

**GRAND JUNCTION CITY COUNCIL
WORKSHOP AGENDA**

**MONDAY, DECEMBER 18, 2006, 7:00 PM
CITY HALL AUDITORIUM, 250 N. 5TH STREET**

MAYOR'S INTRODUCTION AND WELCOME

7:00 **COUNCILMEMBER REPORTS**

7:15 **CITY MANAGER'S REPORT**

7:20 **REVIEW OF FUTURE WORKSHOP AGENDAS** [Attach W-1](#)

7:25 **REVIEW WEDNESDAY COUNCIL AGENDA**

7:30 **PROPOSED CHARTER AMENDMENTS:** The City Clerk and the City Attorney will present recommended changes to the City Charter to eliminate obsolete provisions, make corrections and bring the Charter into compliance with State and Federal Law. Any changes must be referred to a ballot for approval by the voters. [Attach W-2](#)

8:05 **RIVERSIDE PARKWAY PROPERTY REMNANTS:** Staff will review the recommendations for the disposal, redevelopment or future City use of the remnant properties not needed for the Riverside Parkway. [Attach W-3](#)

8:35 **BOTANICAL GARDENS:** Staff will present alternatives for City assistance to the Western Colorado Botanical Gardens. [Attach W-4](#)

ADJOURN

FUTURE CITY COUNCIL WORKSHOP AGENDAS

(11 December 2006)

JANUARY 2007

↪ ~~JANUARY 1, MONDAY 11:30 AM~~ Holiday-Meeting Canceled

↪ ~~JANUARY 1, MONDAY 7:00 PM~~ Holiday-Meeting Canceled

↪ **JANUARY 15, MONDAY 11:30 AM: 515 28 ¼ ROAD (CO West Mental Health Building)**

11:30 COLORADO WEST MENTAL HEALTH: Facility Tour and Programs Update

↪ **JANUARY 15, MONDAY 7:00 PM: City Hall Auditorium**

7:00 COUNCIL REPORTS, REVIEW WEDNESDAY AGENDA AND FUTURE WORKSHOP AGENDAS

7:25 CITY MANAGER'S REPORT

7:30 APPOINTMENTS TO BOARDS & COMMISSIONS

7:35 GRAND VALLEY REGIONAL TRANSIT: Discuss funding options for the bus system.

8:05 GRAND JUNCTION ECONOMIC PARTNERSHIP:

Present and discuss proposal for an economic development incentive grant.



FEBRUARY 2007

↪ **FEBRUARY 5, MONDAY 11:30 AM: TWO RIVERS CONVENTION CENTER**

11:30 ANNUAL MEETING WITH DOWNTOWN DEVELOPMENT BOARD OF DIRECTORS

↪ **FEBRUARY 5, MONDAY 7:00PM in the City Hall Auditorium**

7:00 COUNCIL REPORTS, REVIEW WEDNESDAY AGENDA AND FUTURE WORKSHOP AGENDAS

7:25 CITY MANAGER'S REPORT

7:30 APPOINTMENTS TO BOARDS & COMMISSIONS

7:35 DEPARTMENT PRESENTATION: The Administrative Services Department will

Geographic Information System

present and discuss the City's Geographical Information System (GIS).

8:10 COMPREHENSIVE PLAN: Discuss the proposal and scope of work for the City's comprehensive plan which will begin in 2007.

↳ **FEBRUARY 19, MONDAY 11:30 AM TWO RIVERS CONVENTION CENTER**
11:30 ANNUAL MEETING WITH THE PARKS & RECREATION ADVISORY BOARD??

↳ **FEBRUARY 19, MONDAY 7:00 PM in the City Hall Auditorium**
7:00 COUNCIL REPORTS, REVIEW WEDNESDAY AGENDA AND FUTURE
WORKSHOP AGENDAS
7:25 CITY MANAGER'S REPORT
7:30 PROPOSED POLICE DEPARTMENT SERVICE DELIVERY CHANGES FOR 2007

MARCH 2007

↳ **MARCH 5, MONDAY 11:30 AM**
11:30 OPEN

↳ **MARCH 5, MONDAY 7:00PM in the City Hall Auditorium**
7:00 COUNCIL REPORTS, REVIEW WEDNESDAY AGENDA AND FUTURE
WORKSHOP AGENDAS
7:25 CITY MANAGER'S REPORT
7:30 APPOINTMENTS TO BOARDS & COMMISSIONS
7:35 OPEN

↳ **MARCH 19, MONDAY 11:30 AM in the Administration Conference Room**
11:30 OPEN

↳ **MARCH 19, MONDAY 7:00 PM in the City Hall Auditorium**
7:00 COUNCIL REPORTS, REVIEW WEDNESDAY AGENDA AND FUTURE
WORKSHOP AGENDAS
7:25 CITY MANAGER'S REPORT
7:30 OPEN

↻ BIN LIST ↻

1. DEPARTMENT OF HUMAN SERVICES AT THE REGIONAL CENTER: Update on their activities. (Contact is Director Christian Mueller, 255-5711).
2. ► MOAB PROJECT SUPPLIER ALLIANCE (MPSA): Promotes businesses in Western Colorado and Eastern Utah that desire to support the DOE's Moab Reclamation Project.

Attach W-2
Charter Amendments

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject	Charter Amendments						
Meeting Date	December 18, 2006						
Date Prepared	December 13, 2006				File #		
Authors	Stephanie Tuin John Shaver			City Clerk City Attorney			
Presenters Name	Stephanie Tuin John Shaver			City Clerk City Attorney			
Report results back to Council	X	No		Yes	When		
Citizen Presentation		Yes	X	No	Name		
X	Workshop		Formal Agenda			Consent	Individual Consideration

Summary: An outline of the changes to the Charter as recommended by the City Attorney and the City Clerk. The last Charter amendments took place in April, 1987. The majority of the changes proposed are to make the Charter consistent with the City Code and consistent with changes that have occurred since 1987 in state and federal law. Some changes are deletions of obsolete provisions. The few substantive changes are so noted.

Budget: If Charter Amendments are included on a regular municipal election ballot, the cost will be the additional printing cost on the ballot and then the reprinting of City Charter.

Action Requested/Recommendation: Direction to staff on which, if any, Charter Amendments should be referred to the ballot.

Attachments: A current City Charter has been provided to City Council in book form.

Background Information: In addition to the proposed changes, staff is asking that the City Clerk be authorized as follows:

"The City Clerk shall be authorized to reformat and republish the Charter as needed with the approved amendments. The City Clerk is authorized to replace all uses of the word "councilmen" to the word "councilmembers". The City Clerk shall include up-to-date information in the section entitled "OFFICIAL DATA" when the Charter is republished, from time to time.

Language to be deleted is struck out while additional language is underlined. The sections with proposed changes are:

Changes that bring the Charter into compliance with local, state and federal law:

48. Sale of Real Estate. This section shall be amended to read as follows:

48. Sale of Real Estate.--The council shall have the following power: (a) to sell and dispose of water works, ditches, gas works, electric light works, or other public utilities, public buildings, real property used or held for park purposes or any other real estate used or held for any governmental purposes, providing, however, that before any sale thereof shall be made the question of such sale and the terms and consideration thereof shall be submitted to and ratified by a majority vote of the ~~registered electors of the city who shall have paid a property tax therein during the preceding calendar year~~ qualified electors voting, and the vote thereon shall be by ballot ~~deposited in a separate ballot box~~ at a regular municipal election or at a special election called and held in the manner provided for by law; and (b) by ordinance or resolution to sell and dispose of and to lease any other real estate owned by the municipality, upon such terms and conditions as such city council may determine at a regular or special meeting; and deeds of conveyance duly executed and acknowledged by the proper officers of the city and purporting to have been made in pursuance of these provisions shall be deemed prima facie evidence of due compliance with all the requirements hereof.

Housekeeping, Obsolete Provisions, Archaic Language

36. Membership. This section shall be amended to read as follows:

36. Membership and District Boundaries.--The council shall consist of seven members to be designated as ~~councilmen~~ members, one of which ~~councilmen~~ shall be elected by the registered electors of the entire city from each of the districts ~~hereinafter described~~ as determined from time to time by resolution of the City Council, and two members to be elected from the city large. The council shall be the judge of the election and qualification of its own members; shall determine its own rules; shall punish its own members for disorderly conduct, and may compel the attendance of its members. The council may from time to time, by resolution, by two-thirds vote of all its members, change the boundaries of the districts, ~~hereby created, and said districts, until so changed by the council, shall be designated and described as follows:~~

~~Established by Resolution No. 114-06 Dated September 6, 2006.~~
(The current district boundary legal descriptions are here.)

Annexations lying within the boundaries as extended will be considered as being included within a particular district.

38. Salaries. The title of this section shall be amended to read as follows:

38. Salaries, meetings.

45. Meetings. The title of this section shall be amended to read as follows:

45. Meetings, duties of the City Clerk.

54. Record of Ordinances. This section shall be amended to read as follows:

~~54. Record of Ordinances.--A true copy of every ordinance when adopted shall be numbered and recorded in a book marked "Ordinance Record," and a certificate of adoption and publication shall be authenticated by the certificate of the publisher and by the signature of the mayor and clerk. The ordinances adopted by the vote of the registered electors of the city shall be separately numbered and recorded, commencing with "People's Ordinance No. 1."~~

The city clerk shall permanently retain on file a true and accurate copy of all ordinances, resolutions and evidence of proper publication. Ordinances adopted by a vote of the electors shall be permanently retained separately. The term "on file" includes permanent electronic, tape or other methods.

[NOTE: The proposed wording will allow for electronic storage of such records.]

57. City Manager - Bond - Discharge. This section shall be amended to read as follows:

~~57. City Manager--Bond--Discharge.--The city manager shall be the administrative head of the city and shall be responsible for the conduct of all its departments. He shall receive a salary to be fixed by the council by ordinance. Before taking office, he shall file with the council a surety company bond in the penal sum of \$10,000, conditioned upon the true, honest and faithful performance of the duties of his office. The city manager may be discharged or removed by a vote of a majority of the members of the council.~~

63. Chief of Police - Fire Chief. This section is hereby repealed.

~~63. Chief of Police--Fire Chief.--There shall be a chief of police and fire chief who shall be respectively heads of the police department and fire department and who, under the direction and control of the city manager, shall have full power to conduct the affairs of those departments.~~

66. Finance Director - City Treasurer. This section is hereby repealed.

~~66. Finance Director--City Treasurer.--There shall be a Finance Director who shall be custodian of the moneys of the City, and who, unless another is so designated, shall be ex officio City Treasurer. He shall be the head of the Finance Department of the City. He shall pay money from the City treasury upon warrant signed by the Manager and countersigned by the Finance Director and upon check signed by the Finance Director or his deputy. He shall have such other powers and duties as the Council may by ordinance provide.~~

70. Judge and Jurisdiction. This section shall be amended to read as follows:

70. Judge and Jurisdiction.--The judge of the municipal court of the city shall have all the jurisdiction, powers, duties and limitations of a police magistrate as provided for a municipal court in Sections 4931 to 4945, inclusive, of the Revised Statutes of Colorado, 1908, by state law or by ordinance, except as otherwise provided by this Charter, and shall have exclusive original jurisdiction to hear, try and determine all charges of misdemeanor as declared by this Charter, and all causes arising under this Charter or any of the ordinances, regulations or other rules of the city for a violation thereof. There shall be ~~no trial by jury, and there shall be~~ no change of venue from said court.

72. Public Money. This section shall be amended to read as follows:

72. Public Money.--~~The cash balance of the City in the hands of the City Treasurer shall be deposited by the same in such bank or banks of the City of Grand Junction as the City Council may from time to time direct. Nothing herein shall prevent said Treasurer, under the orders of the City Council, from temporarily having such funds otherwise deposited, or from having any such funds otherwise invested.~~ Investment policies and policies for accounts and deposits shall be established by resolution of the City Council. No demand for money shall be approved, allowed, audited or paid unless it shall be in writing, dated and sufficiently itemized to identify the demand against the City.

[NOTE: Since the adoption of the language to be stricken, modern standards have been adopted and all is subject to Council oversight.]

76. Certificate of Assessment. This section shall be repealed.

76. Certificate of Assessment.--~~It shall be the duty of the Finance Director to procure, as soon as available each year, a certificate from the County Assessor of the total amount of property assessed for taxation within the limits of the City, as shown by the assessment roll in the Assessor's office.~~

85. City Indebtedness. This section shall be repealed.

85. City Indebtedness.--~~The indebtedness of the city shall be incurred and limited as provided in Article XI of the Constitution of the State of Colorado.~~

[NOTE: This section is unnecessary because the Constitution always applies.]

86. Special Statutes Continuing in Force. This section is hereby repealed.

86. Special Statutes Continuing in Force.--~~The provisions of Sections 6657 and 6658 of the Revised Statutes of Colorado, 1908, relating to sidewalks, and of Sections 6687 to 6694 thereof inclusive, relating to refunding bonds, are hereby made and declared to be in full force and effect in the city until otherwise provided by ordinance.~~

[NOTE: These are the laws in effect before World War I.]

87. Resident Labor Given Preference in Public Work. This section is hereby repealed.

~~87. Resident Labor Give Preference in Public Work. In the performance of all public work in the city, whether by contract or otherwise, preference shall be given to resident labor and no alien labor shall be employed. Seventy-five percent of all such labor shall be resident labor if obtainable.~~

[NOTE: By Council policy, this provision has not been enforced because (a) it likely violates the Commerce Clause and (b) is bad public policy.]

88. Pensions. This section shall be amended to read as follows:

88. Pensions.--The City Council by ordinance may continue, alter, establish and provide for pensions for any class of employees of the City, by continuation or amendment of the present pension plan of the City or otherwise, and may provide for the manner, method and funds under and with which any pension plan may operate; once established by the Council by ordinance, the city manager, acting with the written consent of the respective board, may alter or amend, but not end or terminate, such pensions or other retirement plans. Any such pension plan may require contributions from employees, may provide for benefits arising out of employment prior to the adoption or amendment thereof, may be made of a permanent character as to any class of employees, and may be in conjunction with any pension or security arrangement of the United States of America, the State of Colorado or any agency of either of them.

93. Department of water and sewers. This section shall be amended as follows:

~~93. Department of Water and Sewers, Rates-Regulations.--There is hereby created the department of water and sewers, which shall embrace all property rights and obligations of the city in respect to water, waterworks and sewers, and shall, as far as practicable, be (a) The city manager shall administer water, waterworks and sewers, as separate entities, administered as an entity. All contracts, records and muniments of title pertaining thereto shall be assembled and carefully preserved, and accounts shall be kept of its assets, liabilities, receipts and disbursements, separate and distinct from the accounts of any other department. Nothing herein contained, however, shall be construed to interfere with the powers and duties conferred by this Charter upon the city manager.~~

(b) The city council shall by ordinance or ordinances resolution fix rates, establish regulations for the use of the water and sewer systems, ~~provide for the orderly administration of the department,~~ and impose fines and penalties for the violation thereof. All prior resolutions dealing with water and sewer are hereby ratified.

(c) The city council, pursuant to ordinance and without an election, may borrow money or issue interim warrants or revenue bonds for the purpose of acquiring, constructing, improving or extending the water system or the sewer system; provided that such borrowing shall be repaid, and such warrants and bonds shall be made payable solely out of the net revenue derived from the operation of the water system or sewer system, or either or both of such systems.

(d) The revenues derived from the operation of the water or sewer systems shall be used for the maintenance, operation, extension and improvement of either or both of such systems and for interest on and discharging of principal of bonds and other obligations incurred in the acquisition, construction, improvement and extension of either or both of such systems. Whenever such revenues produce a surplus over and above such costs, such surplus may be used to create reasonable capital improvement

or reserve funds, and to the extent the surplus is not so used it shall be the duty of the Council to reduce the rates to consumers so that, as far as practicable, the people may receive the benefits of the department at not more than actual cost.

(e) All consumers of water for domestic use outside of the city limits shall pay not more than double the rates so established and fixed for users within the city limits.

(f) Nothing herein contained shall be construed to prevent the Council from issuing bonds or other obligations payable solely out of the net revenue derived from the operation of any other utilities or income producing projects in the manner provided by law.

96. Rates - Regulations - fines - financing. This section shall be repealed. (combined with Sec. 93 above)

101. No Extra Compensation. This section shall be amended to read as follows:

101. No Extra Compensation. No officer or employee shall solicit or receive any pay, commission, money, pass, free ticket, free service or thing of value, upon terms more favorable than those granted to the public generally or derive any benefit, profit or advantage, directly or indirectly from or by reason of any dealings with or service for the city, by himself or by others, from or by reason of any improvements, alterations, or repairs required by authority of the city, except his lawful compensation or salary as such officer or employee. ~~No officer or salaried employee of the city shall, except as otherwise provided by this Charter, accept directly or indirectly from any railroad, telegraph, or telephone company, or from any owner of any public utility franchise in the city, any pass, frank, free ticket, free service or other service upon terms more favorable than those granted to the public generally.~~ Any violation of this section shall be a misdemeanor.

103. Official Books and Documents. This section shall be amended to read as follows:

103. Official Books and Documents.--(a) All books, records, and papers of each office, department, board or commissioner, are city property and must be kept as such by the proper official or employee during his continuance in office, and delivered to his successor, ~~who shall give duplicate receipts therefor, one of which shall be filed with the city clerk.~~ The failure to so deliver such books, records, and papers shall be a misdemeanor.

~~(b) Certified copies or extracts from the books, records, and files shall be given by the officer, board, commission or employee having the same in custody to any person demanding the same, and paying for such copy, or extract; but the records of the police department shall not be subject to inspection or copy without the permission of the mayor.~~

~~(c)~~ (b) All equipment, collections, models, materials, construction tools and implements, which are collected, maintained, used, or kept by the city, or by any department, board or commission, shall be city property, and be turned over by the custodian thereof to his successor, or duly accounted for.

104. Payment of Debts. This section is hereby repealed.

~~104. Payment of Debts.--Failure of any employee to promptly pay any legal indebtedness contracted by him while in the service of the city shall be ground for his removal from such employment.~~

ARTICLE XIV. FRANCHISES AND PUBLIC UTILITIES. This Article shall be renamed **OTHER REGULATIONS.**

105. Franchise Granted Upon Vote. This section shall be amended to read as follows:

105. Franchise Granted Upon Vote.--No franchise relating to any street, alley or public place of the said city shall be granted except upon the vote of the registered electors, and the question of its being granted shall be submitted to such vote upon deposit with the ~~treasurer~~ city manager of the expense (to be determined by said ~~treasurer~~ city manager) of such submission by the applicant for said franchise, and no such franchise shall be granted unless a majority of such electors voting thereon vote in favor thereof.

107. Franchise Specify Street. This section shall be amended to read as follows:

107. Franchise Specify Streets.--All franchises or privileges hereafter granted for ~~laying tracks or pipes, or supplying heat, light or power, shall plainly specify on what particular~~ the use of streets, alleys, avenues, or other public property or right-of-way, ~~the same shall apply; and any other franchise shall state the bounds of the district or districts in which it shall be exercised; and no franchise or privilege shall hereafter be granted by the city in general terms or to apply to the city generally.~~

108. Power to Regulate Rates and Fares. This section shall be amended to read as follows:

108. Power to Regulate Rates and ~~Fares~~Charges.--All power to regulate the rates, ~~fares,~~ rentals and charges for service by public utility corporations or any other franchisee or user of any public property, streets, alleys and rights-of-way is hereby reserved to the people to be exercised by them by ordinance of the council, or in the manner herein provided for initiating or referring an ordinance. Any right of regulation shall further include the right to require uniform, convenient, and adequate service to the public and reasonable extensions of such service ~~and of such public utility, works and facilities.~~ The granting of a franchise or other permission to use public property shall not be deemed to confer any right to include in the charge for service any return upon the value of the franchise or grant ~~itself~~ of permission.

112. Special Privileges on Street Railroad. This section is hereby repealed.

~~112. Special Privileges on Street Railroad.--The grant of every franchise for a street, suburban, or interurban railroad shall provide that all United States mail carriers and all policemen and firemen of the city in uniform, and all elective officers shall, at all times, while in the actual discharge of their duties, be allowed to ride on the cars of such~~

railroads within the boundaries of the city without paying therefor, and with all the rights of other passengers.

114. Street Sprinkling, cleaning and Paving. This section shall be repealed.

~~114. Street Sprinkling, Cleaning and Paving. Every grant of any franchise or privilege in, over, under or along any of the streets, highways or public places in the city for railway purposes, shall be subject to the conditions that the person, firm or corporation exercising or enjoying the same shall, unless otherwise provided by ordinance, sprinkle, clean, keep in repair, and pave and repave so much of said street, highway or other public place as may be occupied by said railway as lies between the rails of each railway track, and between the lines of double track, and for a space of two feet outside such track.~~

121. City Maintain General Supervision - Reports - Inspection. This section is amended to read as follows:

121. City Maintain General Supervision--Reports--Inspection.--The city shall maintain general supervision and police control over all public utility companies insofar as they are subject to municipal control. It shall cause to be instituted such actions or proceedings as may be necessary to prosecute public utility companies for violations of law.

It shall require every person or corporation operating under a franchise or grant from the city, to submit to the council within sixty days after the first day of January of each year, an annual report verified by the oath of the president, the treasurer, or the general manager thereof.

Such reports shall be in the form, contain such detailed information, and cover the period prescribed by the council, or by ordinance; and the council shall have the power, either through its members or by experts or employees duly authorized by it, to examine the books and affairs of any such person, persons or corporation, and to compel the production before them of books and papers pertaining to such report or other matters.

Any such person, persons, or corporations which shall fail to make any such report, shall be liable to a penalty of one hundred dollars and an additional penalty of one hundred dollars for each and every day thereafter, during which he shall fail to file such report, to be sued for and recovered in any court of record having jurisdiction.

~~The mayor shall, either personally or through the city's inspectors or employees, duly authorized by the council, enter into or upon and inspect the buildings, plants, power houses, and all properties of any such person, persons, or corporation, and shall inspect the same at least once a year, and shall immediately thereafter report to the council a detailed and complete statement of such inspection.~~

122. Books of Record and Reference. This section is hereby repealed.

~~122. Books of Record and Reference. The mayor shall provide and cause to be kept in his office the following books of record and reference:~~

~~First. A franchise record, indexed, and of proper form, in which shall be transcribed accurate and correct copies of all franchises or grants by the city to any person, persons, or corporation owning or operating any public utility. The index of said record shall give the name of the grantee and thereafter the name of any assignee thereof. Said records shall be a complete history of all franchises granted by the city and shall include a comprehensive and convenient reference to actions, contests, or proceedings at law, if any, affecting the same.~~

~~Second. A public utility record, of every person, persons, or corporation owning or operating any public utility under any franchise granted by the city, into which shall be transcribed accurate and correct copies of each and every franchise granted by the city to said person, persons, or corporation, or which may be controlled or acquired by them or it, together with copies of all annual reports and inspection reports, as herein provided, and such other matters of information and public interest as the mayor may, from time to time, acquire. In case annual reports are not filed and inspections are not made, as provided, the mayor shall record such fact in the public utility record, and in writing, report the same to the council. All such annual reports, or a synopsis thereof, shall be published once in two daily newspapers of general circulation, published in the city, or printed and distributed in pamphlet form, as the council may determine.~~

~~The provisions of this section shall apply to all persons or corporations operating under any franchise now in force or hereafter granted by the city.~~

123. Books of Account - Examination. This section shall be amended to read as follows:

~~123. Books of Account--Examination.--The city, when owning any public utility, shall keep the books of accounts for such public utility, and in such a manner as to show the true and complete financial result of such city ownership, or ownership and operation, as the case may be. Such accounts shall be so kept as to show the actual cost to the city of the public utility owned; all cost of maintenance, extension and improvement, all operating expenses of every description, in case of such city operation; if water or other service shall be furnished for the use of any department of the city without charge, the accounts shall show, as nearly as possible, the value of such service, such accounts shall also show reasonable allowance for interest, depreciation, and insurance, and also estimates of the amount of taxes that would be chargeable against such property if owned by a private corporation. The council shall cause to be printed annually for public distribution, a report showing the financial results, in form as aforesaid, of such city ownership or ownership and operation. The accounts of such public utility kept as aforesaid, shall be examined at least once a year by an expert accountant, who shall report to the council the result of his examination. Such expert accountant shall be selected in such manner as the council may direct, and he shall receive for his services such compensation, to be paid out of the income or revenues from such public utility, as the council may prescribe.~~

125. City May Purchase, Operate or Sell - Procedure. This section is amended to read as follows:

140. Several Ordinances at One Election. This section shall be repealed.

~~140. Several Ordinances at One Election.--Provisions shall be made on each ballot for voting upon all proposed ordinances submitted at that election.~~

143. Regulations. This section is amended to read as follows and relocated under Article XIV, OTHER REGULATIONS:

143. Other Regulations.--The council may, by ordinance, authorize the city manager to make such regulations, not in conflict herewith, as it may deem necessary to carry out the provisions of this article charter, any ordinance, resolution or the policies of the Council.

148. Penalty for Violation. This section is hereby amended to read as follows:

148. Penalty for Violation.--Any person 18 years of age or older who shall violate any of the provisions of this Charter for the violation of which no punishment has been provided herein, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding one ~~hundred (\$100.00) thousand (\$1,000.00)~~ dollars, or by imprisonment in ~~the city jail~~ not exceeding ~~three months~~ one year, or by both such fine and imprisonment. Any person under 18 years of age who violates any of the provisions of this Charter for the violation of which no punishment has been provided herein, shall be punished by a fine not exceeding one thousand (\$1,000.00) dollars, and/or be required to perform useful public service not to exceed 48 hours or any combination thereof.

149. Definition of Misdemeanor. This section shall be amended to read as follows:

149. Definition of Misdemeanor.--The term "misdemeanor," as used in this Charter, shall mean a violation thereof, or of any ordinance, resolution or regulation of which the municipal court ~~or magistrate~~ thereof shall have jurisdiction, ~~and shall not have the meaning attached to it in Chapter XXXV entitled "Crimes," Revised Statutes of Colorado, 1908.~~

150. Continuing Bonds, Etc. This section is hereby repealed.

~~150. Continuing Bonds, Etc. All official bonds, recognizances, obligations, contracts and all other instruments entered into or executed by or to the city before this Charter takes effect, and all taxes, fines, penalties, forfeitures incurred or imposed, due or owing the city, shall be enforced or collected and all writs, prosecutions, actions and causes of action, except as herein otherwise provided, shall continue without abatement and remain unaffected by this Charter; and all legal acts done by or in favor of the city shall be and remain as valid as though this Charter had not been adopted.~~

152. Reservation of Power. This section shall be amended to read as follows:

152. Reservation of Power.--The power to supersede any law of the state, now or hereafter in force, insofar as it applies to local or municipal affairs, shall be reserved to the city, ~~acting by ordinance.~~

153. Budget Plan - Warrants. This section is amended as follows:

~~153. Budget Plan--Warrants.--The city council by ordinance shall adopt a budget plan for the city and shall establish the procedure for issuing and registering city warrants paying the City's debts and expenses.~~

154. Termination of Offices of Commissioners. This section is hereby repealed.

~~154. Termination of Offices of Commissioners.--The several offices known and designated as commissioner of public affairs, commissioner of finance and supplies, commissioner of highways, commissioner of health and civic beauty and commissioner of water and sewers shall be abolished and cease to exist at 10:00 o'clock a.m. on January 2, 1922; and the office and position and term of any and all such commissioners are hereby abolished at 10:00 o'clock a.m. on the 2nd day of January, 1922, and no salaries or compensation shall be paid to or be received by such commissioners after such date.~~

~~All powers and duties heretofore conferred or imposed upon said commissioners or upon the mayor are hereby conferred and imposed upon the city manager, except such as are by this Charter, as hereby amended, specifically conferred or imposed upon the council or other officers, employees or departments of the city.~~

155. Membership of First Council - Recall. This section is hereby repealed.

~~155. Membership of First Council Recall. These amendments and repealed shall go into effect at ten o'clock a.m. on January 2, 1922, and from said date, and until their successors, to be chosen at the general municipal election in April, 1925, are elected and qualified, the council shall consist of the following persons who shall so hold office as members of the council, representing the several districts of the city and the city at large, with the same rights, duties and powers as if elected thereto, and vacancies in the membership so designated shall be filled in the manner provided for in this Charter, to-wit:~~

~~District A -- L.O. Marshall
District B -- Reed G. Miller
District C -- W. R. Dowrey
District D -- W. E. Meders
District E -- T. J. Hampson
At Large -- William Murr
At Large -- W. G. Hirons~~

~~But such persons shall be subject to recall, as provided in Article III of the Charter, except that the petition for recall of such persons need not contain any statement of the grounds therefor:~~

~~The adoption of this amendment and its taking effect shall not be held to terminate without appropriate action by the council or city manager, the tenure or authority of persons holding appointive offices or employment under the city.~~

156. Powers and Duties. This section is hereby repealed.

~~156. Powers and Duties.--The council taking office January 2, 1922, shall have the power and it shall be its duty to pass such special appropriation or ordinance as may be necessary to pay the salary of the city manager and other officers and employees for the year 1922; and the warrants for the payment of such salary, after being duly allowed and audited, may be drawn against such appropriation, and the amounts so required for the payment of such warrants, or so much thereof as may be necessary, shall be payable out of any available moneys not otherwise appropriated, or, failing such moneys, the warrants shall be registered and payable out of the revenue for the next ensuing fiscal year.~~

Substantive changes

28. Petition for Recall. This section shall be amended to read as follows:

28. Petition for Recall.--Any registered elector of the city may make and file with the city clerk an affidavit containing the name of the officer sought to be removed, and a specific statement of the grounds of removal. The clerk shall thereupon deliver to the elector making such affidavit, a sufficient number of copies of petitions for such recall and removal, printed forms of which he shall keep on hand. Such petitions shall be issued by the clerk with his signature and official seal thereto attached; they shall be dated and addressed to the city council, shall contain the name of the person to whom issued, the number of forms so issued, the name of the person sought to be removed, the office from which said removal is sought, the grounds of such removal as stated in said affidavit, and shall demand the election of the successor to such office, a copy of which petition shall be entered in a record book to be kept in the office of said clerk. Any defect in said form or record shall not invalidate the same. Said recall petition must be returned and filed with said clerk within thirty days of its issuance. Said petitions before being returned and filed, shall be signed by registered electors equal in number to at least twenty-five per centum of the last preceding vote cast for all the candidates for ~~Governor of the State of Colorado by the electors of the city~~ all candidates for that particular office at the last preceding regular election held in the municipality, and to each such signature shall be attached his place of residence, giving the street and number. Such signatures need not all be on one paper. One of the signers of each such paper shall make an affidavit thereto that the statements therein contained are true, and that each signature appended to the paper is the genuine signature of the person whose name it purports to be. All such papers for the recall of any one officer shall be fastened together and filed as one instrument, with the endorsements thereon of the names and addresses of three persons designated as filing the same.

51. Publication of Ordinances. This section shall be amended to read as follows:

51. Publication of Ordinances.--Every proposed ordinance shall be published by title once ~~in full~~ in a daily newspaper of the city, ~~at least ten days~~ before its final passage; and, after such final passage, it again shall be published once by title in a daily newspaper of general circulation in the city ~~as amended and completed~~, except that an emergency ordinance passed as heretofore provided shall take effect upon passage and be so published ~~within three days~~ in full; ~~provided that, in lieu of publication of an~~

ordinance in a newspaper both prior to and after passage thereof, by authority of the Council, any ordinance it may be published in book or pamphlet form available for public inspection. ~~There shall be no final passage of an ordinance so placed in book or pamphlet form until hearing thereon by the Council with notice of such hearing published once in a daily newspaper at least ten days prior thereto. Such notice shall state the time and place of such hearing, a description which the Council deems sufficient to apprise interested persons of the purpose of the ordinance, and the place at which the ordinance is available for inspection. Such an ordinance shall be subject to protest under Section 136 of Article XVI of this Charter and "final passage and final publication" thereof shall be deemed to be the time of passage of the ordinance following such hearing.~~

125. City May Purchase, Operate or Sell--Procedure.--(a) Every grant, extension, or renewal of a franchise or right shall provide that the city may upon the payment therefor of its fair valuation, purchase, and take over the property and plant of the grantee in whole or in part; such valuation shall be made as provided in the grant, but shall not include any value of the franchise or right of way through the streets, or any earning power of such property. The valuation may include, as part of the cost of the plant, interest on actual investment during the period of construction, and prior to operation. Such grant may provide that if the purchase is made within five years of the time when the franchise is granted, the city shall pay an additional sum or bonus of not to exceed ten per centum (10%) on the actual value of the tangible property, exclusive of the franchise value, which additional sum or bonus shall be reduced proportionately from such five-year period to the end of the franchise period when no bonus shall be given.

The procedure to effect such purchase shall be as follows:

When the council shall, by resolution, direct that the ~~mayor~~ city manager shall ascertain whether any such property or part thereof, should be acquired by the city, or in the absence of such action of the council, when a petition subscribed by registered electors of the city, equal in number to at least ten per centum (10%) of the ~~last preceding vote cast in the city for all candidates for Governor of the State of Colorado~~ registered electors of the city requesting that the ~~mayor~~ city manager shall ascertain whether any such property or part thereof, should be acquired by the city, shall be filed with the clerk, the ~~mayor~~ city manager shall forthwith carefully investigate said property and report to the council--

- (1) At what probable cost said property may be acquired;
- (2) What, if any, probable additional outlays would be necessary to operate the same;
- (3) Whether, if acquired, it could be operated by city at a profit or advantage in quality or cost of service, stating wherein such profit or advantage consists;
- (4) Whether, if granted, it could be paid out of its net earnings, and, if so, within what time and
- (5) Such other information touching the same as he shall have acquired.

Such report shall be made in writing, shall include a statement of facts in relation thereto with such particularity as will enable the council to judge the correctness of his findings and immediately after submission to the council, shall be filed with the city clerk, recorded in the public utility record, and published once in each of two daily newspapers of general circulation published in the city, or printed and distributed in pamphlet form, as the council may determine.

If a petition subscribed by registered electors of the city, equal in number to at least ten per centum (10%) of the ~~last preceding vote cast in the city for all candidates for Governor of the State of Colorado~~ registered electors of the city, requesting that the question whether or not the city shall acquire said property, shall be submitted to a vote of the people, shall within sixty days after the filing of said report be filed with the clerk, the council shall provide by ordinance for the submission of the question to a vote of the registered electors.

(b) Every grant reserving to the city the right to acquire the plant as well as the property, if any, of the grantee situated in, on, above, or under the public places of the city, or elsewhere, used in connection therewith, shall in terms specify the method of arriving at the valuation therein provided for, and shall further provide that upon the payment by the city of such valuation, the plant and property so valued, purchased and paid for, shall become the property of the city by virtue of the grant and payment thereunder, and without the execution of any instrument of conveyance and every such grant shall make adequate provision by way of forfeiture of the grant, or otherwise, for the effectual securing of efficient service and for the continued maintenance of the property in good order and repair and its continuous use throughout the entire term of the grant. The grant may also provide that in case such reserved right to operate or to take over such plant or property is not exercised by the city, and it shall, prior to payment for the same secure a bid for the property, and grant a new franchise for the same service or utility, as provided in Paragraph c of this section, or grant the right to another person or corporation to operate said utility, so occupied and used by its grantor, under the former grant, that the title to and possession of the plant and property so taken away be transferred directly to the new grantee upon the terms upon which the city may have purchased it.

(c) Whenever any plant or property shall become the property of the City of Grand Junction, the city shall have the option at any time, then or thereafter, either to operate the same on its own account, or by ordinance to lease the same or any part thereof, together with the franchise or right to use the streets or other public property in connection therewith, for periods not exceeding twenty-five years, under such rules and regulations as it may prescribe, or by ordinance to sell the same; provided, however, that no such ordinance shall be adopted except by a majority vote of the registered electors of the city.

Attach W-3

Riverside Parkway Remnants

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject		Riverside Parkway Remnant Properties				
Meeting Date		December 18, 2006				
Date Prepared		December 14, 2006			File #	
Author		Tim Moore Jim Shanks Trent Prall		PW&U Assistant Director Riverside Parkway Program Manager Riverside Parkway Project Manager		
Presenter Name		Mark Relph		Public Works and Utilities Director		
Report results back to Council			No	X	Yes	When As needed
Citizen Presentation			Yes	X	No	Name
X	Workshop		Formal Agenda			Consent
						Individual Consideration

Summary

The Riverside Parkway project created a number of remnant properties as Rights-of-Ways were acquired for the project. Additionally, there were a number of properties the City purchased in their entirety due to the project impacts to the business or residence on the site. There are also a number of properties that are large enough to be redeveloped as new sites. Staff is requesting Council make specific recommendations for the disposal, redevelopment of future City use of these properties. The map below is an overall view of these remnant properties.

Budget

The Riverside Parkway budget anticipates the sale of a number of these properties with the proceeds of the sale being applied to the Parkway construction costs. These specific properties are identified on the following maps.

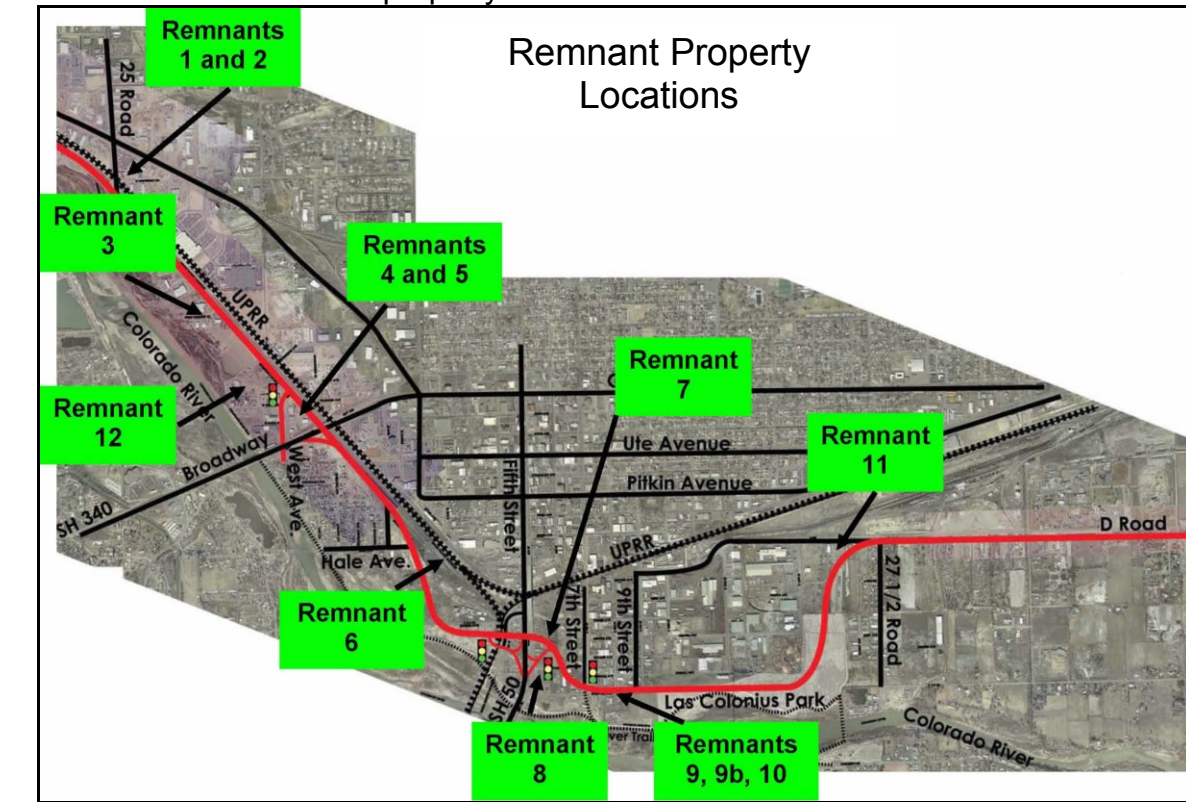
Attachments N/A**Action Requested/Recommendation**

Staff recommends City Council direct staff to:

- Pursue the sale of parcels #1, 2, and 11 at this time.
- Sell Parcel #'s 8, 9a, 10 after the South Downtown Plan is completed in the fall of 2007.
- Parcel #3 will be sold after Riverside Parkway is complete.
- Retain parcels 6a, 6b, 8, 9b & 12 for other City purposes as noted in the Background section of this report.
- Parcel #'s 4, 5 & 7 have already been sold.

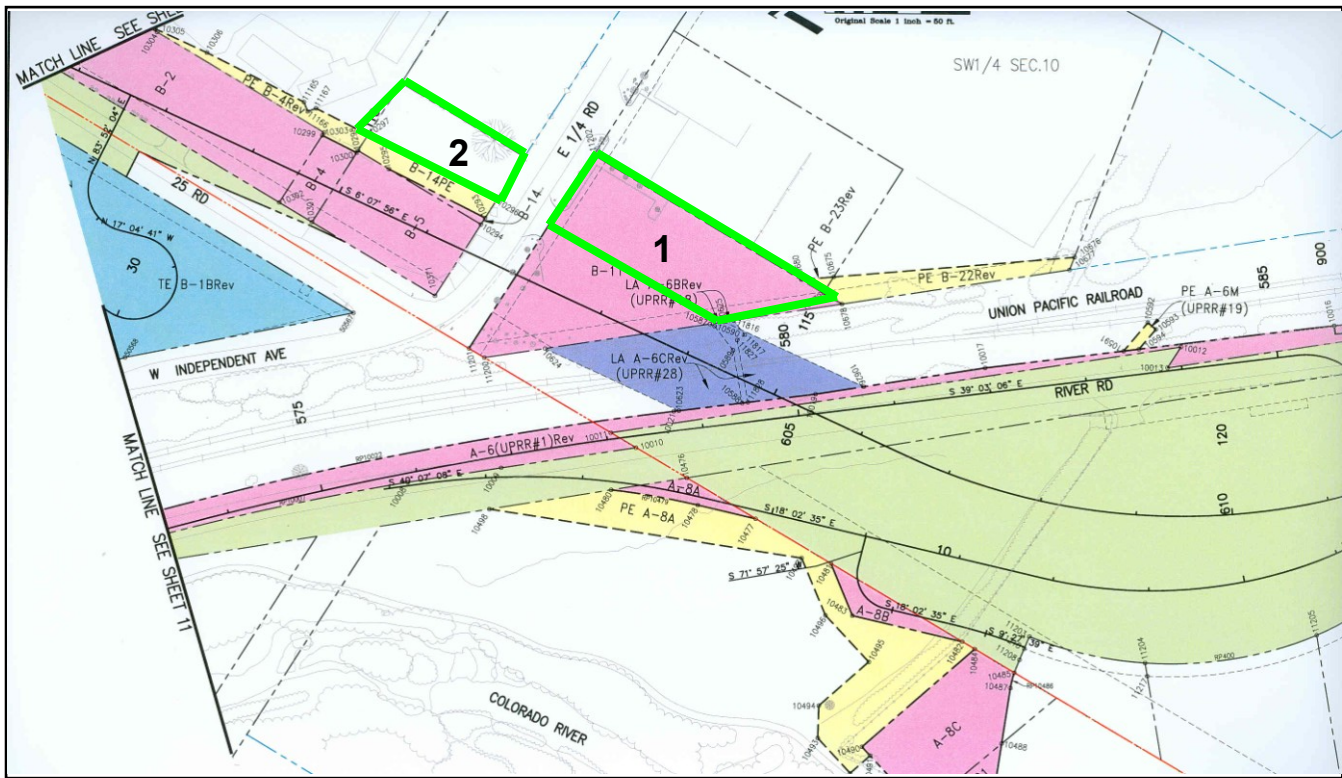
Background Information

The following property location maps identify specific remnant sites and staff's recommendation for each property.



The following is a summary of these remnants,

1. **1555 W. Independent Ave. (TPI site)** has approximately 18,500 sq. ft. of remnant property, and has the potential for a value of \$70,000 to \$80,000 after the construction of the 25 Road overpass. Zoned C-2 and likely uses in this area would include warehouse/office.
Staff recommends the sale of this property for uses consistent in C-2. While the property is large enough to sell as a stand alone property, the highest/best use may be to combine this property with adjacent properties. The adjacent owner has shown interest in adjacent property.
2. **1554 W. Independent Ave. (Kennedy)** was acquired in its entirety for the project and has approximately 12,300 sq. ft. remaining and could have a value of \$46,000 to \$52,000. The property is zoned C-2 and has limited potential for a stand alone use.
Staff recommends the sale of this property for uses consistent in C-2. The adjacent owner has shown interest in adjacent property.

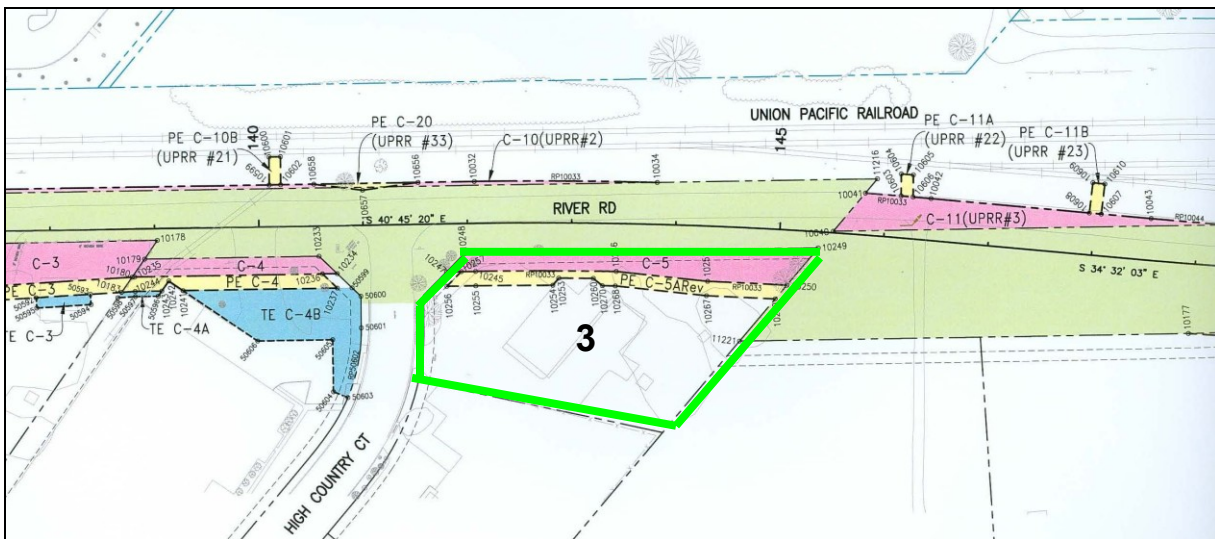


- 3. 2529 High Country Court.** The Riverside Parkway project office could be sold in 2009 for the approximate value of \$450,000 (\$100/SF). Zoned I-1.

Issues to Consider

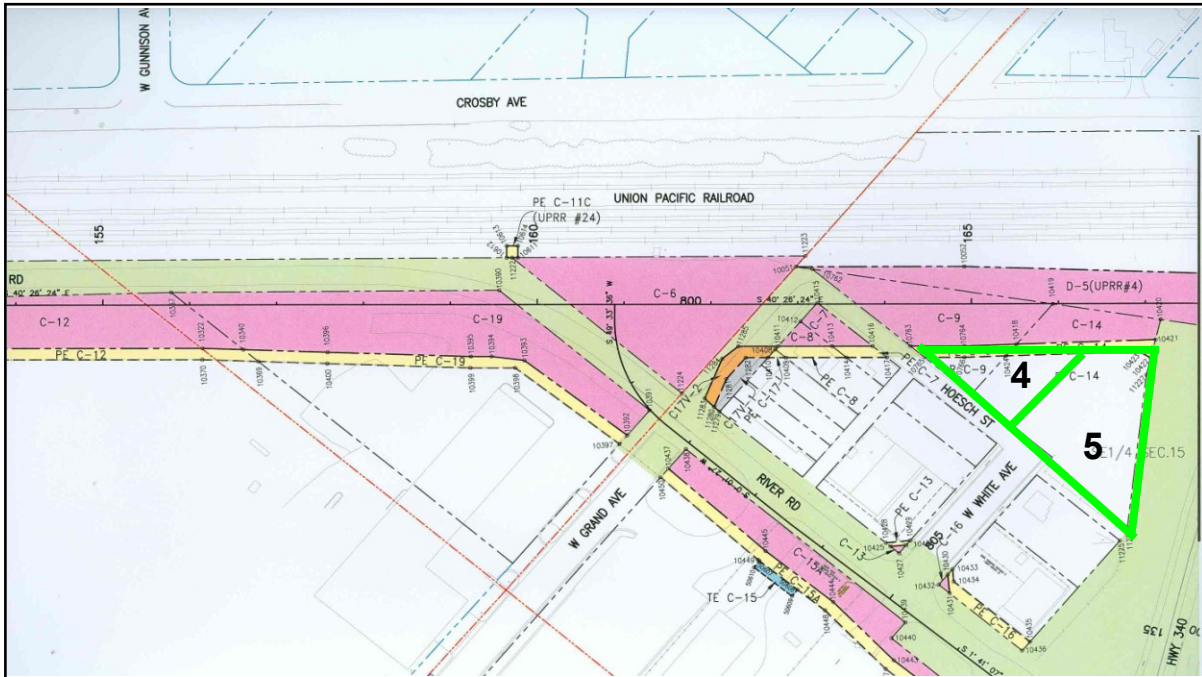
The recent Shops Master Plan study considered this property as a possible addition to the adjacent shops area, but was determined not to be desirable.

Staff recommends that this property be sold in early 2009 after the completion of the Riverside Parkway project.



- 4. 635 W. Grand Ave. (LineX).** This site of approximately 5,000 sq. ft. zoned I-1 was traded to adjacent property owner (WDD Properties) for an approximate value of \$30,000.

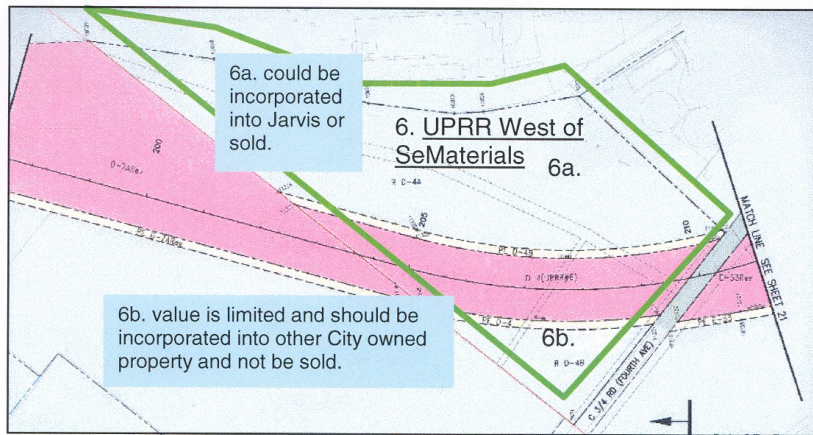
5. **635 W. White Ave. (A&B Asbestos).** This 19,471 sq. ft. remnant, zoned I-1 was sold to the West White Ave. Partnership, LLP for \$79,860 to adjacent property owner EC Electric.



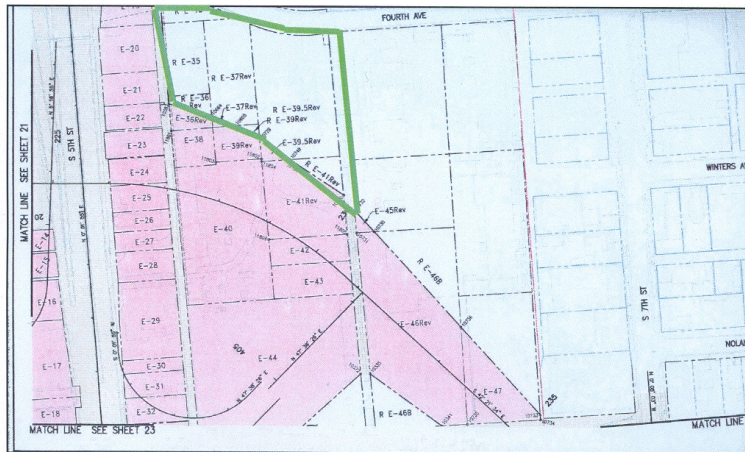
6. **UPRR west of SeMaterials (formerly Koch Asphalt).** General fund is to reimburse the Riverside Parkway for that share of the property purchase in the amount of \$541,000 in 2009 and then use the parcel for future redevelopment. The general fund has also budgeted an additional \$150,000 for cleanup of the site for a total of \$691,000. Zoned I-2.

Issues to Consider

Because this property is adjacent to the Jarvis properties the City currently owns, the City may consider retaining ownership of this property for a period of time to allow the redevelopment plans for the Jarvis site to progress.

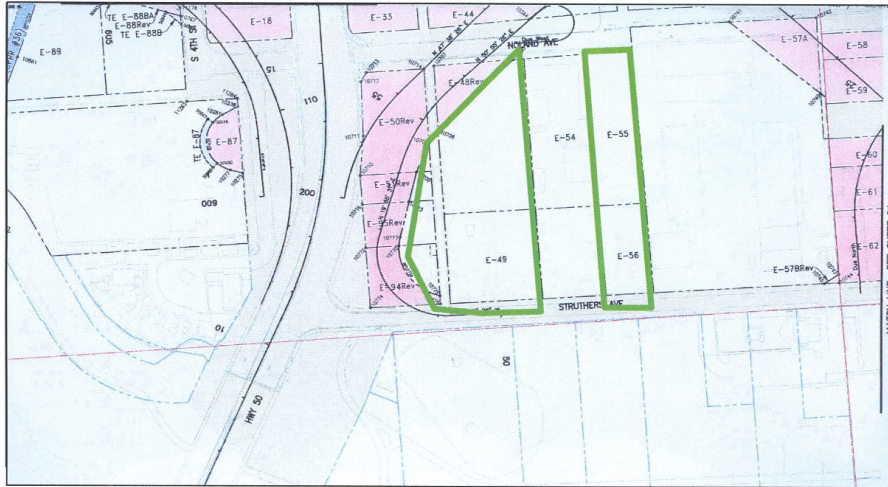


7. **VanGundy remnant.** Approximately 1.5 acres was purchased by VanGundy for \$575,000 in August 2006. The revenue was directed toward Parkway fund. Zoned I-1.



8. **Noland Ave. and Struthers and east of 5th St.** The east parcels (E-55 and E-56) were traded to Elam in partial exchange for the Elam office property. The west parcel (E-49) is approximately 1.54 acres. It has a value of approximately \$350,000 and zoned C-2. The property has high visibility from northbound HWY 50.

Staff recommends retaining the west parcel (E-49) until the South Downtown Plan is completed in August 2007. After that point the property could be sold.



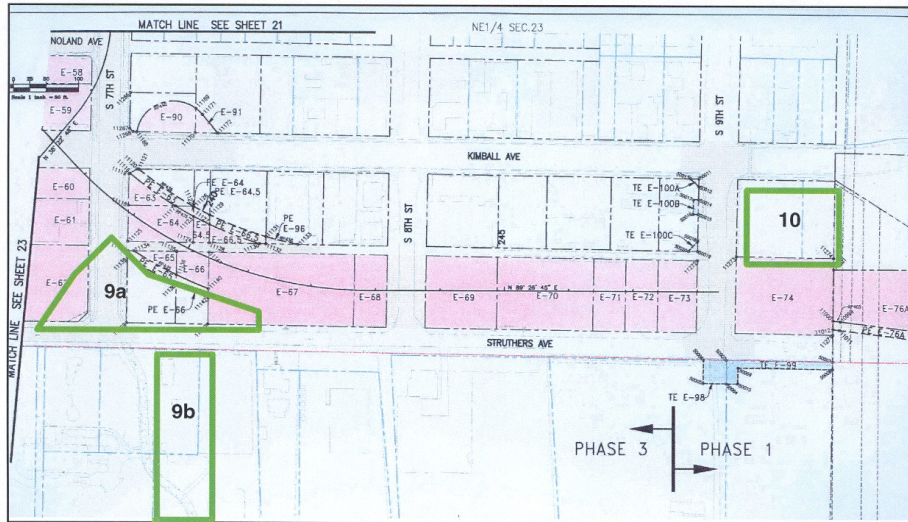
9. **1236 S. 7th St. and 709 Struthers (Bollan).** The City's General Fund is programmed to reimburse the Riverside Parkway \$195,000 in 2008 for the total acquisition of these properties. The re-alignment of 7th Street to the west of the present location could allow the properties north of Struthers Ave. (9a) to be combined with a possible ROW vacation to form one site.
Staff recommends retaining the 9a & 9b properties until the completion of the South Downtown Plan – August 2007.

9a. \$85,000	1301 sq. ft. (0.030 acres)	Zoned C-2
9b. \$110,000	25,000 sq. ft.	Zoned C-2

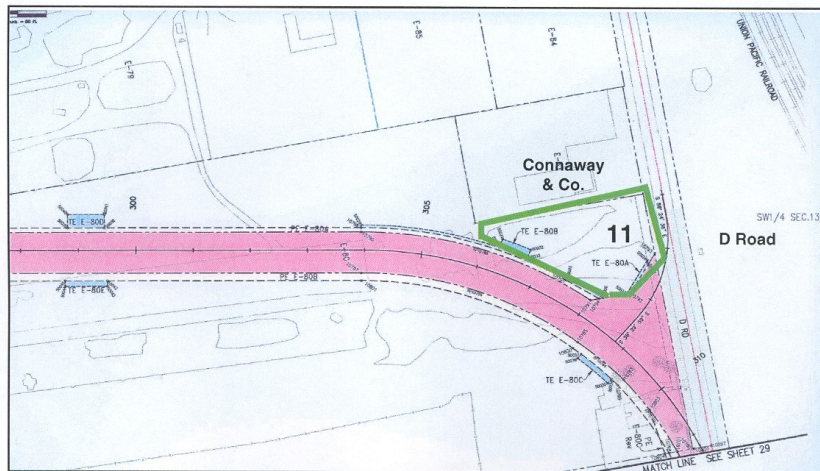
9b. Currently being discussed with the Botanical Gardens as property they might want to lease.

Staff recommends we aggregate the lot to Botanical Garden site ultimately and pursue potential lease with Botanical Gardens.

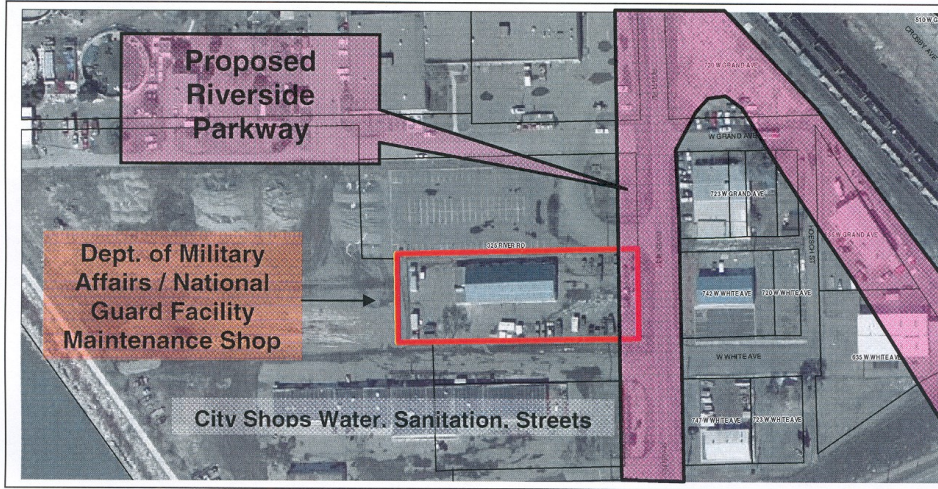
10. **919 Kimball Ave. (Chavez).** Before the alignment through lower downtown was selected this property was listed for sale and the Parkway purchased the property as a protective purchase. Because the alignment selected does not impact the site, this property could be traded or sold. The City's General Fund is programmed to reimburse the Riverside Parkway in 2008 for the estimated value in 2008 which is \$64,000. The 18,208 sq. ft site is zoned I-1.
Staff recommends retaining the site until the South Downtown Plan is completed. After that then pursue the sale.



11. **2741 D Road.** A 38,689 sq. ft. parcel at 15th and Winters Ave. remains from the Parkerson purchase. The property is outside the City limits and is designated as Industrial on the Future Growth Plan Map. The property has an estimated value of \$77,000. Staff believes the property will retain the Industrial zone designation through the South Downtown Planning efforts. **Staff recommends** the property be sold. Council should also consider annexing the property prior to sale to eliminate one step in the development process.



12. National Guard OMS - 325 River Road. The City paid \$988,000 for the building and lease. The Riverside Parkway portion of the purchase was \$300,000. The remaining \$688,000 is to be reimbursed to the Parkway fund from the General Fund. The building is planned to be used for Police evidence storage once the National Guard moves out. Zoned I-1 and would be incorporated into master plan for shops and would not be sold.



Summary of Remnant Estimated Values

Remnant #	Sold to Date	Estimated Value
#1		\$70,000
#2		\$46,000
#3		\$450,000
#4	\$30,000	
#5	\$79,860	
#6a		\$541,000
#6b		
#7	\$575,000	
#8		\$350,000
#9a		\$85,000
#9b		\$110,000
#10		\$64,000
#11		\$77,000
#12		\$688,000
Totals	\$684,860	\$2,481,000

- Property Sold to Date (#4, 5, 7) \$ 684,860
- Properties to be sold (#11) \$ 77,000
- Properties to be sold in 2009 (Riverside Parkway Office) \$ 566,000
- \$1,327,860

- Reimbursement from General Fund in 2008 \$ 947,000
- Reimbursement from General Fund in 2009 \$ 541,000
- \$ 947,000

Total Reimbursement for Remnant Properties
to Riverside Parkway project \$2,815,860

- 1) Property sales programmed to Parkway fund \$2,815,860
- 2) Property purchased by general fund \$ 350,000

Attach W-4
Botanical Gardens

TO: Dave Varley, City Manager
FROM: Joe Stevens, Director of Parks & Recreation
DATE: December 5, 2006
SUBJECT: Botanical Gardens

The City Council directed staff to develop alternatives for operations at Western Colorado Botanical Gardens. Alternatives include, but are not limited to:

Alternative #1: Enter into a five (5) year agreement with the Western Colorado Botanical Gardens. Estimated annual cost to City is \$35,000.

The Botanical Gardens agrees to meet all debt and creditor obligations. Failure to do so will, at the City's discretion, result in termination of the agreement.

The City will routinely check and make recommendations on mechanical and heating and cooling system maintenance and upkeep. The Botanical Gardens will be responsible for making necessary repairs unless the City, at its sole and absolute discretion, agrees to participate.

The City will assume all cost associated with cleaning the Botanical Garden restrooms provided restrooms remain open for Riverfront Trail patrons.

The City will contribute a maximum of \$25,000 annually, during the term of the agreement, to cover gas, electric, water, and sewer at the Botanical Gardens. Utility costs exceeding \$25,000/year will be the responsibility of the Botanical Gardens. WCBC's failure to cover any shortfall will result in termination of the agreement.

During the term of the agreement, the Botanical Gardens will file an annual report with the City detailing all in-kind labor and donations including but not limited to energy conservation and cost savings measures that have been implemented, programming efforts with successes and one's that did not live up to expectations, participation levels and voluntary assistance. Additionally, the Botanical Gardens will provide an annual report on memberships, gardens and exhibits, special events, partnerships, revenue generators, fund balances, and a ten year capital improvement plan including funding to initiate and maintain the improvement(s).

During the term of the agreement the, the Botanical Gardens will be responsible for grounds maintenance, exhibits, interior maintenance, retail space, office space, amphitheater, etc.

In 2007, the City will provide up to \$10,000 for repairs to mechanical systems, roof panels and insulation enhancements with the expectation that heating and cooling costs may be reduced.

Alternative #2: The City agrees to pay off existing Long Term debt and the Western Colorado Botanical Society transfers ownership to the City. Estimated one time expense, to the City, of \$125,000.

The City will agree to payoff the outstanding long term debt (approximately \$108,000) and in return the Western Colorado Botanical Gardens agrees to transfer ownership to the City. The City and the Botanical Gardens enter into a five year agreement stating that the Western Colorado Botanical Gardens is responsible for day-to-day operations and capital improvements, summarized as follows:

The Botanical Gardens agrees to meet all debt and creditor obligations. Failure to do so will, at the City's discretion, result in termination of the management agreement and the City may utilize assets and the site as determined by the City.

The City will routinely check and make recommendations on mechanical and heating and cooling system maintenance and upkeep. The Botanical Gardens will be responsible for making necessary repairs unless the City, at its sole and absolute discretion, agrees to participate.

The City will assume all cost associated with cleaning the Botanical Garden restrooms provided restrooms remain open for Riverfront Trail patrons.

During the term of the agreement, the Botanical Gardens will file an annual report with the City detailing all in-kind labor and donations including but not limited to energy conservation and cost savings measures that have been implemented, programming efforts with successes and one's that did not live up to expectations, participation levels and voluntary assistance. Additionally, the Botanical Gardens will provide an annual report on memberships, gardens and exhibits, special events, partnerships, revenue generators, fund balances, and a ten year capital improvement plan including funding to initiate the plan.

During the term of the agreement the, the Botanical Gardens will be responsible for grounds maintenance, exhibits, interior maintenance, retail space, office space, amphitheater, etc.

In 2007, the City will provide up to \$10,000 for repairs to mechanical systems, roof panels and insulation enhancements with the expectation that heating and cooling cost will be reduced.

Alternative #3: The City agrees to purchase fixed assets and to pay off the long term debt at the Western Colorado Botanical Gardens. Estimated one time expense, to the City, of \$358,000.

The City agrees to payoff the outstanding long term debt (approximately \$108,000) on the Gardens and agrees to pay the Botanical Gardens \$250,000 for their fixed assets (assets valued at \$1.5 million according to the Western Slope Botanical Gardens). In return, the Botanical Gardens transfers ownership to the City and the City agrees to permit the Botanical Gardens to operate under an agreement that shall include:

The Botanical Gardens shall payoff all outstanding obligations (utilities, credit cards, staff salaries, etc.)

Any balances following payment of outstanding obligations shall be used, by the Botanical Gardens, to make necessary repairs to the structure.

The Botanical Gardens will lease the gardens from the City for an initial 5 year period for \$1.00/year and will be solely responsible for maintenance, utilities, upkeep, and programming. The Botanical Gardens shall be responsible for identifying, funding, and implementing a capital improvement program subject to approval by the City.

During the term of the agreement, the Botanical Gardens will file an annual report with the City detailing all in-kind labor and donations including but not limited to energy conservation and cost savings measures that have been implemented, programming efforts with successes and one's that did not live up to expectations, participation levels and voluntary assistance. Additionally, the Botanical Gardens will provide an annual report on memberships, gardens and exhibits, special events, partnerships, revenue generators, fund balances, and a ten year capital improvement plan including funding to initiate the plan.

Failure of the Botanical Gardens to live up to the terms and conditions of the agreement may, at the City's sole and absolute discretion, result in the termination of the agreement and the City using the site and assets as determined by City Council.

Summary:

There are obviously strengths and weaknesses to each alternative and a number of amendments that could be incorporated dependent on how City Council would like to proceed. Based on comments, from the community, regarding both the South Downtown Plan and the Las Colonias Master Plan, the land on which the Western Colorado Botanical Gardens rest is often referenced as one of the potential "pearls" along the river resting between two other gems (albeit that need a lot of polish) known as Jarvis and Las Colonias Park. The Botanical Gardens is also one of the most visible

gateways to the Colorado Riverfront Greenway with a prominent location at the south end of Seventh Street. Whether or not the Botanical Gardens continues to operate at this location, on City owned land, may be dependent upon City Council deciding what, if any role, the City wishes to play in supporting the Botanical Gardens and whether or not this is the best and most appropriate long term use for the site.



December 12, 2006

Grand Junction Parks & Recreation
Attn: Joe Stevens
1340 Gunnison Avenue
Grand Junction, CO 81501

Dear Joe:

A sincere thank you for the time and effort to formulate the three alternatives you presented to Bob Suydam and me on December 5th. As a result of that meeting, I called a Special Meeting of our Board of Directors, which was held on December 11.

After a great deal of discussion we unanimously agreed that the most favorable alternative is Number 1. While we understand that the final decision will be made by David Varley and Council, we would like to state the reasons we think that alternative is best.

- It provides relief from our utility bills and maintenance of the City's restrooms which will allow us to pay off outstanding debt.
- It instills confidence in WCBG to re-visit our plan for the future and to put in place policies and activities which will ensure the financial stability of WCBG after the term of the agreement.
- It allows WCBG to make much-needed repairs and improvements which will not only extend the life of our mechanical systems, but also improve the energy efficiency of our greenhouses.
- It allows WCBG to retain all fixed assets which were put in place through the hard work, funding, dedication, and commitment of our founders, volunteers, grantors, staff and donors.
- It helps make possible the ongoing realization of a dream – a vibrant, growing Botanical Gardens owned and operated by WCBS.
- It offers the potential for City's recommendations and participation in mechanical systems maintenance and repair.

The benefit to the City of Alternative Number 1 would be:

- Participation in the ongoing development and beautification of what was, just 10 years ago, a salvage yard – creating a valuable asset for the City and County and the “Jewel in the Crown of the Riverside Parkway” and Riverfront Trail System
- Significantly less monetary expenditure for the City than Alternative Number 3
- Significantly less involvement for the City than Alternative Number 2 or 3

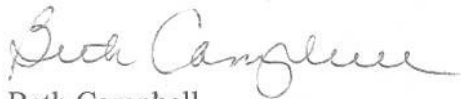
- Providing a south downtown destination for recreation, education and cultural activities
- Offer use of our facilities for City events/meetings
- A dedicated Board of Directors who have in the past and will continue to “grow” the gardens and operate all programs and projects with the goal of increasing membership numbers, visitation, and fulfilling our objective to be an integral part of the scientific and cultural community

WCBG would like the City to consider the following as part of any forthcoming agreement:

- Expediting and funding the boundary adjustment (initiated in 2005).
- Include WCBG’s special events, concert series, workshops/classes in City publications
- Website link
- Refer overflow of Two Rivers weddings and receptions to WCBG
- Two Rivers catering for our special events

The Board of Directors and I appreciate the City’s willingness to listen to our concerns and its efforts to assist us in ensuring that WCBG remains a viable entity. We look forward to speaking with you, David Varley, and Council at a workshop in the near future. Please let me know if you need any further information or clarification.

Best Regards,



Beth Campbell
President, Board of Directors