fall Valley, we maintain a small, private park. Our enjoyment of this space will be directly impacted by increased traffic from the proposed development because vehicles coming north from Dewey Place along Saffron Way and Silver Oak Drive will be immediately adjacent to the park. It is also reasonable to expect that our park will see a substantial increase in "visitor" use due to the proposed development, especially if commercial development increases public exposure of the park, and yet the financial burden of maintaining the park will remain solely with the residents of Fall Valley.

Furthermore, there are multiple vacant lots in nearby areas such as Foresight Circle which are more appropriate for commercial development. There are multiple vacant office buildings in this town. Rezoning this portion of Patterson is not necessary to meet the needs of the larger community of Grand Junction.

One of the main purposes of zoning is to protect the character of established communities like Fall Valley. My neighbors and I value our neighborhood as a beautiful, safe and quiet place to live. I am opposed to the proposed rezoning and the proposed increase in traffic on Dewey Place.

Thank you,

Nicole Byrnes  
628 Shadowood Court  
81505

**From:** "Cameron Law" <CameronLaw@bresnan.net>  
**To:** <sentac@gjcity.org>  
**Date:** 7/8/2014 8:03 PM  
**Subject:** RZN-2014-262-Patterson Place Rezone-2570, 2566, 2562 Patterson Road

Dear Senta-

My home is located at 610 Saffron Way, and I attended the informational meeting regarding this re-zone.

I fully support using the area for light office type business, the type that exists along the north side of Patterson between 26 and 25 Roads. Our neighborhood (The Orchard), however, has serious concerns about some issues that we would ask the City Council to consider as they look at this application.

1. We are drastically opposed to any sort of business traffic access onto Dewey. Business traffic, especially drive-through traffic, will completely alter the character of our residential neighborhood. Traffic is already heavy at the intersection of Dewey and 25 1/2 Road. Access to Patterson at the light is congested and very slow. Children walk this corridor on their way to and from Pomona Elementary School, and their safety is a big concern. Any traffic coming out of the new proposed project will either turn left on to Dewey, adding to the congestion and safety issues, or turn right, accelerate up Saffron (right past my driveway and our parks) and enter 25 1/2 Road from the north, destroying the suburban area we invested in. There is no precedent along this entire corridor for access into residential areas, and we would ask for the same consideration.

2. I am concerned about the hours of operation of businesses in the proposed area. Drive-through speakers are loud and disruptive. We would ask that you only allow businesses with traditional operating hours (i.e. 9:00 a.m. to 5:00 p.m.).

3. We do not condone multi-story structures. The dentist office on the corner of Patterson and 25 1/2 has been a wonderful neighbor, as have the businesses in the Redstone Veterinary plaza. One story structures fit the existing use for the corridor.

4. We are concerned about the wetland areas to the east and south of Saffron. We had three deer behind our house just this morning, and have been enjoying a family of ducks and hundreds of hummingbirds all summer. We would like assurances that this area will be protected.

Thank you so much for your time. I would very much appreciate knowing the time and location of the final hearing so I can express my concerns in person to the city council.

Sincerely,  
Cameron Law  
610 Saffron Way  
970-261-4260  
CameronLaw@bresnan.net

Barbara Holmes, President  
605 Saffron Way  
Grand Junction, CO 81505

July 15, 2014

Ms. Senta Costello, Planner  
Grand Junction City Hall  
250 N. 5th Street  
Grand Junction, CO 81501

Dear Senta,

As a homeowner in the Orchard Sub-Division and as President of the HOA I want to share my personal feelings with you on your proposed Re-zoning concept along Patterson Rd. and how I feel it will impact our neighborhood.

I can appreciate your plans in developing this area, but not at the cost of routing traffic from the businesses and shops through our sub-division. Using Dewey is unacceptable! There must be a way to avoid this at all costs.

We are a quiet neighborhood, with a variety of homeowners ranging from "young seniors" to "young families with small children and homeowners with pets" we do not want our streets to become a thoroughfare and become unsafe for our residents. Aside from this very important issue, **we do not want our property values to decline!**

There are many other retail and business complexes along Patterson Rd. where you are able to enter and exit on Patterson, why do you feel the need to create a traffic issue for the Orchard residents?

Please consider my thoughts and know that they are shared with the majority of the homeowners of this sub-division.

Thank you for allowing the homeowners to have an opportunity to express our thoughts and concerns with the revitalization project on Patterson Rd.

Sincerely,



Barbara Holmes

Attention: Senta Costello, Planner

Community and Economic Development Division

Re: RZN-2014-262-Patterson Place Rezone – 2570, 2566 and 2562 PATTERSON ROAD

As homeowners in The Orchard/Beehive subdivision in Grand Junction, we would like to express our appreciation for being offered the opportunity to learn about the application for a proposed rezoning and subsequent development of property located near our homes. After a meeting held July 1, which was conducted by Ted Ciavonne of Ciavonne, Roberts and Associates, Inc., **the homeowners present do understand and affirm the need for rezoning.**

**HOWEVER, there are several significant concerns which homeowners expressed that could negatively impact the PEACE, SAFETY and PROPERTY VALUES of our residential neighborhood:**

1. **Traffic Flow:** Objection to any traffic pattern that would access onto Dewey Place. Such a traffic flow would cause a clear and present danger to pedestrian children, older residents, homeowners and pets that travel that street and sidewalks daily. Additionally, entrances or exits on Dewey would increase automobile, service truck, delivery truck and possible emergency vehicles on a narrow, two lane residential street. Concern was expressed for the current traffic pattern at the traffic light at 251/2 Road and Patterson.
2. **Property Line Boarder/Screen** at the back of the development along Dewey Place that would maintain the residential character of the neighborhood and mitigate disruptive sounds.
3. **Building Height:** Homeowners expressed concern for the height of potential commercial or multi-unit residential buildings. Suggest limit of 2 stories.
4. **Lighting:** Homeowners have a concern for bright lighting that could be disruptive. Suggest low intensity lighting, including parking lot area.
5. **Type of Tenants:** Knowing the leases have not been completed, homeowners request that commercial tenants are compatible with the peace and safety of a residential neighborhood.

Thank you for this opportunity to express these homeowners concerns.

Homeowner Barbara Holmes

Address 605 Saffron Gray

Date July 13, 2014

Attention: Senta Costello, Planner

Community and Economic Development Division

Re: RZN-2014-262-Patterson Place Rezone – 2570, 2566 and 2562 PATTERSON ROAD

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5. **Type of Tenants:** Knowing the leases have not been completed, homeowners request that commercial tenants are compatible with the peace and safety of a residential neighborhood.

Thank you for this opportunity to express these homeowners concerns.

Homeowner Sue Rosenbaum, trustee for SGR TRUST

Address 623 SAFFRON WAY - 81505

Date JULY 13, 2014

*I ATTENDED THE JULY 1<sup>ST</sup> MEETING AND AM PARTICULARLY CONCERNED ABOUT SCHOOL CHILDREN SAFETY @ DEWEY PL # 2562R*

Attention: Senta Costello, Planner

Community and Economic Development Division

Re: RZN-2014-262-Patterson Place Rezone – 2570, 2566 and 2562 PATTERSON ROAD

As homeowners in The Orchard/Beehive subdivision in Grand Junction, we would like to express our appreciation for being offered the opportunity to learn about the application for a proposed rezoning and subsequent development of property located near our homes. After a meeting held July 1, which was conducted by Ted Ciavonne of Ciavonne, Roberts and Associates, Inc., **the homeowners present do understand and affirm the need for rezoning.**

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Thank you for this opportunity to express these homeowners concerns.

Homeowner DEREK KOEHLER

Address 609 Saffron Way, Grand Jct., CO 81505

Date 7-13-14

Attention: Senta Costello, Planner

Community and Economic Development Division

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Homeowner

CAROLYN REES



Address

615 SAFFRON WAY, G.J. CO 81505

Date

7/13/14



Attention: Senta Costello, Planner

Community and Economic Development Division

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Homeowner Chuck & Susan Hanson

Address 620 Saffron Way

Date 7-13-14

Attention: Senta Costello, Planner

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Homeowner  Hilary Soria JOEL & HILARY SORIA

Address 619 Saffron Way, Grand Junction, CO 81505

Date 7-13-14

Attention: Senta Costello, Planner

Community and Economic Development Division

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Homeowner

Bryan Wiman - BJEW 250-7354

Address

622 Saffron Way

Date

7/13/14

Attention: Senta Costello, Planner

Community and Economic Development Division

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Homeowner Lee J Roger Calkins

Address 604 Silverado Drive

Date July 14, 2014

Attention: Senta Costello, Planner

Community and Economic Development Division

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Homeowner Joe & Marie Tony Redding

Address 615 Silverado Drive Grand Jct Colo.

Date 7/14/2014

Attention: Senta Costello, Planner

Community and Economic Development Division

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Homeowner Shirley M Cooper

Address 607 Eldorado Drive

Date July 14, 2014

Attention: Senta Costello, Planner

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Homeowner Kelli Kessell  
Address 605 El Dorado Dr. GJ Co. 81505  
Date 7/13/14

Attention: Senta Costello, Planner

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Homeowner

Address

Date

Shandra Jackson Ted Jackson

602 Saffron Wy.

7-12-14



Attention: Senta Costello, Planner

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Homeowner Ezequiel Perez & Ashley Perez

Address 604 Saffron Way

Date 7/13/14

Attention: Senta Costello, Planner

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Homeowner Gary Bell / Linda C. Shrago  
Address 606 Saffronway  
Date 7-14-2014

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Homeowner Dan Williams + Cheryl Williams

Address 608 Saffron Wy

Date 7-14-14

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Community and Economic Development Division

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Homeowner Greg 72 (Lee)

Address 612 GARDNER WAY

Date 7-13-14

Attention: Senta Costello, Planner

Community and Economic Development Division

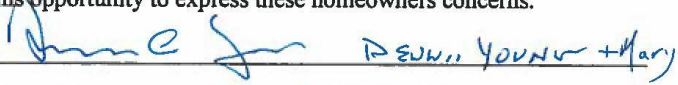
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Homeowner  Dawn Young + Mary  
Address 614 SAFFRON WAY, GRAND JUNCTION CO 81505  
Date 7/13/2014

Attention: Senta Costello, Planner

Community and Economic Development Division

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Homeowner Doug + Jacquie Wigent

Address ~~616~~ 616 Saffron Way

Date 7-14-14

Attention: Senta Costello, Planner

Community and Economic Development Division

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Homeowner Charles D. Winson Sr. & Frances R. Winson

Address 618 Saffron way, Grand Jet. CO 81505

Date 7/13/14

Attention: Senta Costello, Planner

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Thank you for this opportunity to express these homeowners concerns.

Homeowner Sean Howard

Address 612 Silverado Drive

Date \_\_\_\_\_



Attention: Senta Costello, Planner

Community and Economic Development Division

Re: RZN-2014-262-Patterson Place Rezone – 2570, 2566 and 2562 PATTERSON ROAD

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Homeowner Stacey Keever  
Address 1019 Silverado Dr.  
Date 7.14.14

Attention: Senta Costello, Planner

Community and Economic Development Division

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Thank you for this opportunity to express these homeowners concerns.

Homeowner Janis Myer

Address 621 Librado Court

Date 7/12/14

Attention: Senta Costello, Planner

Community and Economic Development Division

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Thank you for this opportunity to express these homeowners concerns.

Homeowner Sherry L. Opp

Address 618 Eldorado Drive

Date 7/12/14

Attention: Senta Costello, Planner

Community and Economic Development Division

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Thank you for this opportunity to express these homeowners concerns.

Homeowner

Eric S. James Vlach

Address

666 E Colorado Drive

Date

7/11/14

Attention: Senta Costello, Planner

Community and Economic Development Division

Re: RZN-2014-262-Patterson Place Rezone – 2570, 2566 and 2562 PATTERSON ROAD

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Thank you for this opportunity to express these homeowners concerns.

Homeowner  Muriel Mueller

Address 614 ELDRADO DRIVE

Date JULY 12, 2014

Attention: Senta Costello, Planner

Community and Economic Development Division

Re: RZN-2014-262-Patterson Place Rezone – 2570, 2566 and 2562 PATTERSON ROAD

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Thank you for this opportunity to express these homeowners concerns.

Homeowner Robin Ann Seibold

Address 613 Eldorado Dr. Grand Junction, CO 81505

Date 07/13/14

Attention: Senta Costello, Planner

Community and Economic Development Division

Re: RZN-2014-262-Patterson Place Rezone – 2570, 2566 and 2562 PATTERSON ROAD

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Thank you for this opportunity to express these homeowners concerns.

Homeowner Bethlyn & Clinton Driscoll

Address 6006 E. Prado Dr.

Date 7/13/2014

Attention: Senta Costello, Planner

Community and Economic Development Division

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Homeowner Joseph B. O'Keefe

Address 608 Eldorado Drive

Date 7/12/2014



Attention: Senta Costello, Planner

Community and Economic Development Division

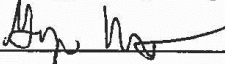
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Homeowner 

Address 611 Eldorado Dr

Date 7/13/14

Attention: Senta Costello, Planner

Community and Economic Development Division

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Thank you for this opportunity to express these homeowners concerns.

Homeowner *Anna Rusinovic*

Address 2563 Civic Lane

Date 7/13/14

Cindy Hanson & Susan

Attention: Senta Costello, Planner

Community and Economic Development Division

Re: RZN-2014-262-Patterson Place Rezone – 2570, 2566 and 2562 PATTERSON ROAD

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Thank you for this opportunity to express these homeowners concerns.

Homeowner J Brown & Susan Huey

Address 2565 Civic (The Orchard)

Date 7/13/14

# Site Location Map



# Aerial Photo Map



# Future Land Use Map



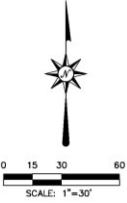
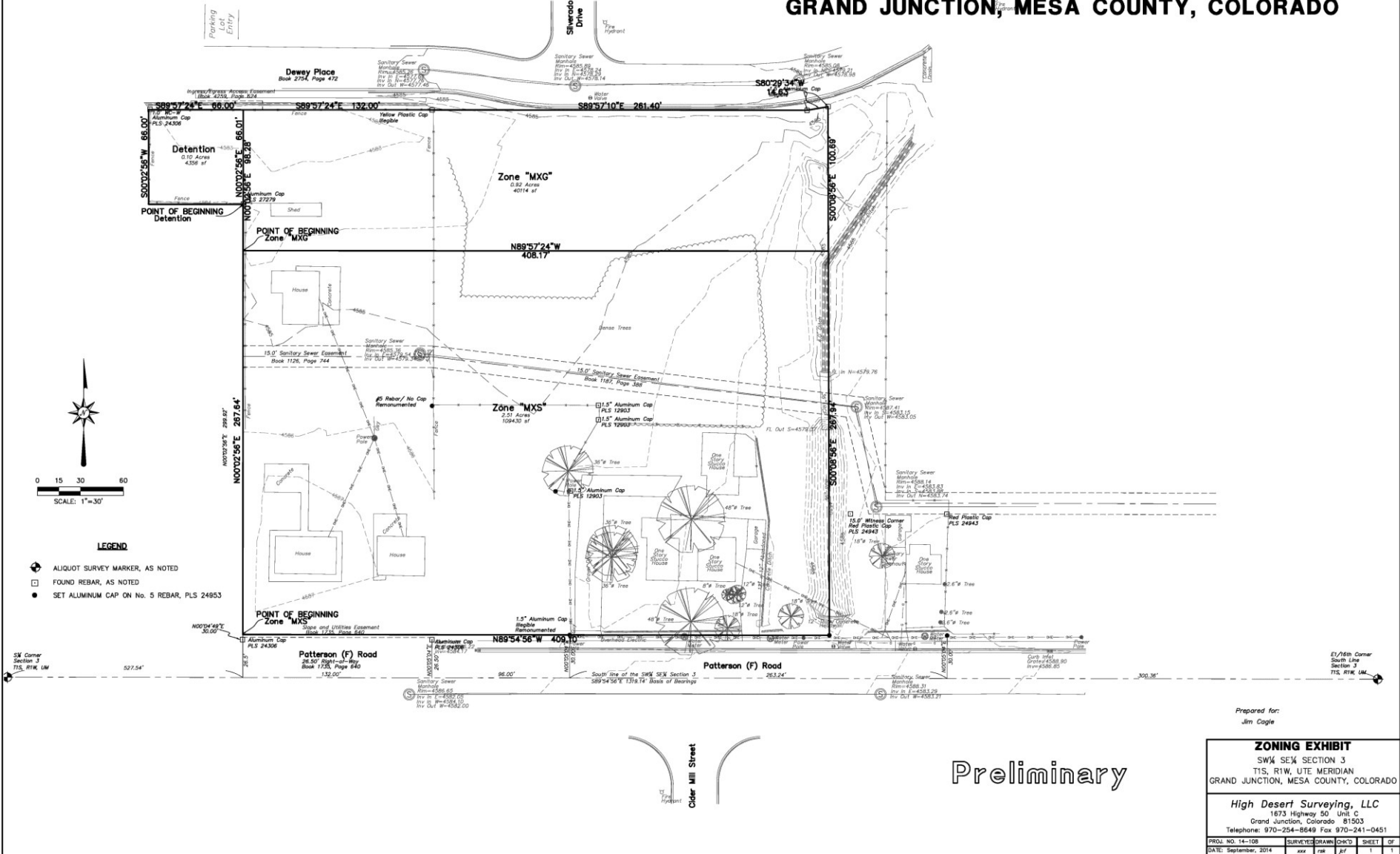
# Zoning Map



# Blended Residential Map



# ZONING EXHIBIT OF PARCELS LOCATED IN SW1/4 SE1/4 SECTION 3, T1S, R1W, UTE MERIDIAN GRAND JUNCTION, MESA COUNTY, COLORADO



**LEGEND**

- ◈ ALIQUOT SURVEY MARKER, AS NOTED
- FOUND REBAR, AS NOTED
- SET ALUMINUM CAP ON No. 5 REBAR, PLS 24953

Preliminary

Prepared for:  
Jim Cagle

<b>ZONING EXHIBIT</b>			
SW¼ SE¼ SECTION 3 T1S, R1W, UTE MERIDIAN GRAND JUNCTION, MESA COUNTY, COLORADO			
High Desert Surveying, LLC 1673 Highway 50 Unit C Grand Junction, Colorado 81503 Telephone: 970-254-8649 Fax: 970-241-0451			
PROJ. NO. 14-109	SURVYING/DRAM. CHG'D.	SHEET	OF
DATE: September, 2014	xxv	re	1 1

**GRAND JUNCTION PLANNING COMMISSION**  
**November 12<sup>th</sup>**

**6. Patterson Place Rezone - Rezone**

Forward a recommendation to City Council to rezone properties totaling 3.523 acres from a City R-8 (Residential 8 du/ac) to MXG-3 (Mixed Use General) and MXS-3 (Mixed Use Shopfront) zone districts.

**FILE #:** RZN-2014-262

**APPLICANT:** Ted Ciavonne - Ciavonne Roberts & Associates

**LOCATION:** 2570 Patterson Road

**STAFF:** Senta Costello

**Staff's Presentation**

Ms. Costello gave a slide presentation regarding the applicants request for City Council to rezone three properties totaling 3.523 acres from a City R-8 (Residential 8 du/ac) to MXG-3 (Mixed Use General) and MXS-3 (Mixed Use Shopfront) zone districts in the 2500 block of Patterson Road.

Ms. Costello stated that the properties are located approximately halfway between 25 ½ Road and N 1<sup>st</sup> Street. Currently several single family homes are located on these properties. The current future land use designation for these properties is Residential Medium High (18-16 du/ac). Ms. Costello pointed out that there is a mix of future land use designations surrounding these properties. To the South, where Pomona Elementary is located, is a Park designation, to the east is a mix of Residential Low, Residential Medium and Village Center. To the northwest is Residential High Mixed Use.

Ms. Costello explained that the current zoning of the properties is R-8 and like the future land use, the surrounding properties are a mix of different zone districts. Directly to the east is also R-8, and further to the east there is R-1, R-4 and B-1 zone districts. To the west is R-0, PD, R-8 and R-24. To the north and south there are some Planned Development zones that have a variety of townhome type homes as well as single family.

Ms. Costello explained that the Blended Residential Map is Residential Medium, therefore has a range of up to 16 du/ac with the low end is 4 du/ac. To the northwest is Residential High (24+ du/ac).

Ms. Costello stated that the applicant is interested in rezoning roughly the northern third to MXG-3 which is a zone district that allows for professional office and medical type uses that typically have day time hours. The applicant wished to zone the southern two thirds of the property MXS-3 which has more retail type components.

Ms. Costello stated that a neighborhood meeting was held and well attended. Ms. Costello also noted that several of the neighbors were in attendance at this evening's



meeting. The primary concerns voiced at the meeting were regarding site development and not the rezoning.

Ms. Costello noted that the properties are in the Mixed Use Opportunity Corridor Overlay, which allows for form based zoning opportunities as well as zone districts that specifically implement the future land use designations. After staff review, Ms. Costello stated that she recommends the rezone.

Chairman Reese asked if there were any question for staff. With no questions for staff, Chairman Reese asked if the applicant would wish to make a presentation. Noting that there were several neighbors in attendance that wished to speak before the Commission, Ted Ciavonne, representative for applicant, indicated that he wished to reserve his time for rebuttal.

Chairman Reese opened the Public Hearing portion of the meeting and asked for anyone opposed the zoning change to please line up at the podium to speak.

Commissioner Eslami stated that he had reviewed the letters provided, and the majority addressed secondary issues such as traffic or safety. Commissioner Eslami reminded everyone that the item for the public hearing was to rezone and not a plan review.

Mr. Chuck Wiman, 618 Saffron Way, stated that he was representing himself and the Board of Directors of the Beehive Estates Subdivision as well as several of his neighbors that were not in attendance. Mr. Wiman stated that had been informed a few days prior, that the public hearing was only for the rezone and therefore, he would not be addressing numerous concerns he had regarding any future development. Mr. Wiman asked if he was correct in understanding that future development plans would not come before the Planning Commission.

Chairman Reese stated that Mr. Wiman was correct and site plan reviews would be done by the Planning Department. Chairman Reese clarified that the rezone recommendation would move on to be heard at the City Council meeting in a month or two.

Commissioner Wade informed Mr. Wiman that he would be able to address the City Council as well.

Commissioner Ehlers clarified that although he would be able to address the City Council, he would have the same parameters, and could only address issues of the rezone and not on a future site plan.

Mr. Wiman expressed his frustration with the neighborhood meeting. He said the presentation drawing did not give much detail and had hoped that the applicant would get back with them to go over it with more detail. Mr. Wiman said without a detailed plan, he didn't see how the Commission could move forward with a recommendation.

Chairman Reese thanked Mr. Wiman for his comments and asked anyone else would like to comment in opposition.

Ted Jackson, 602 Saffron Way, stated that he had discussions with the Army Corp of Engineers, the City and others and his concern was a waterway that flows nearby. Mr. Jackson said that, according to his discussions with the Army Corp of Engineers, Ranchman's ditch is a free flowing form of water and it is a designated wetland. Mr. Jackson noted that there is a variety of wildlife that use the wetlands and was told that there is are some fairly rare ducks that winter in this area.

Chairman Reese stated that she would ask the applicant to address that topic.

Commissioner Ehlers reassured Mr. Jackson that any rezone approval would not supersede laws or development regulations.

Chairman Reese asked the applicant to address the Planning Commission with a rebuttal.

Ted Ciavonne, Ciavonne, Roberts and Associates, stated that he was representing the developers on the property. Mr. Ciavonne stated that the intent of this rezone was to transition density on the site from higher to lower. It would be desirable to utilize the MXS toward Patterson and the MXG toward the residential neighborhood. It was noted that at the neighborhood meeting, most comments were in favor of the rezone, however, it was not a detailed project at the time. Mr. Ciavonne noted that the waterway, he believed, was Beehive Drain verses Ranchman's Ditch that runs along the east side of the property. It was noted that if a project was proposed that would disturb the wetlands, they would be going through a Corps. process. It was stated that they are not at that point yet.

Commissioner Deppe asked what was on the drawing that was presented as she had not seen one. Mr. Ciavonne explained that a basic drawing is presented as a courtesy to help the neighbors understand what they are proposing to do.

Chairman Reese asked if there were any more questions. With no further questions, the public hearing portion of the meeting was closed.

Commissioner Eslami stated the he felt this area, along Patterson, was not suited for R-8 zoning and was more conducive to retail. For this reason, the proposed zoning made sense.

Commissioner Eslami stated that he would be in favor of the rezone for these reasons.

Commissioner Wade stated that this rezone appears to be a good fit for the property. Commissioner Wade stressed that there is a forum, with the Planning Department review, for neighbors to raise their concerns during the administrative process.

Chairman Reese stated she was open for a motion.

**MOTION: (Commissioner Wade)** “Madam Chairman, I move that we forward a recommendation to City Council to rezone properties totaling 3.523 acres from a City R-8 (Residential 8 du/ac) to MXG-3 (Mixed Use General) and MXS-3 (Mixed Use Shopfront) zone districts file number RZN-2014-262.”

Commissioner Tolle seconded the motion. A vote was called and the motion passed by a vote of 5-1.

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE REZONING PATTERSON PLACE  
FROM R-8 (RESIDENTIAL 8 DU/AC) TO  
MXG-3 (MIXED USE GENERAL) AND MXS-3 (MIXED USE SHOPFRONT)**

**LOCATED AT 2562/2566/2570 PATTERSON ROAD**

Recitals:

The properties have been used historically as agricultural land and more recently as single family homes. The properties were annexed into the City in 1979 (zoned R-1-C), 1980 (zoned R-1-C) and 1986 (zoned RSF-4). The properties have since been rezoned through several changes to zone district designations with updates to the Zoning and Development Code. All are currently zoned R-8.

In 2009, the City of Grand Junction City Council adopted the Comprehensive Plan followed in 2010 by an updated Zoning and Development Code. The new Plan and Code created the Mixed Use Opportunity Corridor and Form Based zone districts that could be requested within the Opportunity Corridor in addition to the other zone districts that would implement the Future Land Use Map designation.

The properties involved in this request are designated Residential Medium High; however, they also have the Opportunity Corridor overlay allowing the request for a Form Based district which allow for both residential and commercial uses.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of rezoning the Patterson Place property from R-8 (Residential 8 du/ac) to the MXG-3 (Mixed Use General) and MXS-3 (Mixed Use Shopfront) zone districts for the following reasons:

The zone district meets the recommended land use category as shown on the future land use map of the Comprehensive Plan, Residential Medium High and the Comprehensive Plan's goals and policies and/or is generally compatible with appropriate land uses located in the surrounding area.

After the public notice and public hearing before the Grand Junction City Council, City Council finds that the MXG-3 (Mixed Use General) and MXS-3 (Mixed Use Shopfront) zone districts to be established.

The Planning Commission and City Council find that the MXG-3 (Mixed Use General) and MXS-3 (Mixed Use Shopfront) zoning is in conformance with the stated criteria of Section 21.02.140 of the Grand Junction Municipal Code.

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

The following property shall be rezoned MXG-3 (Mixed Use General) and MXS-3 (Mixed Use Shopfront).

MXG-3:

A parcel of land located in the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section 3, Township 1 South, Range 1 West of the Ute Meridian being more particularly described as follows:

Commencing at the South Quarter (S $\frac{1}{4}$ ) corner of said SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 3, whence the Southeast corner of said SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 3 bears South 89°54'56" East, a distance of 1319.14 feet for a basis of bearings, with all bearings contained herein relative thereto; thence South 89°54'56" East, a distance of 527.54 feet, along the South line of said SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 3; thence North 00°04'49" East, a distance of 30.00 feet; thence North 00°02'56" East, a distance of 267.64 feet to the POINT OF BEGINNING; thence North 00°02'56" East, a distance of 98.28 feet; thence South 89°57'24" East, a distance of 132.00 feet; thence South 89°57'10" East, a distance of 261.40 feet; thence North 80°29'34" East, a distance of 14.63 feet; thence South 00°08'56" East, a distance of 100.69 feet; thence North 89°57'24" West, a distance of 408.17 feet to the POINT OF BEGINNING.

Said parcel having an area of 0.921 Acres, as described.

and also

A parcel of land located in the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section 3, Township 1 South, Range 1 West of the Ute Meridian being more particularly described as follows:

Commencing at the South Quarter (S $\frac{1}{4}$ ) corner of said SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 3, whence the Southeast corner of said SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 3 bears South 89°54'56" East, a distance of 1319.14 feet for a basis of bearings, with all bearings contained herein relative thereto; thence South 89°54'56" East, a distance of 527.54 feet, along the South line of said SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 3; thence North 00°04'49" East, a distance of 30.00 feet; thence North 00°02'56" East, a distance of 299.92 feet to the POINT OF BEGINNING; thence North 89°57'04" West, a distance of 66.00 feet; thence North 00°02'56" East, a distance of 66.00 feet; thence South 89°57'24" East, a distance of 66.00 feet; thence South 00°02'56" West, a distance of 66.01 feet to the POINT OF BEGINNING.

Said parcel having an area of 0.100 Acres, as described.

MXS-3:

A parcel of land located in the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section 3, Township 1 South, Range 1 West of the Ute Meridian being more particularly described as follows:

Commencing at the South Quarter (S $\frac{1}{4}$ ) corner of said SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 3, whence the Southeast corner of said SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 3 bears South 89°54'56" East, a distance of 1319.14 feet for a basis of bearings, with all bearings contained herein relative thereto; thence South 89°54'56" East, a distance of 527.54 feet, along the South line of said SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 3; thence North 00°04'49" East, a distance of 30.00 feet to the POINT OF BEGINNING;

thence North 00°02'56" East, a distance of 267.64 feet; thence South 89°57'24" East, a distance of 408.17 feet; thence South 00°08'56" East, a distance of 267.94 feet; thence North 89°54'56" West, a distance of 409.10 feet to the POINT OF BEGINNING.

Said parcel having an area of 2.512 Acres, as described.

Introduced on first reading this 3rd day of December, 2014 and ordered published in pamphlet form.

Adopted on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2014 and ordered published in pamphlet form.

ATTEST:

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

\_\_\_\_\_  
Mayor



Date: 12/8/14  
 Author: Jodi Romero  
 Title/ Phone Ext: Financial  
Operations Director  
 Proposed Schedule: December 3rd,  
2014  
 2nd Reading  
 (if applicable): December 17th, 2014  
 File # (if applicable): \_\_\_\_\_

**Attach 9**  
**CITY COUNCIL AGENDA ITEM**

<b>Subject:</b> 2014 Second Supplemental Appropriation Ordinance and the 2015 Budget Appropriation Ordinance
<b>Action Requested/Recommendation:</b> Adopt Proposed Ordinances on Final Passage and Order Final Publication of the Ordinances in Pamphlet Form
<b>Presenter(s) Name &amp; Title:</b> Rich Englehart, City Manager Jodi Romero, Financial Operations Director

**Executive Summary:**

This request is to appropriate certain sums of money to defray the necessary expenses and liabilities of the accounting funds of the City of Grand Junction based on the 2014 amended and 2015 proposed budgets.

**Background, Analysis and Options:**

The first 2014 supplemental appropriation was required in order to appropriate additional funds for the completion and scope expansion of the Avalon Theatre Core Renovation Project and 2013 carry-forward of projects. The first supplemental was passed by Council on April 2, 2014.

This is the second 2014 Supplemental Appropriation Ordinance for:

- the General Fund due to an increase in the operating subsidy for Two Rivers Convention Center;
- the Visitor & Convention Fund due to an increase in the operating subsidy for Two Rivers Convention Center;
- the DDA Operations Fund for the Legends project;
- the Community Development Block Grant Fund for the carry forward of prior year awarded projects completed in 2014;
- the Major Projects Capital Fund due to allocation of contingency for the hearing loop and fuel tank remediation;
- the Parking Fund due to unanticipated repairs to the parking garage;

The 2015 appropriation ordinance is the legal adoption of the City's budget by the City Council for the upcoming fiscal year. The components of the 2015 budget have been reviewed and discussed during several City Council workshops. In accordance with the Charter the City Manager shall prepare the annual budget and upon approval of it and the appropriation ordinance expend sums of money to pay salaries and other expenses for the operation of the City. The documentation of the proposed revenue and expenses prepared and maintained by the Financial Operations Director in support of the budget and ordinance are incorporated by this reference as if fully set forth.

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

This action is needed to meet the plan goals and policies.

**How this item relates to the Economic Development Plan:**

The appropriation ordinances provide the legal authority for the spending budget of the City. The budget supports and implements the City Council's economic vision and in particular the roles of "providing infrastructure that fosters and supports private investment" as well as "investing in and developing public amenities."

**Board or Committee Recommendation:**

The City Council has informally deliberated these matters; at the second reading and public hearing the Council will formally consider adoption of the Ordinance as established by the Charter.

**Financial Impact/Budget:**

The supplemental appropriation ordinance, the 2014 appropriation ordinance and budget are presented in order to ensure sufficient appropriation by fund to defray the necessary expenses of the City. The appropriation ordinances are consistent with, and as proposed for adoption, reflective of lawful and proper governmental accounting practices and are supported by the supplementary documents incorporated by reference above.

**Legal issues:**

The ordinance has been drawn, noticed, and reviewed in accordance with the Charter.

**Other issues:**

None known at this time.



**Previously presented or discussed:**

The 2015 City Budget has been developed with City Council and presented during budget workshops on June 30<sup>th</sup>, July 14<sup>th</sup>, August 4<sup>th</sup>, August 18<sup>th</sup>, August 20<sup>th</sup>, October 13<sup>th</sup>, November 3<sup>rd</sup>, and November 17<sup>th</sup>. First reading was at the December 3, 2014 City Council meeting.

**Attachments:**

Proposed Second Supplemental Appropriation Ordinance for 2014 Budget  
Proposed 2015 Budget Appropriation Ordinance

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

**AN ORDINANCE MAKING SUPPLEMENTAL APPROPRIATIONS TO THE 2014  
BUDGET OF THE CITY OF GRAND JUNCTION**

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

That the following sums of money be appropriated from unappropriated fund balance and additional revenues to the funds indicated for the year ending December 31, 2014, to be expended from such funds as follows:

<b>Fund Name</b>	<b>Fund #</b>	<b>Appropriation</b>
General	100	\$ 100,490
Visitor and Convention Bureau	102	\$ 100,490
DDA Operations	103	\$ 25,000
Community Development Block Grant	104	\$ 28,848
Major Projects Capital	204	\$ 31,069
Parking	308	\$ 20,885

**INTRODUCED AND ORDERED PUBLISHED IN PAMPHLET FORM** this 3rd day of December, 2014.

**TO BE PASSED AND ADOPTED AND ORDERED PUBLISHED IN PAMPHLET FORM** this \_\_\_\_ day of \_\_\_\_\_, 2014.

Attest:

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

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

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

**AN ORDINANCE APPROPRIATING CERTAIN SUMS OF MONEY TO DEFRAY THE NECESSARY EXPENSES AND LIABILITIES OF THE CITY OF GRAND JUNCTION, COLORADO AND THE DOWNTOWN DEVELOPMENT AUTHORITY FOR THE YEAR BEGINNING JANUARY 1, 2015 AND ENDING DECEMBER 31, 2015**

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

**SECTION 1.** That the following sums of money, or so much therefore as may be necessary, be and the same are hereby appropriated for the purpose of defraying the necessary expenses and liabilities, and for the purpose of establishing emergency reserves of the City of Grand Junction, for the fiscal year beginning January 1, 2015, and ending December 31, 2015, said sums to be derived from the various funds as indicated for the expenditures of:

<b>FUND NAME</b>	<b>FUND #</b>	<b>APPROPRIATION</b>
General	100	\$ 66,171,038
Enhanced 911 Special Revenue	101	\$ 3,147,005
Visitor & Convention Bureau	102	\$ 2,087,463
D.D.A. Operations	103	\$ 676,357
Community Development Block Grants	104	\$ 335,000
Open Space	105	\$ 678,762
Conservation Trust	110	\$ 610,920
Sales Tax Capital Improvements	201	\$ 19,136,557
Storm Drainage Improvements	202	\$ 655,400
DDA Capital Improvements	203	\$ 1,210,000
Transportation Capacity Improvements	207	\$ 1,187,056
Water Fund	301	\$ 6,511,324
Solid Waste	302	\$ 3,635,558
Two Rivers Convention Center	303	\$ 2,524,520
Golf Courses	305	\$ 1,941,386
Parking	308	\$ 506,686
Irrigation Systems	309	\$ 262,770
Information Technology	401	\$ 6,631,260
Equipment	402	\$ 6,592,447
Self Insurance	404	\$ 3,140,872
Communications Center	405	\$ 6,944,421
Facilities Management Fund	406	\$ 3,095,162

General Debt Service	610	\$	6,881,928
T.I.F. Debt Service	611	\$	2,035,350
GJ Public Finance Debt Service	614	\$	533,505
Cemetery Perpetual Care	704	\$	6,300
Joint Sewer System, Total	900	\$	14,529,135

**INTRODUCED AND ORDERED PUBLISHED IN PAMPHLET FORM** this 3rd day of December, 2014.

**TO BE PASSED AND ADOPTED AND ORDERED PUBLISHED IN PAMPHLET FORM** this \_\_\_\_ day of \_\_\_\_\_, 2014.

Attest:

---

President of the Council

---

City Clerk



Date: Nov 20, 2014  
 Author: Harry Weiss  
 Title/ Phone Ext: 256-4134  
 Proposed Schedule: 1<sup>st</sup> reading  
Dec 3, 2014  
 2nd Reading:(if applicable): Dec 17,  
2014  
 File # (if applicable): \_\_\_\_\_

Attach 10

**CITY COUNCIL AGENDA ITEM**

<b>Subject:</b> Extension of the Downtown Grand Junction Business Improvement District (DGJBID)
<b>Action Requested/Recommendation:</b> Adopt Proposed Ordinance on Final Passage and Order in Final Publication of the Ordinance in Pamphlet Form
<b>Presenter(s) Name &amp; Title:</b> Harry Weiss, DDA/DGJBID Executive Director John Shaver, City Attorney

**Executive Summary:**

Consideration of the extension of the DGJBID for 20 years effective on the date of adoption of an ordinance amending Ordinance No. 3815.

**Background, Analysis and Options:**

Downtowns are complex environments unlike any other areas of the community. The diversity of uses, activities, opportunities, and constituencies are essential characteristics that define Downtown, and warrant focused organizational support to promote its success and mediate among its divergent interests. The alternate model of a volunteer-based, non-profit association providing similar services as a DGJBID proved unsustainable and prompted the creation of the DGJBID in 2005.

The DGJBID serves a unique role in Downtown. Its current functions of marketing and promotion are essential to the continuing success of Downtown. It complements the functions of the DDA (which cannot fulfill the functions of the DGJBID) and is immeasurably important to the health of the core commercial activities that form the foundation of the Downtown economy. The DGJBID statute provides for a range of purposes and activities which allows DGJBIDs to respond to changing circumstances and needs as Downtowns evolve.

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

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

The DGJBID provides essential marketing and promotion of Downtown targeting both locals and visitors.

**How this item relates to the Economic Development Plan:**

This item relates to the area of emphasis in economic development and the role of supporting existing businesses.

The DGJBID exists to support existing businesses and property owners in Downtown with general district marketing and the production of special events to draw customers and visitors to the central business district as well as to reinforce Downtown as a primary center of community identity and gathering.

**Board or Committee Recommendation:**

The DGJBID Board of Directors recommends the extension of the DGJBID.

**Financial Impact/Budget:**

The Annual DGJBID Operating Plan & Budget is submitted to the City by September 30 of each year for Council's review and approval by December 5. The 2015 DGJBID Operating Plan & Budget was approved by Council at their regular meeting on November 19, 2014. The City has historically provided \$13,466 annually in support of the DGJBID.

**Legal issues:**

The Downtown Grand Junction Business Improvement District was proposed pursuant to the procedures detailed in the Business Improvement District Act (CRS 31-25-Part 12) and enacted by City Council through the passage of Ordinance No. 3815. The DGJBID became effective January 1, 2006, and will expire January 1, 2016, unless extended. The legal authority to extend the DGJBID rests solely with City Council. Extension can be enacted at any time before the expiration date.

**Other issues:**

The DGJBID is funded in part by a special assessment authorized by the DGJBID Electors at the inception of the DGJBID. This funding mechanism remains in force as long as the DGJBID exists including any extension period and does not require reauthorization. Any change in or replacement of the existing funding mechanism would require a new election by the DGJBID Electors authorizing same. No change in funding is proposed at this time.

The Downtown Development Authority Board of Directors serves as the DGJBID Board of Directors. Service on either Board may entail potential conflicts of interest for Directors, and occasionally conflicts between the missions and purposes of the two organizations. Some DGJBID constituents have expressed a preference for the establishment of a separate DGJBID Board of Directors. Statutory alternatives for the constitution of the DGJBID Board of Directors were reviewed by City Council with consensus reached to maintain the status quo.

**Previously presented or discussed:**

The extension of the DGJBID was discussed at three previous meetings of the City Council in joint session with the DGJBID Board of Directors.

**Attachments:**

Draft Ordinance Amending Ordinance No. 3815 to Extend the Downtown Grand Junction Business Improvement District for 20 Years

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

**AN ORDINANCE AMENDING ORDINANCE NO. 3815 TO EXTEND THE  
DOWNTOWN GRAND JUNCTION BUSINESS IMPROVEMENT DISTRICT  
FOR 20 YEARS**

Recitals:

On August 17, 2005 the City Council of the City of Grand Junction approved Ordinance No. 3815 an ordinance forming and creating the Downtown Grand Junction Business Improvement District. The City Council determined that the requirements of the Business Improvement District Act, Part 12 of Article 25 of Title 31, of the Colorado Revised Statutes had been met and formed the District for a period of 10 years.

Since the formation of the District it has provided resources to promote business activity in the area by improving the economic vitality and overall commercial appeal of the Downtown area. The District has operated in conformance with the Act and nothing has occurred to change or invalidate the premises of the approval of the District.

Ordinance No. 3815 established the District for an initial term of 10 years; prior to and in anticipation of the expiration of that term the City Council has determined, decided and agreed to extend the District for a term of 20 years from the effective date of this ordinance or until subsequently extended.

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

That the District shall operate in conformity with the 2015 operating plan and budget ("Plan") and any subsequent plans and budgets for a renewed term of 20 years from the effective date of this ordinance or until again extended. The 2015 Plan has been filed with the City Clerk and approved by the City Council.

The District is found to be lawful and necessary and for the extended term shall include the area described and set forth in Ordinance No. 3815 or the area as it may be lawfully amended.

To the extent necessary or required the terms of Ordinance No. 3815, except as may be in conflict herewith, is incorporated by this reference as if fully set forth. Specifically this ordinance shall amend Section 6 thereof to provide a 20 year term as provided herein.

This ordinance shall be in full force and effect from and after its passage and publication as provided by the City Charter. Within sixty days of the twentieth anniversary of the adoption of this ordinance the City Council shall consider the effectiveness of the District at achieving its planned purposes. Without further action by the City Council, the terms and provisions of this ordinance shall expire on the twentieth anniversary of the effective date hereof.



Introduced on first reading this 5<sup>th</sup> day of December 2014 and ordered published in pamphlet form.

Adopted on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2014 and ordered published in pamphlet form.

\_\_\_\_\_  
Phyllis Norris  
President of the City Council

ATTEST:

\_\_\_\_\_  
Stephanie Tuin  
City Clerk



Date: December 8, 2014  
 Author: Rick Brinkman  
 Title/ Phone Ext: Water Services  
Manager/1429  
 Proposed Schedule: December 17,  
2014  
 2nd Reading  
 (if applicable): \_\_\_\_\_  
 File # (if applicable): \_\_\_\_\_

Attach 11

**CITY COUNCIL AGENDA ITEM**

<b>Subject:</b> Municipal Recreation Agreement with the Bureau of Reclamation – Green Mountain Reservoir Water
<b>Action Requested/Recommendation:</b> Authorize the Mayor to Sign a Forty Year Agreement with the Bureau of Reclamation for Diversion of Water from Green Mountain Reservoir
<b>Presenter(s) Name &amp; Title:</b> Greg Lanning, Public Works and Utilities Director John Shaver, City Attorney

**Executive Summary:**

A 40 year agreement between the City of Grand Junction, Town of Palisade, City of Fruita (municipalities), and the Bureau of Reclamation for the delivery of surplus water from Green Mountain Reservoir for recreational purposes in the Colorado River between Palisade and Loma, Colorado.

**Background, Analysis and Options:**

The Colorado River Recovery program is a common effort by Colorado water users, the State of Colorado, other Colorado River basin states, and the Federal government to insure recovery of endangered fish species. The users and the states and their water projects are protected by participation in this common effort. Without the common recovery program, water users would have to perform individual efforts to recover the fishes, including delivery of water to the Colorado River.

Under the Colorado River Recovery Program for the Endangered Fish Species, the Colorado River between Palisade Colorado and the confluence of the Gunnison River (“The 15-Mile Reach”) is considered critical habitat for the endangered fish species. Under the programmatic biological opinion (PBO) covering the depletions of water from existing and future water projects on the Colorado River, annual target flows were determined for the 15-Mile Reach. One method to assist in meeting the target flows is the delivery of surplus water from Green Mountain Reservoir to the Grand Valley.

The successful delivery of surplus water is an action item in the PBO and meets the “sufficient progress” criteria established by the Recovery Program for Colorado Water users.

The Grand Valley municipalities signed a six year agreement in 2001, another 6 year agreement in 2007, a temporary one year agreements in 2013 and 2014 with the Bureau of Reclamation that would allow the municipalities to call for surplus water from Green Mountain Reservoir. This water would be delivered to the Grand Valley for non-consumptive, municipal recreational uses in the Colorado River between Palisade and Loma. The delivery of this water for recreation would have a supplemental benefit for the fish by increasing the flows of the Colorado River at Grand Junction.

The Agreements have been in effect between 2001 and 2014 and have been successful. This agreement will provide a long term (40 year) agreement between the parties.

Surplus water is declared “surplus” during weekly meetings of the water users and Bureau of Reclamation.

There is no charge to the municipalities for delivery of this water.

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

The signing of this agreement and the delivery of this water meets one of the criteria for “sufficient progress” in meeting the recovery goals for the endangered fish species and helps protect existing and future Colorado River projects and supports the following goals and policies from the Comprehensive Plan.

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

**Policy B:** Preserve areas of scenic and/or natural beauty and, where possible, include these areas in a permanent open space system.

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

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

#### **How this item relates to the Economic Development Plan:**

The purpose of the recently adopted Economic Development Plan by City Council is to present a clear plan of action for improving business conditions and attracting and retaining employees and to set a course of improving its standing as a viable, healthy and safe community that can attract and retain high-quality businesses. The proposed agreement among the United States, the Town of Palisade, the City of Grand Junction, and the City of Fruita will protect existing and future uses and development of the Colorado River system throughout the Grand Valley.

**Board or Committee Recommendation:**

There is no board or committee recommendation.

**Financial Impact/Budget:**

There is no financial impact.

**Legal issues:**

This contract has been reviewed and has received comments from the City Attorney.

**Other issues:**

No other issues have been identified.

**Previously presented or discussed:**

In 2013 a one year agreement was approved at the June 19, 2013 meeting.

**Attachments:**

Municipal Recreation Agreement

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF RECLAMATION  
Colorado-Big Thompson Project, Colorado

MUNICIPAL RECREATION AGREEMENT  
AMONG THE UNITED STATES,  
THE TOWN OF PALISADE,  
THE CITY OF GRAND JUNCTION, and  
THE CITY OF FRUITA

**THIS MUNICIPAL RECREATION AGREEMENT;** hereinafter referred to as the Agreement, made this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_, pursuant to the Act of June 17, 1902 (32 Stat. 388; 43 USC §391), and all Acts amendatory thereof or supplementary thereto, and more particularly pursuant to the Act of August 9, 1937 (50 Stat. 564, 595), which incorporates Senate Document 80, 75<sup>th</sup> Congress; and Section 9 (c)(2) of the Act of August 4, 1939 (53 Stat. 1187; 43 USC §485(h)) as amended and supplemented; among the UNITED STATES OF AMERICA, hereinafter referred to as the “United States,” represented by the Contracting Officer executing this Agreement; and the TOWN OF PALISADE, the CITY OF GRAND JUNCTION, and the CITY OF FRUITA, hereinafter referred to as the “Municipalities” or the “Contractors.” The United States and the Municipalities are some sometimes referred to individually as “Party” and collectively as the “Parties.”

WITNESSETH:

EXPLANATORY RECITALS

The following statements are made in explanation:

a. WHEREAS, Green Mountain Dam and Reservoir (Reservoir) were constructed as a feature of the Colorado-Big Thompson (C-BT) Project as recommended by the Secretary of the Interior and approved by the President on December 21, 1937, pursuant to Section 4 of the Act of June 25, 1910 (36 Stat. 835; 43 USC §§400, 413), and Subsection B of Section 4 of the Fact Finders’ Act (Act of December 5, 1924 (43 Stat. 672, 702; 43 USC §412)). Green Mountain Reservoir is operated and maintained by the United States in accordance with Senate Document 80; the Act of August 9, 1937 (50 Stat. 564, 595), as decreed in the Consolidated Cases (Civil Action Nos. 2782, 5016, and 5017, and amendments thereof, United States District Court for the District of Colorado; the Operating Policy (Operating Policy) for Green Mountain Reservoir as published in the Federal Register on December 22, 1983, which became effective January 23, 1984, and as amended September 3, 1987, as published in the Federal Register on September 11, 1987, and the stipulated settlement of the Orchard Mesa Check Case (Case No. 91CW247, District Court Water Division No. 5, State of Colorado). Green Mountain Reservoir was authorized to provide water for the purposes specified in Senate Document 80; and

b. WHEREAS, prior to adoption of the Operating Policy, the Reservoir was historically operated to release water for replacement of out-of-priority depletions by the C-BT Project and for power generation purposes under the guidance of Senate Document 80. During the early 1980's, the Bureau of Reclamation was approached by West Slope water users to provide firm contract water from the Reservoir. Years of negotiation resulted in the adoption of the Operating Policy by Reclamation that provides for releases of water from the power pool to fully satisfy the water needs of irrigation and domestic users in western Colorado from water rights perfected by use on or before October 15, 1977. These water rights would have otherwise been curtailed in whole or in part by a legal call on the river. The amount of the releases is not to exceed 66,000 acre-feet (AF) which the Operating Policy states are adequate to satisfy irrigation and domestic uses so perfected. This 66,000 AF allocation from the power pool is commonly known as the Historic User Pool (HUP); and

c. WHEREAS, in addition to providing contract water, paragraph 8 of the Operating Policy provides that "Any stored water in excess thereof [i.e. Not required for other purposes listed in paragraphs 2 and 4 of the Operating Policy] may be disposed of" by agreement or contract; and

d. WHEREAS, in the early 1990's Reclamation's Eastern Colorado Area Office and Western Colorado Area Office became involved in the settlement of the Orchard Mesa Check Case on Reclamation's Grand Valley Project. As part of the stipulated settlement for the Orchard Mesa Check Case the Green Mountain Reservoir HUP Operating Criteria (Operating Criteria) was developed. Said Operating Criteria define specific terms and conditions for declaring and managing releases of water surplus to the needs of HUP beneficiaries; and

e. WHEREAS, paragraph 5.a. of the Stipulation and Agreement for Orchard Mesa Check Case states "HUP surplus water contracts will provide that HUP surplus water will be delivered to and through the Grand Valley Power Plant to the extent that there is capacity in the power canal and water is needed to produce power at the Grand Valley Power Plant, and that HUP surplus water contracts may provide for delivery of HUP surplus water to other locations and facilities to the extent that there is not capacity in the power canal or that water is not needed to produce power at the Grand Valley Power Plant"; and

f. WHEREAS, on July 14, 1999, Reclamation executed Agreement Number 9-07-60-W0769 (Check Case Agreement) with the Public Service Company of Colorado, the Orchard Mesa Irrigation District, and the Grand Valley Water Users Association to deliver the surplus water on an if-and-when available basis to generate hydroelectric power at the Grand Valley Power Plant. This Check Case Agreement satisfies the requirements in Paragraph 5.a. of the Stipulation and Agreement that require surplus water to be delivered to the Grand Valley Power Plant; and

g. WHEREAS, the Parties desire to satisfy the requirements in the Stipulation and Agreement that allows agreements/contracts to be executed to deliver surplus if-and-when water not needed to produce power at the Grand Valley Power Plant; and

h. WHEREAS, the Colorado River Recovery Program (Recovery Program) was established and signed in 1988 by Reclamation, Western Area Power Administration, the U.S. Fish and Wildlife Service (Service), and the States of Colorado, Utah, and Wyoming for the recovery of four endangered native fish species on the Upper Colorado River; and

i. WHEREAS, Reclamation is a signatory to the Recovery Implementation Program for Endangered Fish Species in the Upper Colorado Basin (RIP). As a signatory to the RIP, Reclamation agreed within its discretion to assist with recovery of these endangered fish; and

j. WHEREAS, in 1999 the Service issued a Final Programmatic Biological Opinion (PBO) covering the operations and water depletions of existing projects, including Reclamation projects. The PBO also covers funding and implementation of Recovery Program Actions in the Upper Colorado River above the Gunnison River. One of the action items listed in the PBO and in the Recovery Implementation Program Recovery Action Plan (RIPRAP) is the protection and delivery of the HUP Surplus Water to the reach of the Colorado River in the Grand Valley from its confluence with the Gunnison River upstream 15 miles to the Grand Valley Irrigation Company diversion dam (15-Mile Reach) for the endangered fish by execution of an Agreement; and

k. WHEREAS, the 15-Mile Reach has been designated by the RIP as critical habitat for two of the endangered fish covered by the RIP. The Service has established annual target flows under the Colorado River Recovery Program for the 15-Mile Reach of the Colorado River to assist with recovery of endangered fishes; and

l. WHEREAS, the Municipalities are duly formed municipal entities under the laws of the State of Colorado; and

m. WHEREAS, the Municipalities are working together to improve and planning to further improve the Colorado River between the Town of Palisade and the City of Fruita, and the Municipalities are agreeable to entering into this Agreement with Reclamation to enhance recreational uses and indirectly enhance flows for the endangered fish in the Colorado River between the existing locations of the Grand Valley Irrigation Company Diversion Dam to the Loma Boat Ramp; and

n. WHEREAS, the Municipalities understand that, while enhanced flows are made available for municipal recreational purposes they are also supportive of the mutual benefits to other purposes including endangered fish species habitat enhancement; and

o. WHEREAS, the United States recognizes the importance of making water available for Municipal Recreation purposes and the commensurate benefit to endangered fish species from the enhanced flows allowed under this Agreement; and

p. WHEREAS, there is support for enhancement of recreational uses in the 15-Mile Reach of the Colorado River; and

q. WHEREAS, the Municipalities have executed previous agreements with the United States which provided surplus water for non-consumptive recreation purposes in the Grand Valley for the years 2001 through 2014; and

r. WHEREAS, this agreement will continue to provide nonconsumptive If and When Water from Green Mountain Reservoir to the 15-Mile Reach water into the future; and

s. WHEREAS, pursuant to Colorado Revised Statutes (C.R.S.), Sections 37-92-301 and 501, the State Engineer and the Division Engineer are responsible for the administration and distribution of the waters of the State. Pursuant to Section 37-92-102(3), the Parties may call upon the Division 5 Engineer, Colorado State Division of Water Resources, to administer the delivery of If and When Water provided through this Agreement from Green Mountain Reservoir for non-consumptive municipal recreation uses in and adjacent to the 15-Mile Reach.

NOW, THEREFORE, in consideration of the foregoing recitals and mutual covenants hereinafter set forth, the Parties hereto agree as follows:

**1. DEFINITIONS**

Where used herein, unless specifically expressed otherwise or obviously inconsistent with the intent herein, the term:

A. "Contracting Officer" shall mean the Secretary of the Interior or a duly authorized representative.

B. "Division 5 Engineer" shall mean the Colorado State Division of Water Resources, Water Division 5, Division Engineer.

C. "HUP" shall mean the so-called "Historic Users Pool" defined as an allocation of up to 66,000 AF of water from the Green Mountain Reservoir power pool, as described in paragraphs 2 and 3 of the Operating Policy.

D. "HUP Beneficiaries" shall mean those persons or entities for whose benefit releases are made from the HUP pursuant to the Operating Policy.

E. "HUP Surplus Water" shall mean the amount of HUP water which, in accordance with paragraph 8 of the Operating Policy, is included in that portion of the stored water in the Green Mountain Reservoir in excess of that necessary to meet the objectives of paragraphs 2 and 4 of the Operating Policy, and which is determined pursuant to the procedures in the Operating Criteria to be available for releases to be made to meet the replacement and direct delivery needs of HUP beneficiaries. This water shall not exceed 66,000 AF annually.

F. "If and When Water" shall mean HUP Surplus Water provided pursuant to this Agreement on an interruptible basis if and when all of the following criteria are met: (1) if Reclamation, in consultation with other Managing Entities, determines that there is HUP Surplus



Water; and (2) if the needs for water for the purpose of generating hydroelectric power at the Grand Valley Power Plant have been satisfied.

G. "Managing Entities" shall mean Reclamation, and the following entities with whom Reclamation consults in managing releases of HUP Surplus water pursuant to the Operating Criteria: the Grand Valley Water Users Association; Orchard Mesa Irrigation District; Grand Valley Irrigation Company; Colorado Division of Water Resources; Colorado Water Conservation Board; and the Service.

H. "Operating Criteria" shall mean the Green Mountain Operating Criteria (Exhibit D to the Stipulation and Agreement), a copy of which is attached hereto as Exhibit A.

I. "Operating Policy" shall mean the Operating Policy for the Green Mountain Reservoir, C-BT Project, Colorado (Volume 48, No. 247, as published in the Federal Register December 22, 1983; as amended in Volume 52, No. 176, Federal Register September 11, 1987).

J. "Reservoir" shall mean the dam, reservoir and related facilities known as "Green Mountain Reservoir" as constructed and operated on the Blue River, a tributary of the Colorado River, in north-central Colorado, as a feature of the C-BT Project.

K. "Stipulation and Agreement" shall mean the Stipulation and Agreement entered into among the Parties in the Orchard Mesa Check Case (Case No. 91 CW247, District Court, Water Division No. 5, State of Colorado), a copy of which is attached hereto as Exhibit B.

Any other terms used within this Agreement which are defined in either the Stipulation and Agreement or the Operating Criteria shall have the meaning ascribed to them in those documents.

## **2. TERM OF MUNICIPAL RECREATION AGREEMENT**

A. This Agreement becomes effective on the date executed and shall remain in effect through December 31, 2054, unless terminated sooner in accordance with the provisions of Article 8. or amended pursuant to Article 7. below.

B. The Municipalities will have the right to request that this Agreement be renewed upon mutually agreeable terms and conditions based on Federal Reclamation laws and policies in effect at the time.

## **3. PROVISION OF WATER AND RELEASE SCHEDULE**

A. Water provided pursuant to this Agreement shall be If and When Water as defined in Article 1.G. above.

B. The amount of HUP Surplus Water will be determined by Reclamation in consultation with the Managing Entities following the procedures set forth in the Operating Criteria.

C. In accordance with Section 5.a. of the Stipulation and Agreement, HUP Surplus Water will first be delivered to the Grand Valley Power Plant. To the extent there is HUP Surplus Water in excess of the existing capacity and needs of the Grand Valley Power Plant, HUP Surplus Water may be released from the Reservoir pursuant to this Agreement.

D. Releases made pursuant to this Agreement shall not result in any water bypassing the Green Mountain Power Plant except that which may be released during periods when the Power Plant is not operating or released by exchange from other reservoirs.

E. Reclamation will inform the Municipalities of scheduled meetings of the Managing Entities so they may attend in person, by telephone, or otherwise and provide comment during the discussions.

F. The water will only be provided if HUP beneficiaries will not be impacted.

**4. WATER SERVICE CHARGES**

The release of If and When Water pursuant to this Agreement is a mutual benefit to the Parties, derived through cooperatively working with the Service to attempt to meet the Service's target flows for the 15-Mile Reach to assist with the recovery of the endangered fish and the non-consumptive municipal recreational benefits to the Municipalities. The Contracting Officer will not charge the Municipalities for the If and When Water made available pursuant to this Agreement.

**5. MEASUREMENT AND DELIVERY**

A. The delivery of If and When Water pursuant to this Agreement will be made into the Blue River at the outlet works of the Reservoir or by exchange with other sources of supply. All such exchanges shall be in accordance with state and Federal laws and regulations including, if required, approval by the Division 5 Engineer.

B. All delivery of If and When Water into the Blue River shall be subject to the limitations of the outlet capacity of the Reservoir. All If and When Water delivered under this Agreement shall be measured at the outlet works of the Reservoir from which it is provided with equipment furnished, operated, and maintained by the United States. The United States shall not be responsible for the control, carriage, use, handling, or distribution of water delivered beyond the outlet works of the Reservoir or other point of release. This Agreement provides If and When Water, and in no event shall any liability accrue against the United States or any of its officers, agents or employees for any damage, direct or indirect, arising from shortage of water service on account of operation, drought, or any other causes.

C. It is understood that all If and When Water released by Reclamation pursuant to this Agreement, less transit losses, as measured at the Palisade Gauge, is to be delivered and protected by the Division 5 Engineer to and through the reach of the Colorado River extending from the existing locations of the Grand Valley Irrigation Company Diversion Dam (located in

the NE1/4 of the NE1/4 of Section 3, T1S, R2E, Ute Principal Meridian) to the Loma Boat Ramp (located in the SW1/4 of the NW1/4 of Section 10, T1N, R3W, Ute Principal Meridian).

**6. USE OF WATER**

A. If and When Water made available pursuant to this Agreement shall be used by the Municipalities for non-consumptive municipal recreation purposes.

B. If and When Water made available pursuant to this Agreement shall not be diverted by the Municipalities from the Colorado River.

C. Water made available pursuant to this Agreement does not constitute a firm supply, but rather an if and when supply. It is explicitly recognized that there will be times when If and When Water is not available due to hydrologic or other conditions as determined by Reclamation, in consultation with the Managing Entities. Reclamation will coordinate the timing and amount of releases with the Service.

D. The Municipalities agree that the provision of this water is if and when and shall not be used to obtain direct economic benefits from the release and delivery of this water for municipal recreation purposes. Instead, the benefits to the Municipalities would result from incremental additional visitations to recreation areas along the Colorado River. Each of the Municipalities has or will be developing recreation amenities along the Colorado River.

E. No lease, sale, donation, transfer, exchange, or other disposition of any of the water provided pursuant to this Agreement may be made.

**7. AMENDMENT**

This Agreement may be amended only by a fully executed written agreement by the Parties. Any request to amend this Agreement shall be given in the same manner as provided in Article 10. below.

**8. TERMINATION**

A. The Contracting Officer may terminate this Agreement at any time upon providing 60 calendar days notice.

B. The Municipalities collectively may terminate this Agreement at any time upon providing 60 calendar days notice.

C. Any one of the Municipalities may individually withdraw from this Agreement at any time upon providing 60 calendar days notice. Upon such 60 day notice by a municipality, the Agreement between the United States and such municipality shall terminate as to that municipality. Such termination shall not be considered an amendment of the Agreement under Article 8. If one or two of those municipalities so withdraw, this Agreement shall remain in full force and effect as to those Municipalities remaining.

**9. SEVERABILITY**

In the event that any one or more of the provisions contained herein shall, for any reason, be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provisions of this Agreement, but this Agreement shall be construed as if such invalid, illegal or unenforceable provisions had never been contained herein, unless the deletion of such provision or provisions would result in such a material change so as to cause fundamental benefits afforded the Parties by this Agreement to become unavailable or materially altered.

**STANDARD ARTICLES**

**10. NOTICES**

Any notice, demand, or request authorized or required by this Contract shall be deemed to have been given, on behalf of the Contractors, when mailed, postage prepaid, or delivered to the:

Regional Director  
Great Plains Region  
Bureau of Reclamation  
P.O. Box 36900  
Billings, MT 59107-6900

and on behalf of the United States, when mailed, postage prepaid, or delivered to the of the Contractors:

Town of Palisade  
P.O. Box 128  
Palisade, CO 81526-0128

City of Grand Junction  
Attn: Utilities Director  
250 N. Fifth St.  
Grand Junction, CO 81501

City of Fruita  
325 E. Aspen  
Fruita, CO 81521

The designation of the addressee or the address may be changed by notice given in the same manner as provided in this article for other notices.

**11. CONTINGENT ON APPROPRIATION OR ALLOTMENT OF FUNDS**

The expenditure or advance of any money or the performance of any obligation of the United States under this Contract shall be contingent upon appropriation or allotment of funds. Absence of appropriation or allotment of funds shall not relieve the Contractors from any obligations under this Contract. No liability shall accrue to the United States in case funds are not appropriated or allotted.

**12. OFFICIALS NOT TO BENEFIT**

No Member of or Delegate to the Congress, Resident Commissioner, or official of the Contractors shall benefit from this Contract other than as a water user or landowner in the same manner as other water users or landowners.

**13. CHANGES IN CONTRACTORS' ORGANIZATION**

While this Contract is in effect, no change may be made in the Contractors' organization, which may affect the respective rights, obligations, privileges, and duties of either the United States or the Contractors under this Contract including, but not limited to, dissolution, consolidation, or merger, except upon the Contracting Officer's written consent.

**14. ASSIGNMENT LIMITED – SUCCESSORS AND ASSIGNORS OBLIGATED**

The provisions of this Contract shall apply to and bind the successors and assigns of the parties hereto, but no assignment or transfer of this Contract or any right or interest therein by either party shall be valid until approved in writing by the other party.

**15. BOOKS, RECORDS, AND REPORTS**

Reports shall be furnished to the Contracting Officer in such form and on such date or dates as the Contracting Officer may require. Subject to applicable Federal laws and regulations, each party to this Contract shall have the right during office hours to examine and make copies of the other party's books and records relating to matters covered by this Contract.

**16. RULES, REGULATIONS, AND DETERMINATIONS**

A. The Parties agree that the delivery of water or the use of Federal facilities pursuant to this Contract is subject to Federal reclamation law, as amended and supplemented, and the rules and regulations promulgated by the Secretary of the Interior under Federal reclamation law.

B. The Contracting Officer shall have the right to make determinations necessary to administer this Contract that are consistent with its provisions, the laws of the United States and

the State of Colorado, and the rules and regulations promulgated by the Secretary of the Interior. Such determinations shall be made in consultation with the Contractors.

**17. PROTECTION OF WATER AND AIR QUALITY**

A. Project facilities used to make available and deliver water to the Contractors shall be operated and maintained in the most practical manner to maintain the quality of the water at the highest level possible as determined by the Contracting Officer: *Provided, That* the United States does not warrant the quality of the water delivered to the Contractors and is under no obligation to furnish or construct water treatment facilities to maintain or improve the quality of water delivered to the Contractors.

B. The Contractors shall comply with all applicable water and air pollution laws and regulations of the United States and the State of Colorado; and shall obtain all required permits or licenses from the appropriate Federal, State, or local authorities necessary for the delivery of water by the Contractors; and shall be responsible for compliance with all Federal, State, and local water quality standards applicable to surface and subsurface drainage and/or discharges generated through the use of Federal or Contractors facilities or project water provided by the Contractors within the Contractors' Project Water Service Area.

C. This article shall not affect or alter any legal obligations of the Secretary to provide drainage or other discharge services.

**18. EQUAL EMPLOYMENT OPPORTUNITY**

During the performance of this Contract, the Contractors agree as follows:

A. The Contractors will not discriminate against any employee or applicant for employment because of race, color, religion, sex, disability, or national origin. The Contractors will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, disability, or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractors agree to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Contracting Officer setting forth the provisions of this nondiscrimination clause.

B. The Contractors will, in all solicitations or advertisements for employees placed by or on behalf of the Contractors, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, disability, or national origin.

C. The Contractors will send to each labor union or representative of workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the Contracting Officer, advising the labor union or workers' representative of the Contractors' commitments under section 202 of Executive Order 11246 of September 24, 1965

(EO 11246), and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

D. The Contractors will comply with all provisions of EO 11246, and of the rules, regulations, and relevant orders of the Secretary of Labor.

E. The Contractors will furnish all information and reports required by EO 11246, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the Contracting Agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

F. In the event of the Contractors' noncompliance with the nondiscrimination clauses of this Contract or with any of such rules, regulations, or orders, this Contract may be canceled, terminated or suspended in whole or in part and the Contractors may be declared ineligible for further Government contracts in accordance with procedures authorized in EO 11246, and such other sanctions may be imposed and remedies invoked as provided in EO 11246 or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

G. The Contractors will include the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by the rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of EO 11246, so that such provisions will be binding upon each subcontractor or vendor. The Contractors will take such action with respect to any subcontract or purchase order as may be directed by the Secretary of Labor as a means of enforcing such provisions, including sanctions for noncompliance: *Provided, however*, that in the event the Contractors becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction, the Contractors may request that the United States enter into such litigation to protect the interests of the United States.

**19. COMPLIANCE WITH CIVIL RIGHTS LAWS AND REGULATIONS**

A. The Contractors shall comply with Title VI of the Civil Rights Act of 1964 (Pub. L. 88-352; 42 U.S.C. § 2000d), the Rehabilitation Act of 1973 (Pub. L. 93-112, Title V, as amended; 29 U.S.C. § 791, et seq.), the Age Discrimination Act of 1975 (Pub. L. 94-135, Title III; 42 U.S.C. § 6101, et seq.), Title II of the Americans with Disabilities Act of 1990 (Pub. L. 101-336; 42 U.S.C. § 12131, et seq.), and any other applicable civil rights laws, and with the applicable implementing regulations and any guidelines imposed by the U.S. Department of the Interior and/or Bureau of Reclamation.

B. These statutes prohibit any person in the United States from being excluded from participation in, being denied the benefits of, or being otherwise subjected to discrimination under any program or activity receiving financial assistance from the Bureau of Reclamation on the grounds of race, color, national origin, disability, or age. By executing this Contract, the Contractors agree to immediately take any measures necessary to implement this obligation, including permitting officials of the United States to inspect premises, programs, and documents.

C. The Contractors make this agreement in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property discounts, or other Federal financial assistance extended after the date hereof to the Contractors by the Bureau of Reclamation, including installment payments after such date on account of arrangements for Federal financial assistance which were approved before such date. The Contractors recognize and agree that such Federal assistance will be extended in reliance on the representations and agreements made in this article and that the United States reserves the right to seek judicial enforcement thereof.

D. Complaints of discrimination against the Contractors shall be investigated by the Contracting Officer's Office of Civil Rights.

**20. CONSTRAINTS ON THE AVAILABILITY OF WATER**

A. In its operation of the Project, the Contracting Officer will use all reasonable means to guard against a condition of shortage in the quantity of water to be made available to the Contractors pursuant to this Contract. In the event the Contracting Officer determines that a condition of shortage appears probable, the Contracting Officer will notify the Contractors of said determination as soon as practicable.

B. If there is a condition of shortage because of errors in physical operations of the Project, drought, other physical causes beyond the control of the Contracting Officer or actions taken by the Contracting Officer to meet current and future legal obligations, then no liability shall accrue against the United States or any of its officers, agents, or employees for any damage, direct or indirect, arising therefrom.

IN WITNESS WHEREOF, the Parties hereto have signed their names the day and year first above written.

THE UNITED STATES OF AMERICA

\_\_\_\_\_  
Michael J. Ryan  
Regional Director



TOWN OF PALISADE

By: \_\_\_\_\_  
Title: Mayor

ATTEST:

\_\_\_\_\_ (seal)  
Secretary

CITY OF GRAND JUNCTION

By: \_\_\_\_\_  
Title: Mayor

ATTEST:

\_\_\_\_\_ (seal)  
Secretary

CITY OF FRUITA

By: \_\_\_\_\_  
Title: Mayor

ATTEST:

\_\_\_\_\_ (seal)  
Secretary

# ECONOMIC DEVELOPMENT UPDATE

City Council Presentation  
December 17<sup>th</sup>, 2014



## AGENDA:

City of Grand Junction ED Plan Update

ED Partners Overview and Outlook:

Grand Junction Economic Partnership

Business Incubator Center

Grand Junction Area Chamber of Commerce



# CITY COUNCIL ECONOMIC DEVELOPMENT PLAN

- Adopted in May 2014
- City Role in Economic Development
  - Assessing and Reporting on Local Economy
  - Providing Infrastructure that Fosters and Supports Private Investment
  - Supporting Existing Businesses & Keeping Costs Transparent, Predictable and Low
  - Investing in and Developing Public Amenities
  - Marketing the Strengths of our Community



## PARTNERSHIPS MATTER



# ASSESSING AND REPORTING ON THE ECONOMY

- Monthly Sales and Use Tax Reports
- Weekly and Monthly Building Permit Reports
- Quarterly Retail and Revenue Reports
- Quarterly Economic Indicator Report & Financial Report
- Reports Utilized by City, Partners and Community



# INFRASTRUCTURE INVESTMENTS

- \$5 million for 22 Road improvements
- \$3.1 million in utility infrastructure
- Wireless Master Plan
- CNG Project



# SUPPORTING EXISTING BUSINESS

- New Website
- Industrial Lands Analysis
- Geographic Information System
- Commercial Catalyst Program
- Code Revisions
- Makers Space
- Foreign-Trade Zone



## **PUBLIC AMENITIES:**

**FACILITIES AND SERVICES THAT MAKE A COMMUNITY AN ATTRACTIVE PLACE TO LIVE**

- \$1.4million invested in Mesa Land Trust since 2004
  - \$500,000 investment in Three Sisters
- \$9.65 million invested in Avalon Theatre renovation
- \$460,000 tax-increment funding for Downtown Development Authority
- \$837,000 Parks Improvements
- \$1 million investment in Colorado Mesa University
- \$43,300 Commission on Arts & Culture



# MARKETING OUR COMMUNITY

- \$660,000 general sales tax funding for Visitors and Convention Bureau (in addition to Lodging Tax)
- VCB sponsored 24 special events with \$70,000 in contributions
- US Airways Magazine
- Evaluated and understood existing Economic Development Marketing efforts
- Invested in North Star Destination Strategies for community-wide Economic Development Marketing Plan



# LOOKING FORWARD

- Economic Development Marketing Plan
  - Research, Communication and Media Audit (current)
  - Vision Survey (early January)
  - Familiarization Tour (February 16<sup>th</sup>-18<sup>th</sup>)
  - Stakeholder Interviews & Focus Groups
  - C-Level Perception Study
  - Mock Site Selection
  - Workforce and Talent Recruitment Analysis
  - Trends Assessment
  - Target Industry Screening
  - Competitive Positioning and Competitive Opportunity Analysis





# LOOKING FORWARD

- Economic Development Marketing Plan
  - Insights
    - Situation Brief
    - Asset Alignment
    - Industry Intelligence
    - Competitive Position
  - Creativity
    - Brand Development
    - Visual Concepts
  - Action Plan
    - Measures of Accountability and 12-month check up



# LOOKING FORWARD

- Foreign-Trade Zone Analysis
- Broadband
- Code Amendments & Comprehensive Plan
- Long-Range Financial Plan
- Industrial Lands Analysis
  - Comparability and search functions
- Global Petroleum Show
- Sports Commission partner
- Economic Development Plan: annual review



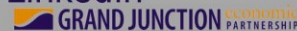
## 2014 GJEP Achievements

- Proactive lead and prospect generation
  - 166 brand new contacts
  - 46 active prospects
  - 34 active leads
- Site Selector's Guild Ski Weekend
- Provide businesses with relocation/expansion services
  - RPT
  - FedEx
  - AVEX
- Partnering with City on shovel ready initiative
- Completed first phase of Long Term Vision
- Piceance to the Pacific Rim



## 2014 Marketing Activities

- Expanded the New West brand
  - Site Selector Magazine (twice)
  - Business in Focus
  - US Airways
  - Colorado Real Estate Journal
  - Bicycle Retailer Magazine
  - San Fernando Valley Business Journal
  - LA Business Journal
  - Weatherchannel.com
- Increased digital presence
  - Twitter, Instagram, Facebook, LinkedIn



## 2015 GJEP Goals


- Prospect development through restructure of target industries:
  - Four outreach industries
    - Aviation/Aerospace
    - Food/Beverage/Agricultural Manufacturing
    - Healthcare
    - Outdoor Industry
  - Two “monitoring” industries
    - IT/Business Services
    - Energy

## 2015 GJEP Goals (cont.)

- Prospect outreach work plan
- Further integrate marketing efforts with prospect development
- Pacific Rim trip
- Increased outreach to local community
- Obtain stakeholder buy in and support of long term vision
- Kelly serving as 2015 Vice Chair of EDCC

## 2015 Partner Goals

- Evolve GJEP target industry committees to include representation from ED Partners
- Partner with ED Partners for the Global Petroleum Show
- Continue L2B program with ED Partners and boards
- Participate and advance ED Marketing Plan
- Partner with CAMA and WCMA on various events (B2B/Summit/SMART)
- Advance regional economic development (Region 11)
- Partner on workforce development initiatives as new member of WFC board

 GRAND JUNCTION ECONOMIC PARTNERSHIP

## 2014 update for the City of Grand Junction



**THE BUSINESS INCUBATOR CENTER**  
THE GRAND VALLEY'S CENTER FOR ENTREPRENEURSHIP



# Mission Statement



*The Business Incubator Center is a results driven provider of educational services and business tools. We support the launch, growth, stabilization and long-term success of business enterprises in Mesa County. We measure success by our ability to guide entrepreneurs through sound business decisions and our positive influence on economic growth in the region.*



## 2014 review



### **GJMakerspace**

- Opened in 2014 with a \$40,000 grant from the City of Grand Junction
- 35 members, bi-monthly events, 4 new startups and BIC is already expanding the program

### **SBDC**

- 818 jobs created or retained, 17 business starts, \$12.9M in capital formation  
1,345 coaching hours with 419 clients, 7 business coaches who are Governor's Office Certified and 1 (of only 2 in the state) Certified Team Leaders in Economic Gardening

### **BLF inception to date (1986)**

- Loaned nearly \$21.5M, created or retained 1956 jobs, provided more than 420 loans to local business, leveraged \$60M in funding, have had a total economic impact in Mesa County of \$81M+, 95% success ratio for loan clients

## 2014 review



### **Mesa County EZ**

- 446 certifications and pre-certifications processed, 293 pre-certifications approved, 88 certifications approved, \$17.5M total capital investment, \$310K investment tax credits claimed, 118 new business facility jobs, \$59K new business facility jobs credits claimed, \$2K+ health insurance credits claimed, \$68K job training credits claimed, 22 Contribution Projects, 1,500+ certifications issued, \$1.1M+ in cash donations, \$300K in-kind donations, 3 proposed new contribution projects submitted

### **Business Incubator Program**

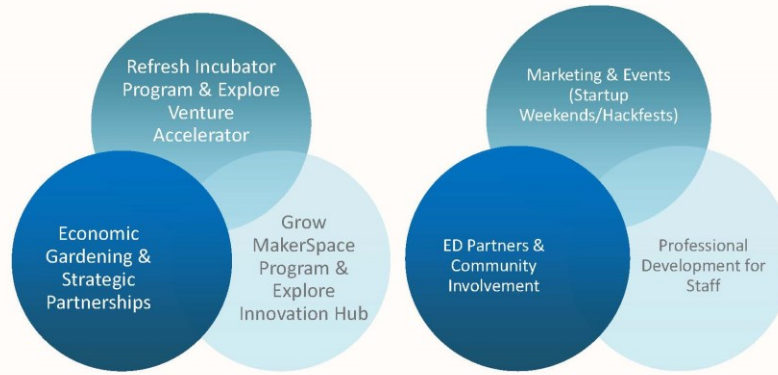
- Averaged 60 on-site client companies who employed 92 individuals resulting in 184 other jobs created in the community with annual revenues of \$5.7M+
- 81% success rate of graduate companies after 5 years in business

### **Riverview Technology Corporation**

- Successfully completed several projects including cell phone upgrades, high performance building standards and master plan review with strategic vision by Board of Directors

# Looking forward to 2015

*Continuing our journey from good to great*



## Grand Junction Area Chamber of Commerce



## GJ Chamber Job Creation Efforts 2014–2015

### ▶ Energy and ED Committee Projects:

- Global Petroleum Show June 9–11, 2015
  - 2000 exhibitors and 60,000 participants—two local companies confirmed to participate
  - Opportunity to have initial and/or follow up meetings with organizations interested in “Nucor” style partnerships
  - Already on the invitation list for an International Reception hosted by Calgary EDC
  - Looking for opportunities to visit companies in the area
- LNG Processing Facilities
  - Continue to have dialogue with one company and working to identify others in


## GJ Chamber Job Creation Efforts 2014–2015

### ▶ Workforce Development Activities:

- YEA
- Hire Me First
- Coordination of School District career exploration activities to increase business interaction with future workforce
- Biz/Ed Foundation Read with a Child Program
- Foundation Speed Reading Class
- Summer Youth Options Fair



## GJ Chamber Job Creation Efforts 2014–2015

- ▶ **Being the Business Voice**
    - Revive the Listening to Business Program in collaboration with ED Partners to identify challenges/opportunities
    - Continue to find ways to engage more businesses in being their own voice (video conferences, legislative trip, etc.)
    - Coordinating Mesa County Leadership Program to help give business leaders the tools to be effective policy makers
    - Diane chairing the Colorado Competitive Council Steering Committee in 2015
- 

## GJ Chamber Job Creation Efforts 2014–2015

- ▶ **Assist Private Sector Locally in Creating Jobs**
    - Support Western Colorado Manufacturing Alliance and serve a key role in planning the 2015 Western Colorado Manufacturing Summit
    - Provide assistance to area manufacturing firms in applying for BPPT relief
    - Participate and support ED Partners Efforts on ED Marketing Plan, Broadband expansion and FTZ
- 

## GJ Chamber Job Creation Efforts 2014–2015

- ▶ **Industrial Developments, Inc.**
  - Is actively pursuing ways to grow the land inventory available to put under new and/or expanding companies...may need your help.
  - Has three lots available for the right projects and appreciates City's assistance in marketing the sites on the new ED website
  - Is a sister organization to the Chamber and the funds to fuel its efforts originally came from the Chamber and ultimately the City as well...



CITY COUNCIL MEETING

CITIZEN PRESENTATION

Date:

Dec 15 2014

Citizen's Name:

Bruce Hamilton

Address:

445 Chiptea Avenue #25

Phone Number:

Subject:

Memorial "Colonial Comm Council"

*Please include your address, zip code and telephone number. They are helpful when we try to contact you in response to your questions, comments or concerns. Thank you.*

## Joys

- Dan and Mary Wilkie had a wonderful vacation (the last week of October).
- We are sending love to our friend Al Inglis.
- We are joyful for newly adopted pets who feel safe.
- Hurray for Pastor Martha and Mr. Rogers!
- Mary Poppins (the ballet) went well.
- Dartagnan turned 10 on November 10th!
- Be joyful for the culture of peace.
- Rev. Sharyl Peterson will be the interim minister at the Bountiful UCC church.
- Be joyful for our military service people.
- Yay for Kirk Tinsley! He painted our handicapped spaces in the parking lot.
- Yay for such a generous church!
- SNOW!!!
- Tempestt did a fantastic job doing the lights for Cinderella.
- Pray for justice for all.
- Pray for Bruce Lohmiller and his write-in candidacy for president in 2016.
- Prayers and joy for Julie and Linda's 24th anniversary.
- Congratulations to Pat and Jo Ann on their 54th anniversary.

## Concerns

- Dartagnan got a concussion but is doing well.
- Pray for Linda Dunne who has knee problems.
- Pray for Randy Atkins who was in an accident that was fatal to one.
- Pray for Kenneth Payne.
- Pray for Kerstin and her family.
- Pray for the Nettleton's loss of a pet.
- Pray for Paul Bainbridge, Rose Ann's father-in-law, who has cancer.
- Pray for Suzie Allen and the move and a dying pet.
- Pray for people in our community who do not have adequate food sources.
- Pray for Dan and Mary Wilkie: possible horse ownership, relationship with a new cat, Mary's job, and Dan's surgery on November 10th. (Dan's surgery went well and he is home recovering).
- Pray for Jessica and Baby (family of Sandy Altland).
- Pray for Ron Brickey who is experiencing nerve pain.
- Dan Wilkie is in recovery from foot surgery.
- Marie and Willie Koontz are traveling home from Denver. Pray for safe travels.
- Pray for Kersten and Ivy.
- Pray for all of the Paynes.
- Give travel mercies to Ty Morey – he is stuck in a blizzard in Salina, UT.
- Pray for contributions to Night Patrols. (Memorial Service)
- Pray for Rene who is facing cancer.
- Pray for Pastor Dan and his recovery from foot surgery.
- The situation in Ferguson needs our prayers.
- Pray for safe journey home for John Koontz and family.
- Pray for Susan Allen's move.
- Pray for Cody.

### Ellen & Ron Bradley's Phone Number Change

Ellen and Ron Bradley no longer have a land line. You can now reach Ellen at 970-640-6981.

Contact  
 Ms. Cassiors (970) 986-1307  
 file Tapes MR. SHAUER  
 Julie Lohmiller  
 DEC 17 2014

## December Birthdays

Julie Krueger 12/04  
 Helen Bowman 12/05  
 Creta Payne 12/06  
 Sandi Knudson 12/08  
 Lynn Hamann 12/12  
 Pam Hambright 12/14  
 Arllys Indergard 12/15  
 Florine Herod 12/17  
 Mary Sealing 12/17

Nancy Spangler 12/18  
 Dorothy McCall 12/20  
 Garrett Swift 12/23  
 Shirley Brown 12/27  
 Marie Reed 12/27  
 Bev Lindsay 12/29  
 Joe Graham 12/30

  
 Birthdays  
 of the Month

NOV 17 2014

Gmail

Compose

Fisher Invest - Time to sell your stocks? - Have a \$500k portfolio? Get the latest report by Forbes columnist Ken Fisher's firm.

More

Interview Results

Interview Results

More

Bruce Lohmliller

marcelle demate  
to Jolyon, me

English

Czech

Thumbnail message

Bruce,

Jolyon is preparing a statement but I wanted to let you know that we decided to go with Jim Lange and Matt Lewis as our top choices. The primary reason is all of the law enforcement back  
Everyone was impressed with you but we see your strength more in the area of policy development rather than law enforcement. Thanks again for speaking with us.

Marcelle  
On Thu, Sep 25, 2014 at 7:08 AM, Bruce Lohmliller <brucelohmliller@gmail.com> wrote:  
??

Bruce Lohmliller

May I Have A Letter To That Effect Bruce Lohmliller 448 Chiyeta Avenue 825 GJ...

Bruce Lohmliller

Democratic Interview Resultss

Bruce Lohmliller

The democratic Interview Results

Bruce Lohmliller

The Interview results

Bruce Lohmliller

I Had A Talk With Mr. Lewis (He If Need Be Will Debate Cf 080Cet 08P89 And 1...

Bruce Lohmliller

The Interview Results I

Bruce Lohmliller

The Interview Results I ----- Forwarded message ----- From: marcelle...

Google

DISCOVERY Due Diligence

Gmail

compose

- Inbox
- Less
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- Chats
- Sent Mail
- Drafts
- All Mail
- Spam
- Trash
- Categories
- Circles
- personals
- Manage labels
- Create new label

Free Scores Now - 3 Bureau Credit Report - View your latest Credit Scores from all 3 bureaus

(no subject) Bruce Lohmiller P.S. Chief Konzak Perjury Mr Feb 14 (7 days ago)

Julia Marston Feb 18 (3 days ago)

English Czech Translate message Turn off for: English

Bruce

I looked up report number 2014-00007404  
 There is a copy of a note from Chief Konzak in that report. The note from the chief was written in November, 1998. It appears you made a claim that a restraining order filed in California was false. Unfortunately the perjury mentioned would have to be addressed by California law enforcement. It could not be handled by our agency.

>>> Bruce Lohmiller <brucelohmler@gmail.com> 2/14/2014 7:06 AM >>>

Bruce Lohmiller | Will Pursuit (Los Angeles) Feb 19 (2 days ago)

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fax - (213) 626-7952  
 Attn: Dep. GERALD  
 Houston  
 CH# LASS006082  
 (Julia Finkel)

**CITY OF Grand Junction**  
 CITY ATTORNEY

CONSTITUTION FOR THE HOMELESS  
 Mollie Woodard  
 Homeless Board

John Shaver  
 CITY ATTORNEY  
 250 NORTH 5TH STREET, GRAND JUNCTION, CO 81501  
 P (970) 244-3503 F (970) 244-7486  
 johns@gjcity.org www.gjcity.org

Bring the Earth Clean Water

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875 Main Street # 405  
 Grand Junction, Colorado 81501  
 Phone: 970 628 4436  
 smiyaya@gmail.com



https://mail.google.com/mail/u/0/?shva=1

2/21/2014

Google

label:personals

+Bruce

Share

Gmail

Remove label

2 of 119

COMPOSE

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- Spam (1)
- Trash
- Categories
- Circles
- personals
  - Manage labels
  - Create new label

Perjury and Theft Cases

personals

People (19)

Julia Marston <juliam@ci.grandjc> to me

Jan 30

Julia Marston

Add to circles

English Czech Translate message

Turn off for English

Show details

Dear Bruce:

Judge Bottarak  
"Points of Disagreement"

Ads

I have completed the reports on both the perjury and the theft.

Vistaprint 250 Business Cards - \$10

The theft is reported under 14-00003945.

Free Shipping. Design your Premium Business Cards Online. All for \$10.

The perjury is reported under 14-00005071.

You can pick up these reports from our Records Department here at the Police Department.

Pipe Marking Wall Chart

Free wall chart - pipe color coding

Julia Marston

Grand Junction Police Department

"Mesa County Public Library"  
# 12C370  
Report # 12-0000-8544

Bruce  
Cummings

P.S.  
Mr. J. Sanchez  
"Verbal Abuse"  
"Suspension"

CITY COUNCIL MEETING

CITIZEN PRESENTATION

Date: 12/17/14

Citizen's Name: DENNIS SIMPSON

Address: 2306 E. PIAZZA PL

Phone Number: \_\_\_\_\_

Subject: TABOR

*Please include your address, zip code and telephone number. They are helpful when we try to contact you in response to your questions, comments or concerns. Thank you.*



CITY COUNCIL MEETING

CITIZEN PRESENTATION

Date: 12/17/14

Citizen's Name: John Day

Address: Epps

Phone Number: \_\_\_\_\_

Subject: Thank you, Commander Animb, & why is Jackson on the 20?

*Please include your address, zip code and telephone number. They are helpful when we try to contact you in response to your questions, comments or concerns. Thank you.*

# City of Grand Junction 2015 Budget

Rich Englehart, City Manager  
December 17th, 2014



# Policy Direction

- City Council and Community areas of emphasis:  
Public Safety, Infrastructure, Economic Development
- Growth in sales tax for 2015 projected at 3%
- \$18.5 million as a total reserve in General Fund
  - \$11.9 million in unrestricted funds (after internal loans)
- Engage the Council in balancing the budget for both capital and operations with amounts delivered beyond the minimum reserves
- Maximize use of resources to put the Council's Economic Development Plan to work in the community through a strategy of direct involvement, staffing, and funding
- Look beyond just the current year



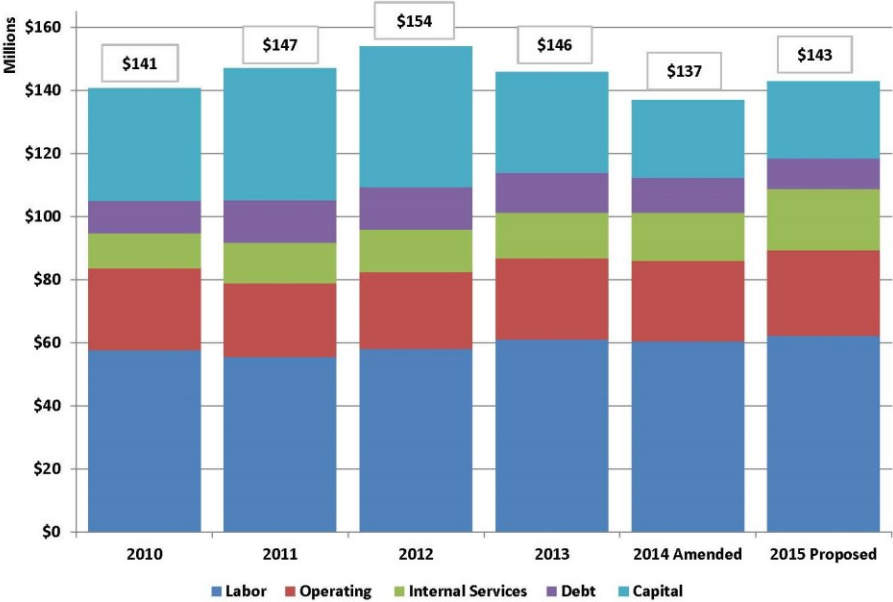
# Building the Budget

## City Council Budget Sessions

- June 30<sup>th</sup>, July 14<sup>th</sup>, August 4<sup>th</sup>, 18<sup>th</sup>, and 20<sup>th</sup>
  - Department Presentations
  - Utility Rates
- October 13<sup>th</sup>
  - Capital and Economic Development
- November 3<sup>rd</sup>
  - TABOR Calculation
  - General Fund
  - Labor Budget
- November 17<sup>th</sup>
  - Enterprise and Internal Service Funds
  - Fund Balance Worksheet
  - Budget Detail By Fund



# Budget History



# 2015 Budget Overview

- \$143 million Total Spending Budget
  - 4.4% increase from 2014
- Operating & Internal Services
  - Operating expense has decreased and internal service expense has increased compared to 2014:
    - 12% increase in Information Technology charges due to implementation and upgrades of new software systems and infrastructure (primarily public safety) over the last three years
    - 13% increase in Fleet charges due to charging full accrual rate after reaching target fund balance
    - Expansion of Fleet services to Grand Valley Transit
    - Establishment of self-insured dental program
    - Establishment of Facilities Management Fund



# 2015 Budget Overview

- Labor
  - 3% increase in total labor budget compared to 2014
    - Partial 2014 market wage implementation
      - Average wage increase of 2%
    - Mid-Year assessment for remainder of market
  - Increase in Health Insurance Costs of 2.96%
    - Council approved paying employee's share of increase
  - 4 New Positions
    - 2 in Fleet funded by Grand Valley Transit contract
    - 2 in Sewer Fund operations
    - Also approval of extending parks patrol by 4 months
- 13% Decrease in Debt Service
  - 2015 is first year of full benefit from refinancing Riverside Parkway debt to a lower interest rate



# 2015 Budget Overview (continued)

- Capital
  - Police Annex Planning
  - Investigative Equipment
  - Fire Station 4 Relocation
  - Public Safety Training Facility Water Infrastructure
  - Street Overlays
  - 1<sup>st</sup> Street Reconstruction Planning
  - Horizon Drive Interchange





# 2015 Budget Overview (continued)

- Capital
  - North Avenue Streetscape
  - Leach Creek Flood Control Dam
  - Community Hospital Transportation Improvements
  - Las Colonias First Phase Development
  - Las Colonias Park Amphitheatre
  - Orchard Mesa Pool Sliding Glass Door Replacement
  - Water & Sewer Systems

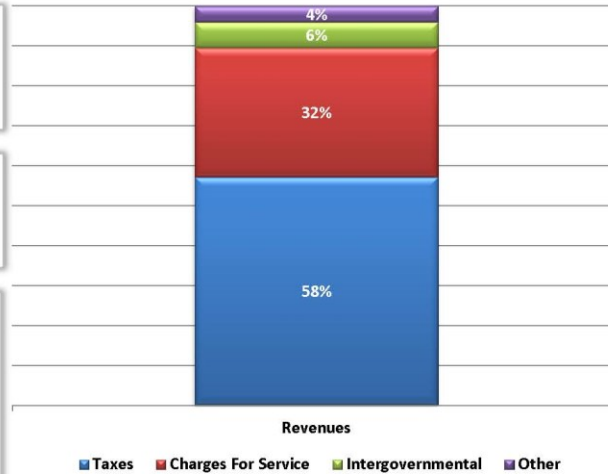


# 2015 Source of Revenue

*Other revenue* is made up of fines, tap charges, licenses, permits, and interest.

*Intergovernmental* revenue is State or Federal grant revenues.

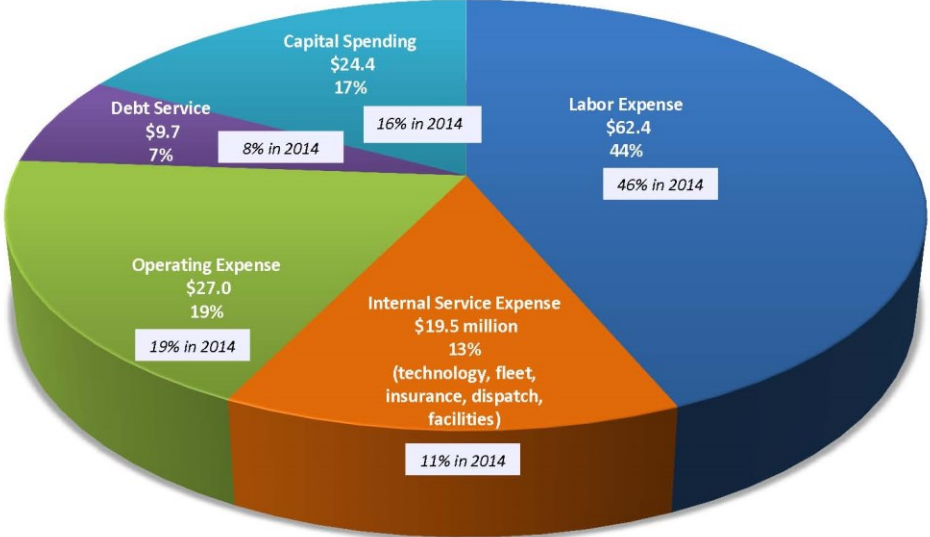
*The majority of Charges for Service* comes from utility fees, rural fire district contract, ambulance transports, and the E911 surcharge.



*Nearly 3/4 of Taxes* are from Sales and Use Taxes. Also includes property, lodging, highway users, severance, and franchise tax.

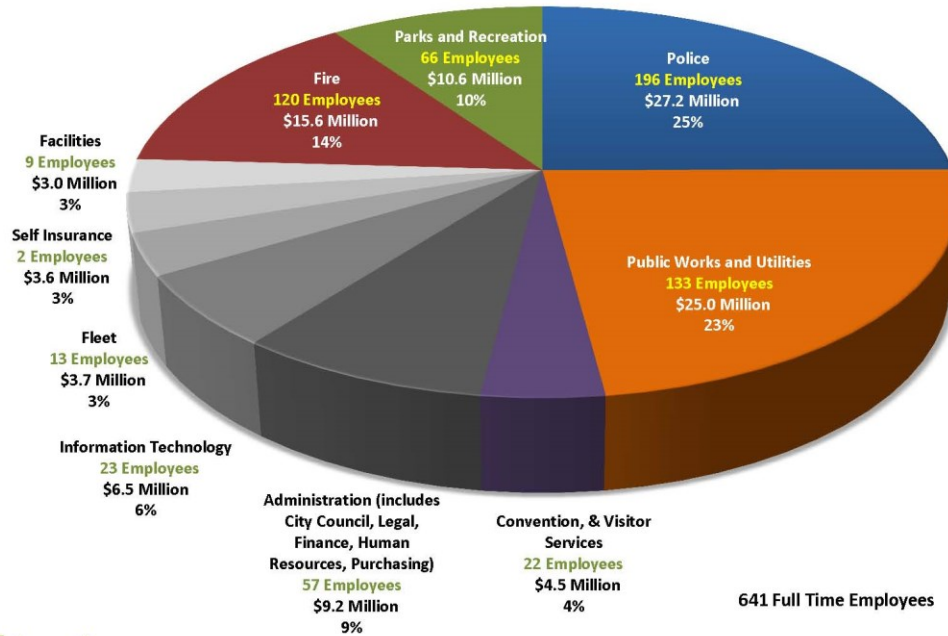
# Spending By Type

2015 Budget-Total \$143 Million

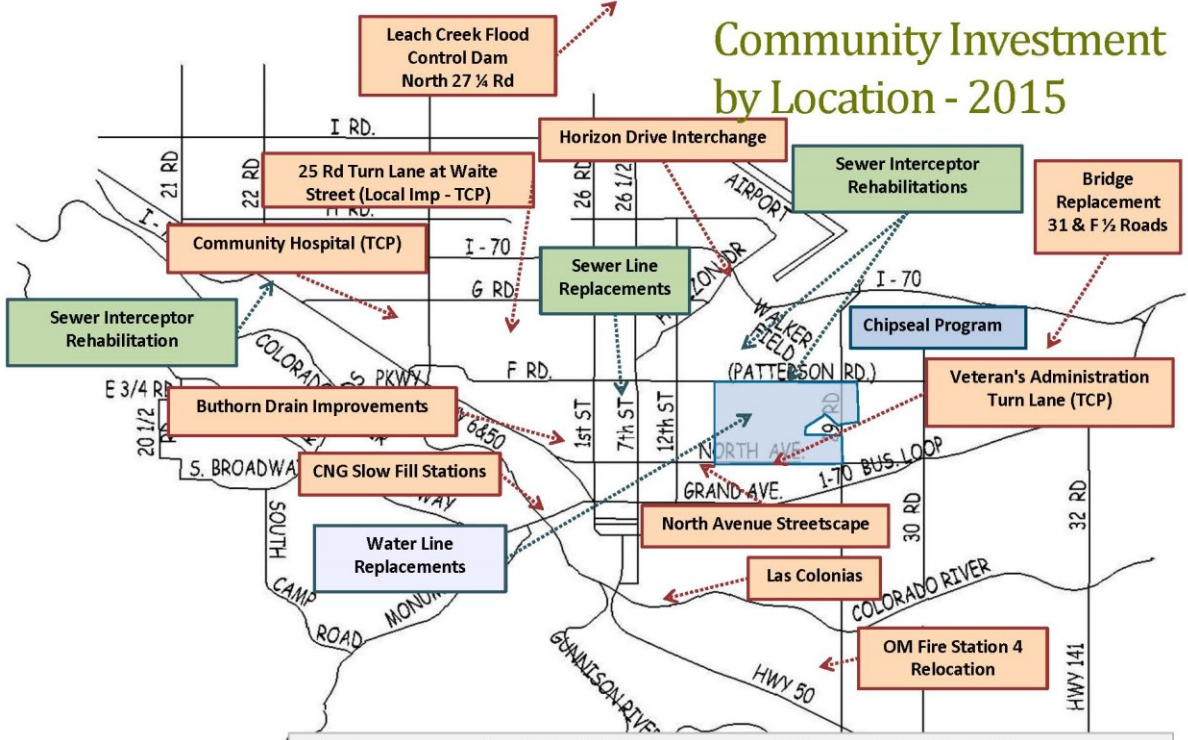


# Spending By Department

2015 Operating Budget-\$108.9 Million



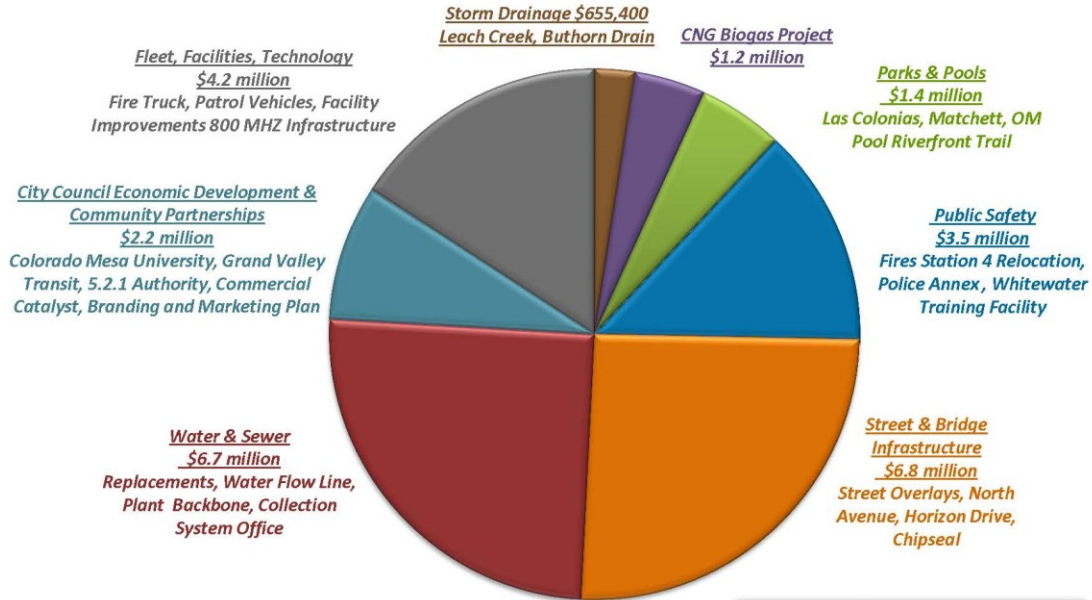
# Community Investment by Location - 2015



Other Improvements: Kannah Creek intake improvements, Whitewater Hill training facility water infrastructure, street overlays and curb- gutter-sidewalk improvements, traffic signal equipment upgrades, OM pool sliding glass door replacements, skate park improvements, and Riverfront Trail repair. Start design work on 1<sup>st</sup> Street (North to Ouray), Orchard Ave (Normandy to 29 Rd), B 1/2 Road Overpass at US50 Multimodal Conversion, and Police Department Annex.



# 2015 Community Investment



**Total Investment**  
**\$26.6 Million**



# Question & Answer

**Rich Englehart – City Manager**

**John Shaver – City Attorney**

**Tim Moore – Deputy City Manager**

**Greg Lanning– Public Works and Utilities Director**

**Debbie Kovalik –Convention & Visitor Services Director**

**John Camper – Police Chief**

**Rob Schoeber – Parks & Recreation Director**

**Ken Watkins – Fire Chief**

**Claudia Hazelhurst – Human Resources Director**

**Jodi Romero – Financial Operations Director**

