

To access the Agenda and Backup Materials electronically,
go to www.gjcity.org – Keyword e-packet

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

WEDNESDAY, JANUARY 3, 2007, 7:00 P.M.

Call to Order

Pledge of Allegiance
Invocation – Retired Pastor Eldon Coffey

Proclamations / Recognitions

*** Oath of Office to New Firefighters

Proclaiming January 2007 as “National Mentoring Month” in the City of Grand Junction

Proclaiming January 15, 2007 as “Martin Luther King, Jr. Day” in the City of Grand Junction

Certificate of Appointments

To the Visitor and Convention Bureau Board of Directors

Citizen Comments

***** CONSENT CALENDAR ***[®]**

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

Action: Approve the Summary of the December 18, 2006 Workshop and the Minutes of the December 20, 2006 Regular Meeting

2. **Meeting Schedule and Posting of Notices** [Attach 2](#)

*** Indicates New Item

[®] Requires Roll Call Vote

State Law requires an annual designation of the City's official location for the posting of meeting notices. The City's Code of Ordinances, Sec. 2-26, requires the meeting schedule and the procedure for calling special meetings be determined annually by resolution.

Resolution No. 01-07 – A Resolution of the City of Grand Junction Designating the Location for the Posting of the Notice of Meetings, Establishing the City Council Meeting Schedule, and Establishing the Procedure for Calling of Special Meetings for the City Council

®Action: *Adopt Resolution No. 01-07*

Staff presentation: Stephanie Tuin, City Clerk

3. **Setting a Hearing for the Authorization of the Issuance of \$22,925,000 in Bonds for the Riverside Parkway Project** [Attach 3](#)

The issuance of City of Grand Junction, Colorado, General Fund Revenue Bonds, series 2007, and other funds should complete the Riverside Parkway project by the end of 2008.

Proposed Ordinance Authorizing the Issuance of City of Grand Junction, Colorado, General Fund Revenue Bonds, Series 2007, and Pledging Certain Revenues of the City for the Payment of the Bonds

Action: *Introduction of Proposed Ordinance and Set a Hearing for January 17, 2007*

Staff presentation: Ron Lappi, Administrative Services and Finance Director

4. **Setting a Hearing on Zoning the Apple Acres Annexation, Located at 3025 E Road** [File #ANX-2006-302] [Attach 4](#)

Request to zone the 8.84 acre Apple Acres Annexation, located at 3025 E Road, to RMF-5 (Residential Multi Family 5 du/ac).

Proposed Ordinance Zoning the Apple Acres Annexation to RMF-5 Located at 3025 E Road

Action: *Introduction of Proposed Ordinance and Set a Hearing for January 17, 2007*

Staff presentation: Adam Olsen, Associate Planner

5. **Setting a Hearing for the River Trail Annexation, Located at 3141 D Road** [File #ANX-2006-330] [Attach 5](#)

Request to annex 17.405 acres, located at 3141 D Road. The River Trail Annexation consists of one parcel.

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

Resolution No. 02-07 – A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation, and Exercising Land Use Control, River Trail Annexation, Located at 3141 D Road

®Action: *Adopt Resolution No. 02-07*

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, River Trail Annexation, Approximately 17.405 Acres, Located at 3141 D Road

Action: *Introduction of Proposed Ordinance and Set a Hearing for February 7, 2007*

Staff presentation: Ken Kovalchik, Senior Planner

6. **Contract for the Pepsi Lift Station Elimination and Highway 340 Bore** [Attach 6](#)

The Pepsi Lift Station is 28 years old and in need of replacement. This project will enable the City to eliminate the Pepsi Lift Station entirely, providing a more efficient and economical means of conveying sewage from this service area.

Action: Authorize the City Manager to Execute a Contract for the Elimination of the Pepsi Lift Station and Construction of a Bore Across Hwy. 340 to Connect to the Rosevale Lift Station with Brannan Construction in the Amount of \$296,630.20

Staff presentation: Mark Relph, Public Works and Utilities Director

7. **Grant Application for Watershed Protection** [Attach 7](#)

Grant application to the Department of Local Affairs (DOLA) for Energy Impact Assistance grant: Watershed ground and surface water characterization. This will be used in conjunction with the community plan of development process now underway with the BLM, the Town of Palisade, and Genesis Oil and Gas.

Action: Approve Submittal of Grant Application and Authorize the City Manager to Sign the Application

Staff presentation: Greg Trainor, Public Works and Utilities Operations Manager

***8. **Setting a Hearing on Referring Charter Amendments to the April 3, 2007 Regular Municipal Election** [Attach 15](#)

The City Council reviewed the proposed Charter amendments and directed City Staff to draft the ballot questions for the April 3, 2007 regular municipal election.

Proposed Ordinance Placing Charter Amendments to Repeal Obsolete Provisions, Bring the Charter into Compliance with Certain State Law Provisions, Allow the Publication of Proposed Ordinances by Title Only, and to Change the Number of Required Signatures on a Petition to Ascertain if the City Should Purchase a Franchise; on the Election Ballot for the Regular Municipal Election to be Held the 3rd day of April, 2007

Action: Introduction of a Proposed Ordinance and Set a Hearing for January 17, 2007

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

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

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

8. Public Hearing – Adopt the 2006 Edition of the International Fire Code

[Attach 8](#)

Adoption of an ordinance for the 2006 edition of the International Fire Code, which is part of the 2006 International Code set currently being adopted by the City.

Ordinance No. 4012 – An Ordinance Adopting the 2006 Edition of the International Fire Code Prescribing Regulations Governing Conditions Hazardous to Life and Property from Fire or Explosion; Amending Certain Provisions in the Adopted Code; Amending Article III of Chapter 18 of the Code of Ordinances; and Amending all Ordinances in Conflict or Inconsistent Herewith

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 4012

Staff presentation: Charles Mathis, Fire Inspector
John Shaver, City Attorney

9. Public Hearing – Adopt the 2006 Edition of Building Related Codes [Attach 9](#)

The proposed ordinance will adopt the 2006 Code Editions of the International Building, Residential, Plumbing, Mechanical, Fuel Gas, Property Maintenance and Energy Conservation, plus the 2005 Edition of the National Electric Code as adopted by the State of Colorado. These codes regulate building construction.

Ordinance No. 4013 – An Ordinance Adopting and Amending the Latest Edition of the International Building Code, the International Plumbing Code, the International Mechanical Code, the International Fuel Gas Code, the International Property Maintenance Code, the International Residential Code, the National Electric Code, and the International Energy Conservation Code to be Applied Throughout the City of Grand Junction with Certain Amendments Regulating the Erection, Construction, Enlargement, Alteration, Repair, Moving, Removal, Demolition, Conversion, Occupancy, Equipment, Use, Height, Area and Maintenance of all Buildings or Structures in the City of Grand Junction; and Repealing all other Ordinances and Parts of Ordinances in Conflict Herewith

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 4013

Staff presentation: Mark Relph, Public Works and Utilities Director
John Shaver, City Attorney

10. **Fee Schedules for Permits and Other Actions under the International Building Related and Fire Codes** [Attach 10](#)

Adoption of a resolution which will set fees for the 2006 Editions of the International Code set, including the International Building, Residential, Plumbing, Mechanical, Fuel Gas, Property Maintenance and Energy Conservation Codes, the Fire Code, and the 2005 Edition of the National Electric Code as adopted by the State of Colorado.

Resolution No. 03-07 – A Resolution Setting Building Code Fees Under the International Building, Residential, Plumbing, Mechanical, Fuel Gas, Property Maintenance, and Energy Conservation Codes as Well as the National Electric Code and Setting Fees for Operational and Construction Permits and False Alarm Fees for the International Fire Code in the City of Grand Junction, Colorado

®Action: Adopt Resolution No. 03-07

Staff presentation: Mark Relph, Public Works and Utilities Director
Charles Mathis, Fire Inspector
John Shaver, City Attorney

11. **Public Hearing – Create Alley Improvement District 2007** [Attach 11](#)

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

- East/West Alley from 3rd to 4th, between Ouray Avenue and Chipeta Avenue
- North/South & East/West Alleys from 7th to 8th, between Teller Avenue and Belford Avenue
- East/West Alley from 10th to 11th, between Ouray Avenue and Chipeta Avenue
- East/West Alley from 12th to 14th, between Elm Avenue and Texas Avenue
- North/South Alley from 17th to 18th, between Ouray Avenue and Chipeta Avenue
- North/South Alley from 22nd to 23rd, between Ouray Avenue and Gunnison Avenue

Resolution No. 04-07 – A Resolution Creating and Establishing Alley Improvement District No. ST-07 Within the Corporate Limits of the City of Grand Junction,

Colorado, Authorizing the Reconstruction of Certain Alleys, Adopting Details, Plans and Specifications for the Paving Thereon and Providing for the Payment Thereof

®Action: *Hold a Public Hearing and Adopt Resolution No. 04-07*

Staff presentation: Mark Relph, Public Works and Utilities Director

12. **Public Hearing – Hall Growth Plan Amendment, Located at 748 and 778 22 Road** [File #GPA-2006-240] [Attach 12](#)

A request to amend the Growth Plan, changing the Future Land Use designation from "Estate" (one unit per 2 to 5 acres) and "Rural" (one unit per 5 to 35 acres) to "Commercial/Industrial" for fifty-two acres located at 748 and 778 22 Road.

Resolution No. 05-07 – A Resolution Amending the Growth Plan of the City of Grand Junction to Designate Approximately 52 Acres Located at 748 & 778 22 Road, from "Estate" and "Rural" to "Commercial/Industrial"

®Action: *Adopt Resolution No. 05-07*

Staff presentation: Kathy Portner, Assistant Director of Community Development

13. **Public Hearing – Kelley Growth Plan Amendment, Located at 849 21 ½ Road** [File #GPA-2006-249] [Attach 13](#)

A request to amend the Growth Plan, changing the Future Land Use designation from "Rural" (one unit per 5 to 35 acres) to "Commercial/Industrial" for 10.7 acres, located at 849 21 ½ Road.

Resolution No. 06-07 – A Resolution Amending the Growth Plan of the City of Grand Junction to Designate 10.7 Acres, Located at 849 21 ½ Road, from "Rural" to "Commercial/Industrial"

®Action: *Adopt Resolution No. 06-07*

Staff presentation: Kathy Portner, Assistant Director of Community Development

14. **Conduct a Hearing on an Appeal of a Planning Commission Decision to Deny the Pinnacle Ridge Preliminary Plan, Located Northeast of Monument Road and Mariposa Drive** [File #PP-2005-226] – Continued from December 6, 2006

[Attach 14](#)

Appeal of the Planning Commission denial of the Pinnacle Ridge Preliminary Plan, consisting of 72 single family lots on 45.33 acres in a RSF-2 (Residential Single Family, 2 du/ac) zone district.

Action: Continue the Consideration

Staff presentation: Kathy Portner, Assistant Director of Community Development

15. **Non-Scheduled Citizens & Visitors**
16. **Other Business**
17. **Adjournment**

Attach 1
Minutes from Previous Meetings

GRAND JUNCTION CITY COUNCIL
WORKSHOP SUMMARY
December 18, 2006

The City Council of the City of Grand Junction, Colorado met on Monday, December 18, 2006 at 7:01 p.m. in the City Hall Auditorium to discuss workshop items. Those present were Councilmembers Teresa Coons, Bruce Hill, Gregg Palmer, Doug Thomason, and Council President Jim Doody. Absent were Councilmembers Bonnie Beckstein and Jim Spehar.

Summaries and action on the following topics:

- 1. PROPOSED CHARTER AMENDMENTS:** The City Clerk and the City Attorney presented 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.

City Clerk Stephanie Tuin noted that there are three categories of suggested changes: a number of housekeeping items, items to change in order for the Charter to be compliant with current law and three substantive changes. City Attorney Shaver added one additional change to Section 70, a deletion of the words "for a violation thereof". He noted that it has been a long time since the Charter has had any amendments. It is common to see the State ballot have a question deleting obsolete provisions, which would be similar to this request, for the majority of the changes proposed. City Clerk Tuin noted that the City is in the middle of updating the entire Code so the timing would be such that the Charter would be reprinted anyway.

The Council asked for clarification on a number of the provisions and Staff responded to those inquiries. There was a discussion on Section 101 No Extra Compensation and how that might coordinate with the new Statewide, voter-approved ethics amendment, Amendment 41. City Attorney Shaver said the standard to avoid any appearance of conflict is for no additional compensation to be accepted, recognizing there might be some diminimus kinds of things, and that the Charter will be the ruling document in the case of a Home Rule City. City Attorney Shaver said that it is possible that additional ethics rules could be adopted, however it is his opinion that this Charter provision suffices under the provisions of Amendment 41.

Councilmember Hill asked for confirmation that a number of the administrative provisions proposed to be deleted are being done anyway and those actions will

not be affected by the removal of those items from the Charter. Staff confirmed that to be so.

City Clerk Tuin noted the differences in the number of signatures required for the two substantive changes regarding recall petitions and Section 125 for clarification purposes.

Councilmember Thomason asked how such a ballot question would be worded so that it is clear to the voters. City Attorney Shaver said the question would be developed so that the Sections affected are identified but it would not contain word for word changes. Different options were discussed including doing a portion of the amendments at a time, grouping them by subject, and limiting the number of pages for the ballot. It was noted that the April election is a mail ballot so that gives the voters the time and opportunity to review the questions posed.

Councilmember Hill suggested that an ordinance be brought forward that requires regular review of the Charter so that this number of amendments do not accumulate. The City Attorney stated that can be done.

Action Summary: Staff was directed to construct four ballot questions, one for each substantive items and one for the housekeeping items for referral to the ballot. The City Council also wanted to see an ordinance that requires regular review of the Charter.

2. **RIVERSIDE PARKWAY PROPERTY REMNANTS:** Public Works & Utilities Director Mark Relph reviewed the recommendations for the disposal, redevelopment or future City use of the remnant properties not needed for the Riverside Parkway. Mr. Relph reviewed area by area and each of the parcels that are remaining after the Parkway construction. He reviewed the value and interest for each of the potential purchasers. He suggested the City not sell these properties adjacent to the construction until the Parkway construction in those areas are complete, towards the end of next year. The Riverside Parkway office will not be needed by the City after the Parkway is complete and is valued at \$450,000.

City Manager David Varley advised that the State identified Parcel 3, the Parkway office, as a good location for the E-85 fueling area and said Parcels 4 and 5 have already been traded or sold.

Mr. Relph then reviewed that Parcel 4 was traded to WDD Properties and Parcel 5 was sold to EC Electric. He said Parcel 6 is bisected by the Parkway and it is recommended that the City retain this parcel and perhaps incorporate it into the redevelopment of the Jarvis Property. Parcel 7 was sold to Van Gundy and a portion Parcel 8 has been traded to Elam Construction and the remainder of the

property Staff is recommending the City retain until the South Downtown Plan is complete. Regarding Parcel 9 (a & b), Staff is recommending those be retained, (a) for the South Downtown Plan and (b) for use by the Botanical Gardens. Parcel 10 should be retained until the South Downtown Plan is completed and then the property can be sold. There is interest in Parcel 11 by Parkerson Construction who previously owned the property. He said Staff recommends the parcel be annexed before being sold back to Parkerson Construction. Mr. Relph said Parcel 11 is the Armory and that building is planned to be used by the Police Department. He said some of the proceeds from the sale of those properties should return back to the Riverside Parkway Fund in an amount of \$1.3 million. Other properties will be “purchased” by the General Fund to also reimburse the Riverside Parkway Fund.

Councilmember Hill noted that Staff is on track but the current fair market value needs to be used at the time of sale.

Councilmember Palmer voiced his concern that the City continues to acquire properties and has no plans for each of them. He wants to be cautious in not letting parcels stay in the City’s possession with no plan to develop them.

Councilmember Coons supported the plan presented.

Councilmember Hill supported the sale of Parcel 3, the Parkway office.

Action Summary: The City Council supported Staff’s recommendation for retention and disposal of the remnant properties.

Council President Doody called a recess at 8:30 p.m.

The meeting reconvened at 8:42 p.m.

3. **BOTANICAL GARDENS:** Joe Stevens, Parks and Recreation Director, presented alternatives for City assistance to the Western Colorado Botanical Gardens. Mr. Stevens said alternative #1 is to enter into a five year agreement for an annual cost to the City of \$35,000, \$25,000 would cover the Gardens utility costs and \$10,000 is to replace the solar panels and other repairs and improvements. He said the restrooms are cleaned by a contractor and the Gardens are supposed to pay half but have not been able to participate for a number of years. There is an accountability piece in that the Gardens would be required to file an annual report and would have to meet certain expectations. Alternative #2 is different in that the City would pay off the existing debt plus make some other improvements. He said the City would own all the improvements and have an operating agreement with the Gardens to operate the facility. In Alternative #3, the City would pay off their debt and would acquire all

the fixed assets. The City would also acquire all the facilities and the Gardens would then lease back the facility from the City. Mr. Stevens said the Gardens valued their assets at \$1.5 million and said the City does have an interest in what is on this site due to the City's ownership of the adjacent Los Colonias Park and also the visibility of the property from the Parkway. Mr. Stevens concluded by saying that he believes the Gardens can be an asset but questioned at what cost.

Council President Doody asked if there would be some negotiations possible on the mortgage. Ron Lappi, Finance Director, advised he would have to see the actual agreement, he does not know how favorable the agreement is.

Councilmember Palmer asked if the City could legally acquire donated facilities. City Attorney John Shaver said yes, once donated they are in title of the Gardens.

Beth Campbell, Botanical Gardens board president, and board member Bob Suydam addressed Council. Ms. Campbell advised that the board favors Alternative #1 as it retains their autonomy. She said the Gardens did go to Wells Fargo about their mortgage and were not granted any relief.

Mr. Suydam said that he wrote to Williams Oil and they are willing to pay for the repair of the panels.

Councilmember Coons questioned if Alternative #1 allows for hiring of a full-time Executive Director. Ms. Campbell said no, but perhaps a part-time director would be affordable.

Mr. Suydam said once the Parkway is complete, the Gardens are hoping to have more exposure.

Ms. Campbell said Ashley Furniture has also been helping with a cash infusion and some advertising.

Councilmember Coons questioned if the Gardens could operate without an Executive Director. Ms. Campbell said the board has struggled for 3 years but has done a great job. She said if the Gardens could hire a part-time Executive Director, his or her main job would be fundraising to bring more money into the Gardens. She expressed her appreciation for the help that the City has already provided to the Gardens.

Councilmember Palmer acknowledged the local merchant's assistance. He questioned if some of the capital funds raised could be applied to repairs. Ms. Campbell said not specifically, grants are usually written for capital funds.

Councilmember Hill questioned if there is a way of using grant funding to purchase other property upon which the Gardens resides at, which could free money up for operational expense. He supported some assistance to the Gardens.

Council President Doody asked about the provisions to terminate the agreement. City Attorney Shaver said certainly, if the Gardens default in a number of ways, that could be incorporated into the agreement.

Councilmember Coons stated that Alternative #3 would basically be the default position. City Attorney Shaver said that is correct.

Councilmember Coons said she is not opposed, but has concerns that there is not a permanent staff.

Council President Doody said he believes that the Parkway could be a lifeline for the Gardens, as well as Los Colonias and the South Downtown Plan. He feels that the Gardens must meet their obligations.

Councilmember Palmer said this is a difficult decision. He feels options #2 and #3 do not make sense and is uncomfortable helping with operations and paying for their utility bills. He agreed that the Riverside Parkway will help and encouraged other activities at the Gardens.

Councilmember Coons said she is leaning toward the City being a partner of the Gardens.

Councilmember Palmer questioned if the City should do some recruiting and interviewing to appoint board members. Ms. Campbell said they would take any help.

Councilmember Coons questioned if the City could limit the term of the agreement with no renewal. City Attorney Shaver said, by law, the agreement would be subject to an annual review and in the agreement it could state that the agreement will not go past five years.

Mr. Stevens said the City could pay off a portion of the debt instead of paying for operations and in the agreement it could state that the Gardens would be in default if they fail to pay for their utilities and additional costs. City Attorney Shaver said the City can define the specifics for default.

Councilmember Palmer said he would want to move forward and not just postpone the demise.

Councilmember Thomason agreed to help with some level of support, but would like to hear more about the different options.

Council President Doody said that it sounds like all of Council would like to help the Gardens in some way.

Councilmember Palmer said there is enough interest in the Gardens to get the price of the land in that area that the City does not own. He said Council would like to have more financial information and what it would take to get them current. He said he would like to talk more about helping to augment a board of directors and recruit additional talents.

City Manager David Varley said if the City does not help them financially and quickly they will have to close their doors. He said Alternative #1 is the bare minimum to keep their doors open.

Councilmember Coons feels that there should be performance measures and terms, even if it is a short term fix.

City Manager Varley said the City could look at other alternatives when the budget review is conducted in 2007.

Councilmember Coons said she would like to see something put together to help make a difference right now.

Councilmember Hill stated that Council is willing to help but not necessarily with any of these three alternatives. He feels there will be a positive change in their cash flow with the help from the City with financial investments of real property and the \$25,000 for two years until the Riverside Parkway is completed.

City Manager Varley said the land and improvements are valued at \$175,000 by the assessor.

Councilmember Palmer agreed with Councilmember Hill. He feels that there needs to be an end strategy.

Councilmember Coons said Councilmember Hill's suggestion makes sense and would be a reasonable alternative.

Action Summary: Staff was directed to bring together another alternative that would include the purchase of the land owned by the Gardens and a short term cash infusion and present it at the next workshop.

ADJOURN

The meeting adjourned at 10:05 p.m.

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

December 20, 2006

The City Council of the City of Grand Junction convened into regular session on the 20th day of December 2006, at 7:02 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Bruce Hill, Gregg Palmer, Jim Spehar, Doug Thomason and President of the Council Jim Doody. Also present were City Manager David Varley, City Attorney John Shaver, and City Clerk Stephanie Tuin.

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

Appointments

To the Visitor and Convention Bureau Board of Directors

Councilmember Palmer moved to reappoint Steven Meyer, appoint Brian Berry, Paul Petersen, and Richard Martindale to the Visitor and Convention Bureau Board of Directors for three year terms expiring December, 2009. Councilmember Coons seconded the motion. Motion carried.

To the Public Finance Corporation

Councilmember Hill moved to reappoint Lynn James and appoint David Varley to the Public Finance Corporation for three year terms expiring January, 2010. Councilmember Spehar seconded the motion. Motion carried.

Certificate of Appointment

To the Parks and Recreation Advisory Board

Nick Adams was present to receive his certificate for the Parks and Recreation Advisory Board.

Citizen Comments

There were none.

CONSENT CALENDAR

Councilmember Beckstein read the list of items on the Consent Calendar noting that Item 7 has been postponed (the Rescinding of the Annexation Request for Bookcliff Veterinary Hospital).

It was moved by Councilmember Hill, seconded by Councilmember Palmer and carried by roll call vote to approve Consent Calendar Items #1 through #10 with Item #7 being continued to January 17, 2007.

1. **Minutes of Previous Meetings**

Action: Approve the Minutes of the November 30, 2006 Special Session, the December 1, 2006 Special Session, the Summary of the December 4, 2006 Workshop, and the Minutes of the December 6, 2006 Regular Meeting

2. **Acquisition of City Owned Right-of-Way in Whitewater**

TKAR Properties, LLC ("TKAR") has applied to Mesa County for a Concept Plan pending for a development to be known as Gunnison Ranch. The project is located in the Whitewater area. As part of the Concept Plan approval TKAR must show proof that access is available over the City owned property adjacent to or near the development. As was previously discussed with City Council at its January 16, 2006 work session, TKAR is interested in obtaining street access to the development across City owned property.

Resolution No. 160-06 – A Resolution Approving Designation of City Owned Land in Whitewater as Right-of-Way

Action: Adopt Resolution No. 160-06

3. **Purchase of Property Located at 549 Noland Avenue**

City staff has been negotiating with Dave Murphy for the sale of his property located at 549 Noland Avenue. (The purpose of this acquisition is to continue the revitalization efforts of the south downtown area.) The parties have reached a tentative agreement and a contract has been prepared for the City Manager to sign.

Action: Authorize the City Manager to Sign the Contract to Purchase 549 Noland Avenue

4. **Conduct of the Regular Municipal Election on April 3, 2007**

The City has adopted the Municipal Election Code. In order to conduct the election by mail ballot, the Council must authorize it pursuant to 1-7.5-104 C.R.S. and the City Clerk must submit a Written Plan outlining the details and responsibilities to the Secretary of State. It is recommended that the City again contract with Mesa County to conduct this election by mail ballot. They have the equipment on site and are able to prepare, mail out and process the ballots more efficiently than the City.

Resolution No. 161-06 – A Resolution Authorizing a Mail Ballot Election in the City of Grand Junction Regular Municipal Election on April 3, 2007, Authorizing the City Clerk to Sign the Intergovernmental Agreement with Mesa County Clerk and Recorder and Approving the Written Plan for the Conduct of a Mail Ballot Election

Action: Adopt Resolution No. 161-06

5. **Conduct of the DDA TIF Bond Election on April 3, 2007**

In order for additional bonds to be issued under Tax Increment Financing (TIF), a question must be presented to the qualified electors of the DDA for approval. The City Council has the option of conducting the DDA TIF election by mail ballot in-house, apart from the regular spring election.

Resolution No. 162-06 – A Resolution Authorizing a Mail Ballot Election in the Grand Junction Downtown Development Authority for the April 3, 2007 Special Election, Authorizing the City Clerk to Sign the Intergovernmental Agreement with Mesa County Clerk and Recorder and Approving the Written Plan for the Conduct of a Mail Ballot Election

Action: Adopt Resolution No. 162-06

6. **Annual Hazardous Materials Agreement with Mesa County**

The Fire Department is requesting renewal of the City of Grand Junction/Mesa County Intergovernmental Agreement for the Grand Junction Fire Department to provide Superfund Amendment Reauthorization Act (SARA) and Designated Emergency Response Authority (DERA) services to Mesa County outside the City of Grand Junction. The DERA services are for response to accidents involving the release of hazardous materials. The SARA program involves collection of information regarding storage, handling, and manufacturing of hazardous materials.

Action: Authorize the Mayor to Sign the Annual SARA/DERA Agreement with Mesa County

7. **Rescinding the Annexation Request for the Bookcliff Veterinary Hospital Annexation Located at 564 29 Road** [File #ANX-2005-076]

A request to rescind the annexation request for the 2.93 acre Bookcliff Veterinary Hospital property located at 564 29 Road.

Action: Continued to January 17, 2007

8. **Revocable Permit for Canyon View Car Wash LLC for Retaining Wall and Landscaping Located at 2258 Broadway** [File #CUP-2003-024]

A request to install a retaining wall for a driveway entrance in the Kansas Avenue right-of-way and also required landscaping in the Kansas Avenue, Broadway and Redlands Parkway rights-of-way, located adjacent to 2258 Broadway.

Resolution No. 164-06 – A Resolution Concerning the Issuance of a Revocable Permit to Canyon View Car Wash LLC, Located at 2258 Broadway

Action: Adopt Resolution No. 164-06

9. **Construction Contract for Somerville Supply Waterline**

The Somerville Supply Waterline is a supplemental raw water supply for the City of Grand Junction. The project will install approximately 4 ½ miles of 12" PVC pipe and deliver it to the existing Kannah Creek Supply line.

Action: Authorize the City Manager to Sign a Construction Contract for the Somerville Supply Waterline to Downey Excavation, Inc., Montrose, in the Amount of \$711,025.00

10. **Purchase of Stormwater Easement from Mervyn's for the Ranchmen's Ditch Project**

The City has entered into a contract to purchase a perpetual stormwater easement, temporary construction easements and a longitudinal temporary easement across a portion of the Mervyn's property at Mesa Mall for the Independent Ranchman's Ditch Project. The City's obligation to purchase this property is contingent upon Council's ratification of the purchase contract.

Resolution No. 165-06 – A Resolution Authorizing the Purchase of a Perpetual Storm Water Easement, Temporary Construction Easements and a Longitudinal

Temporary Easement at 2424 Hwy 6 & 50 from Mervyn's Department Store (MDS Realty, LLC)

Action: Adopt Resolution No. 165-06

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Public Hearing – Create The Bluffs Sanitary Sewer Improvement District No. SS-48-06 and Award the Contract for Construction

A majority of the owners of real estate located in the area east of 23 Road and between Terry Court and the Colorado River have submitted a petition requesting an improvement district be created to provide sanitary sewer service to their respective properties, utilizing the septic sewer elimination program to help reduce assessments levied against the affected properties. This is the final step in the formal process required to create the proposed Improvement District.

The public hearing was opened at 7:10 p.m.

Mark Relph, Public Works and Utilities Director, reviewed this item. He explained the process to form a sewer improvement district and the estimated cost for each of the property owners on this particular district is \$10,341. He said if Council were to approve the project, Staff requests that Council also award the contract for the construction.

Council President Doody asked Mr. Relph to elaborate on the City/County contribution for the cost through the Septic Elimination Fund. Mr. Relph deferred to Utilities Engineer Bret Guillory to elaborate on the requirement to connect.

Mr. Guillory advised that typically about 30% of the owners will connect right away after the construction. He said the rest of the property owners will only have to connect if their septic fails and those sewer lines will be stubbed up to each property line.

Jack Warren, 2304 Terry Court, said he and other owners on Terry Court are concerned about the formation of the district. He said they thought there were some engineering obstacles for the installation of the sewer line along E ½ Road. He does not feel the bid identifies those challenges and he said he and his neighbors on Terry Court are being charged disproportionately. Mr. Warren said he and his neighbors had a discussion about considering the withdrawal of their request.

There were no other public comments.

The public hearing was closed at 7:22 p.m.

Councilmember Coons questioned how the boundaries were determined and asked for Staff to describe the difficulties for the construction. Mr. Guillory said there are several criteria in setting up a district whether it flows to a central point or is one basin. He said they look at the economies of the scale standpoint and try to keep the districts as large as possible for purposes of bidding. He said the lots sizes at Terry Court are smaller and the assessment for a separate district for just the Terry Court properties came out over \$12,000 per lot, so the amount would be higher because of the smaller lot sizes. Mr. Guillory said regarding the engineering challenges, it was difficult to figure out how to get sewer to each of those properties. He said the project engineer that did the work did an excellent job and the easement and other work was done up front which is reflected in the contract price.

Councilmember Coons clarified, if the boundaries were drawn differently, would it cost those property owners more. Mr. Guillory concurred; and said about \$2,000 more per lot.

Councilmember Hill questioned if these are hard costs and bids have already been received. Mr. Guillory said yes. Councilmember Hill asked how this compares to a similar project that was completed in the last year and asked if it was more costly. Mr. Guillory said this is one of the most expensive sewer districts to be constructed. He would compare it to the Appleton district. Mr. Guillory said the City will probably see more in this price range due to increase in construction costs. He said the goal is to have sewer available for around the same cost as replacing a septic system.

Mr. Relph said based on the City's economy, the City has to have these larger districts to get competitive bids.

Councilmember Palmer confirmed that the current residents are not obligated to hook on unless their septic fails. Mr. Guillory said that is correct. Councilmember Palmer asked, if the property is not in that sewer district and their septic fails will they have to hook on at their own expense. Mr. Guillory said that is correct and that will be much more costly.

Councilmember Coons questioned if the City has done a Sewer Improvement District where there was differential pricing. Mr. Guillory said no.

Council President Doody questioned the different ways homeowners can make their payments. Mr. Guillory said the owners can pay in full within 30 days after completion or have an 8% loan through Persigo for ten years. Some property owners take out a home equity loan and claim the interest as a tax deduction.

Councilmember Spehar said he is reluctant to change boundaries and start over. He is comfortable with the explanation of the economies of scale and would support going forward.

Councilmember Coons supports going forward.

Councilmember Palmer also supports moving forward.

Councilmember Beckstein said she supports the program and likes the fact that the costs are comparable to the cost of replacing a septic system.

Councilmember Hill supports Staff's recommendation. He said the process was clear and the residents were well informed. He said with this program helped to reduce the cost for 21 residents by over \$90,000 through the SSEP program.

Councilmember Thomason supports the program.

Resolution No. 166-06 – A Resolution Creating and Establishing Sanitary Sewer Improvement District No. SS-48-06, Within the Corporate Limits of the City of Grand Junction, Colorado, Authorizing the Installation of Sanitary Sewer Facilities and Adopting Details, Plans and Specifications for the Same

Councilmember Thomason moved to adopt Resolution No. 166-06 and authorize the City Manager to enter into a construction contract with Sorter Construction, Inc., in the amount of \$273,206.00. Councilmember Spehar seconded the motion. Motion carried by roll call vote.

Public Hearing – Mahan Manor Annexation and Zoning Located at 2855 UnawEEP Avenue [File #ANX-2006-277]

Request to annex and zone 10.34 acres, located at 2855 UnawEEP Avenue, to RSF-4 (Residential Single Family, 4du/ac). The Mahan Manor Annexation consists of one parcel.

The public hearing was opened at 7:40 p.m.

Kathy Portner, Assistant Community Development Director, reviewed this item. She described the site, the surrounding zoning and uses, the Future Land Use Designation and the requested zoning. She advised that Staff finds the request meets the criteria of the Growth Plan and the Zoning and Development Code and said the Planning Commission recommended approval.

Mike Marcus, with Development Construction Services located at 2350 G Road, was present to represent the applicant. He said they are in agreement with the staff report and can answer any questions.

There were no public comments.

The public hearing was closed at 7:41 p.m.

a. Accepting Petition

Resolution No. 167-06 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Mahan Manor Annexation, Located at 2855 UnawEEP Avenue, Including a Portion of UnawEEP Avenue Right-of-Way is Eligible for Annexation

b. Annexation Ordinance

Ordinance No. 4008 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Mahan Manor Annexation, Approximately 10.34 acres, Located at 2855 UnawEEP Avenue, Including a Portion of UnawEEP Avenue Right of Way

c. Zoning Ordinance

Ordinance No. 4009 – An Ordinance Zoning the Mahan Manor Annexation to RSF-4, Residential Single Family with a Density Not to Exceed Four Units per Acre, Located at 2855 UnawEEP Avenue

Councilmember Spehar moved to adopt Resolution No. 167-06 and Ordinance Nos. 4008 and 4009 on Second Reading and ordered them published. Councilmember Coons seconded the motion. Motion carried by roll call vote.

Public Hearing – Calfrac Annexation and Zoning Located at 489 30 Road [File #ANX-2006-283]

Request to annex and zone 32.92 acres, located at 489 30 Road, to I-1 (Light Industrial) and RMF-8 (Residential Multi Family 8 du/ac). The Calfrac Annexation consists of three parcels.

The public hearing was opened at 7:43 p.m.

Kathy Portner, Assistant Community Development Director, reviewed this item. She described the site, the surrounding zoning and uses, the Future Land Use Designation and the requested zoning. She explained the reason for the annexation and the planned development. She advised that Staff finds that the request meets the criteria for annexation and the Zoning and Development Code and both Staff and the Planning Commission recommend approval.

Councilmember Coons asked where the buffering will be between land uses. Ms. Portner said between the I-1 and the residential zone districts.

It was noted that this annexation creates an enclave. Ms. Portner advised that letters have gone out to those property owners affected because the City can annex the enclave within three years, but under the Persigo Agreement it must be annexed within five years.

Councilmember Hill asked about how this fits into the Pear Park Plan. Ms. Portner said the Plan encourages industrial traffic to go through these areas, but does allow for limited interconnection.

The applicant was not present.

There were no public comments.

The public hearing was closed at 7:49 p.m.

Councilmember Hill voiced some observations on adjacent zonings and said this is a unique property and the zoning is appropriate and makes for a nice transition.

a. Accepting Petition

Resolution No. 168-06 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Calfrac Annexation, Located at 489 30 Road is Eligible for Annexation

b. Annexation Ordinance

Ordinance No. 4010 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Calfrac Annexation, Approximately 32.92 acres, Located at 489 30 Road

c. Zoning Ordinance

Ordinance No. 4011 – An Ordinance Zoning the Calfrac Annexation to I-1 and RMF-8, Located at 489 30 Road

Councilmember Palmer moved to adopt Resolution No. 168-06 and Ordinance Nos. 4010 and 4011 on Second Reading and ordered them published. Councilmember Thomason seconded the motion. Motion carried by roll call vote.

Infill and Redevelopment Request for Killian, Guthro and Jenson Building, 202 North Seventh Street – Continued from November 15, 2006

This is a revision to the original request for Infill and Redevelopment Program incentives. The request as approved by the City Council in August of 2005 allocated \$75,000 to the under grounding of power lines in the alley. The request is to reallocate

that amount to one of three areas: geothermal heating system, limestone exterior, and/or cost of permits.

Tim Moore, Assistant Public Works and Utilities Director, reviewed this item. He noted this is a request to modify a previously approved request. He said an incentive request was approved for various items in conjunction with the construction of their new building. He deferred the current request to be explained by the applicant. Mr. Moore said regarding the undergrounding, negotiations have taken place with Xcel Energy to underground a span that will cost \$156,000. He said the incentive request that was previously approved was considered to partially fund the undergrounding. The property owners to the north have strong feelings that they want the lines to be placed underground. Mr. Moore said if some of that money is reallocated, Public Works would then place conduit during the 7th Street project for future undergrounding as the actual undergrounding would likely be delayed.

Councilmember Palmer questioned if the landscaping piece is still in place. Mr. Moore said yes, that the only issue is the \$75,000 for undergrounding utilities.

Council President Doody asked Mr. Moore to clarify the financing. Mr. Moore said the estimate for the undergrounding was \$75,000, but to bring it under 7th Street and over to 8th Street is what brought the amount up to \$156,000. Xcel Energy prefers a longer span, hence the extension.

Keith Killian, 202 N. 7th Street and the applicant, said the \$75,000 for undergrounding was granted with the understanding that the alley would be vacated for their use, but the adjacent property owners did not want the alley vacated. He said his firm then asked for a revocable permit, but again the neighbors did not like that either. He said they spoke with Xcel Energy and they said the undergrounding would need to go more than a block or it would not be feasible. He said since then the City has spoke with Xcel Energy and got the approval to move forward. He asked that the \$75,000 to be reallocated as the undergrounding was primarily to allow for use of the alley.

Councilmember Coons asked if there was any way to do the undergrounding if the \$75,000 was reallocated and what would happen with the cost overruns. Mr. Killian said they have already cut back and are taking some painful cuts by not finishing some of the rooms.

Councilmember Hill said he supported this previously because of the public visual improvement. He said the spirit was allocated dollars for the area to maximize the length of the undergrounding.

Councilmember Spehar said the infill/redevelopment program was to help developers develop locations that are difficult or hard to develop. He said the City should reserve the \$75,000 and put it toward the undergrounding.

Mr. Killian said if the \$75,000 is not allocated to them, the City would have used those funds to underground anyway.

Councilmember Spehar said he recalls a discussion with Xcel Energy that \$100,000 worth of work is about the minimum threshold. Mr. Moore said Xcel Energy likes the undergrounding to be 600 to 700 feet. Councilmember Spehar said it was mentioned to at least lay conduit and asked what it takes to get that footage. Mr. Moore said this project is \$156,000 at 640 feet. Councilmember Spehar said he would rather apply the \$75,000 to that improvement rather than to apply it to a façade or heating system for the applicant's building.

Councilmember Hill stated that the \$75,000 to underground was only because it was a on their list of things to do, if not it would come from other funding or be delayed. He said this incentive program has been developed to help undevelopable or difficult properties to be more developable.

Councilmember Hill moved to reallocate the \$75,000 infill/redevelopment incentive originally allocated for undergrounding at 202 N. 7th Street to be used in other areas. Council President Doody seconded the motion. When the vagueness of "other areas" was objected to, Councilmember Hill clarified that if the motion passes then Council can make a motion as to what those other areas would be.

A voice vote was taken. Councilmember Hill asked Council President Doody to ask for a roll call for clarification. A roll call vote was unanimously against. The motion failed.

Public Hearing – Rezoning Property Owned by St. Mary's Hospital Located at 2440 N. 11th Street [File #RZ-2006-232]

Request to rezone Lot 3R, Wellington Business Park Replat (1.80 acres), located at 2440 N. 11th Street from B-1, Neighborhood Business to PD, Planned Development.

Councilmember Coons recused herself due to her employment with the applicant. She left the meeting.

The public hearing was opened at 8:26 p.m.

Scott D. Peterson, Senior Planner, reviewed this item. He explained the request to rezone the property. The Planning Commission reviewed the request and recommended approval. He said the current use on the adjacent property is a medical office. Mr. Peterson said the applicant is asking for the rezone to be consistent with the zoning in the area. It is a vacant lot that will be used for staging during construction of the Century Project. After that project is complete, it will most likely be used for medial offices. There were no objections at the Planning Commission hearing and the request meets the rezone criteria of the Zoning and Development Code.

Ron Jenkins, representing St Mary's, had nothing to add.

Councilmember Thomason questioned what kind of staging. Mr. Jenkins said it would be used for the layout of steel and materials.

Councilmember Beckstein questioned how St Mary's will prepare the site. Mr. Jenkins said the site will be graded so there will be no erosion and a fence around the site which will eliminate parking. He said the site will also be cleaned up when the project is completed.

Councilmember Beckstein questioned how the steel beams will be brought to the site. Mr. Jenkins said off of Wellington. Councilmember Beckstein questioned if that road will be able to handle that kind of weight load. Mr. Peterson said the road currently handles semi traffic and he is not aware of any concerns.

There were no public comments.

The public hearing was closed at 8:35 p.m.

Ordinance No. 4007 – An Ordinance Rezoning Lot 3R, Wellington Business Park Replat to PD, Planned Development, and Establishing Standards for the Planned Development (PD) Zone District for Property Owned by St. Mary's Hospital, Located at 2440 N. 11th Street

Councilmember Spehar moved to adopt Ordinance No. 4007 on Second Reading and ordered it published. Councilmember Hill seconded the motion. Motion carried by roll call vote.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

There was none.

Adjournment

The meeting adjourned at 8:35 p.m.

Stephanie Tuin, MMC
City Clerk

Attach 2
Meeting Schedule and Posting of Notices
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject		Meeting Schedule and Posting of Notices					
Meeting Date		January 3, 2007					
Date Prepared		December 19, 2011					
Author		Stephanie Tuin		City Clerk			
Presenter Name		Stephanie Tuin		City Clerk			
Report results back to Council		<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	When	
Citizen Presentation		<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No	Name	
<input type="checkbox"/>	Workshop	<input checked="" type="checkbox"/>	Formal Agenda	<input checked="" type="checkbox"/>	Consent	<input type="checkbox"/>	Individual Consideration

Summary: State Law requires an annual designation of the City's official location for the posting of meeting notices. The City's Code of Ordinances, Sec. 2-26, requires the meeting schedule and the procedure for calling special meetings be determined annually by resolution.

Budget: None

Action Requested/Recommendation: Adopt resolution.

Attachments: Resolution

Background Information: In 1991, the Open Meetings Law was amended to include a provision that requires that a "local public body" annually designate the location of the public place or places for posting notice of meetings and such designation shall occur at the first regular meeting of each calendar year (24-6-402(2)(c) C.R.S.). The location designated is to be the glassed-in bulletin board outside the auditorium lobby at 250 N. 5th Street.

As of 1994, the revised City Code of Ordinances includes a provision whereby the City Council determines annually the City Council meeting schedule and the procedure for calling a special meeting.

In 2007, one holiday lands on a regular Council meeting day, July 4th. There are also some conflicts with workshop schedules. Although you need not set those dates at this

time, you might be aware that the following workshops will land on scheduled holidays:
January 1st, February 19th, and September 3rd.

CITY OF GRAND JUNCTION

RESOLUTION NO. -07

**A RESOLUTION OF THE CITY OF GRAND JUNCTION
DESIGNATING THE LOCATION FOR THE POSTING OF THE NOTICE OF MEETINGS,
ESTABLISHING THE CITY COUNCIL MEETING SCHEDULE, AND
ESTABLISHING THE PROCEDURE FOR CALLING OF SPECIAL MEETINGS
FOR THE CITY COUNCIL**

Recitals.

The City Council of the City of Grand Junction is a "local public body" as defined in C.R.S. §24-6-402 (1)(a).

The City Council holds meetings to discuss public business.

The C.R.S. §24-6-402 (2)(c) provides that "Any meetings at which the adoption of any proposed policy, position, resolution, rule, regulation, or formal action occurs or at which a majority or quorum of the body is in attendance, or is expected to be in attendance, shall be held only after full and timely notice to the public. In addition to any other means of full and timely notice, a local public body shall be deemed to have given full and timely notice if the notice of the meeting is posted in a designated public place within the boundaries of the local public body no less than 24 hours prior to the holding of the meeting. The public place or places for posting of such notice shall be designated annually at the local public body's first regular meeting of each calendar year".

The Grand Junction Code of Ordinances, Section 2-26, provides that the meeting schedule and the procedure for calling of special meetings of the City Council shall be established by resolution annually.

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

1. The Notice of Meetings for the local public body shall be posted on the glassed-in exterior notice board at 250 N. 5th Street, City Hall.
2. The meeting schedule for the regular meetings of the City Council is the first and third Wednesday of each month, at the hour of 7:00 p.m. with one exception. There will be no meeting on Wednesday, July 4th, as that is a scheduled holiday.
3. Additional special meetings may be called by the President of the City Council for any purpose and notification of such meeting shall be posted twenty-four hours prior to the

meeting. Each and every member of City Council shall be notified of any special meeting at least twenty-four hours in advance.

Read and approved this ____ day of _____, 2007.

President of the Council

ATTEST:

City Clerk

Attach 3
Setting a Hearing – Bonds for the Riverside Parkway Project
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject		Ordinance Authorizing the Issuance of \$22,925,000 in Bonds for the Riverside Parkway Project					
Meeting Date		January 3, 2007					
Date Prepared		December 29, 2006			File #		
Author		Ron Lappi			Admin. Svcs. & Finance Director		
Presenter Name		Ron Lappi			Admin. Svcs. & Finance Director		
Report results back to Council			No	<input checked="" type="checkbox"/>	Yes	When	
Citizen Presentation			Yes	<input checked="" type="checkbox"/>	No	Name	
	Workshop	<input checked="" type="checkbox"/>	Formal Agenda		<input checked="" type="checkbox"/>	Consent	Individual Consideration

Summary: An ordinance authorizing the issuance of City of Grand Junction, Colorado, General Fund Revenue Bonds, series 2007, and pledging certain revenues of the City for the payment of the bonds.

Budget: These funds will be used for final construction of the Riverside Parkway beginning in early 2007 and completion estimated for the end of 2008. The debt service on these bonds together with the 2004 bonds will result in a fairly level debt service for the City of Grand Junction that is already planned for in the Sales Tax CIP Fund. It is estimated that the total for this issue will approximate \$7.0 million annually for the next six years, while we are paying on both the 2004 bonds and this issue. Total debt service will go back to approximately \$6.2 in 2014.

Action Requested/Recommendation: Approve this bond ordinance on first reading January 3rd, with a final reading and approval scheduled after a public hearing on January 17, 2007.

Attachments: Bond Ordinance Authorizing the Issuance of the Bonds

Background Information: The City voters overwhelmingly approved the issuance of bonds up to \$80 million at the November 4, 2003 election. This debt is specifically approved for the construction of the Riverside Parkway from 24 Road to 29 Road,

together with appropriate connections where needed, and a portion of the I-70 Interchange construction cost at 29 Road. Our City engineers and outside consulting engineers have estimated that the City will spend most of the \$57 million from the first bond issue by the end of February, 2007. After bond issuance and closing on the remaining bonds, now set for March 1, 2007, these proceeds and other funds should complete the project by the end of 2008. This bond ordinance and related marketing and closing documents authorizes the second of the two bond sales required to complete this project on schedule. The security pledged for the repayment of these bonds is all General Fund Revenues and specifically all Sales and Use Tax Revenues including the Sales Tax CIP Fund revenues. It is estimated that the annual debt service will only use a very small portion of these total revenues, and that pledged revenues exceed the annual debt service by a factor of 10 to 14 to one.

Standard and Poors recently upgraded the City's General Fund Bonds to AA. We will have to confirm this rating with them prior to the final marketing and issuance of this final Riverside Parkway bond issue. With this rating and the bonds only having a six year life, the City will be selling the bonds, without Bond Insurance, over the internet at a public competitive sale on February 22nd with closing on March 1st, the same date of the original \$57,075,000 in bonds. Although the bonds will be in \$5,000 increments and sold competitively, we do expect to have a great deal of institutional interest in buying large blocks of the bonds. Local brokers throughout the community can bid on any of the maturities for their own portfolios or for their customers. The all in true interest cost of selling this second and final issue should be lower than the original very good rate of 4.29%, if the markets stay close to where they are today.

In order to complete this second bond issuance we have engaged Dee Wisor, as Bond Counsel, D.A. Davidson (previously Kirkpatrick Pettis) Russ Caldwell, as Financial Advisor/Underwriter, and American National Bank as Bond Registrar and Paying Agent. All of these organizations assisted us with the original bond issue in 2004, as well as the election.

ORDINANCE NO. ____

**AN ORDINANCE AUTHORIZING THE ISSUANCE OF
CITY OF GRAND JUNCTION, COLORADO, GENERAL
FUND REVENUE BONDS, SERIES 2007, AND PLEDGING
CERTAIN REVENUES OF THE CITY FOR THE
PAYMENT OF THE BONDS**

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

Definitions. Terms used in this Ordinance shall have the meanings specified in this section for all purposes of this Ordinance and of any ordinance amendatory hereof, supplemental hereto or relating hereto, and of any instrument or document appertaining hereto, except where the context by clear implication otherwise requires. All definitions include the singular and plural and include all genders. Certain terms are parenthetically defined elsewhere herein.

Additional Bonds: the one or more series of bonds or other securities or obligations authorized to be issued by the City pursuant to Section 22 and 23 hereof and having a lien on the Pledged Sales and Use Tax Revenues on a parity with the lien thereon of the 2007 Bonds.

Additional Pledged Revenues: has the meaning set forth in Section 22.A.

Bond Account: the account by that name created by Section 19 hereof.

Bonds: the Outstanding 2004 Bonds, the Outstanding 2007 Bonds and any Additional Bonds.

Business Day: a day on which banks located in the City and in the cities in which the principal offices of each of the Paying Agent and the Registrar are not required or authorized to be closed and on which the New York Stock Exchange is not closed.

Charter: the home rule Charter of the City, including all amendments thereto prior to the date hereof.

City: the City of Grand Junction, Colorado.

Closing Date: the date of delivery of payment for the 2007 Bonds.

Commercial Bank: any depository for public funds permitted by the laws of the State for political subdivisions of the State which is in good standing and has a capital and surplus of \$10,000,000 or more, and which is located within the United States.

Continuing Disclosure Certificate: the undertaking executed by officers of the City simultaneously with the delivery of the 2007 Bonds which enables the Purchasers to comply with Rule 15c2-12 promulgated by the Securities and Exchange Commission.

Council: the Council of the City or any successor in functions thereto.

Election: the City's election held on November 4, 2003.

Fiscal Year: the twelve months commencing on the first day of January of any calendar year and ending on the thirty-first day of December of such calendar year or such other twelve month period as may from time to time be designated by the Council as the Fiscal Year of the City.

General Fund: the General Fund of the City.

Governmental Obligations: any of the following which are noncallable and which at the time of investment are legal investments under the laws of the State for the moneys proposed to be invested therein:

direct general obligations of, or obligations the payment of principal of and interest on which are unconditionally guaranteed by, the United States of America;

bonds, debentures, notes, or other evidences of indebtedness issued by the Export-Import Bank of the United States, the Federal Financing Bank, the Farmers Home Administration, the General Services Administration, the U.S. Maritime Administration, or the U.S. Department of Housing and Urban Development; or

evidences of ownership interests in obligations described in paragraph (i) or (ii) above.

Letter of Representations: the Letter of Representations between the City and The Depository Trust Company which has previously been executed and delivered.

Maximum Annual Debt Service Requirement: the maximum amount of all required payments of principal and interest on the 2007 Bonds and on each series of Additional Bonds, respectively, which will become due in any Fiscal Year.

Ordinance: this Ordinance of the City, which provides for the issuance and delivery of the 2007 Bonds.

Outstanding: as of any date of calculation, all Bonds theretofore executed, issued and delivered by the City except:

Bonds theretofore cancelled by the City, Registrar or Paying Agent, or surrendered to the City, Registrar or Paying Agent for cancellation;

Bonds in lieu of or in substitution for which other Bonds shall have been executed, issued and delivered by the City and authenticated by the Registrar unless proof satisfactory to the Registrar is presented that any such Bonds are duly held by the lawful Registered Owners thereof; or

Bonds deemed to have been paid as provided in Section 25 hereof or any similar provision of an ordinance authorizing the issuance of Additional Bonds.

For purposes of this definition, the terms Registrar and Paying Agent shall include a registrar or paying agent for any Additional Bonds.

Owner or Registered Owner: the Registered Owner of any 2007 Bond as shown on the registration books kept by the Registrar, and, where the context so requires, the Registered Owner of any Additional Bond as shown on the registration books kept by the registrar for such bonds.

Paying Agent: American National Bank, being the agent for the City for the payment of the 2007 Bonds and interest thereon, or its successors and assigns.

Permitted Investment: any investment or deposit permitted by the Charter and ordinances of the City.

Person: any individual, firm, partnership, corporation, company, association, joint-stock association or body politic; and the term includes any trustee, receiver, assignee or other similar representative thereof.

Pledged Revenues:

the revenues derived from the Pledged Sales and Use Tax;

all other additional monies deposited into the City's General Fund which are not by law, by contract, or otherwise restricted or required to be used for another purpose and are legally available for payment of the principal of and interest on the 2007 Bonds, provided however, that the Pledged Revenues shall not include monies deposited to the General Fund which are the proceeds of any increase in any existing tax and or any new tax, unless such pledge is expressly authorized by the City's electors at an election called for such purpose;

any additional funds or revenues which the City hereafter pledges to the payment of the 2007 Bonds;

proceeds of the 2007 Bonds or other legally available moneys deposited into and held in the Bond Account; and

interest or investment income on the Bond Account;

all to the extent that such moneys are at any time required by Section 19 hereof to be deposited into and held in the Bond Account.

Pledged Sales and Use Tax: the proceeds of the Sales and Use Tax. "Pledged Sales and Use Tax" does not include amounts withheld by retailers and vendors to cover their expenses in collecting and remitting the Pledged Sales and Use Tax, and Pledged Sales and Use Tax does not include amounts collected by the City and subsequently determined, pursuant to the applicable Sales and Use Tax Ordinances, to be subject to valid claims for refunds. "Pledged Sales and Use Tax" does not include the proceeds of any increase in the Sales and Use Tax which may be approved in the future, unless such increase is expressly pledged by the City. "Pledged Sales and Use Tax" does include the proceeds derived by the City from any legally available tax or taxes or fees (other than a general ad valorem tax) which replace or supersede the Pledged Sales and Use Tax, regardless of whether such tax or taxes or fees are imposed by the City or the State or other political subdivision thereof. "Pledged Sales and Use Tax" does not include incremental sales taxes which are pledged to the payment of obligations issued pursuant to an urban renewal plan as defined in Section 31-25-103(9), Colorado Revised Statutes, a plan of development as defined in Section 31-25-802(6.4), Colorado Revised Statutes, or a value capture plan as defined in Section 43-4-508, Colorado Revised Statutes.

Pledged Sales and Use Tax Revenues: revenues derived from the Pledged Sales and Use Tax.

Project: the road improvements authorized at the Election.

Purchasers: the purchaser of the 2007 Bonds as determined after a public sale of the 2007 Bonds conducted by the Finance Director and the City's financial advisor and as set forth in the Sale Certificate.

Rebate Account: the account by that name created by the ordinance authorizing the 2004 Bonds.

Registrar: American National Bank, being the agent for the City for the registration, transfer and exchange of the 2007 Bonds, or its successors.

Registrar Agreement: the Registrar Agreement between the City and the Registrar dated as of February 15, 2007.

Regular Record Date: the fifteenth day of the calendar month next preceding each interest payment date for the 2007 Bonds (other than a special interest payment date hereafter fixed for the payment of defaulted interest).

Sale Certificate: the certificate of the City authorized pursuant to the Supplemental Public Securities Act and described in Section 6 hereof.

Sales and Use Tax: the 2.75% tax upon the sale and use of goods and services which is being levied by the City pursuant to the Sales and Use Tax Ordinances and any future or amended tax levied by the City as a sales and use tax and pledged by the Council to the payment of the Bonds.

Sales and Use Tax Ordinances: the ordinances adopted by the Council of the City for the purpose of adopting and enforcing the Sales and Use Tax and which are in effect on the date of this Ordinance and as amended by this Ordinance or as later amended or supplemented.

Special Record Date: a special date fixed to determine the names and addresses of Registered Owners for purposes of paying interest on a special interest payment date for the payment of defaulted interest, all as further provided in Section 7 hereof.

State: the State of Colorado.

Supplemental Public Securities Act: Part 2 of Article 57 of Title 11, Colorado Revised Statutes, as amended.

Tax Code: the Internal Revenue Code of 1986, as amended to the date of delivery of the 2007 Bonds, and the regulations promulgated thereunder.

Term Bonds: 2007 Bonds that are payable on or before their specified maturity dates from sinking fund payments established for that purpose and calculated to retire such 2007 Bonds on or before their specified maturity dates.

Trust Bank: a Commercial Bank which is authorized to exercise and is exercising trust powers.

2004 Bonds: the City's currently Outstanding General Fund Revenue Bonds, Series 2004.

2007 Bonds: the City's General Fund Revenue Bonds, Series 2007, issued pursuant to this Ordinance.

Recitals.

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

Section 85 of the Charter provides that indebtedness of the City shall be incurred and limited as provided in Article XI of the Colorado Constitution.

Article XI, Section 6 of the Colorado Constitution provides:

No political subdivision of the state shall contract any general obligation debt by loan in any form, whether individually or by contract pursuant to article XIV, section 18(2)(a) of this constitution except by adoption of a legislative measure which shall be irrevocable until the indebtedness therein provided for shall have been fully paid or discharged, specifying the purposes to which the funds to be raised shall be applied and providing for the levy of a tax which together with such other revenue, assets, or funds as may be pledged shall be sufficient to pay the interest and principal of such debt. Except as may be otherwise provided by the charter of a home rule city and county, city, or town for debt incurred by such city and county, city, or town, no such debt shall be created unless the question of incurring the same be submitted to and approved by a majority of the qualified taxpaying electors voting thereon, as the term "qualified taxpaying elector" shall be defined by statute.

Except as may be otherwise provided by the charter of a home rule city and county, city, or town, the general assembly shall establish by statute limitations on the authority of any political subdivision to incur general obligation indebtedness in any form whether individually or by contract pursuant to article XIV, section 18(2)(a) of this constitution.

Debts contracted by a home rule city and county, city, or town, statutory city or town or service authority for the purposes of supplying water shall be excepted from the operation of this section.

Section 31-15-302(1)(d), C.R.S., limits the total amount of indebtedness of the City to 3% of the actual value of taxable property in the City except for debt incurred for supplying water.

The actual value of taxable property in the City is \$ 4,574,058,302.

There is currently \$54,825,000 of City debt outstanding which is subject to the debt limit.

Article X, Section 20 of the Colorado Constitution requires voter approval in advance for the creation of any multiple-fiscal year direct or indirect debt or other financial obligation.

At the Election, the City's electors approved the following question:

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

The notice delivered to voters at the Election as required by Article X, Section 20 of the Colorado Constitution limits the issuance of the bonds authorized at the Election as follows:

Principal Amount of Proposed Bonds:	Not to exceed \$80,000,000
Maximum Annual City Repayment Cost:	Not to exceed \$ 7,500,000
Total City Repayment Cost:	Not to exceed \$134,000,000

The City has previously issued the 2004 Bonds pursuant to the Election authorization.

The City imposes a Sales and Use Tax pursuant to the Charter and the Sales and Use Tax Ordinances.

Except for the 2004 Bonds, the City has never pledged the Sales and Use Tax to the payment of any bonds or for any purpose.

The ordinance authorizing the 2004 Bonds permits additional bonds with a parity lien on the Pledged Sales and Use Tax to be issued if for the Fiscal Year immediately preceding the issuance of any additional bonds, the amount of Pledged Sales and Use Tax Revenues in such Fiscal Year equaled or exceeded 175% of the Maximum Annual Debt Service Requirement on the Outstanding 2004 Bonds and the Additional Bonds proposed to be issued.

The limits of the ordinance authorizing the 2004 Bonds on the issuance of additional bonds have been met with the result that the Pledged Sales and Use Tax may now be pledged lawfully and irrevocably for the payment of the 2007 Bonds.

There have been filed with the City Clerk the proposed forms of the following documents: the Registrar Agreement and the Continuing Disclosure Certificate.

The Council desires to cause the 2007 Bonds to be issued, to authorize and direct the application of the proceeds thereof as set forth herein, and to provide security for the payment thereof, all in the manner hereinafter set forth.

Ratification. All actions heretofore taken (not inconsistent with the provisions of this Ordinance) by the Council and other officers of the City in the imposition and collection of the Sales and Use Tax, financing the Project, and selling and issuing the 2007 Bonds for those purposes are ratified, approved and confirmed.

Authorization of Project. The Project is authorized at a cost not exceeding \$22,925,000 (excluding costs to be paid from sources other than the proceeds of the 2007 Bonds).

Authorization of the 2007 Bonds. Pursuant to the Election and Section 85 of the Charter, there hereby are authorized to be issued fully registered general fund revenue securities of the City, to be designated “City of Grand Junction, Colorado, General Fund Revenue Bonds, Series 2007,” to be payable and collectible, as to principal and interest, from the Pledged Revenues.

Election to Apply Supplemental Public Securities Act to the 2007 Bonds. Pursuant to Section 11-57-204 of the Supplemental Public Securities Act, the Council hereby elects to apply the Supplemental Public Securities Act in its entirety to the 2007 Bonds. Pursuant to such election and Section 11-57-205 of the Supplemental Public Securities Act, the Council hereby delegates to the City Manager or the Finance Director the power to make the following determinations with respect to the 2007 Bonds, without any requirement that the Council approve such determinations, subject to the parameters and restrictions contained in this Ordinance:

Interest Rate. The rates of interest per annum to be borne by the 2007 Bonds, provided that the total repayment cost of the 2007 Bonds and the 2004 Bonds and the maximum annual repayment cost of the 2007 Bonds and the 2004 Bonds shall not exceed the amounts authorized at the Election.

Purchase Price. The price at which the 2007 Bonds will be sold to the Purchasers, provided that the price shall not be less than 99% of the aggregate principal amount of the 2007 Bonds.

Principal Amount. The aggregate principal amount of the 2007 Bonds, provided that such principal amount shall not exceed \$22,925,000.

Maturity Schedule. The amount of principal of the 2007 Bonds maturing in any particular year, provided that it shall not to be more than \$4,800,000 annually.

Such determinations shall be evidenced by the Sale Certificate signed by the City Manager or the Finance Director and dated and delivered as of the Closing Date, which shall not be more than 60 days from the date of adoption of this ordinance.

2007 Bond Details. The 2007 Bonds shall be issued in fully registered form (i.e., registered as to both principal and interest) initially registered in the name of Cede & Co. as nominee for The Depository Trust Company, and shall be issued in the denomination of \$5,000 or any integral multiple thereof (provided that no 2007 Bond may be in a denomination which exceeds the principal coming due on any maturity date, and no individual 2007 Bond will be issued for more than one maturity). The 2007 Bonds shall be numbered in such manner as the Registrar may determine. The 2007 Bonds shall be dated as of the date the 2007 Bonds are delivered to the Purchaser for value, and shall bear interest from their dated date until maturity at the rates per annum set forth in the Sale Certificate, payable semiannually on March 1 and September 1 in each year, commencing on September 1, 2007, except that any 2007 Bond which is reissued upon transfer, exchange or other replacement shall bear interest from the most recent interest payment date to which interest has been paid or duly provided for, or if no interest has been paid, from the date of the 2007 Bonds. The 2007 Bonds shall mature on the dates and in the amounts set forth in the Sale Certificate.

The principal of on any 2007 Bond shall be payable to the Registered Owner thereof as shown on the registration records kept by the Registrar, upon maturity thereof and upon presentation and surrender at the Paying Agent. If any 2007 Bond shall not be paid upon such presentation and surrender at or after maturity, it shall continue to draw interest at the same interest rate borne by said 2007 Bond until the principal thereof is paid in full. Payment of interest on any 2007 Bond shall be made by check or draft mailed by the Paying Agent, on or before each interest payment date (or, if such interest payment date is not a business day, on or before the next succeeding business day), to the Registered Owner thereof at the address shown on the registration records kept by the Registrar at the close of business on the Regular Record Date for such interest payment date; but any such interest not so timely paid or duly provided for shall cease to be payable to the Person who is the Registered Owner thereof at the close of business on the Regular Record Date and shall be payable to the Person who is the Registered Owner of the applicable Bond at the close of business on a Special Record Date for the payment of any such defaulted interest. Such Special Record Date and the date fixed for payment of the defaulted interest shall be fixed by the Registrar whenever moneys become available for payment of the defaulted interest. Notice of the Special Record Date and the date fixed for payment of the

defaulted interest shall be given to the Registered Owners of the 2007 Bonds not less than ten days prior to the Special Record Date by first-class mail to each such Registered Owner as shown on the Registrar's registration records on a date selected by the Registrar, stating the date of the Special Record Date and the date fixed for the payment of such defaulted interest. The Paying Agent may make payments of interest on any 2007 Bond by such alternative means as may be mutually agreed to between the Owner of such 2007 Bond and the Paying Agent (provided, however, that the City shall not be required to make funds available to the Paying Agent prior to the interest payment dates stated in this Section). All such payments shall be made in lawful money of the United States of America without deduction for the services of the Paying Agent or Registrar.

Pursuant to Section 11-57-210 of the Supplemental Public Securities Act, the 2007 Bonds shall contain a recital that they are issued pursuant to certain provisions of the Supplemental Public Securities Act. Such recital shall be conclusive evidence of the validity and the regularity of the issuance of the 2007 Bonds after their delivery for value.

Prior Redemption. The 2007 Bonds shall not be subject to redemption prior to maturity.

2007 Bonds Equally Secured. The covenants and agreements herein set forth to be performed on behalf of the City shall be for the equal benefit, protection and security of the Owners of any and all of the Outstanding 2007 Bonds, all of which, regardless of the time or times of their maturity, shall be of equal rank without preference, priority or distinction of any of such securities over any other thereof, except as otherwise expressly provided in or pursuant to this Ordinance.

Special Obligations. All of the 2007 Bonds, together with the interest accruing thereon, shall be payable and collectible solely out of the Pledged Revenues, which Pledged Revenues are hereby so pledged; the Owner or Owners of the 2007 Bonds may look only to the designated special accounts herein pledged for the payment of the principal of and interest on the 2007 Bonds. The full faith and credit of the City is not pledged to the payment of the 2007 Bonds; they shall constitute special, limited obligations of the City. The City has no obligation to increase any City taxes for the purpose of paying the principal of and interest on the 2007 Bonds.

No Pledge of Property. The payment of the 2007 Bonds is not secured by an encumbrance, mortgage or other pledge of property of the City, except for the Pledged Revenues and other funds and accounts pledged for the payment of the 2007 Bonds. No property of the City, subject to such exception, shall be liable to be forfeited or taken in payment of the 2007 Bonds.

No Recourse Against Officers and Agents. No civil recourse shall be available for the payment of the principal of and interest on the 2007 Bonds or for any claim based thereon or otherwise upon this Ordinance or any other ordinance pertaining hereto, against any individual member of the Council or any officer or agent of the City who acts in good faith, either directly or indirectly through the Council, or the City, or otherwise, whether by virtue of any constitution, statute, rule of law, enforcement of penalty or otherwise. By the acceptance of the 2007 Bonds and as a part of the consideration of their sale or purchase, any Person purchasing or selling such 2007 Bonds specifically waives any such recourse.

Form of 2007 Bonds and Registration Panel. The 2007 Bonds and the registration panel shall be substantially as follows (provided that any portion of the 2007 Bond text may, with appropriate references, be printed on the back of the 2007 Bonds), with such omissions, insertions, endorsements, and variations as to any recitals of fact or other provisions as may be required by the circumstances, be required or permitted by this Ordinance, or be consistent with this Ordinance and necessary or appropriate to conform to the rules and requirements of any governmental authority or any usage or requirement of law with respect thereto:

Bond Ordinance. To the extent not defined herein, terms used in this bond shall have the same meanings as set forth in the Bond Ordinance. This bond bears interest, matures, is payable, and is transferable as provided in the Bond Ordinance.

The principal of on this bond is payable upon presentation and surrender hereof at the principal office of the Paying Agent. Interest on this bond will be paid on or before each interest payment date (or, if such interest payment date is not a business day, on or before the next succeeding business day), by check or draft mailed to the person in whose name this bond is registered in the registration records of the City maintained by the Registrar at its principal office and at the address appearing thereon at the close of business on the Record Date.

Reference is made to the Bond Ordinance for the provisions, among others, with respect to the custody and application of the proceeds of the 2007 Bonds, the receipt and disposition of the Pledged Revenues, the nature and extent of the security for the 2007 Bonds, the accounts, funds or revenues pledged to the 2007 Bonds, the terms and conditions under which additional obligations payable from the Pledged Revenues or Additional Bonds payable from the Pledged Sales and Use Tax Revenues may be issued, the rights, duties and obligations of the City and the Registrar and Paying Agent, the rights of the Owners of the 2007 Bonds, the events of default and remedies, the circumstances under which any 2007 Bond is no longer Outstanding, the ability to amend the Bond Ordinance; and by the acceptance of this bond the Owner hereof assents to all provisions of the Bond Ordinance. The principal of and the interest on this bond shall be paid, and this bond is transferable, free from and without regard to any equities between the City and the original or any intermediate Owner hereof or any setoffs or cross-claims.

THE 2007 BONDS ARE ISSUED PURSUANT TO AND IN FULL COMPLIANCE WITH THE CONSTITUTION AND LAWS OF THE STATE OF COLORADO, THE CHARTER OF THE CITY, AND PURSUANT TO THE BOND ORDINANCE. THE FULL FAITH AND CREDIT OF THE CITY IS NOT PLEDGED TO THE PAYMENT OF THE 2007 BONDS, AND THEY CONSTITUTE SPECIAL, LIMITED OBLIGATIONS OF THE CITY, SECURED ONLY BY THE PLEDGED REVENUES. THE CITY HAS NO OBLIGATION TO INCREASE ANY CITY TAXES FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON THE 2007 BONDS. NEITHER THE MEMBERS OF THE CITY NOR ANY PERSONS EXECUTING THIS BOND SHALL BE PERSONALLY LIABLE FOR THIS BOND.

It is certified, recited and warranted that all the requirements of law have been fully complied with by the proper officers of the City in the issuance of this bond; that it is issued pursuant to and in strict conformity with the Constitution and laws of the State, with the Charter of the City, and with the Bond Ordinance; and that this bond does not contravene any Constitutional, statutory or Charter limitation.

It is also certified, recited, and warranted that the 2007 Bonds are issued under the authority of the Bond Ordinance and the Supplemental Public Securities Act. It is the intention of the City, as expressed in the Bond Ordinance, that this recital shall conclusively impart full compliance with all of the provisions of the Bond Ordinance and shall be conclusive evidence of the validity and the regularity of the issuance of the 2007 Bonds after their delivery for value and that all of the 2007 Bonds issued are incontestable for any cause whatsoever after their delivery for value.

This bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the Bond Ordinance until the Registrar shall have duly executed the certificate of authentication hereon.

IN WITNESS WHEREOF, the Council of the City of Grand Junction has caused this bond to be signed and executed in its name and upon its behalf with a manual or facsimile signature of the President of the Council, and to be signed, executed and attested with a manual or facsimile signature of the City Clerk, and has caused a manual or facsimile impression of the seal of the City affixed hereon, all as of the date specified above.

(Manual or Facsimile Signature)
President of the Council

(MANUAL OR FACSIMILE SEAL)

Attest:

(Manual or Facsimile Signature)
City Clerk

(End of Form of Bond)

(Form of Registrar's Certificate of Authentication)

This is one of the 2007 Bonds described in the within-mentioned Bond Ordinance, and this bond has been duly registered on the registration records kept by the undersigned as Registrar for such 2007 Bonds.

American National Bank,
as Registrar

Date of Authentication
and Registration:

By: _____
Authorized Officer or Employee

(End of Form of Registrar's Certificate of Authentication)

(Form of Prepayment Panel)

The following installments of principal (or portion thereof) of this bond have been prepaid in accordance with the terms of the Bond Ordinance authorizing the issuance of this bond.

<u>Date of Prepayment</u>	<u>Principal Prepaid</u>	<u>Signature of Authorized Representative of the Depository</u>

(End of Form of Prepayment Panel)

MAY BE PRINTED ON THE BACK OF THE BOND AND THE FOLLOWING STATEMENT INSERTED -- REFERENCE IS HEREBY MADE TO THE FURTHER PROVISIONS OF THIS BOND SET FORTH ON THE REVERSE HEREOF; SUCH PROVISIONS SHALL FOR ALL PURPOSES HAVE THE SAME EFFECT AS IF SET FORTH HERE.

(Form of Assignment)

For value received, the undersigned hereby sells, assigns and transfers unto _____ the within bond and hereby irrevocably constitutes and appoints _____ attorney, to transfer the same on the records of the Registrar, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed:

Address of transferee:

Social Security or other tax
identification number of transferee:

NOTE: The signature to this Assignment must correspond with the name as written on the face of the within bond in every particular, without alteration or enlargement or any change whatsoever.

EXCHANGE OR TRANSFER FEES MAY BE CHARGED

(End of Form of Assignment)

Negotiability. The Owner or Owners of the 2007 Bonds shall possess all rights enjoyed by the holders of investment securities under the provisions of the Uniform Commercial Code-Investment Securities. The principal of and interest on the 2007 Bonds shall be paid, and the 2007 Bonds shall be transferable, free from and without regard to any equities between the City and the original or any intermediate Owner of any 2007 Bonds or any setoffs or cross-claims.

Execution and Authentication of the 2007 Bonds. The 2007 Bonds shall be executed in the name and on behalf of the City by the manual or facsimile signature of the President of the Council, shall be sealed with the corporate seal of the City or a facsimile thereof thereunto affixed, imprinted, engraved or otherwise reproduced, and shall be attested by the manual or facsimile signature of the City Clerk. Any 2007 Bond may be signed (manually or by facsimile), sealed or attested on behalf of the City by any person who, at the date of such act, shall hold the proper office, notwithstanding that at the date of authentication, issuance or delivery, such person may have ceased to hold such office. The President of the Council and the Clerk may adopt as and for his or her own facsimile signature the facsimile signature of his or her predecessor in office in the event that such facsimile signature appears on any of the 2007 Bonds. Before the execution of any 2007 Bond, the President of the Council and the Clerk shall each file with the Secretary of State of the State his or her manual signature certified by him or her under oath.

The authentication certificate upon the 2007 Bonds shall be substantially in the form and tenor provided in the form of the 2007 Bonds hereinbefore provided. No 2007 Bond shall be secured hereby or entitled to the benefit hereof, nor shall any 2007 Bond be valid or obligatory for any purpose, unless the certificate of authentication, substantially in such form, has been duly executed by the Registrar and such certificate of the Registrar upon any 2007 Bond shall be conclusive evidence that such 2007 Bond has been authenticated and delivered hereunder. The certificate of authentication shall be deemed to have been duly executed by the Registrar if manually signed by an authorized officer or employee of the Registrar, but it shall not be necessary that the same officer or employee sign the certificate of authentication on all of the 2007 Bonds. By authenticating any of the 2007 Bonds initially delivered pursuant to this Ordinance, the Registrar shall be deemed to have assented to the provisions of this Ordinance.

Registration, Transfer and Exchange.

Except as provided in Section 17, records for the registration and transfer of the 2007 Bonds shall be kept by the Registrar, which is hereby appointed by the City as registrar (i.e., transfer agent) for the 2007 Bonds. Upon the surrender for transfer of any 2007 Bond at the Registrar, duly endorsed for transfer or accompanied by an assignment duly executed by the Registered Owner or his attorney duly authorized in writing, the Registrar shall enter such transfer on the registration records and shall authenticate and deliver in the name of the transferee or transferees a new 2007 Bond or Bonds of the same series, of a like aggregate principal amount and of the same maturity and interest rate, bearing a number or numbers not previously assigned. 2007 Bonds may be exchanged at the Registrar for an equal aggregate principal amount of 2007 Bonds of the series and the same maturity and interest rate of other authorized denominations. The Registrar shall authenticate and deliver a 2007 Bond or Bonds which the Registered Owner making the exchange is entitled to receive, bearing a number or numbers not previously assigned. The Registrar may impose reasonable charges in connection with such exchanges and transfers of 2007 Bonds, which charges (as well as any tax or other governmental charge required to be paid with respect to such exchange or transfer) shall be paid by the Registered Owner requesting such exchange or transfer.

The Person in whose name any 2007 Bond shall be registered on the registration records kept by the Registrar shall be deemed and regarded as the absolute Owner thereof for the purpose of making payment thereof and for all other purposes; except as may be otherwise provided in Section 7 hereof with respect to payment of interest; and, subject to such exception, payment of or on account of either principal or interest on any 2007 Bond shall be made only to or upon the written order of the Registered Owner thereof or his legal representative, but such registration may be changed upon transfer of such 2007 Bond in the manner and subject to the conditions and limitations provided herein. All such payments shall be valid and effectual to discharge the liability upon such 2007 Bond to the extent of the sum or sums so paid.

If any 2007 Bond shall be lost, stolen, destroyed or mutilated, the Registrar shall, upon receipt of such evidence, information or indemnity relating thereto as it and the City may reasonably require, authenticate and deliver a replacement 2007 Bond or Bonds of a like aggregate principal amount and of the same maturity, bearing a number or numbers not

previously assigned. If such lost, stolen, destroyed, or mutilated 2007 Bond shall have matured or is about to become due and payable, the Registrar may direct the Paying Agent to pay such 2007 Bond in lieu of replacement.

The officers of the City are authorized to deliver to the Registrar fully executed but unauthenticated 2007 Bonds in such quantities as may be convenient to be held in custody by the Registrar pending use as herein provided.

Whenever any 2007 Bond shall be surrendered to the Paying Agent upon payment thereof, or to the Registrar for transfer, exchange or replacement as provided herein, such 2007 Bond shall be promptly cancelled by the Paying Agent or Registrar, and counterparts of a certificate of such cancellation shall be furnished by the Paying Agent or Registrar to the City.

Book Entry.

Notwithstanding any contrary provision of this Ordinance, the 2007 Bonds shall initially be evidenced by one 2007 Bond equal to the principal amount which matures on the same date and bears the same rate of interest. Such initially delivered 2007 Bonds shall be registered in the name of "Cede & Co." as nominee for The Depository Trust Company, the securities depository for the 2007 Bonds. The 2007 Bonds may not thereafter be transferred or exchanged except:

to any successor of The Depository Trust Company or its nominee, which successor must be both a "clearing corporation" as defined in Section 4-8-102(a)(5), Colorado Revised Statutes and a qualified and registered "clearing agency" under Section 17A of the Securities Exchange Act of 1934, as amended;
or

upon the resignation of The Depository Trust Company or a successor or new depository under clause (1) or this clause (2) of this paragraph A, or a determination by the Council that The Depository Trust Company or such successor or new depository is no longer able to carry out its functions, and the designation by the Council of another depository institution acceptable to the Council and to the depository then holding the 2007 Bonds, which new depository institution must be both a "clearing corporation" as defined in Section 4-8-102(a)(5), Colorado Revised Statutes and a qualified and registered "clearing

agency” under Section 17A of the Securities Exchange Act of 1934, as amended, to carry out the functions of The Depository Trust Company or such successor new depository; or

upon the resignation of The Depository Trust Company or a successor or new depository under clause (1) or clause (2) of this paragraph A, or a determination of the Council that The Depository Trust Company or such successor or new depository is no longer able to carry out its functions, and the failure by the Council, after reasonable investigation, to locate another qualified depository institution under clause (2) to carry out such depository functions.

In the case of a transfer to a successor of The Depository Trust Company or its nominee as referred to in clause (1) of paragraph A hereof or designation of a new depository pursuant to clause (2) of paragraph A hereof, upon receipt of the Outstanding 2007 Bonds by the Bond Registrar, together with written instructions for transfer satisfactory to the Bond Registrar, a new 2007 Bond for each maturity and bearing the same rate of interest of the 2007 Bonds then Outstanding shall be issued to such successor or new depository, as the case may be, or its nominee, as is specified in such written transfer instructions. In the case of a resignation or determination under clause (3) of paragraph A hereof and the failure after reasonable investigation to locate another qualified depository institution for the 2007 Bonds as provided in clause (3) of paragraph A hereof, and upon receipt of the Outstanding 2007 Bonds by the Bond Registrar, together with written instructions for transfer satisfactory to the Bond Registrar, new 2007 Bonds shall be issued in the denominations of \$5,000 or any integral multiple thereof, as provided in and subject to the limitations of Section 16 hereof, registered in the names of such Persons, and in such authorized denominations as are requested in such written transfer instructions; however, the Bond Registrar shall not be required to deliver such new 2007 Bonds within a period of less than 60 days from the date of receipt of such written transfer instructions.

The Council, the Bond Registrar and the Paying Agent shall be entitled to treat the Registered Owner of any Bond as the absolute Owner thereof for all purposes hereof and any applicable laws, notwithstanding any notice to the contrary received by any or all of them and the Council, the Bond Registrar and the Paying Agent shall have no responsibility for transmitting

payments to the beneficial owners of the 2007 Bonds held by The Depository Trust Company or any successor or new depository named pursuant to paragraph A hereof.

The Council, the Bond Registrar and the Paying Agent shall endeavor to cooperate with The Depository Trust Company or any successor or new depository named pursuant to clause (1) or (2) of paragraph (A) hereof in effectuating payment of the principal amount of the 2007 Bonds upon maturity by arranging for payment in such a manner that funds representing such payments are available to the depository on the date they are due.

Delivery of 2007 Bonds and Disposition of Proceeds. When the 2007 Bonds have been duly executed by appropriate City officers and authenticated by the Registrar, the City shall cause the 2007 Bonds to be delivered to the Purchasers on receipt of the agreed purchase price. The 2007 Bonds shall be delivered in such denominations as the Purchasers shall direct (but subject to the provisions of Sections 16 and 17 hereof); and the Registrar shall initially register the 2007 Bonds in such name or names as the Purchasers shall direct.

The proceeds of the 2007 Bonds, including the accrued interest thereon, shall be deposited promptly by the City and shall be accounted for in the following manner and are hereby pledged therefor, but the Purchasers of the 2007 Bonds or any subsequent Owner in no manner shall be responsible for the application or disposal by the City or any of its officers of any of the funds derived from the sale:

All proceeds of the 2007 Bonds shall be used by the City, together with any other available moneys therefor, to pay the costs of the Project, including costs incidental to the issuance of the 2007 Bonds. After payment of all costs of the Project, or after adequate provision therefor is made, any unexpended balance of the proceeds of the 2007 Bonds shall be deposited in the Bond Account and applied to the payment of the principal of and interest on the 2007 Bonds.

Use of Pledged Revenues. So long as any 2007 Bonds shall be Outstanding, either as to principal or interest, the Pledged Revenues shall, upon receipt by the City, be applied as follows:

Bond Account. First, there shall be credited from the Pledged Revenues to a special account of the City hereby created and to be known as the "City of Grand Junction Revenue Bond Account" the following amounts, provided however, that upon the issuance of

Additional Bonds, the Pledged Sales and Use Tax Revenues pledged to the payment of each respective series of Bonds shall be credited concurrently:

Interest Payments. Monthly, commencing on the first day of the first month following the date of delivery of any of the Bonds, or commencing on the first day of the month six months next prior to the first interest payment date of any of the Bonds, whichever commencement date is later, an amount in equal monthly installments necessary, together with any other moneys from time to time available therefor and on deposit therein from whatever source, to pay the next maturing installment of interest on the Bonds then Outstanding.

Principal Payments. Monthly, commencing on the first day of the first month following the date of delivery of any of the Bonds, or commencing on the first day of the month one year next prior to the first principal payment date of any of the Bonds, whichever commencement date is later, an amount in equal monthly installments necessary, together with any other moneys from time to time available therefor and on deposit therein from whatever source, to pay the next installment of principal of the Bonds coming due at maturity.

If prior to any interest payment date or principal payment date there has been accumulated in the Bond Account the entire amount necessary to pay the next maturing installment of interest or principal, or both, the payment required in subparagraph (1) or (2) (whichever is applicable) of this paragraph, may be appropriately reduced; but the required monthly amounts again shall be so credited to such account commencing on such interest payment date or principal payment date. The moneys in the Bond Account shall be used only to pay the principal of and interest on the Bonds as the same become due.

Termination of Deposits upon Maturity. No payment need be made into the Bond Account if the amount therein totals a sum at least equal to the entire amount of the Outstanding Bonds, both as to principal and interest to their respective maturities, and both accrued and unaccrued requirements, in which case moneys in the Bond Account in an amount at least equal to such principal and interest requirements shall be used solely to pay such as the same accrue, and any moneys in excess thereof in the Bond Account may be used as provided in Paragraphs D and E of this Section.

Rebate Account. Third, there shall be deposited in a sub-account of the “City of Grand Junction General Fund Revenue Bonds, Series 2004, Rebate Account”, which sub-account is hereby created and shall be known as the “2007 Rebate Sub-account”, amounts required by Section 148(f) of the Tax Code to be held until such time as any required rebate payment is made. Amounts in the Rebate Account shall be used for the purpose of making the payments to the United States required by Section 148(f) of the Tax Code. Any amounts in excess of those required to be on deposit therein by Section 148(f) of the Tax Code shall be withdrawn therefrom and deposited into the Bond Account. Funds in the Rebate Account shall not be subject to the lien created by this Ordinance to the extent such amounts are required to be paid to the United States Treasury.

Payment for Subordinate Obligations. After the payments required by Paragraphs A and C of this Section, the Pledged Revenues shall be used by the City for the payment of interest on and principal of any obligations secured by Pledged Revenues subordinate to the lien of the Bonds hereafter authorized to be issued, including reasonable reserves therefor.

Use of Remaining Revenues. After making the payments required to be made by this Section, any remaining Pledged Revenues may be used for any lawful purpose.

Nothing in this Ordinance shall prevent the City from making refunds of amounts collected by the City and subsequently determined, pursuant to the applicable Sales and Use Tax Ordinances, to be subject to valid claims for refunds.

General Administration of Accounts. The accounts designated in Section 19 hereof shall be administered as follows, subject to the limitations stated in Section 24.K. hereof:

Budget and Appropriation of Accounts. The sums provided to make the payments specified in Section 19 hereof are hereby appropriated for said purposes, and said amounts for each year shall be included in the annual budget and the appropriation ordinance or measures to be adopted or passed by the Council in each year respectively while any of the 2007 Bonds, either as to principal or interest, are Outstanding and unpaid. No provision of any constitution, statute, charter, ordinance, resolution, or other order or measure enacted after the issuance of the 2007 Bonds shall in any manner be construed as limiting or impairing the obligation of the City to keep and perform the covenants contained in this Ordinance so long as any of the 2007 Bonds remain Outstanding and unpaid. Nothing herein shall prohibit the Council, at its sole option,

from appropriating and applying other funds of the City legally available for such purpose to the Bond Account for the purpose of providing for the payment of the principal of and interest on the 2007 Bonds.

Places and Times of Deposits. Each of the special accounts created in Section 19 hereof shall be maintained as a book account kept separate and apart from all other accounts or funds of the City as trust accounts solely for the purposes herein designated therefor. For purposes of investment of moneys, nothing herein prevents the commingling of moneys accounted for in any two or more such book accounts pertaining to the Pledged Revenues or to such accounts and any other funds of the City to be established under this Ordinance. Moneys in any such book account shall be continuously secured to the fullest extent required by the laws of the State for the securing of public accounts. Each periodic payment shall be credited to the proper book account not later than the date therefor herein designated, except that when any such date shall be a Saturday, a Sunday or a legal holiday, then such payment shall be made on or before the next preceding business day.

Investment of Accounts. Any moneys in any account established by Section 19 of this Ordinance may be invested or reinvested in any Permitted Investment. Securities or obligations purchased as such an investment shall either be subject to redemption at any time at face value by the holder thereof at the option of such holder, or shall mature at such time or times as shall most nearly coincide with the expected need for moneys from the account in question. Securities or obligations so purchased as an investment of moneys in any such account shall be deemed at all times to be a part of the applicable account. The City shall present for redemption or sale on the prevailing market any securities or obligations so purchased as an investment of moneys in a given account whenever it shall be necessary to do so in order to provide moneys to meet any required payment or transfer from such account. The City shall have no obligation to make any investment or reinvestment hereunder, unless any moneys on hand and accounted for in any one account exceed \$5,000 and at least \$5,000 therein will not be needed for a period of not less than 60 days. In such event the City shall invest or reinvest not less than substantially all of the amount which will not be needed during such 60 day period, except for any moneys on deposit in an interest bearing account in a Commercial Bank, without regard to whether such moneys are evidenced by a certificate of deposit or otherwise, pursuant to this Section 20.C. and

Section 20.E. hereof; but the City is not required to invest, or so to invest in such a manner, any moneys accounted for hereunder if any such investment would contravene the covenant concerning arbitrage in Section 24.K. hereof.

No Liability for Losses Incurred in Performing Terms of Ordinance. Neither the City nor any officer of the City shall be liable or responsible for any loss resulting from any investment or reinvestment made in accordance with this Ordinance.

Character of Funds. The moneys in any fund or account herein authorized shall consist of lawful money of the United States or investments permitted by Section 20.C. hereof or both such money and such investments. Moneys deposited in a demand or time deposit account in or evidenced by a certificate of deposit of a Commercial Bank pursuant to Section 20.C. hereof, appropriately secured according to the laws of the State, shall be deemed lawful money of the United States.

Pledge Securing the 2007 Bonds. The Pledged Revenues and any moneys and securities paid or to be paid to or held or to be held in the Bond Account designated in Section 19 hereof are hereby pledged to secure the payment of the principal of and interest on the 2007 Bonds, subject only to moneys and securities held in the Rebate Account, to the extent such amounts are required to be paid to the United States. The pledge of the Pledged Sales and Use Tax Revenues (as part of the Pledged Revenues) to secure the payment of the principal of and interest on the 2007 Bonds is on a parity with the pledge of the Pledged Sales and Use Tax Revenues for and lien thereon of the 2004 Bonds and any Additional Bonds hereafter issued, as provided herein. This pledge of the Pledged Revenues shall be valid and binding from and after the date of the delivery of the 2007 Bonds, and the Pledged Revenues received by the City and hereby pledged shall immediately be subject to the lien of this pledge without any physical delivery thereof, any filing, or further act. The lien of this pledge of the Pledged Revenues shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the City irrespective of whether such parties have notice thereof. The lien of this pledge on the Pledged Revenues and the obligation to perform the contractual provisions made herein shall have priority over any or all other obligations and liabilities of the City, except with respect to any parity lien on the Pledged Sales and Use Tax Revenues which may be pledged to the 2004 Bonds and Additional Bonds hereafter authorized, as provided herein.

Additional Bonds.

Limitations Upon Issuance of Additional Bonds. Nothing in this Ordinance shall prevent the issuance by the City of additional bonds or other obligations payable from and constituting a lien upon the Pledged Sales and Use Tax Revenues on a parity with the lien thereon of the 2007 Bonds (the "Additional Bonds"). Such Additional Bonds may be payable solely from Pledged Sales and Use Tax Revenues or they may be payable from Pledged Sales and Use Tax Revenues and another revenue or fund of the City ("Additional Pledged Revenues"). Regardless of whether payable solely from Pledged Sales and Use Tax Revenues or from Pledged Sales and Use Tax Revenues and Additional Pledged Revenues, such bonds or other obligations may be issued only if for the Fiscal Year immediately preceding the issuance of any Additional Bonds, the amount of Pledged Sales and Use Tax Revenues in such Fiscal Year equaled or exceeded 175% of the Maximum Annual Debt Service Requirement on the Outstanding Bonds and the Additional Bonds proposed to be issued. For the purpose of satisfying the aforementioned 175% test, any sales and use tax, now existing or hereafter imposed, which legally becomes a part of the Pledged Sales and Use Tax Revenues during the Fiscal Year preceding the issuance of Additional Bonds, or any tax which is to legally become a part of the Pledged Sales and Use Tax Revenues immediately prior to the issuance of Additional Bonds, or any increase in the rate of any tax which is a part of the Pledged Sales and Use Tax Revenues which increase is imposed during the Fiscal Year preceding the issuance of Additional Bonds or any such increase which is to be imposed immediately prior to the issuance of Additional Bonds can be considered for its estimated effect on the amount of the Pledged Sales and Use Tax Revenues as if such tax or increase had been in effect for the Fiscal Year immediately preceding the issuance of such Additional Bonds. Any tax which is no longer in effect at the time of issuance of the Additional Bonds shall not be considered for purposes of satisfying such tests.

Certificate of Revenues. A written certification by an officer or employee of the City that the requirements of Paragraph A of this section have been met shall be conclusively presumed to be accurate in determining the right of the City to authorize, issue, sell and deliver said Additional Bonds with a pledge of the Pledged Sales and Use Tax Revenues on a parity with the pledge thereof to the 2007 Bonds herein authorized.

Superior Pledged Sales and Use Tax Revenue Obligations Prohibited. Nothing in this Ordinance shall be construed so as to permit the City to hereafter issue obligations payable from the Pledged Sales and Use Tax Revenues having a lien thereon prior or superior to the 2007 Bonds.

Subordinate Pledged Sales and Use Tax Revenue Obligations Permitted. Nothing in this Ordinance shall be construed in such a manner as to prevent the issuance by the City of additional obligations payable from and constituting a lien upon the Pledged Sales and Use Tax Revenues subordinate or junior to the lien of the 2007 Bonds.

Superior, Parity, and Subordinate Revenue Obligations Permitted. Nothing in this Ordinance shall be construed in such a manner as to prevent the issuance by the City of additional obligations payable from and constituting a lien upon any of the Pledged Revenues specifically excluding therefrom the Pledged Sales and Use Tax Revenues, superior to, on a parity with, or subordinate or junior to the lien thereon of the 2007 Bonds.

Refunding Obligations.

Generally. If at any time after the 2007 Bonds, or any part thereof, shall have been issued and remain Outstanding, the City shall find it desirable to refund any Outstanding Bonds, or any part thereof, such Bonds, or any part thereof, may be refunded, subject to the provisions of Paragraph B of this Section, if (1) the Bonds to be refunded, at the time of their required surrender for payment, shall then mature, or (2) the Owners of the Bonds to be refunded consent to such surrender and payment.

Protection of Obligations Not Refunded. Any refunding obligations payable from the Pledged Revenues or from the Pledged Sales and Use Tax Revenues and any Additional Pledged Revenues shall be issued with such details as the Council may provide, so long as there is no impairment of any contractual obligation imposed upon the City by any proceedings authorizing the issuance of any unrefunded portion of Bonds payable from the Pledged Revenues or the Pledged Sales and Use Tax Revenues and any Additional Pledged Revenues; but so long as any Bonds are Outstanding, refunding obligations payable from the Pledged Sales and Use Tax Revenues may be issued on a parity with the unrefunded Bonds only if:

Prior Consent. The City first receives the consent of the Owner or Owners of the unrefunded Bonds; or

Requirements Not Increased. The refunding obligations do not increase by more than \$25,000, for any Fiscal Year prior to and including the last maturity date of any unrefunded Bonds, the aggregate principal and interest requirements evidenced by such refunding obligations and by any Outstanding Bonds not refunded, and the lien of any refunding parity obligations on the Pledged Sales and Use Tax Revenues is not raised to a higher priority than the lien thereon of any Bonds thereby refunded; or

Earnings Test. The refunding obligations are issued in compliance with Paragraphs A and B of Section 22 hereof.

Protective Covenants. The City hereby additionally represents, covenants, and agrees with each and every Owner of the 2007 Bonds that:

Use of 2007 Bond Proceeds. The City will proceed with the Project without delay and with due diligence.

Payment of 2007 Bonds. The City will promptly pay the principal of and interest on every 2007 Bond issued hereunder and secured hereby on the dates and in the manner specified herein and in said 2007 Bonds according to the true intent and meaning hereof. Such principal of and interest on the 2007 Bonds is payable solely from the Pledged Revenues.

Amendment of Certain Ordinances; Duty to Impose Sales and Use Tax; Impairment of Contract. The Sales and Use Tax Ordinances are in full force and effect and have not been repealed or amended. The City will not repeal or amend said Sales and Use Tax Ordinances in any manner which would diminish the proceeds of the Pledged Sales and Use Tax by an amount which would materially adversely affect the rights of the Owners of the 2007 Bonds.

Notwithstanding any other provision of this Section or this Ordinance, the City shall retain the right to make changes, without any consent of 2007 Bond Owners, in the Sales and Use Tax Ordinances, or any ordinance supplemental thereto or in substitution therefor, concerning the use of proceeds of the Pledged Sales and Use Tax remaining after the current requirements of all ordinances authorizing bonds or other securities payable from the Pledged Sales and Use Tax, or any portion thereof, have been met; or concerning changes in applicability,

exemptions, administration, collection, or enforcement of the Sales and Use Tax, if such changes do not materially adversely affect the security for the 2007 Bonds.

The foregoing covenants are subject to compliance by the City with orders of courts of competent jurisdiction concerning the validity, constitutionality or collection of such tax revenues, any legislation of the United States or the State or any regulation or other action taken by the federal government, any State agency or any political subdivision of the State pursuant to such legislation, in the exercise of the police power thereof for the public welfare, which legislation, regulation or action applies to the City as a Colorado home rule city and limits or otherwise inhibits the amount of such tax revenues due to the City. All of the Pledged Sales and Use Tax Revenues shall be subject to the payment of the principal of and interest on all Bonds payable from the Pledged Sales and Use Tax Revenues, including reserves therefor, as provided herein or in any instrument supplemental or amendatory hereof.

Defense of Legality of Pledged Revenues. There is not pending or threatened any suit, action or proceeding against or affecting the City before or by any court, arbitrator, administrative agency or other governmental authority which affects the validity or legality of this Ordinance, or the Sales and Use Tax Ordinances or the imposition and collection of the Sales and Use Tax, any of the City's obligations under this Ordinance or any of the transactions contemplated by this Ordinance or the Sales and Use Tax Ordinances.

The City shall, to the extent permitted by law, defend the validity and legality of this Ordinance, the Sales and Use Tax and the Sales and Use Tax Ordinances against all claims, suits and proceedings which would diminish or impair the Pledged Revenues. Furthermore, the City shall amend from time to time the provisions of any ordinance or resolution of the City, as necessary to prevent impairment of the Pledged Revenues as required to meet the principal of and interest on the 2007 Bonds when due.

Further Assurances. At any and all times the City shall, so far as it may be authorized by law, pass, make, do, execute, acknowledge, deliver and file or record all and every such further instruments, acts, deeds, conveyances, assignments, transfers, other documents and assurances as may be necessary or desirable for the better assuring, conveying, granting, assigning and confirming all and singular the rights, the Pledged Revenues and other funds and accounts hereby pledged or assigned, or intended so to be, or which the City may hereafter

become bound to pledge or to assign, or as may be reasonable and required to carry out the purposes of this Ordinance and to comply with any instrument of the City amendatory thereof, or supplemental thereto and the Charter. The City, acting by and through the Council, or otherwise, shall at all times, to the extent permitted by law, defend, preserve and protect the pledge of the Pledged Revenues and other funds and accounts pledged hereunder and all the rights of every Owner of any of the 2007 Bonds against all claims and demands of all Persons whomsoever.

Conditions Precedent. Upon the issuance of any of the 2007 Bonds, all conditions, acts and things required by the Constitution or laws of the United States, the Constitution or laws of the State, the Charter or this Ordinance, to exist, to have happened, and to have been performed precedent to or in the issuance of the 2007 Bonds shall exist, have happened and have been performed, and the 2007 Bonds, together with all other obligations of the City, shall not contravene any debt or other limitation prescribed by the Constitution or laws of the United States, the Constitution or laws of the State, or the Charter of the City.

Maintenance of Records. So long as any of the 2007 Bonds remain Outstanding, proper books of record and account will be kept by the City, separate and apart from all other records and accounts, showing complete and correct entries of all transactions relating to the Pledged Revenues and the accounts created by this Ordinance. Upon the issuance of any series of Additional Bonds, the City shall keep proper books of record and account showing complete and correct entries of all transactions relating to the Pledged Sales and Use Tax Revenues and accounts created or continued pursuant to the ordinance authorizing the issuance of such series of Additional Bonds.

Audits Required. The City further agrees that it will, within 210 days following the close of each Fiscal Year, cause an audit of such books and accounts to be made by a certified public accountant, who is not an employee of the City, showing the Pledged Revenues. The City agrees to allow the Owner of any of the 2007 Bonds to review and copy such audits and reports, at the City's offices, at his request. Copies of such audits and reports will be furnished to the Purchasers.

Performing Duties. The City will faithfully and punctually perform all duties with respect to the Pledged Revenues required by the Charter and the Constitution and laws of the State and the ordinances and resolutions of the City, including but not limited to the proper

collection and enforcement of the Sales and Use Taxes and the segregation of the Pledged Revenues and their application to the respective accounts herein designated.

Other Liens. As of the date of issuance of the 2007 Bonds, there are no liens or encumbrances of any nature whatsoever on or against any of the Pledged Revenues on a parity with or superior to the lien thereon of the 2007 Bonds, except for the lien on the Pledged Revenues of the 2004 Bonds.

Tax Covenant. The City covenants for the benefit of the Registered Owners of the 2007 Bonds that it will not take any action or omit to take any action with respect to the 2007 Bonds, the proceeds thereof, any other funds of the City or any facilities financed with the proceeds of the 2007 Bonds if such action or omission (i) would cause the interest on the 2007 Bonds to lose its exclusion from gross income for federal income tax purposes under Section 103 of the Tax Code, (ii) would cause interest on the 2007 Bonds to lose its exclusion from alternative minimum taxable income as defined in Section 55(b)(2) of the Tax Code except to the extent such interest is required to be included in adjusted current earnings adjustment applicable to corporations under Section 56 of the Tax Code in calculating corporate alternative minimum taxable income, or (iii) would cause interest on the 2007 Bonds to lose its exclusion from Colorado taxable income or Colorado alternative minimum taxable income under present Colorado law. The foregoing covenant shall remain in full force and effect notwithstanding the payment in full or defeasance of the 2007 Bonds until the date on which all obligations of the City in fulfilling the above covenant under the Tax Code and Colorado law have been met.

Corporate Existence. The City will maintain its corporate identity and existence so long as any of the 2007 Bonds remain Outstanding, unless another political subdivision by operation of law succeeds to the duties, privileges, powers, liabilities, disabilities, immunities and rights of the City and is obligated by law to receive and distribute the Pledged Revenues in place of the City, without materially adversely affecting the privileges and rights of any Owner of any Outstanding 2007 Bonds.

Performance of Duties. The City will faithfully and punctually perform or cause to be performed all duties with respect to the Pledged Revenues required by the laws of the State and the resolutions of the City, including without limitation the proper segregation of the Pledged

Revenues as set forth in Section 19 hereof and their application to the respective accounts as herein provided.

Prompt Collections. The City will cause the Pledged Revenues to be collected promptly and accounted for in the accounts as herein provided.

Prejudicial Contracts and Action Prohibited. No contract will be entered into, nor will any action be taken, by the City by which the rights and privileges of any Owner are impaired or diminished.

Continuing Disclosure. The City further covenants for the benefit of the Owners of the Bonds to comply with the Continuing Disclosure Certificate.

Defeasance. When the 2007 Bonds have been fully paid both as to principal and interest have been paid, all obligations hereunder shall be discharged and the 2007 Bonds shall no longer be deemed to be Outstanding for any purpose of this Ordinance, except as set forth in Section 24.K. hereof. Payment of any 2007 Bond shall be deemed made when the City has placed in escrow with a Trust Bank an amount sufficient (including the known minimum yield from Governmental Obligations) to meet all requirements of principal and interest on such 2007 Bond as the same become due to maturity. The Governmental Obligations shall become due at or prior to the respective times on which the proceeds thereof shall be needed, in accordance with a schedule agreed upon between the City and such Trust Bank at the time of creation of the escrow and shall not be callable prior to their scheduled maturities by the issuer thereof.

In the event that there is a defeasance of only part of the 2007 Bonds of any maturity, the Registrar shall, if requested by the City, institute a system to preserve the identity of the individual 2007 Bonds or portions thereof so defeased, regardless of changes in bond numbers attributable to transfers and exchanges of 2007 Bonds; and the Registrar shall be entitled to reasonable compensation and reimbursement of expenses from the City in connection with such system.

Delegated Powers. The officers of the City shall be, and they hereby are, authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance. The form, terms and provisions of the Registrar Agreement and the Continuing Disclosure Certificate, hereby are approved, and the City shall enter into and perform its obligations under the Registrar Agreement, the Letter of Representations, and the Continuing

Disclosure Certificate in the forms of each of such documents previously filed, with only such changes therein as are not inconsistent herewith; and the President of the Council is hereby authorized and directed to execute the Registrar Agreement and the Continuing Disclosure Certificate. The City Manager or Finance Director is hereby authorized and directed to execute and deliver the Sale Certificate and to determine and approve the final determinations contained therein for the 2007 Bonds. The City Clerk is hereby authorized to execute and to affix the seal of the City to the Registrar Agreement, and the President of the Council, the City Manager, the Finance Director and the City Clerk are further authorized to execute and authenticate such other documents, instruments or certificates as are deemed necessary or desirable by bond counsel in order to issue and secure the 2007 Bonds. Such documents are to be executed in substantially the forms hereinabove approved, provided that such documents may be completed, corrected or revised as deemed necessary by the parties thereto in order to carry out the purposes of this Ordinance. Copies of all of the documents shall be delivered, filed and recorded as provided therein.

The approval hereby given to the various documents referred to above includes an approval of such additional details therein as may be necessary and appropriate for their completion, deletions therefrom and additions thereto as may be approved by bond counsel prior to the execution of the documents. The execution of any instrument by the appropriate officers of the City herein authorized shall be conclusive evidence of the approval by the City of such instrument in accordance with the terms hereof.

The proper officers of the City are hereby authorized and directed to prepare and furnish to bond counsel certified copies of all proceedings and records of the City relating to the 2007 Bonds and such other affidavits and certificates as may be required to show the facts relating to the authorization and issuance thereof as such facts appear from the books and records in such officers' custody and control or as otherwise known to them.

Events of Default. Each of the following events is hereby declared an "event of default:"

Nonpayment of Principal. If payment of the principal of any of the 2007 Bonds in connection therewith, shall not be made when the same shall become due and payable at maturity; or

Nonpayment of Interest. If payment of any installment of interest on the 2007 Bonds shall not be made when the same becomes due and payable; or

Incapable to Perform. If the City shall for any reason be rendered incapable of fulfilling its obligations hereunder; or

Default of any Provision. If the City shall default in the due and punctual performance of its covenants or conditions, agreements and provisions contained in the 2007 Bonds or in this Ordinance on its part to be performed, other than those delineated in Paragraphs A and B of this Section and Section 24.P. hereof, and if such default shall continue for 60 days after written notice specifying such default and requiring the same to be remedied shall have been given to the City by the Owners of not less than 25% in aggregate principal amount of the 2007 Bonds then Outstanding.

Remedies. Upon the happening and continuance of any event of default as provided in Section 27 hereof, the Owner or Owners of not less than 25% in principal amount of the Outstanding 2007 Bonds, or a trustee therefor, may protect and enforce their rights hereunder by proper legal or equitable remedy deemed most effectual including mandamus, specific performance of any covenants, the appointment of a receiver (the consent of such appointment being hereby granted), injunctive relief, or requiring the Council to act as if it were the trustee of an express trust, or any combination of such remedies. All proceedings shall be maintained for the equal benefit of all Owners. The failure of any Owner to proceed does not relieve the City or any Person of any liability for failure to perform any duty hereunder. The foregoing rights are in addition to any other right available to the Owners of Bonds and the exercise of any right by any Owner shall not be deemed a waiver of any other right.

Duties Upon Default. Upon the happening of any of the events of default as provided in Section 27 of this Ordinance, the City, in addition, will do and perform all proper acts on behalf of and for the Owners of the 2007 Bonds to protect and preserve the security created for the payment of the 2007 Bonds and to insure the payment of the principal of and interest on said 2007 Bonds promptly as the same become due. Proceeds derived from the Pledged Revenues, so long as any of the 2007 Bonds herein authorized, either as to principal or interest, are Outstanding and unpaid, shall be paid into the Bond Account pursuant to the terms hereof and to the extent provided herein, and used for the purposes herein provided. In the event

the City fails or refuses to proceed as in this section provided, the Owner or Owners of not less than 25% in aggregate principal amount of the 2007 Bonds then Outstanding, after demand in writing, may proceed to protect and enforce the rights of such Owners as hereinabove provided.

Replacement of Registrar or Paying Agent. If the Registrar or Paying Agent initially appointed hereunder shall resign, or if the City shall reasonably determine that said Registrar or Paying Agent has become incapable of performing its duties hereunder, the City may, upon notice mailed to each Owner of any 2007 Bond at his address last shown on the registration records, appoint a successor Registrar or Paying Agent, or both. No resignation or removal of the Registrar or Paying Agent may take effect until a successor is appointed. Every such successor Registrar or Paying Agent shall be the City or a Commercial Bank or Trust Bank. It shall not be required that the same institution serve as both Registrar and Paying Agent hereunder, but the City shall have the right to have the same institution serve as both Registrar and Paying Agent hereunder.

Severability. If any one or more sections, sentences, clauses or parts of this Ordinance shall for any reason be held invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance, but shall be confined in its operation to the specific sections, sentences, clauses or parts of this Ordinance so held unconstitutional or invalid, and the inapplicability and invalidity of any section, sentence, clause or part of this Ordinance in any one or more instances shall not affect or prejudice in any way the applicability and validity of this Ordinance in any other instances.

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

Amendment. After any of the 2007 Bonds have been issued, this Ordinance shall constitute a contract between the City and the holders of the Bonds and shall be and remain irrevocable until the Bonds and the interest thereon have been fully paid, satisfied and discharged except as otherwise provided in this Section.

The City may, without the consent of, or notice to the Owners of the 2007 Bonds, adopt such ordinances supplemental hereto (which supplemental amendments shall thereafter form a part hereof) for any one or more or all of the following purposes:

to cure any ambiguity, or to cure, correct or supplement any defect or omission or inconsistent provision contained in this Ordinance, or to make any provisions with respect to matters arising under this Ordinance or for any other purpose if such provisions are necessary or desirable and do not adversely affect the interests of the Owners of the 2007 Bonds;

to subject to the lien of this Ordinance additional revenues, properties or collateral;

to grant or confer upon the Registrar for the benefit of the Registered Owners of the Bonds any additional rights, remedies, powers, or authority that may lawfully be granted to or conferred upon the Registered Owners of the Bonds; or

to qualify this Ordinance under the Trust Indenture Act of 1939.

Exclusive of the amendatory ordinances permitted by Paragraph A of this Section, this Ordinance may be amended or supplemented by ordinance adopted by the Council in accordance with the law, without receipt by the City of any additional consideration but with the written consent of the Owners of 66% in aggregate principal amount of the 2007 Bonds Outstanding at the time of the adoption of such amendatory or supplemental ordinance; provided, however, that, without the written consent of the Owners of all of the 2007 Bonds adversely affected thereby, no such Ordinance shall have the effect of permitting:

An extension of the maturity of any 2007 Bond authorized by this Ordinance; or

A reduction in the principal amount of any 2007 Bond or the rate of interest thereon; or

The creation of a lien upon or pledge of Pledged Revenues ranking prior to the lien or pledge created by this Ordinance; or

A reduction of the principal amount of 2007 Bonds required for consent to such amendatory or supplemental ordinance; or

The establishment of priorities as between 2007 Bonds issued and Outstanding under the provisions of this Ordinance; or

The modification of or otherwise affecting the rights of the Owners of less than all of the 2007 Bonds then Outstanding.

Approval of Official Statement. The preparation, distribution and use of Preliminary Official Statement relating to the 2007 Bonds is hereby authorized. The President of the Council or Finance Director is authorized and directed to approve, on behalf of the City, a final Official Statement for use in connection with the offering and sale of the 2007 Bonds. The execution of a final Official Statement by the President of the Council or Finance Director shall be conclusively deemed to evidence the approval of the form and contents thereof by the City.

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

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

INTRODUCED, PASSED ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN PAMPHLET FORM January 3, 2007.

CITY OF GRAND JUNCTION, COLORADO

President of the Council

Attest:

City Clerk

INTRODUCED, PASSED ON SECOND READING, APPROVED AND
ORDERED PUBLISHED IN PAMPHLET FORM January 17, 2007.

CITY OF GRAND JUNCTION, COLORADO

President of the Council

Attest:

City Clerk

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

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

1. The foregoing pages are a true, correct and complete copy of an ordinance (the “Ordinance”) which was introduced, passed on first reading and ordered published in pamphlet form by the Council at a regular meeting thereof held on January 3, 2007 and was duly adopted and ordered published in pamphlet form by the Council at a regular meeting thereof held on January 17, 2007 which Ordinance has not been revoked, rescinded or repealed and is in full force and effect on the date hereof.

2. The Ordinance was duly moved and seconded and the Ordinance was passed on first reading at the meeting of January 3, 2007, by an affirmative vote of a majority of the members of the Council as follows:

<u>Councilmember</u>	<u>Voting “Aye”</u>	<u>Voting “Nay”</u>	<u>Absent</u>	<u>Abstaining</u>
Jim Doody				
Bonnie Beckstein				
Bruce Hill				
Gregg Palmer				
Jim Spehar				
Teresa Coons				
Doug Thomason				

3. The Ordinance was duly moved and seconded and the Ordinance was finally passed on second reading at the meeting of January 17, 2007, by an affirmative vote of a majority of the members of the Council as follows:

<u>Councilmember</u>	<u>Voting "Aye"</u>	<u>Voting "Nay"</u>	<u>Absent</u>	<u>Abstaining</u>
Jim Doody				
Bonnie Beckstein				
Bruce Hill				
Gregg Palmer				
Jim Spehar				
Teresa Coons				
Doug Thomason				

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

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

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

7. Notices of the meetings of January 3, 2007 and January 17, 2007 in the forms attached hereto as Exhibit A were posted at City Hall in accordance with law.

8. The Ordinance was published in pamphlet form in The Daily Sentinel, a daily newspaper of general circulation in the City, on January __, 2007 and January __, 2007 as required by the City Charter. Notice of the hearing on the Ordinance was published on January __, 2007. True and correct copies of the affidavits of publication are attached hereto as Exhibit B.

WITNESS my hand and the seal of the City affixed this ___ day of January, 2007.

City Clerk and Clerk to the Council

(SEAL)

EXHIBIT A

(Attach Notices of Meetings of January 3, 2007 and January 17, 2007)

EXHIBIT B
(Attach Affidavits of Publication)

pubfin\647330_1

Attach 4
Setting a Hearing on Zoning the Apple Acres Annexation
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject		Zoning the Apple Acres Annexation, located at 3025 E Road.					
Meeting Date		January 3, 2007					
Date Prepared		December 28, 2006			File #ANX-2006-302		
Author		Adam Olsen		Associate Planner			
Presenter Name		Adam Olsen		Associate Planner			
Report results back to Council		X	No		Yes	When	
Citizen Presentation			Yes	X	No	Name	
	Workshop	X	Formal Agenda		X	Consent	Individual Consideration

Summary: Request to zone the 8.84 acre Apple Acres Annexation, located at 3025 E Road, to RMF-5 (Residential Multi Family 5 du/ac).

Budget: N/A

Action Requested/Recommendation: Introduce a proposed ordinance and set a public hearing for January 17, 2007.

Background Information: See attached Staff Report/Background Information

Attachments:

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

STAFF REPORT / BACKGROUND INFORMATION

Location:		3025 E Road		
Applicants:		Apple Acres LLC-Owner Ciavonne Roberts & Associates-Representative		
Existing Land Use:		Residential/Vacant		
Proposed Land Use:		Residential		
Surrounding Land Use:	North	Residential, Agriculture, Commercial		
	South	Residential		
	East	Residential		
	West	Commercial		
Existing Zoning:		RSF-4		
Proposed Zoning:		RMF-5		
Surrounding Zoning:	North	RSF-4 (County), C-1		
	South	RSF-4 (County)		
	East	RSF-4 (County)		
	West	RSF-4 (County), B-1		
Growth Plan Designation:		RM (Residential Medium 4-8 du/ac)		
Zoning within density range?	X	Yes		No

Staff Analysis:

Zone of Annexation: The requested zone of annexation to the RMF-5 zone district is consistent with the Growth Plan designation of RM (Residential Medium 4-8 du/ac). The existing County zoning is RSF-4. Section 2.14 of the Zoning and Development Code states that the zoning of an annexation area shall be consistent with either the Growth Plan or the existing County zoning.

In order for the zoning to occur, the following questions must be answered and a finding of consistency with the Zoning and Development Code must be made per Section 2.6.A.3, 4 and 5 as follows:

- The proposed zone is compatible with the neighborhood, conforms to and furthers the goals and policies of the growth Plan and other adopted plans and policies, the requirements of this Code, and other City regulations.

Response: The RMF-5 zone district is compatible with the neighborhood and will not create adverse impacts. The future land use map designates all surrounding properties as RM (Residential Medium 4-8 du/ac). The area to the south of the property is zoned County RSF-4, with a density of 3 du/ac. A subdivision to the east of the subject property is zoned County RMF-5 with a density of 4.4 du/ac. To the west across E road is a property zoned B-1 in the City. To the north is I-70 B.

The RMF-5 zone district is in conformance with the following goals and policies of the Growth Plan and the Pear Park Neighborhood Plan.

Goal 5: To ensure that urban growth and development make efficient use of investments in streets, utilities and other public facilities.

Policy 5.2: The City and County will encourage development that uses existing facilities and is compatible with existing development.

Goal 10: To retain valued characteristics of different neighborhoods within the community.

Policy 10.2: The City and County will consider the needs of the community at large and the needs of individual neighborhoods when making development decisions.

Goal 11: To promote stable neighborhoods and land use compatibility throughout the community.

Goal 15: To achieve a mix of compatible housing types and densities dispersed throughout the community.

- Adequate public facilities and services are available or will be made available concurrent with the projected impacts of development allowed by the proposed zoning;

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

- The supply of comparably zoned land in the surrounding area is inadequate to accommodate the community's needs.

Response: The subject property is being zoned with a City designation due to the annexation and is comparable with the surrounding area.

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

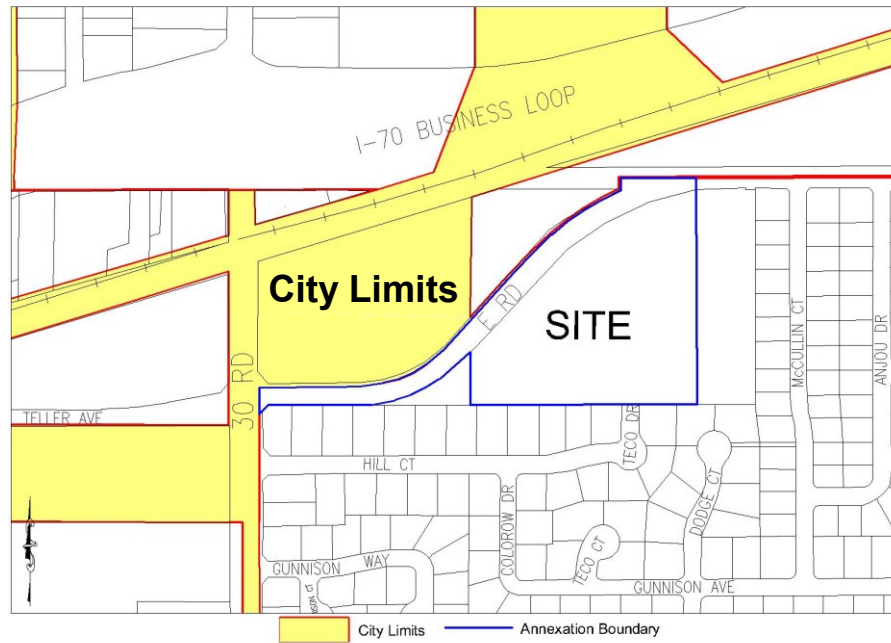
- a. RSF-4
- b. RMF-8

If the City Council chooses to recommend one of the alternative zone designations, specific alternative findings must be made.

PLANNING COMMISSION RECOMMENDATION: The Planning Commission recommended approval of the requested zone of annexation to the City Council, finding the zoning to the RMF-5 district to be consistent with the Growth Plan, and Sections 2.6 and 2.14 of the Zoning and Development Code.

Site Location Map

Figure 1



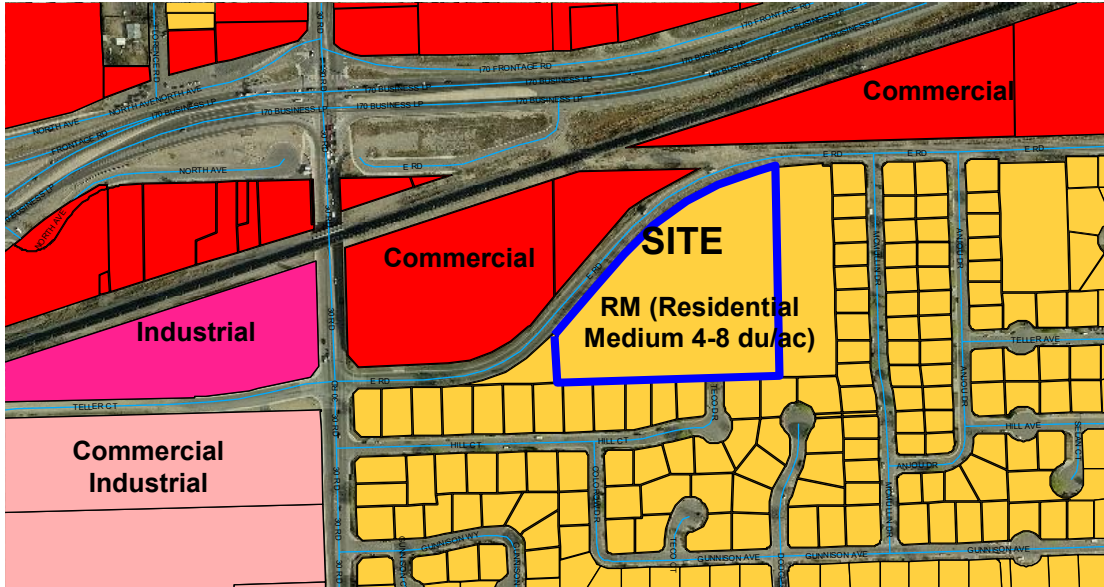
Aerial Photo Map

Figure 2



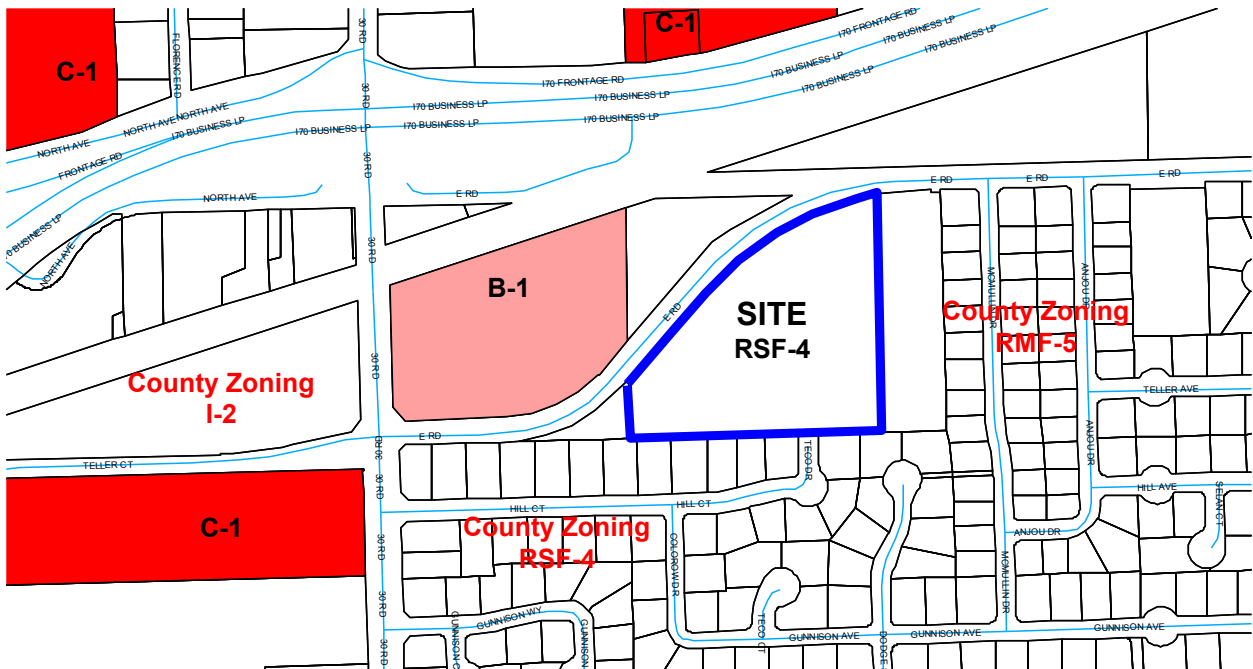
Future Land Use Map

Figure 3



Existing City and County Zoning

Figure 4



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

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ZONING THE APPLE ACRES ANNEXATION TO
RMF-5**

LOCATED AT 3025 E ROAD

Recitals

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of zoning the Apple Acres Annexation to the RMF-5 zone district finding that it conforms with the recommended land use category as shown on the future land use map of the Growth Plan and the Growth Plan's goals and policies and is generally compatible with land uses located in the surrounding area. The zone district meets the criteria found in Section 2.6 of the Zoning and Development Code.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the RMF-5 zone district is in conformance with the stated criteria of Section 2.6 of the Grand Junction Zoning and Development Code.

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

The following property be zoned RMF-5 (Residential Multi Family 5 du/ac).

A parcel of land located in the Northwest Quarter (NW 1/4) of Section 16, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at the Northeast corner of Northwest Quarter of the Northwest Quarter (NW 1/4 NW1/4) of said Section 16 and assuming the East line of said NW 1/4 NW1/4 to bear S00°00'18"E with all bearings contained herein relative thereto, thence S89°51'38"W along the North line of said NW 1/4 NW1/4 a distance of 8.01 feet to the POINT OF BEGINNING, said line also being the South line of the Timm Annexation No. 2, City of Grand Junction Ordinance No. 3186; thence S00°00'43"E a distance of 38.59 feet to the Northeast corner of that certain parcel of land as described in Book 4215, Page 289; thence S00°00'43"E along the East line of said parcel a distance of 621.11 feet to the Southeast corner of said parcel and also being a point on the North line of Fruitwood Subdivision Filing No. 5 as described in Plat Book 11, Page 194, Public Records, Mesa County, Colorado, and Fruitwood Subdivision Filing No. Three as

described in Plat Book 11, Page 159, Public Records, Mesa County, Colorado; thence S89°54'56"W along said North line, a distance of 652.89 feet to the Southwest corner of said parcel; thence N00°00'07"W a distance of 160.13 feet to the Northwest corner of said parcel, and also being a point on the South line of E Road as described in Book 1524, Page 10, Public Records, Mesa County, Colorado; thence S43°17'10"W along said South line a distance of 43.91 feet; thence S49°23'44"W along said South line a distance of 81.81 feet; thence 159.90 feet along the arc of a 391.10 foot radius curve concave Northwest, having a central angle of 23°25'31" and a chord bearing S66°11'51"W a distance of 158.79 feet; thence S82°59'56"W along said South line a distance of 81.91 feet; thence S88°54'43"W along said South line a distance of 74.90 feet; thence S89°54'37"W along said South line a distance of 201.51 feet; thence S45°58'19"W along said South line a distance of 21.53 feet to a point on the East line of 30 Road as described in Book 1524, Page 9, Public Records, Mesa County, Colorado and also being a point on the Timm Annexation No. 1, City of Grand Junction Ordinance No. 3185; thence N00°04'23"E along said East line a distance of 74.94 feet to a point on the South line of said Timm Annexation No. 2; thence N89°54'37"E along said South line a distance of 216.82 feet; thence N88°54'43"E along said South line a distance of 75.27 feet; thence N82°48'51"E along said South line a distance of 68.69 feet; thence 135.89 feet along the arc of a 331.10 foot radius curve concave Northwest, having a central angle of 23°30'56" and a chord bearing N66°11'51"E a distance of 134.94 feet; thence N49°34'49"E along said South line a distance of 68.69 feet; thence N43°28'56"E along said South line a distance of 75.27 feet; thence N42°29'02"E along said South line a distance of 227.40 feet; thence N42°59'04"E along said South line a distance of 74.79 feet; thence N45°57'33"E along said South line a distance of 78.16 feet; thence 237.42 feet along the arc of a 743.20 foot radius curve concave Southeast, having a central angle of 18°18'12" and a chord bearing N57°38'43"E a distance of 236.41 feet; thence N00°07'24"W a distance of 33.99 feet to a point on said North line of said NW 1/4 NW1/4; thence N89°54'29"E along said North line a distance of 215.17 feet, more or less to the Point of Beginning.

Said parcel contains 8.84 acres (385,455 square feet), more or less, as described.

INTRODUCED on first reading the ____ day of _____, 2007 and ordered published.

ADOPTED on second reading the ____ day of _____, 2007.

ATTEST:

President of the Council

City Clerk

**Attach 5
Setting a Hearing for the River Trail Annexation**

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject	River Trail Annexation - Located at 3141 D Road						
Meeting Date	January 3, 2007						
Date Prepared	December 27, 2006				File # ANX-2006-330		
Author	Ken Kovalchik			Senior Planner			
Presenter Name	Ken Kovalchik			Senior Planner			
Report results back to Council	X	No		Yes	When		
Citizen Presentation		Yes	X	No	Name		
	Workshop	X	Formal Agenda	X	Consent		Individual Consideration

Summary: Request to annex 17.405 acres, located at 3141 D Road. The River Trail Annexation consists of one parcel.

Budget: N/A

Action Requested/Recommendation: Adopt a Resolution referring the petition for the River Trail Annexation and introduce the proposed Ordinance and set a hearing for February 7, 2007.

Background Information: See attached Staff Report/Background Information

Attachments:

1. Staff report/Background information
2. Annexation / Location Map/Aerial Photo
3. Growth Plan Map/Zoning Map
4. Resolution Referring Petition
5. Annexation Ordinance

STAFF REPORT / BACKGROUND INFORMATION			
Location:		3141 D Road	
Applicants:		West of The Rockies Development, Owners	
Existing Land Use:		Residential/Agriculture	
Proposed Land Use:		Residential	
Surrounding Land Use:	North	Residential	
	South	Residential/Agriculture	
	East	Residential/Agriculture	
	West	Residential/Agriculture	
Existing Zoning:		Mesa County – RSF-R	
Proposed Zoning:		RMF-8	
Surrounding Zoning:	North	RMF-5	
	South	AFT (County)	
	East	RSF-R (County); RSF-4 (City)	
	West	RSF-R (County)	
Growth Plan Designation:		Residential Medium – RM (4-8 du/ac)	
Zoning within density range?		X	Yes
			No

Staff Analysis:

ANNEXATION:

This annexation area consists of 17.405 acres of land and is comprised of 1 parcel. The property owners have requested annexation into the City to allow for development of the property. Under the 1998 Persigo Agreement all proposed development within the Persigo Wastewater Treatment boundary requires annexation and processing in the City.

It is staff's opinion, based on review of the petition and knowledge of applicable state law, including the Municipal Annexation Act Pursuant to C.R.S. 31-12-104, that the River Trail Annexation is eligible to be annexed because of compliance with the following:

- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;

- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;
- c) A community of interest exists between the area to be annexed and the City. This is so in part because the Central Grand Valley is essentially a single demographic and economic unit and occupants of the area can be expected to, and regularly do, use City streets, parks and other urban facilities;
- d) The area is or will be urbanized in the near future;
- e) The area is capable of being integrated with the City;
- f) No land held in identical ownership is being divided by the proposed annexation;
- g) No land held in identical ownership comprising 20 contiguous acres or more with an assessed valuation of \$200,000 or more for tax purposes is included without the owners consent.

The following annexation and zoning schedule is being proposed.

<u>ANNEXATION SCHEDULE</u>	
January 3, 2007	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
January 9, 2007	Planning Commission considers Zone of Annexation
January 17, 2007	Introduction Of A Proposed Ordinance on Zoning by City Council
February 7, 2007	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
March 11, 2007	Effective date of Annexation

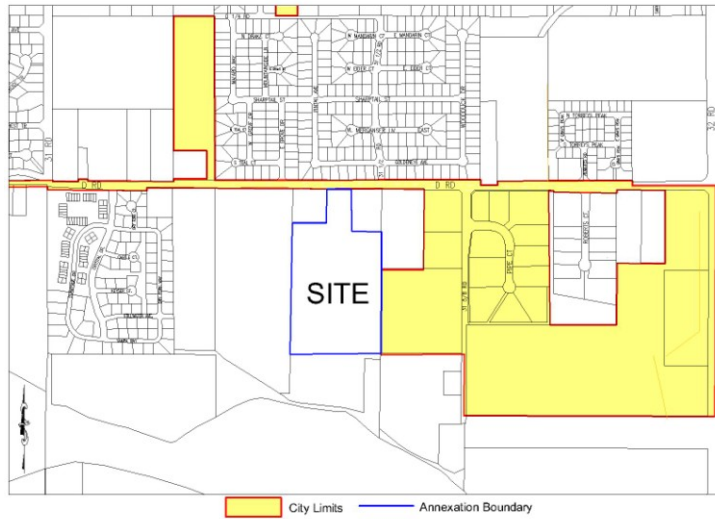
RIVER TRAIL ANNEXATION SUMMARY

File Number:	ANX-2006-330	
Location:	3141 D Road	
Tax ID Number:	2943-222-00-099	
Parcels:	1	
Estimated Population:	0	
# of Parcels (owner occupied):	0	
# of Dwelling Units:	0	
Acres land annexed:	17.405	
Developable Acres Remaining:	17.405	
Right-of-way in Annexation:	None	
Previous County Zoning:	RSF-R	
Proposed City Zoning:	RMF-8	
Current Land Use:	Alfalfa/Grazing	
Future Land Use:	Residential Medium - RM	
Values:	Assessed:	\$1,780
	Actual:	\$6,130
Address Ranges:	3141 D Road	
Special Districts:	Water:	Clifton
	Sewer:	Central Grand Valley Sanitation District
	Fire:	Clifton
	Irrigation/ Drainage:	Grand Junction Drainage
	School:	District 51
	Pest:	Upper Grand Valley Pest & Grand River Mosquito

Site Location Map

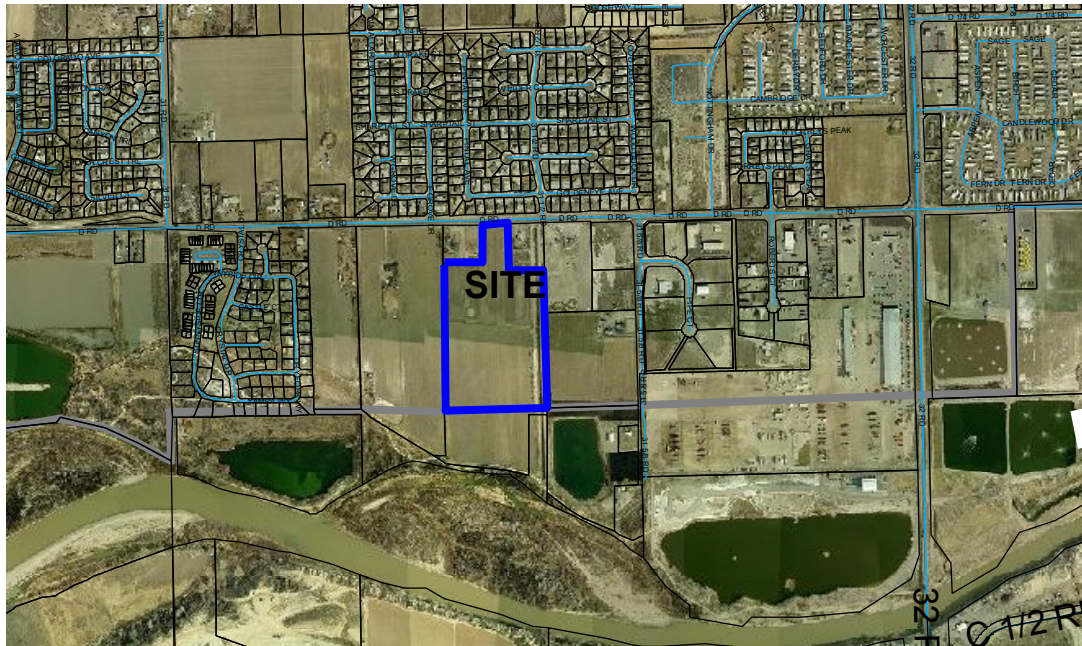
Figure 1

River Trail Subdivision Annexation



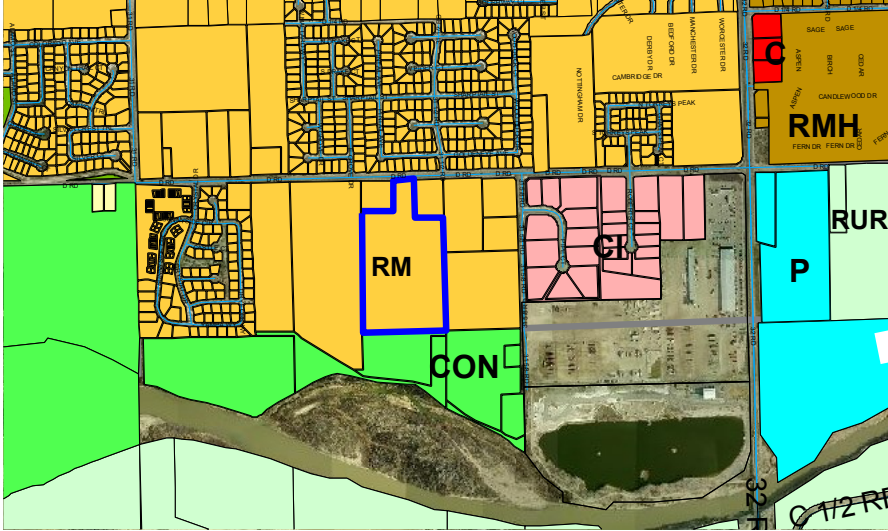
Aerial Photo Map

Figure 2



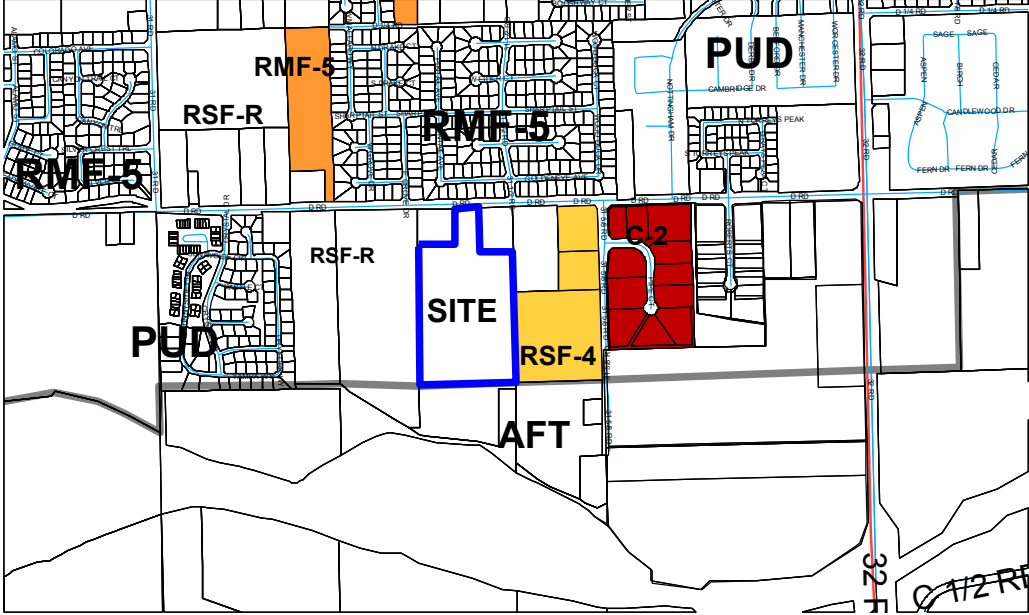
Future Land Use Map

Figure 3



Existing City and County Zoning

Figure 4



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

**NOTICE OF HEARING
ON PROPOSED ANNEXATION OF LANDS
TO THE CITY OF GRAND JUNCTION, COLORADO**

NOTICE IS HEREBY GIVEN that at a regular meeting of the City Council of the City of Grand Junction, Colorado, held on the 3rd of January, 2007, the following Resolution was adopted:

RESOLUTION NO. ____

**A RESOLUTION
REFERRING A PETITION TO THE CITY COUNCIL
FOR THE ANNEXATION OF LANDS
TO THE CITY OF GRAND JUNCTION, COLORADO,
SETTING A HEARING ON SUCH ANNEXATION,
AND EXERCISING LAND USE CONTROL**

RIVER TRAIL ANNEXATION

LOCATED AT 3141 D ROAD

WHEREAS, on the 3rd day of January, 2007, a petition was referred to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

RIVER TRAIL ANNEXATION

A certain parcel of land located in the Northeast Quarter of the Northwest Quarter (NE1/4 NW1/4) of Section 22, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Northeast corner of the NE1/4 NW1/4 of said Section 22, and assuming the East line of the NE1/4 NW1/4 of said Section 22 to bear S00°28'30"W with all bearings contained herein relative thereto; thence S00°28'30"W, along the East line of the NE1/4 NW1/4 of said Section 22, a distance of 363.01 feet to the Southeast corner of that certain parcel of land as described in Book 2433, Page 133, Public Records, Mesa County, Colorado and also being the POINT OF BEGINNING; thence S00°28'30"W, along said East line of the NE1/4 NW1/4 a distance of 956.87 feet to the Southeast corner of said NE1/4 NW1/4; thence N89°53'19"W, along the South line of said NE1/4 NW1/4 a distance of 705.08 feet to the Southwest corner of that certain parcel of land as described in Book 4134, Page 917, Public Records, Mesa County, Colorado; thence N00°14'12"E along the West line of said parcel a distance of 1021.85 feet to the Southwest corner of that certain parcel of land as described in Book 2228, Pages 755-756, Public Records, Mesa County, Colorado; thence S89°53'18"E a distance of 265.00 feet to the Southeast corner of said parcel; thence N00°14'12"E along the East line of said parcel a distance of 268.00 feet to a point on the South line of D Road; thence S89°53'17"E along said South line, being a line 30.00 feet South of and parallel with the North line of the NE1/4 NW1/4 of said Section 22, a distance of 205.45 to a point on the West line of said parcel as recorded in Book 2433, Page 133, Public Records, Mesa County, Colorado; thence S00°28'30"W along said West line a

distance of 333.01 to the Southwest corner of said parcel; thence S89°53'18"E along the South line of said parcel a distance of 240.00 feet, more or less, to the POINT OF BEGINNING.

Said parcel contains 17.405 acres (761,966 square feet), more or less, as described.

WHEREAS, the Council has found and determined that the petition complies substantially with the provisions of the Municipal Annexation Act and a hearing should be held to determine whether or not the lands should be annexed to the City by Ordinance;

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

1. That a hearing will be held on the 7th day of February, 2007, in the City Hall auditorium, located at 250 North 5th Street, City of Grand Junction, Colorado, at 7:00 PM to determine whether one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; whether a community of interest exists between the territory and the city; whether the territory proposed to be annexed is urban or will be urbanized in the near future; whether the territory is integrated or is capable of being integrated with said City; whether any land in single ownership has been divided by the proposed annexation without the consent of the landowner; whether any land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; whether any of the land is now subject to other annexation proceedings; and whether an election is required under the Municipal Annexation Act of 1965.
2. Pursuant to the State's Annexation Act, the City Council determines that the City may now, and hereby does, exercise jurisdiction over land use issues in the said territory. Requests for building permits, subdivision approvals and zoning approvals shall, as of this date, be submitted to the Community Development Department of the City.

ADOPTED the _____ day of _____, 2007.

Attest:

President of the Council

City Clerk

NOTICE IS FURTHER GIVEN that a hearing will be held in accordance with the Resolution on the date and at the time and place set forth in the Resolution.

City Clerk

<i>DATES PUBLISHED</i>
January 5, 2007
January 12, 2007
January 19, 2007
January 26, 2007

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ANNEXING TERRITORY TO THE
CITY OF GRAND JUNCTION, COLORADO**

RIVER TRAIL ANNEXATION

APPROXIMATELY 17.405 ACRES

LOCATED AT 3141 D ROAD

WHEREAS, on the 3rd day of January, 2007, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 7th day of February, 2007; and

WHEREAS, the City Council determined that said territory was eligible for annexation and that no election was necessary to determine whether such territory should be annexed;

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

That the property situate in Mesa County, Colorado, and described to wit:

RIVER TRAIL ANNEXATION

A certain parcel of land located in the Northeast Quarter of the Northwest Quarter (NE1/4 NW1/4) of Section 22, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Northeast corner of the NE1/4 NW1/4 of said Section 22, and assuming the East line of the NE1/4 NW1/4 of said Section 22 to bear S00°28'30"W with all bearings contained herein relative thereto; thence S00°28'30"W, along the East line of the NE1/4 NW1/4 of said Section 22, a distance of 363.01 feet to the Southeast corner of that certain parcel of land as described in Book 2433, Page 133, Public Records, Mesa County, Colorado and also being the POINT OF BEGINNING; thence

S00°28'30"W, along said East line of the NE1/4 NW1/4 a distance of 956.87 feet to the Southeast corner of said NE1/4 NW1/4; thence N89°53'19"W, along the South line of said NE1/4 NW1/4 a distance of 705.08 feet to the Southwest corner of that certain parcel of land as described in Book 4134, Page 917, Public Records, Mesa County, Colorado; thence N00°14'12"E along the West line of said parcel a distance of 1021.85 feet to the Southwest corner of that certain parcel of land as described in Book 2228, Pages 755-756, Public Records, Mesa County, Colorado; thence S89°53'18"E a distance of 265.00 feet to the Southeast corner of said parcel; thence N00°14'12"E along the East line of said parcel a distance of 268.00 feet to a point on the South line of D Road; thence S89°53'17"E along said South line, being a line 30.00 feet South of and parallel with the North line of the NE1/4 NW1/4 of said Section 22, a distance of 205.45 to a point on the West line of said parcel as recorded in Book 2433, Page 133, Public Records, Mesa County, Colorado; thence S00°28'30"W along said West line a distance of 333.01 to the Southwest corner of said parcel; thence S89°53'18"E along the South line of said parcel a distance of 240.00 feet, more or less, to the POINT OF BEGINNING.

Said parcel contains 17.405 acres (761,966 square feet), more or less, as described.

Be and is hereby annexed to the City of Grand Junction, Colorado.

INTRODUCED on first reading on the ____ day of _____, 2007 and ordered published.

ADOPTED on second reading the ____ day of _____, 2007.

Attest:

President of the Council

City Clerk

Attach 6

**Contract for the Pepsi Lift Station Elimination and Highway 340 Bore
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
Subject	Pepsi Lift Station Elimination & Hwy 340 Bore						
Meeting Date	January 3, 2007						
Date Prepared	December 28, 2006				File #		
Author	Mike Curtis			Project Engineer			
Presenter Name	Mark Relph			Public Works and Utility Director			
Report results back to Council	X	No		Yes	When		
Citizen Presentation		Yes	X	No	Name		
	Workshop	x	Formal Agenda		x	Consent	Individual Consideration

Summary: The Pepsi Lift Station is 28 years old and in need of replacement. This project will enable the City to eliminate the Pepsi Lift Station entirely, providing a more efficient and economical means of conveying sewage from this service area.

Budget: Project No.: F10231

Project Costs:

<u>Item</u>	<u>Estimated Cost</u>
Construction Contract	\$296,630
Design	\$14,000
Construction Administration and Inspection	\$14,000
Totals:	\$324,630

	2006 Rev Collection System Repl Fund 905 / F10200	2007 Collection System Repl Fund 905 / F10200
Budget	\$858,545	\$658,000
Pepsi Lift Station		
Engineering and Admin	\$14,000	\$14,000
Construction Contract **	\$100,000	\$196,630
Other Projects	\$744,545	\$404,430
Total Costs	\$858,545	\$615,060
Remaining Balance	\$0	\$42,940

** Funds not used in 2006 will be carried forward in 2007 to complete the project. Sufficient funds have been budgeted in 2006 Rev. and 2007 to complete this project.

Action Requested/Recommendation: Authorize the City Manager to execute a contract for the elimination of the Pepsi Lift Station and construction of a bore across

Hwy 340 to connect to the Rosevale Lift Station with Brannan Construction in the amount of \$296,630.20.

Attachments: Location map

Background Information:

Bids for the project were opened on December 12, 2006. The low bid was submitted by Brannan Construction Company in the amount of \$296,630.20. The following bids were received:

Bidder	From	Bid Amount
Brannan Construction Co.	Denver	\$296,630.20
Parker Excavating, Inc.	Pueblo	\$521,711.00
BT Construction, Inc.	Henderson	\$363,777.04
T. Lowell Construction, Inc.	Castle Rock	\$444,000.00
Clayco Inc.	Grand Junction	\$474,808.00
Engineers Estimate		\$249,302.00

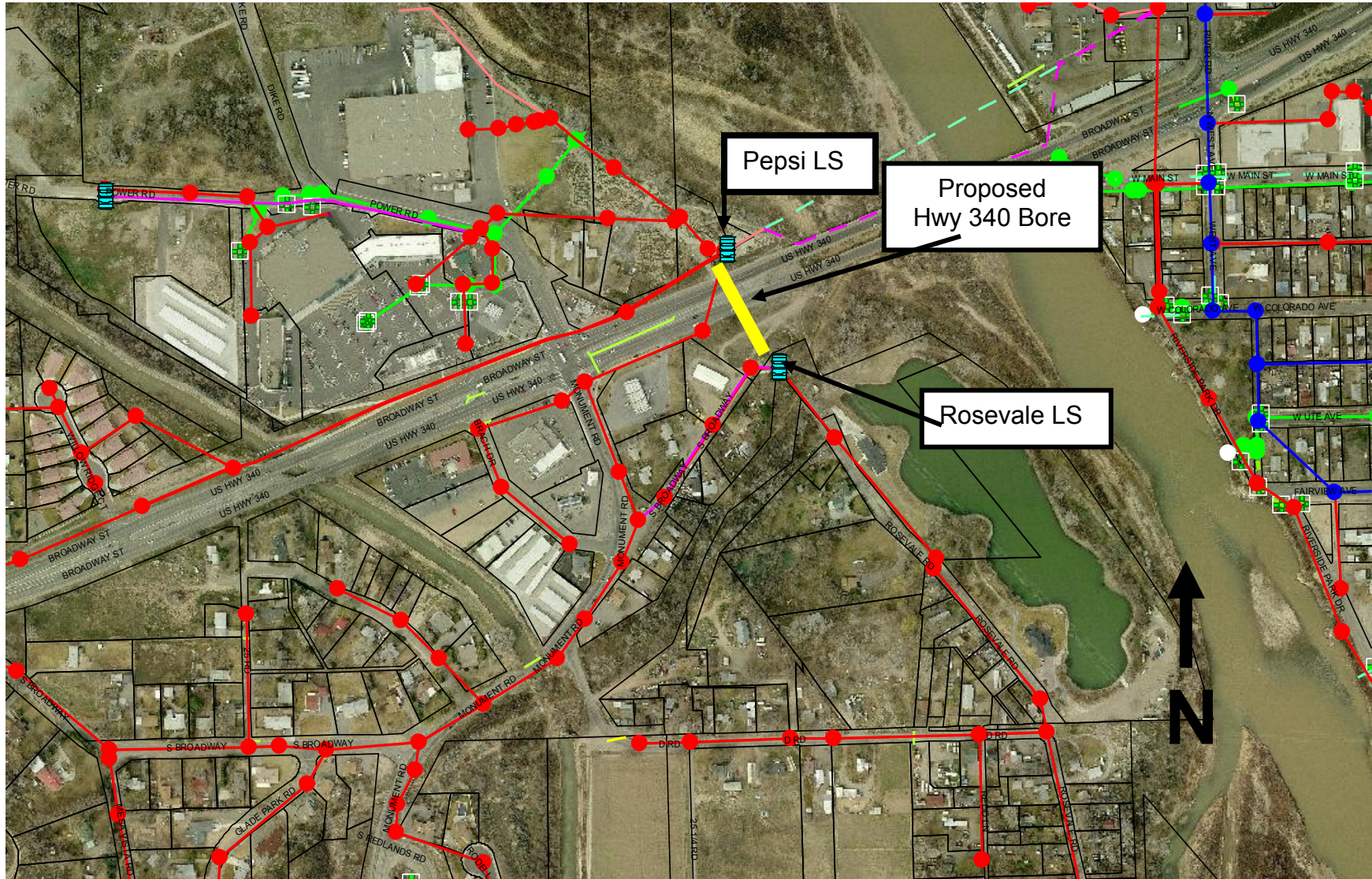
There are two lift stations serving this area; the Pepsi lift station on the north side of Hwy 340 and the Rosevale lift station on the south side of Hwy 340. The twenty eight year old Pepsi lift station serves a 76 acre basin. The Rosevale lift station, installed in 1996, serves a 309 acre area.

A 36 inch casing pipe, installed by boring under Hwy 340, will house an eight inch gravity line and six inch force main that will enable us to abandon the Pepsi lift station. The eight inch gravity line will carry sewage that used to flow into the wet well of the Pepsi lift Station to the south across the highway to the Rosevale lift station. The six inch force main will convey pumped discharge from the Rosevale lift station to the 12 inch siphon crossing the Colorado River Bridge. The pumps in the Rosevale lift station are sufficient to handle additional flow from the north side of the highway that used to flow into the Pepsi lift station in addition to the service area south of Highway 340.

The Rosevale lift station currently pumps sewage to the Pepsi Lift station which then pumps the same sewage to an existing siphon crossing the Colorado River. This is not an economically efficient way to serve this sewer basin. The enclosed map shows the location of the lift stations.

This project will eliminate one more mechanical devise from the Persigo collection system. Present value of the Pepsi Lift station is \$248,400. Eliminating reliance on any lift station is a benefit to the Persigo system, removing possible sanitary sewer overflows in the event of a power outage or pump failure. The EPA and Colorado Department of Public Health and Environment (CDPHE), place great importance on proactively reducing the possibilities of sanitary sewer overflows. Depending on frequency, severity, and impacts to endangered species, CDPHE may levee fines in amounts upwards of \$100,000 for sanitary sewer overflows.

The contractor is scheduled to start on January 15, 2007. Construction will take approximately twelve weeks with completion scheduled for April 6, 2007.



Pepsi/Rosevale Lift Stations Location Map

Attach 7
Grant Application for Watershed Protection
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject	Grant Application for Watershed Protection						
Meeting Date	January 3, 2007						
Date Prepared	December 28, 2006				File #		
Author	Greg Trainor		Public Works and Utilities Operations Manager				
Presenter Name	Greg Trainor		Public Works and Utilities Operations Manager				
Report results back to Council	X	No		Yes	When		
Citizen Presentation		Yes	X	No	Name		
	Workshop	X	Formal Agenda		X	Consent	Individual Consideration

Summary:

Grant application to the Department of Local Affairs (DOLA) for Energy Impact Assistance grant: Watershed ground and surface water characterization. This will be used in conjunction with the community plan of development process now underway with the BLM, the Town of Palisade, and Genesis Oil and Gas.

The application being submitted is under DOLA's out-of-cycle grant application process known as the Water/Wastewater Enhancement and Treatment Initiative (WET)

\$15M is set aside by the Department of Local Affairs for communities affected by energy development for future projects.

Budget:

Total project budget: \$137,000
 Total DOLA request: \$100,000
 Water Fund cash: \$ 12,000
 Water Fund In-kind: \$ 25,000

Water Fund matching cash and in-kind are available in the Water Enterprise Fund.

Action Requested/Recommendation:

Approval for submittal of grant application and authorization of City Manager to sign the application.

Attachments:

Grant Application Narrative.

Background Information:

The city is requesting \$100,000 in Energy Impact Assistance in order to perform hydro-geological engineering and source water protection within the Grand Junction watershed.

Proposed activities will involve: 1) Conducting water quality tests and testing for a variety components in order to establish baseline quality data for the water; 2) Conducting “tracing” tests to determine spring origins and paths of subsurface water; 3) Evaluating the potential risks of gas drilling in the watershed; 4) Developing a monitoring and emergency response plan in anticipation of possible gas development related impacts to water quantity and quality; 6) Develop source water protection plan in coordination with other involved agencies.

The total amount of the project is \$137,000. \$100,000 is requested in DOLA Energy Impact Assistance; Grand Junction is committed to providing \$12,000 cash match for the grant and \$25,000 in-kind services.

D. RELATIONSHIP TO ENERGY/MINERAL IMPACT. The statutory purpose to the Energy and Mineral Impact Assistance program is to provide financial assistance to “political subdivisions socially or economically impacted by the development, processing or energy conversion of minerals and mineral fuels.” This section of the application is intended to provide an opportunity for the applicant to describe its energy/mineral impacts, both *direct and indirect*, and the relationship of application to those impacts.

1. Explain how this project is directly or indirectly related to energy/mineral impacts, including whether it mitigates any adverse impacts.

Project is directly and immediately related to energy impacts.

In February, 2006, the U.S. Bureau of Land Management leased 14,000 acres in the Grand Junction & Palisade watershed for natural gas exploration and development. The Town of Palisade’s water source is partially located on Grand Junction property. Failure of the industry to develop these lease holds in a manner that protects source water quality and the environment could have direct impacts on Grand Junction’s high quality water. It is to the benefit of the City and the industry to develop this baseline data. Without further exploring the existing nature of the water and the watershed, we cannot determine if gas development activity will have a negative impact. It is also critical that a monitor and mitigation plan be established to minimize any damage to the resource in the event of accidental spills or seeps. A source water protection plan would be developed in preparation of preventing and mitigating impacts.

2. a. What direct energy/mineral impacts are being experienced by the applicant? Examples of direct impacts include: road/bridge/culvert damage, fire protection/emergency medical services, dust suppression, sound/visual mitigation, weed control, economic boom/busts and other direct physical, social or economic impacts.

Grand Junction is realizing impacts to emergency medical service, and road / bridge infrastructure stormwater quality impacts due to population and traffic growths from the energy industry. Many major industries (Halliburton, Cal-Frac, BJ Services) are located within City limits. The number of employees of energy company and support services for the industry residing in Mesa County has increased from 1119 in the 4th quarter of 2005 to 1465 in the first quarter of 2006 (Colorado Department of Labor and Employees.) (Note: 2006 year end data was not yet posted by the Department of Labor and Employees in time for this grant application.)

City administration has been impacted in beginning to work with federal and county officials in planning for the development activity anticipated in the

watershed. The City has a watershed ordinance and administration of that ordinance relative to gas exploration and development is already impacting planning and management staff time allocation. Grand Junction staff are also working with the town of Palisade, Genesis Oil and federal agencies to develop a community development plan to mitigate drilling impacts in the watershed.

- b. What types and amounts of local funds and resources are being used by the applicant to address direct energy/mineral impacts? Examples of funds and resources include: road and bridge funds, Highway User Trust Fund allocations, industry assessments or contributions, sales or property taxes, staff time, etc.

In 2007 the City of Grand Junction will fund \$1,000,000 toward the Somerville Supply Waterline, This project will develop an alternate water source to use as emergency contingency for unforeseen potential future impacts from energy development and drought protection. Staff resources of a significant amount have been utilized in negotiating with the industry and developing a BLM required community based plan to address anticipated drilling activity.

3. List energy/mineral activities (past, present and future) affecting the applicant. Be as specific as possible by listing company names, locations, production levels, employment levels, etc. Include not only production projects (e.g., oil, gas, carbon dioxide, coal, molybdenum, gold, etc.), but also processing, transmission (e.g., oil/gas pipelines, electric transmission lines, etc.), transportation (e.g., roads, rail lines, etc.) and energy conversion facilities (e.g., coal and gas-fired electric generating facilities).

Grand Junction is a prospering business, commercial and social center, rapidly growing as a location housing energy industry facilities and employees. The town is impacted by the activities of Williams Energy, Haliburton, Cal-Frac, BJ Services and many other development companies. Grand Junction watershed lands have been impacted by gas well development operated by South Oil, Aspen and Mitchell energy companies.

The project is directly related to the provision of service to these industry employees residing within the municipal limits and is also directly aimed at providing information of critical importance to both the City and the industry.

4. Are energy/mineral companies that impact the applicant jurisdiction aware of and supportive of this request?

Yes No Attach supporting documentation when appropriate.

Genesis Oil only – will inform other energy companies in Grand Junction watershed.

E. OTHER PROJECT INFORMATION

1. Why is the project needed? What are the specific goals of the project?

The watershed has already been leased for gas well exploration and development. The BLM has placed a one-year moratorium on actual drilling and required the development of a “community based plan”. Grand Junction, is part of that plan. The planning is under way in conjunction with Genesis Gas and Oil LLC, the buyers of the lease, and the Town of Palisade and Federal agencies. Genesis’ plans to develop gas resources in the watershed require immediate analysis of water quality, quantity, and sources in order to obtain that baseline data be developed prior to any drilling, as required by Grand Junction’s watershed protection ordinance. The Town of Palisade, in consultation with Genesis, has selected a Hydrogeologist using a competitive request for proposal process. This funding request would be used to perform hydrogeologic studies of Grand Junction’s water supply and develop source water protection plans.

2. How were the cost estimates arrived at? Have preliminary architectural/engineering studies been completed? What additional design work must still be completed? (Attach preliminary engineering reports, architectural drawings, cost estimates, detailed project budget.)

Cost estimates were prepared following solicitation of Town of Palisade proposals by hydrogeologic engineers and development of a scope of work in consultation with Genesis and the Hydrogeologist selected.

3. a. Describe local commitment to the project, including local fees or regulations altered to ensure project success, local taxing efforts to address continuing development and maintenance needs, and local citizen support. Describe any in-kind contributions, by type and value, in support of this project.

Grand Junction has already done some water quality sampling and is working with a variety of outside agencies such as the CDPHE Water Quality Control Division to conduct tests and locate resources for source water protection

planning. The City has also budgeted \$12,000 in additional funding in the 2007 budget for watershed analysis.

b. Was the cash value of the in-kind contributions calculated into the Project Budget (C)? Yes No

4. What other funding alternatives have been explored?

Source water protection planning funds are being investigated. Timing is critical. Testing must start immediately in order that a sufficient number of seasonal samples can be obtained before development activity commences, possibly as soon as 18 to 24 months from now.

5. Has the applicant jurisdiction been subject to any refund under TABOR or statutory tax limitations? Has the applicant sought voter approval to keep revenues above fiscal spending limits? Yes No
If yes, please explain.

City water fund is an enterprise fund and not subject to Tabor limitations

6. If the applicant jurisdiction is classified as an enterprise under TABOR, will acceptance of a state grant affect this status? Yes No
Please explain.

Annual revenues for the City's Water Fund are \$4,800,000. A \$100,000 grant will not be in excess of 10% of total revenues to the water fund.

7. If the project is funded, what on-going operational obligations will be incurred? What is the applicant's plan for addressing these additional costs? (Attach a detailed budget showing annual operating revenues and expenses, by amounts and sources.)

The on-going obligation will be vigilance in monitoring industry activity, obtaining continuing water quality data to assess source water protection plan, adhering to emergency planning and implanting the response plan should gas development activity endanger the water.

8. When do you expect the project to start? December, 2006. When will it be completed? November, 2008

9. Indicate below whether any of the proposed project activities:

- a. Will be undertaken in flood hazard areas. Yes _____ No X List flood plain maps/studies reviewed in reaching this conclusion. Describe alternatives considered and mitigation proposed.
- b. Will affect historical, archeological or cultural resources, or be undertaken in geological hazard area? Yes _____ No X Describe alternatives considered and mitigation proposed.
- c. Create or fail to address any other related public health or safety concerns? Yes __ No X
Describe.

**Attach 8
Public Hearing – Adopt the 2006 Edition of the International Fire Code**

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Adoption of the International Fire Code 2006 Edition and Amending Article III Chapter 18 of the Code of City Ordinances					
Meeting Date	January 3, 2007					
Date Prepared	December 19, 2011			File #		
Author	Jamie B. Kreiling Hank Masterson		Assistant City Attorney Fire Inspector			
Presenter Name	John Shaver Charles Mathis		City Attorney Fire Inspector			
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda		Consent	X Individual Consideration

Summary: Adoption of an Ordinance for the 2006 edition of the International Fire Code, which is part of the 2006 International Code set currently being adopted by the City.

Budget: Nominal costs for printed material.

Action Requested/Recommendation: Hold a Public Hearing and consider final passage of an Ordinance adopting the 2006 Edition of the International Fire Code and amends Article III of Chapter 18 of the City’s Code of Ordinances.

Attachments: A copy of the tracked proposed changes and the proposed ordinance.

Background Information: Prior to the year 2000, there were three major codes used in the United States. They were the BOCA, Southern and the Uniform codes. In 1999 the three code organizations merged to form one family of codes, which are known as the International Codes, to be used throughout the country. City Council adopted the 2000 edition of the International Codes in December 2000; that edition has now been revised and updated as the 2006 edition. The 2006 edition of the International Fire Code (“IFC”) is part of the 2006 International Code set, currently being adopted by the City. The 2006 codes are written to be well-coordinated so

that the provisions do not conflict. The compatible sections of the International Building Code and International Fire Code contain identical language.

There are a few minor additions and changes to the IFC regarding permits and permit fees, requirements for supplying a 13D system with domestic water where provided, location of Fire Department connectors, and installation of fire hydrants. All other code amendments in this ordinance were previously adopted as part of the 1994 Uniform Fire Code and/or the International Fire Code 2000 Edition, which are carried over to be part of the 2006 International Fire Code.

PROPOSED CHANGES

Chapter 18 FIRE PREVENTION AND PROTECTION **Article III. Fire Code**

Article III of Chapter 18 of the Code of Ordinances of the City of Grand Junction is hereby amended with deletions being indicated by strikethroughs and additions being underlined as follows: (If viewed in color, please ignore the differences in color as they do not have a meaning. Use of different computers while making the changes caused the different colors.)

SECTION 1

Sec. 18-56. Adoption of International Fire Code

For the purpose of prescribing regulations governing conditions hazardous to life and property from fire, explosion, and chemical release, the International Fire Code, (hereinafter "International Code" or "International Fire Code"), promulgated by the International Code Council, 5203 Leesburg Pike, Suite 708, Falls Church, Virginia, including appendices chapters B, C, D, E, and F, , 2006 edition except such portions as are hereinafter deleted, modified or amended by Section 18-59 of this article are hereby adopted. Not less than one (1) copy of the International Fire Code are filed in the office of the City Clerk. From the date on which this article shall take effect, the provisions thereof shall be controlling within the limits of the City of Grand Junction, Colorado.

Sec. 18-57. Establishment and Duties of Fire Prevention.

(a) The International Code shall be enforced by the Division of Fire Prevention in the Fire Department of the City of Grand Junction which has been previously established and which shall be operated under the supervision of the Chief of said Fire Department.

(b) The Fire Marshal in charge of the Division of Fire Prevention in the Fire Department of the City of Grand Junction shall be appointed by the Chief of the Fire Department.

(c) The Chief of the Fire Department may detail such members of the Fire Department as inspectors as he shall from time to time deem necessary. The Chief of the Fire Department shall recommend to the City Manager the employment of technical inspectors as necessary.

Sec. 18-58. Definitions.

(a) Wherever the word "jurisdiction" is used in the International Fire Code, it shall be held to mean the City of Grand Junction, Colorado.

(b) Wherever the term "corporation counsel" is used in the International Fire Code, it shall be held to mean the City Attorney for the City.

(c) Wherever the term "City Manager" is used, it shall mean the City Manager or any

employee of the City designated by the City Manager, such as but not limited to the Fire Chief, the Fire Marshal or the Finance Director of the City.

(d) Wherever an officer of the City, such as "City Manager" or "Fire Chief," is mentioned or designated herein, such officer may delegate, informally or in writing, the duties and responsibilities to a designee who shall have the full power and authority of the named or designated officer.

Sec. 18-59. Amendments to the International Fire Code

The International Fire Code is amended and changed in the following respects:

(a) Add a section to read: **105.1.4 Permit Fees.** Permit rates and fees shall be as adopted by City Council by resolution.

(b) Section 105.6. Required operational permits. Section 105.6 is amended by adding an additional paragraph to read: An operational permit is not required for the following activities as set forth in the following titles under Section 105.6:

- 105.6.1 Aerosol products
- 105.6.2 Amusement buildings
- 105.6.3 Aviation facilities
- 105.6.4 Carnivals and fairs
- 105.6.5 Battery systems
- 105.6.5 Cellulose nitrate film
- 105.6.6 Combustible dust-producing operations
- 105.6.7 Combustible fibers
- 105.6.9 Compressed gases
- 105.6.9 Covered mall buildings
- 105.6.11 Cryogenic fluids
- 105.6.11 Cutting and welding
- 105.6.12 Dry cleaning plants
- 105.6.13 Exhibits and trade shows
- 105.6.15 Fire hydrants and valves
- 105.6.17 Flammable and combustible liquids
- 105.6.17 Floor finishing
- 105.6.18 Fruit and crop ripening
- 105.6.19 Fumigation and thermal insecticidal fogging
- 105.6.21 Hazardous materials
- 105.6.21 HPM facilities
- 105.6.23 Hot work operations
- 105.6.24 Industrial ovens
- 105.6.25 Lumber yards and woodworking plants
- 105.6.26 Liquid-or gas-fueled vehicles or equipment in assembly buildings
- 105.6.28 LP-gas
- 105.6.29 Magnesium
- 105.6.29 Miscellaneous combustible storage

- 105.6.32 Open flames and candles
- 105.6.33 Organic coatings
- 105.6.34 Places of assembly
- 105.6.35 Private fire hydrants
- 105.6.37 Pyroxylin plastics
- 105.6.38 Refrigeration equipment
- 105.6.39 Repair garages and motor fuel dispensing facilities
- 105.6.40 Rooftop heliports
- 105.6.42 Storage of scrap tires and tire byproducts
- 105.6.43 Temporary membrane structures, tents, and canopies
- 105.6.44 Tire-rebuilding plants
- 105.6.45 Waste handling
- 105.6.46 Wood products

(c) Section *311.1.1 Abandoned premises*. Section 311.1.1 is deleted and replaced with:

311.1.1 Abandoned premises. Buildings, structures and premises for which an owner cannot be identified or located by dispatch of a certificate of mailing to the last known or registered address, which persistently or repeatedly become unprotected or unsecured, which have been occupied by unauthorized persons or for illegal purposes, or which present a danger of structural collapse or fire spread to adjacent properties shall be considered abandoned, declared unsafe and abated by demolition or rehabilitation in accordance with the *International Property Maintenance Code, 2006 Edition*, and the *International Building Code, 2006 Edition*.

(d) Section *311.3 Removal of combustibles*. Section 311.3 shall be amended by addition of the following subsections:

311.3.1 In case of failure of any owner or lessee of such building(s) to remove all accumulations of hazardous materials, abate said building, and secure the premises, in a manner approved by the Fire Chief, and upon the election by the Fire Chief to remove said waste or rubbish and/or to secure or remove/install barricading of building(s), the Fire Chief is authorized to give notice by certified mail addressed to the last known address of the owner of such building, which shall require the removal of such waste or rubbish, or otherwise require the securing of said building(s) or removal of the problem causing the public nuisance, within sixty (60) days of the date of the notice. In the event such work is not done within the sixty (60) days, the City Manager may then proceed to have the work done as soon as practicable. The costs of such work shall be collected by the City Manager in accordance with the provisions of the International Property Maintenance Code. The charge shall be the actual costs for labor, equipment, and materials plus ten (10) percent for administration, supervision and inspection. The Fire Chief may cause any building to be barricaded or secured immediately after a fire has been extinguished. Any and all barricading or securing shall be at the owner's expense.

311.3.2 The City Manager, as soon as may be practicable after such charge is made, shall send by mail, addressed to the last known address of the owner of such property, a notice of such assessment. The notice shall contain a description of the lots or parcels

of land, the name of the owner or owners, and the amount of the assessment, together with a brief description of said assessment.

311.3.3 It shall be the duty of the owner to pay such assessment within twenty (20) days after the mailing of such notice, and in case of his failure to do so, he shall be liable personally for the amount of the assessment and the same shall be a lien upon the respective lots or parcels of land from the time of such assessment. In case the owner shall fail to pay such assessment within twenty (20) days after notice has been mailed to him, as provided by this article, then it shall be the duty of the City Manager to certify the amount of the assessment to the County Treasurer or other officer of the County having custody of the tax list, for the current year, to be collected in the same manner as other taxes are collected, with ten (10) percent penalty thereon to defray the cost of collection. All of the laws of the State of Colorado for the assessment and collection of general taxes, including the laws for the sale of property for taxes and the redemption thereof, shall apply to and have full effect for the collection of all such assessments.

311.3.4 The fact that assessments have been made against property as provided in this article for removal of waste and rubbish, abatement and/or barricading or securing of said building(s) shall not prevent the owner, agent or lessee from being punished by fine or imprisonment under the provisions of Section 1-9 of the Code of Ordinances of the City, but such fine or penalty may be imposed on those found guilty of violating any provision hereof in all cases, whether an assessment has or has not been made in accordance with the provisions hereof.

(e) *Section 503.1 Where required.* Section 503.1 is amended by the addition of the following:

The Fire Chief may be guided by the City of Grand Junction *Traffic Engineering Design Standards* and by Appendix D of this code for more detailed design requirements and alternative designs.

(f) *Section 503.2.1 Dimensions.* Section 503.2.1 is amended by the addition of two additional subsections, numbered 503.2.1.1 and 503.2.1.2, at the end thereof to read:

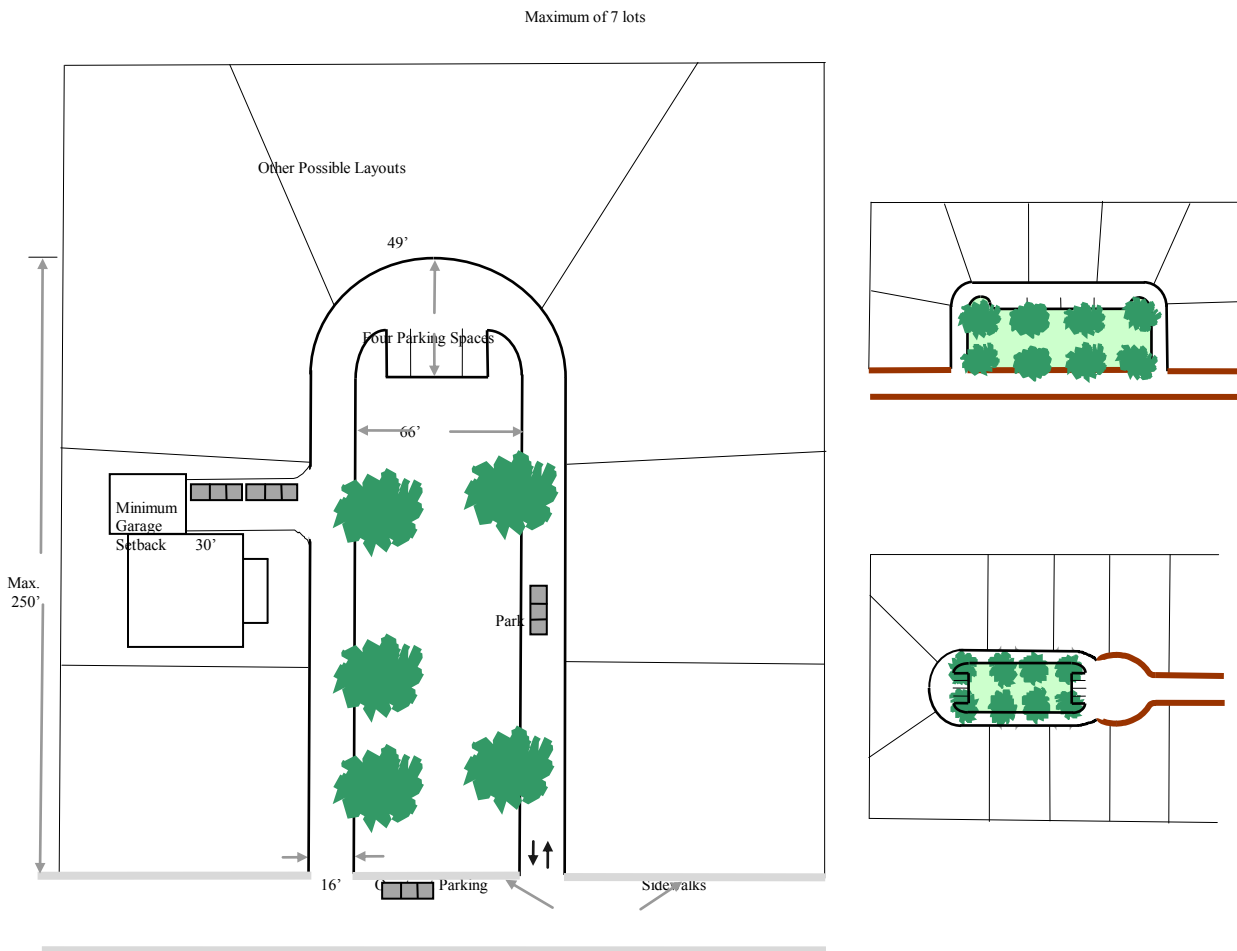
503.2.1.1 Fire apparatus access roads may, notwithstanding the foregoing paragraphs, have an unobstructed width of not less than sixteen feet if constructed as a loop, (“fire loop lane”), as indicated in the diagram shown below and if all of the following conditions are met:

1. Not more than seven single family residences obtain access from the fire loop lane;
2. The sixteen foot wide fire loop lane shall consist of an all-weather clear surface;
3. No curve on any portion of the flow line of the fire loop lane shall have an inside radius of less than thirty-three feet (33’) and an outside radius of less than forty-eight feet (48’). “Flow line” means the area between the curbs or equivalent if curbs are not present;
4. No portion of the fire loop lane shall extend more than two hundred and fifty

feet (250') from the abutting street right-of-way;

5. A minimum of four parking spaces shall be constructed at the end of the fire loop lane, as indicated on the diagram;
6. The fire loop lane and parking stalls, as indicated on the diagram, are dedicated to and maintained by the City;
7. Two-way traffic is allowed;
8. "No parking" signs and markings, as required by the City, are installed and maintained so that no parking is allowed between the curbs on any traveled portion of the fire loop lane;
9. Corner lots that front the fire loop lane and the abutting street shall be required to only obtain access from the fire loop lane;

10. No garage or carport built on a lot obtaining access from the fire loop lane shall be constructed, any portion of which is closer than thirty feet (30') from any portion of the fire loop lane;
11. Each residence obtaining access from the fire loop lane shall provide and maintain four parking spaces between the garage or carport and the fire loop lane; and
12. The fire loop lane shall only connect to a street where on-street parking exists now and is expected to remain, according to the City Engineer, based on such factors as the City capital program and any adopted street plans.



[End of 503.2.1.1]

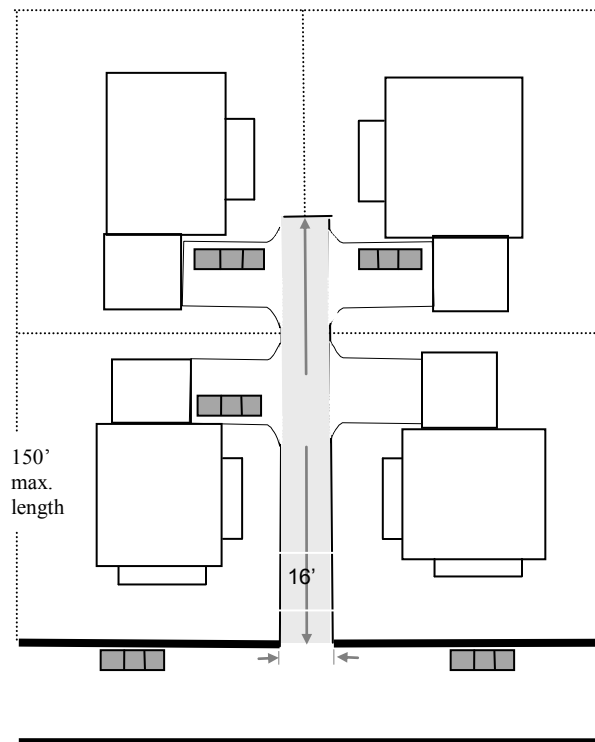
503.2.1.2 Fire code standards for a shared driveway:

1. A shared driveway shall be owned and maintained by the owners of the parcels or lots which abut the shared driveway;
2. Not more than four single family lots shall abut or touch any portion of the shared driveway and no more than four single family units may access a shared driveway;
3. A shared driveway shall be least sixteen feet (16') wide and not longer than one

hundred and fifty feet (150’);

4. No parking is allowed on the shared driveway;
5. Each lot abutting a shared driveway must provide four (4) on-site parking spaces.
6. Each lot abutting a shared driveway must access off the shared driveway unless approved by Director of Community Development or Planning Commission, depending upon which entity is approving the plan; and
7. A shared driveway may be used only where it intersects a street where on-street parking exists and is expected to remain, according to the City Engineer, based on such factors as the City capital program and any adopted street plans.

Example Layout for a Shared Driveway



(g) *Section 903.3.1.3 NFPA 13D sprinkler systems.* Section 903.3.1.3 is amended by the addition of the following:

Where domestic water is provided by a public water system, any required 13D system must be supplied by the public water system. The water tap must be adequate to supply the hydraulic demand of the fire sprinkler system.

(h) *Section 903.3.7 Fire department connections.* Section 903.3.7 is amended by the addition of the following:

Fire department connections must be located within 150 feet of the nearest fire hydrant.

(i) *Section 907.15 Monitoring.* Section 907.15 is amended by the addition of the following subsections:

907.15.1 False alarms. Whenever the activation of any fire alarm is due to a malfunction of the alarm or alarm system and that alarm or alarm system has had a malfunction within the same calendar year quarter, or more than six times during any calendar year, the owner and/or operator of the alarm or alarm system shall pay a false alarm fee to offset some of the costs involved in the dispatching and responding of fire equipment to the location of the alarm.

907.15.2 It is the responsibility of the owner or operator of an alarm system to prevent the improper use of the system, such as the intentional activating of a false alarm or the intentional activation of a smoke or heat detector to produce a false alarm. After three such activations within the same quarter of a calendar year, or more than six during any calendar year, from the same alarm system, the fee schedule for false alarms shall become effective.

907.15.3 Whenever the Fire Chief cannot determine how a false alarm was activated and three such unexplained alarms occur within a calendar year quarter, or alarm(s) exceeding six during any calendar year, the fee schedule for false alarms shall become effective with the fourth and seventh and subsequent alarm(s) respectively.

907.15.4 A fee, in accordance with the fee schedule established by resolution of the City Council and on file with the City Clerk, shall be charged for false alarms.

907.15.5 A new alarm system shall be allowed thirty (30) days to become stabilized before charges will accrue for false alarms.

(j) *Section 2505 Outdoor Storage of Tires.* Section 2505 is deleted in its entirety and replaced with the following:

Section 2505.1 No person shall store more than 500 tires on any parcel, tract or lot of land.

Section 2505.2 Tires shall be arranged as required in sections 2505.3 through 2505.7.

Section 2505.3 Maximum pile or stack height shall not exceed six (6) feet.

Section 2505.4 Pile or stack width and length shall not exceed eight (8) feet.

Section 2505.5 Twenty (20) feet of clearance shall be maintained between piles or stacks.

Section 2505.6 Piles or stacks shall not be placed closer than twenty (20) feet to any structure; and

Section 2505.7 Piles or stacks shall be stored so as to provide ready access by the Fire Department in the event of a fire.

(k) *Section B103 Modifications.* Section B103 is amended by addition of the following subsection:

B103.4 Alternative Methods. In areas which are mostly developed where not more than two buildable lots are created (at the same time) after the effective date hereof, and the existing water lines and fire flow are inadequate in the area, the Fire Chief may allow a

residential structure to be built if sprinklered and if he determines that water upgrades would be impracticable. In such event, the Fire Chief shall record a memorandum indicating the fire protection measure used and the facts concerning the inadequate water lines.

- (l) *Section C102 Location.* Section C102 is amended by addition of the following:

C102.2 Water supply lines. Hydrants shall be on a looped (receiving water from more than one direction) water supply line of at least six inches (6") in diameter.

Exceptions:

1. One or two-family residential developments may have hydrants supplied by a dead-end water line where there are 30 or fewer dwelling units. Up to 60 dwelling units may have hydrants supplied by a dead-end water line when all units are protected by an approved residential fire sprinkler system. In any case, the Fire Chief may require such developments provide for water line connections to adjacent properties to ensure the overall water distribution system meets recognized standards.
2. Multiple-family residential developments having up to 100 dwelling units may be protected by fire hydrants supplied by a dead-end water line. Up to 200 dwelling units may be protected by fire hydrants supplied by a dead-end water line when all units are protected by an approved residential fire sprinkler system. In no case shall such developments be supplied by a dead-end line exceeding 1000 feet in length. The Fire Chief may require such developments provide for water line connections to adjacent properties to ensure the overall water distribution system meets recognized standards.
3. For commercial and industrial developments, any building not exceeding three stories or 30 feet in height may be protected by fire hydrants supplied by a dead-end water line.
4. For commercial and industrial developments, buildings or facilities having a gross building area up to 62,000 square feet may be protected by fire hydrants supplied by a dead-end water line. The gross building area may be increased to 124,000 square feet without a looped water line when all buildings are equipped with an approved automatic fire sprinkler system. In no case shall such developments be supplied by a dead-end line exceeding 1000 feet in length. The Fire Chief may require such developments to provide for water line connections to adjacent properties to ensure the overall water distribution system meets recognized standards.
5. The Fire Chief may allow a new development that would otherwise be required to provide a looped water line for required fire hydrants, to have a dead-end line as long as the development provides a means to connect to a looped system as future development occurs. The time period and conditions under which this exception is allowed shall be as determined by the Chief.
6. The Fire Chief may allow fire hydrants to be supplied by other than a looped water line when the permittee can demonstrate, to the satisfaction of the Fire Chief, that a looped system is not practicable. In such event, the Fire Chief shall make his findings in writing and shall copy such findings to the Public Works Director and the Director of Community Development. In such cases, additional fire protection may be required as determined by the Chief.

C102.3 Fire Hydrant Installation. The distance from the center of the fire hydrant

pumper connection to the finished grade shall not be less than 22 inches. Pumper connections shall face the access road or as directed by the Fire Chief.

(m) *Section D107.1 One- or two-family residential developments.* D107.1, exception 1:
Delete the language of exception 1 and replace with:

1. Where there are 60 or fewer dwelling units on a single public or private access way and all dwelling units are protected by approved residential sprinkler systems, access from two directions shall not be required.

Sec. 18-60. New materials, processes or occupancies which may require permits.

The Fire Chief and the fire marshal shall determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies for which permits are required in addition to those now enumerated in the International Fire Code. The fire marshal shall post such list in a conspicuous place in his office, and distribute copies thereof to interested persons.

Sec. 18-61. Establishment and duties of division of fire prevention.

- (a) The International Fire Code shall be enforced by the division of fire prevention in the fire department of the City, which has been previously established and which shall be operated under the supervision of the Fire Chief or his designee.
- (b) The fire marshal in charge of the division of fire prevention in the fire department of the City shall be appointed by the Fire Chief on the basis of his/her qualifications.
- (c) The Fire Chief may detail such members of the fire department as inspectors as he shall from time to time deem necessary. The Fire Chief shall recommend to the City Manager the employment of technical inspectors, who, when such authorization is made, shall be appointed on the basis of their qualifications.

Sec. 18-62. Zones in which storage of flammable or combustible liquids in outside aboveground tanks is permitted.

- (a) Section 3404 of the International Fire Code limits the storage of flammable or combustible liquids in outside aboveground tanks. Storage of flammable or combustible liquids is permitted as follows:

On lands within the City that are zoned in the categories of C-2 (heavy commercial), I-1 (light industrial) and I-2 (heavy industrial). The Fire Chief may permit storage of flammable or combustible liquids in aboveground tanks on lands within the jurisdiction which are zoned C-1 (light commercial) when it can be demonstrated to the Fire Chief or his designee that such use may be safely undertaken in the particular location.

- (b) Section 3406.4 of the International Fire Code limits the citing of bulk plants for flammable or combustible liquids. New bulk plants or terminals for flammable or combustible liquids are permitted as follows:

On lands within the City that are zoned in the categories of C-2 (heavy commercial), I-1 (light industrial) and I-2 (heavy industrial). The Fire Chief may permit such use in C-1 (light commercial) when it can be demonstrated to the satisfaction of the Fire Chief or his designee that such use may be safely undertaken in the particular location.

Sec. 18-63. Zones in which storage of liquefied petroleum gases is restricted.

Section 3804 of the International Fire Code restricts the storage of liquefied petroleum gas. Liquefied petroleum gas may be stored as follows:

On lands within the City that are zoned in the categories C-2 (heavy commercial), I-1 (light

industrial) and I-2 (heavy industrial). The Fire Chief may permit such use in C-1 (light commercial) when it can be demonstrated to the satisfaction of the Fire Chief or his designee that such use may be safely undertaken in the particular location.

Sec. 18-64. Zones in which storage of explosives and blasting agents is prohibited.

Storage of explosives and blasting agents, within the limits of the City, is prohibited. This restriction shall not prohibit such use where the storage is made by an individual or company under proper safeguards as may be prescribed by the Fire Chief or his designee.

Sec. 18-65. Appeals.

Whenever the Fire Chief disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the International Fire Code do not apply or that the true intent and meaning of the International Fire Code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Fire Chief to the board of appeals created by section 108 of the International Fire Code, by filing with the Fire Chief a written appeal along with a fee as established by resolution of the City Council and on file in the City Clerk's office, within 30 days from the date of the decision appealed.

Sec. 18-66. Reserved.

Sec. 18-67. Penalty Provision.

Section 1-9 of the Code of Ordinance of the City of Grand Junction, Colorado shall apply as though fully set forth in each code and provision adopted in this article.

Secs. 18-68--18-85. Reserved.

ORDINANCE NO. _____

AN ORDINANCE ADOPTING THE 2006 EDITION OF THE INTERNATIONAL FIRE CODE PRESCRIBING REGULATIONS GOVERNING CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE OR EXPLOSION; AMENDING CERTAIN PROVISIONS IN THE ADOPTED CODE; AMENDING ARTICLE III OF CHAPTER 18 OF THE CODE OF ORDINANCES; AND AMENDING ALL ORDINANCES IN CONFLICT OR INCONSISTENT HEREWITH

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

Adoption of the International Fire Code, 2006 Edition is hereby adopted with the amendments of the same included below and Article III of Chapter 18 of the Code of Ordinances of the City of Grand Junction is hereby amended as follows:

SECTION 1

Sec. 18-56. Adoption of International Fire Code

For the purpose of prescribing regulations governing conditions hazardous to life and property from fire, explosion, and chemical release, the International Fire Code, (hereinafter "International Code" or "International Fire Code"), promulgated by the International Code Council, 5203 Leesburg Pike, Suite 708, Falls Church, Virginia, including appendices chapters B, C, D, E, and F, 2006 edition except such portions as are hereinafter deleted, modified or amended by Section 18-59 of this article are hereby adopted. Not less than one (1) copy of the International Fire Code are filed in the office of the City Clerk. From the date on which this article shall take effect, the provisions thereof shall be controlling within the limits of the City of Grand Junction, Colorado.

Sec. 18-57. Establishment and Duties of Fire Prevention.

- (a) The International Code shall be enforced by the Division of Fire Prevention in the Fire Department of the City of Grand Junction which has been previously established and which shall be operated under the supervision of the Chief of said Fire Department.
- (b) The Fire Marshal in charge of the Division of Fire Prevention in the Fire Department of the City of Grand Junction shall be appointed by the Chief of the Fire Department.
- (c) The Chief of the Fire Department may detail such members of the Fire Department as inspectors as he shall from time to time deem necessary. The Chief of the Fire Department shall recommend to the City Manager the employment of technical inspectors as necessary.

Sec. 18-58. Definitions.

- (a) Wherever the word "jurisdiction" is used in the International Fire Code, it shall be held to mean the City of Grand Junction, Colorado.
- (b) Wherever the term "corporation counsel" is used in the International Fire Code, it shall be held to mean the City Attorney for the City.

(c) Wherever the term "City Manager" is used, it shall mean the City Manager or any employee of the City designated by the City Manager, such as but not limited to the Fire Chief, the Fire Marshal or the Finance Director of the City.

(d) Wherever an officer of the City, such as "City Manager" or "Fire Chief," is mentioned or designated herein, such officer may delegate, informally or in writing, the duties and responsibilities to a designee who shall have the full power and authority of the named or designated officer.

Sec. 18-59. Amendments to the International Fire Code

The International Fire Code is amended and changed in the following respects:

(a) Add a section to read: **105.1.4 Permit Fees.** Permit rates and fees shall be as adopted by City Council by resolution.

(b) *Section 105.6. Required operational permits.* Section 105.6 is amended by adding an additional paragraph to read: An operational permit is not required for the following activities as set forth in the following titles under Section 105.6:

- 105.6.2 Amusement buildings
- 105.6.3 Aviation facilities
- 105.6.4 Carnivals and fairs
- 105.6.5 Cellulose nitrate film
- 105.6.6 Combustible dust-producing operations
- 105.6.7 Combustible fibers
- 105.6.9 Covered mall buildings
- 105.6.11 Cutting and welding
- 105.6.12 Dry cleaning plants
- 105.6.13 Exhibits and trade shows
- 105.6.15 Fire hydrants and valves
- 105.6.17 Floor finishing
- 105.6.18 Fruit and crop ripening
- 105.6.19 Fumigation and thermal insecticidal fogging
- 105.6.21 HPM facilities
- 105.6.23 Hot work operations
- 105.6.24 Industrial ovens
- 105.6.25 Lumber yards and woodworking plants
- 105.6.26 Liquid-or gas-fueled vehicles or equipment in assembly buildings
- 105.6.29 Miscellaneous combustible storage
- 105.6.32 Open flames and candles
- 105.6.34 Places of assembly
- 105.6.35 Private fire hydrants
- 105.6.38 Refrigeration equipment
- 105.6.39 Repair garages and motor fuel dispensing facilities

- 105.6.40 Rooftop heliports
- 105.6.42 Storage of scrap tires and tire byproducts
- 105.6.43 Temporary membrane structures, tents, and canopies
- 105.6.44 Tire-rebuilding plants
- 105.6.45 Waste handling
- 105.6.46 Wood products

(c) Section *311.1.1 Abandoned premises*. Section 311.1.1 is deleted and replaced with:

311.1.1 Abandoned premises. Buildings, structures and premises for which an owner cannot be identified or located by dispatch of a certificate of mailing to the last known or registered address, which persistently or repeatedly become unprotected or unsecured, which have been occupied by unauthorized persons or for illegal purposes, or which present a danger of structural collapse or fire spread to adjacent properties shall be considered abandoned, declared unsafe and abated by demolition or rehabilitation in accordance with the *International Property Maintenance Code, 2006 Edition*, and the *International Building Code, 2006 Edition*.

(d) Section *311.3 Removal of combustibles*. Section 311.3 shall be amended by addition of the following subsections:

311.3.1 In case of failure of any owner or lessee of such building(s) to remove all accumulations of hazardous materials, abate said building, and secure the premises, in a manner approved by the Fire Chief, and upon the election by the Fire Chief to remove said waste or rubbish and/or to secure or remove/install barricading of building(s), the Fire Chief is authorized to give notice by certified mail addressed to the last known address of the owner of such building, which shall require the removal of such waste or rubbish, or otherwise require the securing of said building(s) or removal of the problem causing the public nuisance, within sixty (60) days of the date of the notice. In the event such work is not done within the sixty (60) days, the City Manager may then proceed to have the work done as soon as practicable. The costs of such work shall be collected by the City Manager in accordance with the provisions of the International Property Maintenance Code. The charge shall be the actual costs for labor, equipment, and materials plus ten (10) percent for administration, supervision and inspection. The Fire Chief may cause any building to be barricaded or secured immediately after a fire has been extinguished. Any and all barricading or securing shall be at the owner's expense.

311.3.2 The City Manager, as soon as may be practicable after such charge is made, shall send by mail, addressed to the last known address of the owner of such property, a notice of such assessment. The notice shall contain a description of the lots or parcels of land, the name of the owner or owners, and the amount of the assessment, together with a brief description of said assessment.

311.3.3 It shall be the duty of the owner to pay such assessment within twenty (20) days after the mailing of such notice, and in case of his failure to do so, he shall be liable personally for the amount of the assessment and the same shall be a lien upon the respective lots or parcels of land from the time of such assessment. In case the owner shall fail to pay such assessment within twenty (20) days after notice has been mailed to him, as provided by this article, then it shall be the duty of the City Manager to certify the amount of the assessment to the County Treasurer or other officer of the County having custody of the tax list, for the current year, to be collected in the same manner as other taxes are collected, with ten (10) percent penalty thereon to defray the cost of

collection. All of the laws of the State of Colorado for the assessment and collection of general taxes, including the laws for the sale of property for taxes and the redemption thereof, shall apply to and have full effect for the collection of all such assessments.

311.3.4 The fact that assessments have been made against property as provided in this article for removal of waste and rubbish, abatement and/or barricading or securing of said building(s) shall not prevent the owner, agent or lessee from being punished by fine or imprisonment under the provisions of Section 1-9 of the Code of Ordinances of the City, but such fine or penalty may be imposed on those found guilty of violating any provision hereof in all cases, whether an assessment has or has not been made in accordance with the provisions hereof.

(e) *Section 503.1 Where required.* Section 503.1 is amended by the addition of the following:

The Fire Chief may be guided by the City of Grand Junction *Traffic Engineering Design Standards* and by Appendix D of this code for more detailed design requirements and alternative designs.

(f) *Section 503.2.1 Dimensions.* Section 503.2.1 is amended by the addition of two additional subsections, numbered 503.2.1.1 and 503.2.1.2, at the end thereof to read:

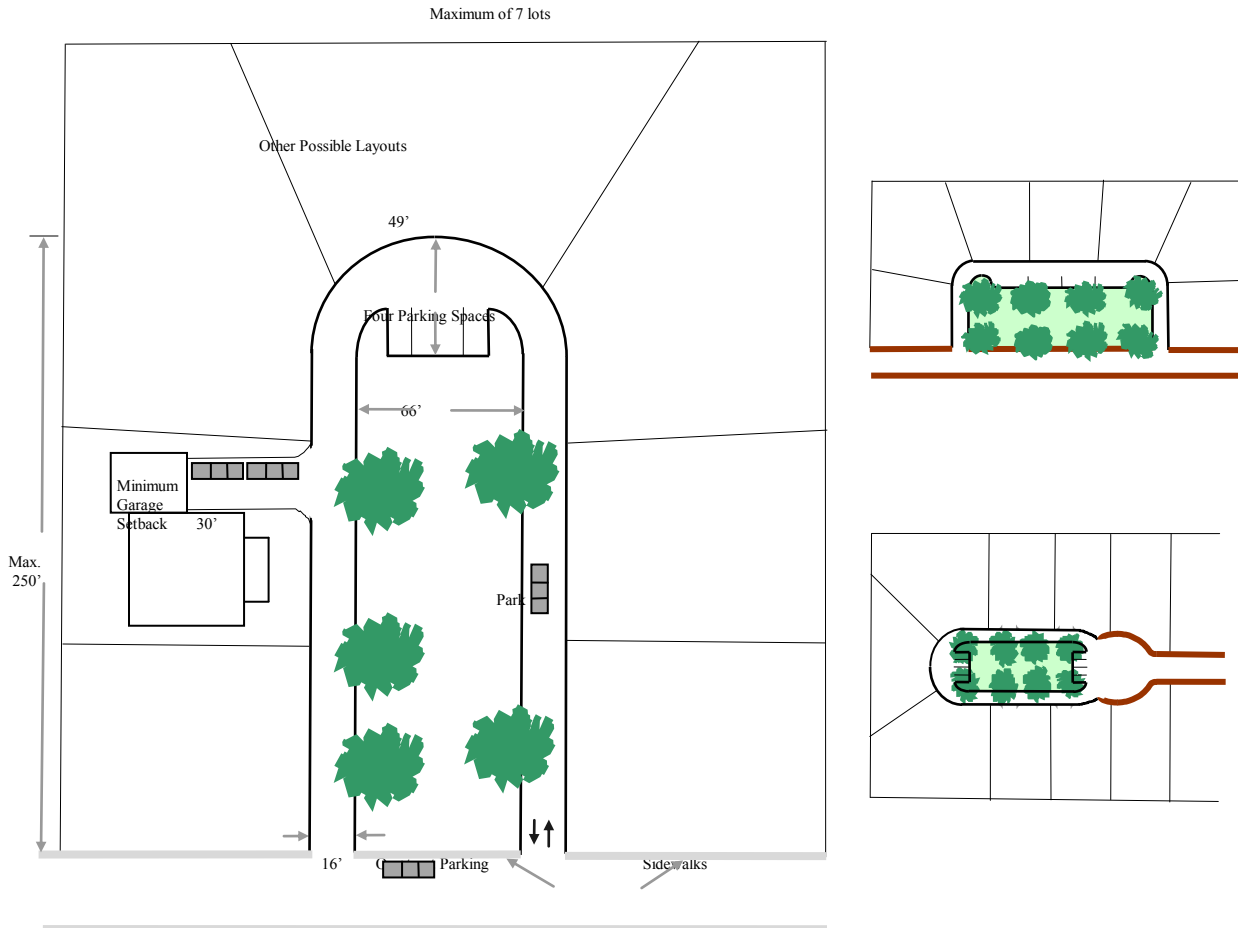
503.2.1.1 Fire apparatus access roads may, notwithstanding the foregoing paragraphs, have an unobstructed width of not less than sixteen feet if constructed as a loop, (“fire loop lane”), as indicated in the diagram shown below and if all of the following conditions are met:

1. Not more than seven single family residences obtain access from the fire loop lane;
2. The sixteen foot wide fire loop lane shall consist of an all-weather clear surface;
3. No curve on any portion of the flow line of the fire loop lane shall have an inside radius of less than thirty-three feet (33’) and an outside radius of less than forty-eight feet (48’). “Flow line” means the area between the curbs or equivalent if curbs are not present;
4. No portion of the fire loop lane shall extend more than two hundred and fifty feet (250’) from the abutting street right-of-way;
5. A minimum of four parking spaces shall be constructed at the end of the fire loop lane, as indicated on the diagram;
6. The fire loop lane and parking stalls, as indicated on the diagram, are dedicated to and maintained by the City;
7. Two-way traffic is allowed;
8. “No parking” signs and markings, as required by the City, are installed and maintained so that no parking is allowed between the curbs on any traveled portion of the fire loop lane;
9. Corner lots that front the fire loop lane and the abutting street shall be required

to only obtain access from the fire loop lane;

10. No garage or carport built on a lot obtaining access from the fire loop lane shall be constructed, any portion of which is closer than thirty feet (30') from any portion of the fire loop lane;
11. Each residence obtaining access from the fire loop lane shall provide and maintain four parking spaces between the garage or carport and the fire loop lane; and

12. The fire loop lane shall only connect to a street where on-street parking exists now and is expected to remain, according to the City Engineer, based on such factors as the City capital program and any adopted street plans.



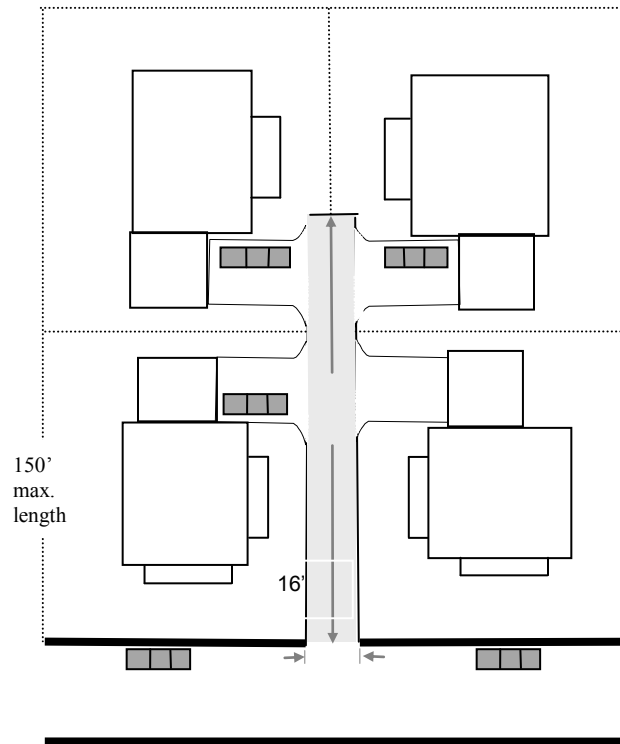
[End of 503.2.1.1]

503.2.1.2 Fire code standards for a shared driveway:

1. A shared driveway shall be owned and maintained by the owners of the parcels or lots which abut the shared driveway;
2. Not more than four single family lots shall abut or touch any portion of the shared driveway and no more than four single family units may access a shared driveway;
3. A shared driveway shall be least sixteen feet (16') wide and not longer than one hundred and fifty feet (150');
4. No parking is allowed on the shared driveway;
5. Each lot abutting a shared driveway must provide four (4) on-site parking spaces.

6. Each lot abutting a shared driveway must access off the shared driveway unless approved by Director of Community Development or Planning Commission, depending upon which entity is approving the plan; and
7. A shared driveway may be used only where it intersects a street where on-street parking exists and is expected to remain, according to the City Engineer, based on such factors as the City capital program and any adopted street plans.

Example Layout for a Shared Driveway



(g) *Section 903.3.1.3 NFPA 13D sprinkler systems.* Section 903.3.1.3 is amended by the addition of the following:

Where domestic water is provided by a public water system, any required 13D system must be supplied by the public water system. The water tap must be adequate to supply the hydraulic demand of the fire sprinkler system.

(h) *Section 903.3.7 Fire department connections.* Section 903.3.7 is amended by the addition of the following:

Fire department connections must be located within 150 feet of the nearest fire hydrant.

(i) *Section 907.15 Monitoring.* Section 907.15 is amended by the addition of the following subsections:

907.15.1 False alarms. Whenever the activation of any fire alarm is due to a malfunction of the alarm or alarm system and that alarm or alarm system has had a malfunction within the same calendar year quarter, or more than six times during any calendar year, the owner and/or operator of the alarm or alarm system shall pay a false alarm fee to offset some of the costs involved in the dispatching and responding of fire equipment to the location of the alarm.

907.15.2 It is the responsibility of the owner or operator of an alarm system to prevent the

improper use of the system, such as the intentional activating of a false alarm or the intentional activation of a smoke or heat detector to produce a false alarm. After three such activations within the same quarter of a calendar year, or more than six during any calendar year, from the same alarm system, the fee schedule for false alarms shall become effective.

907.15.3 Whenever the Fire Chief cannot determine how a false alarm was activated and three such unexplained alarms occur within a calendar year quarter, or alarm(s) exceeding six during any calendar year, the fee schedule for false alarms shall become effective with the fourth and seventh and subsequent alarm(s) respectively.

907.15.4 A fee, in accordance with the fee schedule established by resolution of the City Council and on file with the City Clerk, shall be charged for false alarms.

907.15.5 A new alarm system shall be allowed thirty (30) days to become stabilized before charges will accrue for false alarms.

(j) *Section 2505 Outdoor Storage of Tires.* Section 2505 is deleted in its entirety and replaced with the following:

Section 2505.1 No person shall store more than 500 tires on any parcel, tract or lot of land.

Section 2505.2 Tires shall be arranged as required in sections 2505.3 through 2505.7.

Section 2505.3 Maximum pile or stack height shall not exceed six (6) feet.

Section 2505.4 Pile or stack width and length shall not exceed eight (8) feet.

Section 2505.5 Twenty (20) feet of clearance shall be maintained between piles or stacks.

Section 2505.6 Piles or stacks shall not be placed closer than twenty (20) feet to any structure; and

Section 2505.7 Piles or stacks shall be stored so as to provide ready access by the Fire Department in the event of a fire.

(k) *Section B103 Modifications.* Section B103 is amended by addition of the following subsection:

B103.4 Alternative Methods. In areas which are mostly developed where not more than two buildable lots are created (at the same time) after the effective date hereof, and the existing water lines and fire flow are inadequate in the area, the Fire Chief may allow a residential structure to be built if sprinklered and if he determines that water upgrades would be impracticable. In such event, the Fire Chief shall record a memorandum indicating the fire protection measure used and the facts concerning the inadequate water lines.

- (l) *Section C102 Location.* Section C102 is amended by addition of the following:

C102.2 Water supply lines. Hydrants shall be on a looped (receiving water from more than one direction) water supply line of at least six inches (6") in diameter.

Exceptions:

1. One or two-family residential developments may have hydrants supplied by a dead-end water line where there are 30 or fewer dwelling units. Up to 60 dwelling units may have hydrants supplied by a dead-end water line when all units are protected by an approved residential fire sprinkler system. In any case, the Fire Chief may require such developments provide for water line connections to adjacent properties to ensure the overall water distribution system meets recognized standards.
2. Multiple-family residential developments having up to 100 dwelling units may be protected by fire hydrants supplied by a dead-end water line. Up to 200 dwelling units may be protected by fire hydrants supplied by a dead-end water line when all units are protected by an approved residential fire sprinkler system. In no case shall such developments be supplied by a dead-end line exceeding 1000 feet in length. The Fire Chief may require such developments provide for water line connections to adjacent properties to ensure the overall water distribution system meets recognized standards.
3. For commercial and industrial developments, any building not exceeding three stories or 30 feet in height may be protected by fire hydrants supplied by a dead-end water line.
4. For commercial and industrial developments, buildings or facilities having a gross building area up to 62,000 square feet may be protected by fire hydrants supplied by a dead-end water line. The gross building area may be increased to 124,000 square feet without a looped water line when all buildings are equipped with an approved automatic fire sprinkler system. In no case shall such developments be supplied by a dead-end line exceeding 1000 feet in length. The Fire Chief may require such developments to provide for water line connections to adjacent properties to ensure the overall water distribution system meets recognized standards.
5. The Fire Chief may allow a new development that would otherwise be required to provide a looped water line for required fire hydrants, to have a dead-end line as long as the development provides a means to connect to a looped system as future development occurs. The time period and conditions under which this exception is allowed shall be as determined by the Chief.
6. The Fire Chief may allow fire hydrants to be supplied by other than a looped water line when the permittee can demonstrate, to the satisfaction of the Fire Chief, that a looped system is not practicable. In such event, the Fire Chief shall make his findings in writing and shall copy such findings to the Public Works Director and the Director of Community Development. In such cases, additional fire protection may be required as determined by the Chief.

C102.3 Fire Hydrant Installation. The distance from the center of the fire hydrant pumper connection to the finished grade shall not be less than 22 inches. Pumper

connections shall face the access road or as directed by the Fire Chief.

(m) *Section D107.1 One- or two-family residential developments.* D107.1, exception 1:
Delete the language of exception 1 and replace with:

1. Where there are 60 or fewer dwelling units on a single public or private access way and all dwelling units are protected by approved residential sprinkler systems, access from two directions shall not be required.

Sec. 18-60. New materials, processes or occupancies which may require permits.

The Fire Chief and the fire marshal shall determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies for which permits are required in addition to those now enumerated in the International Fire Code. The fire marshal shall post such list in a conspicuous place in his office, and distribute copies thereof to interested persons.

Sec. 18-61. Establishment and duties of division of fire prevention.

- (a) The International Fire Code shall be enforced by the division of fire prevention in the fire department of the City, which has been previously established and which shall be operated under the supervision of the Fire Chief or his designee.
- (b) The fire marshal in charge of the division of fire prevention in the fire department of the City shall be appointed by the Fire Chief on the basis of his/her qualifications.
- (c) The Fire Chief may detail such members of the fire department as inspectors as he shall from time to time deem necessary. The Fire Chief shall recommend to the City Manager the employment of technical inspectors, who, when such authorization is made, shall be appointed on the basis of their qualifications.

Sec. 18-62. Zones in which storage of flammable or combustible liquids in outside aboveground tanks is permitted.

- (a) Section 3404 of the International Fire Code limits the storage of flammable or combustible liquids in outside aboveground tanks. Storage of flammable or combustible liquids is permitted as follows:

On lands within the City that are zoned in the categories of C-2 (heavy commercial), I-1 (light industrial) and I-2 (heavy industrial). The Fire Chief may permit storage of flammable or combustible liquids in aboveground tanks on lands within the jurisdiction which are zoned C-1 (light commercial) when it can be demonstrated to the Fire Chief or his designee that such use may be safely undertaken in the particular location.

- (b) Section 3406.4 of the International Fire Code limits the citing of bulk plants for flammable or combustible liquids. New bulk plants or terminals for flammable or combustible liquids are permitted as follows:

On lands within the City that are zoned in the categories of C-2 (heavy commercial), I-1 (light industrial) and I-2 (heavy industrial). The Fire Chief may permit such use in C-1 (light commercial) when it can be demonstrated to the satisfaction of the Fire Chief or his designee that such use may be safely undertaken in the particular location.

Sec. 18-63. Zones in which storage of liquefied petroleum gases is restricted.

Section 3804 of the International Fire Code restricts the storage of liquefied petroleum gas. Liquefied petroleum gas may be stored as follows:

On lands within the City that are zoned in the categories C-2 (heavy commercial), I-1 (light industrial) and I-2 (heavy industrial). The Fire Chief may permit such use in C-1 (light commercial) when it can be demonstrated to the satisfaction of the Fire Chief or his designee that such use may be safely undertaken in the particular location.

Sec. 18-64. Zones in which storage of explosives and blasting agents is prohibited.

Storage of explosives and blasting agents, within the limits of the City, is prohibited. This restriction shall not prohibit such use where the storage is made by an individual or company under proper safeguards as may be prescribed by the Fire Chief or his designee.

Sec. 18-65. Appeals.

Whenever the Fire Chief disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the International Fire Code do not apply or that the true intent and meaning of the International Fire Code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Fire Chief to the board of appeals created by section 108 of the International Fire Code, by filing with the Fire Chief a written appeal along with a fee as established by resolution of the City Council and on file in the City Clerk's office, within 30 days from the date of the decision appealed.

Sec. 18-66. Reserved.

Sec. 18-67. Penalty Provision.

Section 1-9 of the Code of Ordinance of the City of Grand Junction, Colorado shall apply as though fully set forth in each code and provision adopted in this article.

Secs. 18-68--18-85. Reserved.

SECTION 2 Public Hearing

A public hearing on the adoption by reference of the International Fire Code, 2006 Edition, including the appendices thereto, together with certain amendments, is scheduled in the City Auditorium at City Hall in Grand Junction, Colorado, at 7:00 p.m. on the 3rd day of January 2007. The City Clerk is hereby directed to publish Notice of said public hearing in the manner and style and pursuant to the schedule of such publication prescribed in sections 31-16-201, *et seq.*, C.R.S.

SECTION 3 Public Inspection

At least one copy of the International Fire Code, 2006 Edition, including the appendices thereto, together with certain amendments, all certified to be true and correct, shall be on file as aforesaid in the office of the City Clerk at least fifteen (15) days preceding said hearing and may be inspected by any interested person between the hours of 7:30 a.m. and 5:30 p.m., Monday through Friday, holidays excepted.

SECTION 4 Validity

Any and all sections or parts of sections of the Code of Ordinances of the City of Grand Junction, Colorado, as amended, in conflict herewith, are hereby repealed.

Introduced this 6th day of December, 2006.

Passed on second reading this ____ day of _____, 2007.

City of Grand

Junction

Attest:
Council

President of the

Stephanie Tuin
City Clerk

I HEREBY CERTIFY that the foregoing ordinance, being Ordinance No. _____, was introduced, read, and ordered published by the City Council of the City of Grand Junction, Colorado, at a regular meeting of said body held on the ____ day of _____, 2006, and that the same was published in The Daily Sentinel, a newspaper published and in general circulation in said City, at least ten days before its final passage.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official Seal of said City this ____ day of _____, 2006.

Stephanie Tuin, CMC
City Clerk

Published:

Published:

Effective:

Attach 9
Public Hearing – Adopt the 2006 Edition of Building Related Codes
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Adopting 2006 Edition Building Related Codes and Amending Article II and III Chapter 8 of the Code of City Ordinances					
Meeting Date	January 3, 2007					
Date Prepared	December 27, 2006				File #	
Author	Mark Relph Bob Lee		Public Works & Utilities Director Mesa County Building Dept. Director			
Presenter Name	Mark Relph John Shaver		Public Works & Utilities Director City Attorney			
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda		Consent	X Individual Consideration

Summary: The proposed ordinance will adopt the 2006 Code Editions of the International Building, Residential, Plumbing, Mechanical, Fuel Gas, Property Maintenance and Energy Conservation, plus the 2005 Edition of the National Electric Code as adopted by the State of Colorado. These codes regulate building construction.

Changes have been made to the proposed ordinance since the first reading and are highlighted in yellow. Most of these changes are not substantive except the additional changes to Article II, Chapter 8, Sec. 8-27 and Sec. 8-29 of the Grand Junction Code of Ordinances. Changes have been made to be consistent with the adoption of the 2006 Code Editions by Mesa County.

Budget: No impact.

Action Requested/Recommendation: Hold a Public Hearing and consider final passage of an Ordinance adopting the 2006 Edition of Building Related Codes.

Attachments: Proposed Ordinance with tracked changes and final Ordinance without tracked changes.

Background Information: This request is for updating all the building and construction codes in place within the City of Grand Junction, eight (8) codes in all. Mesa County has adopted a similar ordinance.

Except for the 2000 Uniform Plumbing Code, the building codes currently adopted are the 2000 editions of the International Codes. The proposed ordinance will provide for adoption of the most current editions available, including now the International Plumbing Code, which is necessary to keep in pace with more modern construction methods, materials and techniques.

The codes under consideration are the 2006 Code Editions of the International Building, Residential, Plumbing, Mechanical, Fuel Gas, Property Maintenance and Energy Conservation, plus the 2005 Edition of the National Electric Code as adopted by the State of Colorado.

The City of Grand Junction contracts with Mesa County to administer the building codes including licensing, permitting and inspection. In exchange for the service, Mesa County retains all revenues.

ORDINANCE NO. _____

AN ORDINANCE ADOPTING AND AMENDING THE LATEST EDITION OF THE INTERNATIONAL BUILDING CODE, THE INTERNATIONAL PLUMBING CODE, THE INTERNATIONAL MECHANICAL CODE, THE INTERNATIONAL FUEL GAS CODE, THE INTERNATIONAL PROPERTY MAINTENANCE CODE, THE INTERNATIONAL RESIDENTIAL CODE, THE NATIONAL ELECTRIC CODE, AND THE INTERNATIONAL ENERGY CONSERVATION CODE TO BE APPLIED THROUGHOUT THE CITY OF GRAND JUNCTION WITH CERTAIN AMENDMENTS REGULATING THE ERECTION, CONSTRUCTION, ENLARGEMENT, ALTERATION, REPAIR, MOVING, REMOVAL, DEMOLITION, CONVERSION, OCCUPANCY, EQUIPMENT, USE, HEIGHT, AREA AND MAINTENANCE OF ALL BUILDINGS OR STRUCTURES IN THE CITY OF GRAND JUNCTION; AND REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

RECITALS:

Pursuant to the constitutional, statutory and Charter authority of the City Council of the City of Grand Junction to adopt ordinances for the protection of the health safety and general welfare of the population of the City the following ordinance is proposed. After full hearing and consideration of the ordinance and upon recommendation by the City staff the Council finds that adoption of the ordinance is necessary to preserve the health, safety and general welfare of the people of the City of Grand Junction. The International Codes, which are hereby adopted, are the state of the art. The Codes are mutually adopted by the City and Mesa County, which provides for efficient building and enforcement practices. As well, the International Codes are increasingly common in many communities, which further increase the benefits of standardization. This ordinance and the Codes which it adopts regulate the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings or structures in the City of Grand Junction. The ordinance further provides for issuance of permits and collection of fees.

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

Article **II and Article** III of Chapter 8 of the Code of Ordinances of the City of Grand Junction is hereby amended (with deletions being indicated by strikethroughs and additions being underlined) as follows:

Sec. 8-26. Board of appeals; appeals procedure.

(a) A common appellate procedure and Board of Appeals to hear all appeals arising under codes adopted herein, EXCEPT with respect to the National Electric Code is contained within this section.

(b) In order to determine the suitability of alternate materials and methods of construction and to provide reasonable interpretations of this code, there shall be and is hereby created a Board of Appeals consisting of five members who are qualified by experience and training to pass upon matters pertaining to building construction and who are not employees of the jurisdiction. The Chief Building Official shall be an ex-officio member of and shall act as secretary to said board. The Board of Appeals shall be appointed by the Board of County Commissioners and shall hold office at its pleasure. The Board shall adopt rules and procedures for conducting business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the Chief Building Official.

(c) The Board of Appeals shall have jurisdiction to decide any appeals from the Chief Building Official if the decision of the Chief Building Official concerns suitability of alternate materials, methods of construction or a reasonable interpretation of the code. The Board of Appeals shall not hear appeals of life safety items, administrative provisions of the codes nor shall the Board of Appeals be empowered to waive requirements of the codes. The first order of business at any hearing of the Board of Appeals shall be to determine if it has jurisdiction to hear the appeal.

(d) Any appeal to the Board of Appeals shall be preceded by a written appeal to the Chief Building Official, who shall reply in writing. The decision of the Chief Building Official may be appealed to the Board of Appeals, within ten days from the date of the decision of the Chief Building Official. A Notice of Appeal together with a copy of the original written appeal and a copy of the Chief Building Official's decision shall be filed with the Board of Appeals at the time the appeal is requested.

(e) The Board of Appeals shall meet within 30 days of the written appeal, hear evidence and argument if it deems appropriate, and shall render all decisions and findings in writing to the Chief Building Official with a duplicate copy to the appellant.

Sec. 8-29. Nonassumption; nonwaiver.

The City, its officials, employees and agents thereof shall not be deemed to have assumed a duty of care where none otherwise existed by the performance of a service or an act of assistance for the benefit of any person under this chapter. The adoption of these codes shall not give rise to a duty of care. The enforcement or failure to enforce this chapter or the mere fact that an inspection was conducted in the course of enforcing this chapter shall not give rise to a duty of care where none otherwise existed. Enactment of this chapter shall not constitute a waiver of sovereign immunity by the City, its officials, employees and agents.

Sec. 8-51. Adoption of International Building Code and Standards.

(a) The International Building Code, 2006 Edition, promulgated by the International Code Council, Inc. together with amendments set forth below (hereafter "IBC" or "International Building Code") is hereby adopted to provide minimum standards to safeguard life and limb, health, property and the public welfare by regulating and controlling various matters including, but not limited to the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures within the jurisdiction.

(b) The following chapters of the Appendix of the International Building Code, 2006 Edition, are adopted:

Chapter C, Group U-Agricultural Buildings
Chapter I, Patio Covers

No other chapters of the Appendix are adopted.

Sec. 8-52. Amendments to International Building Code.

The building code adopted in Section 8-51 is hereby amended as follows:

(1) *Section 105.2:* Section 105.2 is amended by the addition of the word Platforms to Section 105.2, Item 6.

(2) *Section 108:* Section 108 is amended by the addition of Subsection 108.7 as follows: No fees shall be required for a building permit obtained for Agricultural Buildings, as defined at Section 202. This agricultural building fee exemption does not include fees for electrical, mechanical and plumbing permits for said structures.

Section 108.2: Section 108.2 is amended by adding the following language: Fees shall be determined by City Council and set forth in a Resolution

(4) *Section 108.6:* Section 108.6 is amended to establish a fee refund policy, by the addition of the following: Building permit fees may be refunded at a rate of 85% of the building permit fee provided the project for which the permit was issued has not commenced and/or inspections have not been conducted. No refunds will be made after work has commenced.

(5) *Section 109:* Section 109 is amended by addition of Subsection 109.7 as follows: No inspection shall be required for a building permit obtained for Agricultural Buildings as defined at Section 202. However, this exemption is not

an exception to the minimum building standards set forth in the International Building Code, nor to the other requirements for inspections for electrical, mechanical and plumbing.

(6) *Section 112:* Section 112 is amended by deletion thereof. The Board of Appeals established in Section 8-26 of the City's Code of Ordinances shall serve as the Board of Appeals.

(7) *Section 508:* Section 508,, Table 508.2 is amended to read: Storage rooms over 100 square feet in Group I and H occupancies.

(8) *Section 508:* Section 508, Table 508.3.3 is amended by changing footnote b. to read: Occupancy separation need not be provided for incidental storage areas within all occupancies that comply with the provisions of Section 508.3.2, Nonseparated occupancies, except Group I and H if the: Remainder of footnote b. remains unchanged.

(9) *Table 602:* Table 602 is amended by the addition of footnote f. to E occupancies. Footnote f. Group E Day Care occupancies that accommodate 12 or fewer persons shall have fire resistive ratings as required for Group R-3 occupancies.

(10) *Section 708.4:* Section 708.4 is amended by the addition of Exception #7 to read: The wall need not extend into the crawl space in existing construction.

(11) *Section 1004:* Section 1004, Table 1004.1.1 is amended to change the maximum floor area allowance per occupant of Agricultural Building from 300 Gross to 500 Gross.

Section 1704.1: Section 1704.1 is amended to change the last sentence of the first paragraph to read: These inspections are to include the inspections specified in Section 109.

(13) *Chapter 30:* Chapter 30 concerning elevators, moving walks, escalators or dumbwaiters is amended by amending Section 3001.1 as follows and adding four new sections and subsections to read as follows:

3001.1 Scope. This chapter governs the design, construction, installations, alterations, maintenance and repair of new and existing installations of elevators, dumbwaiters, escalators and moving walks, requiring permits therefore and providing procedures for the inspection and maintenance of such conveyances.

SECTION 3007

PERMITS & CERTIFICATES OF INSPECTION

3007.1 Permits Required. It shall be unlawful to install any new elevator, moving walk, escalator or dumbwaiter or to make alterations to any existing elevator, dumbwaiter, escalator or moving walk, as defined in Part XII of ASME A17.1, without first having obtained a permit for such installations from the building official. Permits shall not be required for maintenance or minor alterations.

3007.2 Certificates of Inspection Required. It shall be unlawful to operate any elevator, dumbwaiter, escalator or moving walk without a current certificate of inspection issued by an approved inspection agency. Such certificates shall be issued upon payment of prescribed fees and a valid inspection report indicating that the conveyance is safe and that the inspection and tests have been performed in accordance with Part X of ASME A17.1. Certificates shall not be issued when the conveyance is posted as unsafe pursuant to Section 3010.

Exception: Certificates of Inspection shall not be required for conveyances within a dwelling unit.

3007.3 Applications for Permits. Applications for a permit to install shall be made on forms provided by the building official, and the permit shall be issued to an owner or the owner's representative, upon payment of the permit fees specified in this section.

3007.4 Applications for Certificates of Inspection. Applications for an inspection and certificates of inspection shall be made to an approved inspection agency by the owner of an elevator, dumbwaiter, escalator or moving walk. Fees for inspections and certificates of inspection shall be determined by the approved inspection agency.

3007.5 Fees. A fee for each permit shall be paid to the building official as prescribed in the jurisdiction Permit Fee Schedule which shall be determined by City Council and set forth in a Resolution.

SECTION 3008

DESIGN

3008.1 Detailed requirements. For detailed design, construction and installation requirements see Chapter 16 and the appropriate requirements for ASME A17.1.

SECTION 3009

REQUIREMENTS FOR OPERATION AND MAINTENANCE

3009.1 General. The owner shall be responsible for the safe operation and maintenance of each elevator, dumbwaiter, escalator and moving walk

installations and shall cause periodic inspections to be made on such conveyances as required by this section.

3009.2 Periodic Inspection and Tests. Routine and periodic inspections and tests shall be made as required by ASME A17.1.

3009.3 Alterations, Repairs and Maintenance. Alterations, repairs and maintenance shall be made as required by Part XII of ASME A17.1.

3009.4 Inspection Costs. All costs of such inspections shall be paid by the owner.

SECTION 3010

UNSAFE CONDITIONS

3010.1 Unsafe Conditions. When an inspection reveals an unsafe condition of an elevator, escalator, moving walk or dumbwaiter, the inspector shall immediately file with the owner and the building official a full and true report of inspection and unsafe condition. If the building official finds that the unsafe condition endangers human life, the building official shall cause to be placed on such conveyance, in a conspicuous place, a notice stating that such conveyance is unsafe. The owner shall see to it that such notice of unsafe condition is legibly maintained where placed by the building official. The building official shall also issue an order in writing to the owner requiring the repairs or alterations to be made to such conveyance that are necessary to render it safe and may order the operation thereof discontinued until the repairs or alterations are made or the unsafe conditions are removed. A posted notice of unsafe conditions shall be removed by the building official when satisfied that the unsafe conditions have been corrected.

(14) *Section 3109.4:* Section 3109.4 is amended by deletion thereof.

Sec. 8-53. Adoption of National Electrical Code.

The National Electric Code, 2005 Edition, as promulgated by the National Fire Protection Association Inc, One Batterymarch Park, Quincy, Massachusetts 02269 and as adopted by the State of Colorado and pursuant to Title 12, Article 23 C.R.S.

Applicants shall pay for each electrical permit at the time of issuance, a fee for electrical permits and inspections as determined by City Council and set forth in a Resolution.

Sec. 8-54. Adoption of International Plumbing Code.

The International Plumbing Code as published by the International Code Council, together with amendments set forth below (hereafter "IPC" or "International Plumbing Code") is hereby adopted for regulating the design, construction, quality of materials,

erection, installation, alteration, repair, location, relocation, replacement, addition to, use, and maintenance of plumbing systems within the jurisdiction.

(b) The following chapters of the Appendix of the International Plumbing Code, 2006 Edition, are adopted:

Appendix B - Rates of Rain Fall for Various Cities
Appendix E - Sizing of Water Piping Systems
No other chapters of the Appendix are adopted.

Sec. 8-55. Amendments to International Plumbing Code.

The plumbing code adopted in Section 8-54 is hereby amended as follows:

(1) *Section 106.6:* Section 106.6 is amended by deletion of the section and replaced with the following: Section 106.6 Permit fees. A fee for each permit shall be as determined by City Council and set forth in a Resolution.

(2) *Section 109:* Section 109 is amended by deletion of the section and replacing with the following: Section 109, Subsection 109.1:

The Board of Appeals as established in Section 8-26 of the City's Code of Ordinance shall serve as the Board of Appeals.

Sec. 8-56. Adoption of International Mechanical Code.

(a) The International Mechanical Code, 2006 Edition, promulgated by the International Code Council Inc., together with amendments set forth below (hereafter "IMC" or "International Mechanical Code") is hereby adopted to regulate the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use and maintenance of mechanical systems within the jurisdiction.

(b) The following chapters of the Appendix of the International Mechanical Code, 2006 Edition, are adopted:

Appendix A, Combustion Air Openings and Chimney Pass-Throughs.

No other chapters of the Appendix are adopted.

Sec. 8-57. Amendments to International Mechanical Code.

The mechanical code adopted in Section 8-56 is hereby amended as follows:

(1) *Section 106.5.2:* Section 106.5.2 is amended by deletion of the section and replacing with the following: Section 106.5.2 Fee schedule. Fees shall be as determined by City Council and set forth in a Resolution.

(2) *Section 108.4:* Section 108.4 is amended by deletion of the section and replacing with the following: Section 108.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof shall be subject to penalties as prescribed in Section 8-30 of the City's Code of Ordinances.

(3) *Section 109:* Section 109 is amended by deletion thereof. The Board of Appeals established in Section 8-26 shall serve as the Board of Appeals.

(3)

Sec. 8-58. Adoption of International Fuel Gas Code.

(a) The International Fuel Gas Code, 2006 Edition, promulgated by the International Code Council Inc., together with amendments set forth below (hereafter "IFGC" or "International Fuel Gas Code") is hereby adopted for the control of buildings and structures within the jurisdiction.

(b) The following chapters of the Appendix of the International Fuel Gas Code, 2006 Edition, are adopted:

Chapter A, Sizing and Capacities of Gas Piping

Chapter B, Sizing of Vent Systems

Chapter C, Exit Terminals of Mechanical Draft and Direct-Vent Venting Systems

No other chapters of the Appendix are adopted.

Sec. 8-59. Amendments to International Fuel Gas Code.

The fuel gas code adopted in Section 8-58 is hereby amended as follows:

(1) *Section 106.5.2:* Section 106.5.2 is amended by deletion of the section and replacement with the following: Section 106.5.2 Fee schedule. Fees shall be as determined by City Council and set forth in a Resolution.

(2) *Section 108.4:* Section 108.4 is amended by deletion of the section and replacing with the following: Section 108.4 Violations penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof shall be subject to penalties as prescribed in Section 8-30 of the City's

Code of Ordinances.

(3) *Section 109*: Section 109 is amended by deletion thereof. The Board of Appeals established in Section 8-26 shall serve as the Board of Appeals.

(4) *Section 404.4*: Section 404.4 is amended by deletion and replacing with the following: Section 404.4 Piping through foundation wall. Underground piping outside of buildings shall terminate at exterior aboveground locations and shall enter buildings in exposed locations.

Sec. 8-60. Adoption of International Property Maintenance Code.

The International Property Maintenance Code, 2006 Edition, promulgated by the International Code Council Inc., together with amendments set forth below (hereafter "IPMC" or "International Property Maintenance Code") is hereby adopted for the control of buildings and structures within the jurisdiction.

Section 8-61. Amendments to International Property Maintenance Code.

The property maintenance code adopted in Section 8-60, is hereby amended as follows:

(1) *Section 108.1.3*: Section 108.1.3 is amended by the deletion of the words "vermin or rat infested."

(2) *Section 111*: Section 111 is amended by the deletion of the words and replaced with: The Board of Appeals established in Section 8-26 shall serve as the Board of Appeals.

(2)(3) *Section 302*: Section 302 is amended by deletion thereof.

(3)(4) *Section 303*: Section 303 is amended by deletion thereof.

(4)(5) *Section 307*: Section 307 is amended by deletion thereof.

(6) *Section 308*: Section 308 is amended by deletion thereof.

Sec. 8-62. Adoption of International Residential Code.

(a) The International Residential Code, 2006 Edition, promulgated by the International Code Council Inc., together with amendments set forth below (hereafter "IRC" or "International Residential Code") is hereby adopted for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location,

relocation, replacement, addition to, use or maintenance of one- and two-family dwellings and townhouses not more than three stories in height within the jurisdiction.

(b) The following chapters of the Appendix of the International Residential Code, 2006 Edition, are adopted:

Appendix A, Sizing and Capacities of Gas Piping

Appendix B, Sizing of Vent Systems Serving Appliances Equipped With Draft Hoods, Category 1 Appliances, and Appliances Listed For Use With Type B Vents

Appendix C, Exit Terminals of Mechanical Draft and Direct-Vent Venting Systems

Appendix D, Recommended Procedures for Safety Inspections of Existing Appliance Installations

Chapter H, Patio Covers

Appendix Q, ICC International Residential Code Electrical Provisions/National Electrical Code Cross-Reference

No other chapters of the Appendix are adopted.

Sec. 8-63. Amendments to International Residential Code.

The residential code adopted in Section 8-62 is hereby amended as follows:

(1) *Section R105.2:* Section R105.2, Item 1, is amended by deleting the words "120 square feet" and replacing with "200 square feet."

(2) *Section R105.2:* Section R105.2, Item 5, is amended to read: Sidewalks, Driveways and Platforms not more than 30 inches above adjacent grade and not over any basement or story below.

(3) *Section R105.2:* Section R105.2 is amended by addition of the following new subsections; Building Item 10. Re-siding of building regulated by this code. Building Item 11. Re-roofing of buildings regulated by this code that do not exceed the limits of Section R907.3.

(4) *Section R105.3.1.1:* Section R105.3.1.1 is amended by deletion thereof.

(5) *Section R106.3.1:* Section R106.3.1 is amended by deletion of the first sentence of first paragraph. The building official shall retain one set of construction documents so reviewed.

(6) *Section R106.5:* Section R106.5 is amended by deletion thereof.

(7) *Section R108.2:* Section R108.2 is amended by deletion of the section and replacing with the following: Section R108.2 Fee schedule. Fees shall be as

determined by City Council and set forth in a Resolution.

(8) *Section R112*: Section R112 is amended by deletion thereof. The Board of Appeals established in Section 8-26 shall serve as the Board of Appeals.

Table R302.1: Table R302.1 Exterior Walls is amended by changing the following:

Walls (not fire resistance rated) Minimum Fire Separation Distance = 3 feet

Projections (fire resistance rated) Minimum Fire Separation Distance = 2 feet

Projections (not fire resistance rated) Minimum Fire Separation = 3 feet

Openings (unlimited) Minimum Fire Separation = 3 feet

Openings (deleted 25%) Maximum Wall Area/0 Hours/3 feet

Penetrations (all) Minimum Fire Separation Distance < 3 feet, compliance with Section R317.3 and at 3 feet or greater, no requirements.

(10) *Section R303.1*: Section R303.1, Exception #3 is amended by deletion and replacing with the following: Use of sunroom additions and patio covers, as defined in Section R202, shall be permitted for natural ventilation provided the space has adequate openings to the outside.

(11) *Section R309.3*: Section R309.3 is amended by deletion of the second paragraph.

(12) *Section R309.5*: Section R309.5 is amended by deletion thereof.

(13) *Section R317*: Section R317 is amended with the addition of: For the purpose of this section, townhouse shall include two or more attached units as defined in Section R202.

(14) *Section R408.2*: Section R408.2 Openings for under-floor ventilation is amended by the addition of exception #1 to read: The total area of ventilation openings may be reduced to 1/1,500 of under-floor area where the ground surface is treated with an approved vapor retarder material and the required openings are placed so as to provide cross-ventilation of the space. The installation of operable louvers shall not be prohibited.

(15) *Section R908*: The IRC is amended to add Section R908. Roof Covering Requirements in Wildfire Hazard Areas with the following subsections:

Section R908.1: Section R908.1 Wildfire Hazards defined. Areas that have wildfire hazard rating of medium or above (as shown on the Mesa County

Wildfire Hazard Map).

(18) *Section R908.2 Roof Covering.* Roof coverings for new buildings or structures or additions thereto or roof coverings utilized for re-roofing, shall be Class A or B, tested in accordance with ASME E108 or UL 790 or Fire-retardant-treated shingles or shakes treated in accordance with AWPA C1.

(19) *Section R908.3. Moved Buildings.* Any building or structure moved within or into any Wildfire Hazard Area shall be made to comply with all the requirements for new buildings in the Wildfire Hazard Area.

Sec. 8-64. Adoption of International Energy Conservation Code.

The International Energy Conservation Code, 2006 Edition, promulgated by the International Code Council Inc. (hereafter "IECC" or "International Energy Conservation Code") be and is hereby adopted as the code for the City of Grand Junction regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use and maintenance of the building envelope, mechanical, lifting and power systems in the City of Grand Junction.

Secs. 8-65-135. Reserved.

Repeal of Conflicting Provisions:

All other resolutions or ordinances in conflict herewith are hereby repealed except as otherwise provided herein.

Miscellaneous Provisions:

(a) *Adoption of Codes Unamended.* All Sections of the referenced Codes not specifically amended by this Ordinance are adopted as published.

(b) *Conflicts and Permits Previously Issued.* Any and all Resolutions and/or Ordinances or parts thereof in conflict herewith to the extent of such conflicts or inconsistencies are hereby amended; provided, however, this ordinance shall not affect the construction of buildings for which Permits were issued prior to the effective date of this Ordinance and all Buildings now under construction pursuant to existing Permits shall be constructed in conformance with the Building Codes applicable at the time of issuance of said permit; provided further however, that no construction authorized by an existing Permit shall be altered without complying with the newly adopted Building codes. Nor shall the adoption of this Code prevent the prosecution of violations of any prior Resolution or Ordinance adopting prior Building Codes, which occurred prior to the effective date of this Ordinance. Where this Ordinance and the Codes adopted herein by reference are in conflict

with other resolutions or ordinances of the City of Grand Junction the more restrictive provision shall apply.

(c) *Copies of Code Available for Inspection.* At least one copy of each of the Codes adopted herein, all certified to be true copies, shall remain on file with the City Clerk. At least three (3) copies of each of the Codes hereby adopted; all certified to be true copies, are now and shall remain on file with the Mesa County Building Department.

(d) *Invalidity in Part.* If any part, section, subsection, sentence, clause or phrase of this Ordinance or of the Codes adopted herein is for any reason held to be invalid, such decisions shall not affect the validity of the remaining sections of this Ordinance or of the Codes adopted herein, the City Council hereby declares that it would have passed the Ordinance and adopted said Codes in each part, section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more parts, sections, subsections, sentences, clauses or phrases be declared invalid. Should any portion of this Ordinance or Codes adopted herein be declared invalid then to the extent of such invalidity the prior Code shall not be found, deemed or determined to be repealed so as to continue the provisions of the Code in effect for any portions of this Ordinance and Codes adopted thereby which may be declared invalid or unenforceable.

PUBLIC HEARING:

A public hearing on the adoption by reference thereto of the International Building Code, the International Plumbing Code, the International Mechanical Code, the International Fuel Gas Code, the International Property Maintenance Code, the International Residential Code, the National Electric Code and the International Energy Conservation Code, with certain amendments is scheduled in the City Council Chambers at 250 N. 5th Street, Grand Junction Colorado on January 3, 2007 at 7:00 P.M. and the City Clerk is hereby directed to publish Notice of said public hearing in the manner and style and pursuant to the schedule of such publication prescribed in 31-16-201 *et. seq.* C.R.S. Such notice shall specifically include but not necessarily be limited to a description of the purpose of the Code, the subject matter of the Code by title, that the Codes are promulgated by the International Code Council, 5203 Leesburg Pike, Suite 708, Falls Church Virginia 22041-3401, unless indicated otherwise, and that the 2006 version of the Codes are being adopted, unless another version is specified.

At least one copy of the Codes, as described herein together with certain amendments thereto all certified to be true copies, shall be on file in the office of the City Clerk of the City of Grand Junction, Colorado. The clerk shall publish notice at least fifteen (15) and eight (8) days preceding said public hearing. The proposed ordinance and copies of the Codes may be inspected by interested persons between the hours of 8:00 A.M. and 5:00 P.M. Monday through Friday.

INTRODUCED ON FIRST READING this 6th day of December 2006.

PASSED and ADOPTED this _____ day of _____ 2007.

President of the Council

Attest:

Stephanie Tuin
City Clerk

ORDINANCE NO. _____

AN ORDINANCE ADOPTING AND AMENDING THE LATEST EDITION OF THE INTERNATIONAL BUILDING CODE, THE INTERNATIONAL PLUMBING CODE, THE INTERNATIONAL MECHANICAL CODE, THE INTERNATIONAL FUEL GAS CODE, THE INTERNATIONAL PROPERTY MAINTENANCE CODE, THE INTERNATIONAL RESIDENTIAL CODE, THE NATIONAL ELECTRIC CODE, AND THE INTERNATIONAL ENERGY CONSERVATION CODE TO BE APPLIED THROUGHOUT THE CITY OF GRAND JUNCTION WITH CERTAIN AMENDMENTS REGULATING THE ERECTION, CONSTRUCTION, ENLARGEMENT, ALTERATION, REPAIR, MOVING, REMOVAL, DEMOLITION, CONVERSION, OCCUPANCY, EQUIPMENT, USE, HEIGHT, AREA AND MAINTENANCE OF ALL BUILDINGS OR STRUCTURES IN THE CITY OF GRAND JUNCTION; AND REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH

RECITALS:

Pursuant to the constitutional, statutory and Charter authority of the City Council of the City of Grand Junction to adopt ordinances for the protection of the health safety and general welfare of the population of the City the following ordinance is proposed. After full hearing and consideration of the ordinance and upon recommendation by the City staff the Council finds that adoption of the ordinance is necessary to preserve the health, safety and general welfare of the people of the City of Grand Junction. The International Codes, which are hereby adopted, are the state of the art. The Codes are mutually adopted by the City and Mesa County, which provides for efficient building and enforcement practices. As well, the International Codes are increasingly common in many communities, which further increase the benefits of standardization. This ordinance and the Codes which it adopts regulate the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings or structures in the City of Grand Junction. The ordinance further provides for issuance of permits and collection of fees.

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

Article II and Article III of Chapter 8 of the Code of Ordinances of the City of Grand Junction is hereby amended as follows:

Sec. 8-26. Board of appeals; appeals procedure.

(a) A common appellate procedure and Board of Appeals to hear all appeals arising under codes adopted herein, EXCEPT with respect to the National Electric Code is contained within this section.

(b) In order to determine the suitability of alternate materials and methods of construction and to provide reasonable interpretations of this code, there shall be and is hereby created a Board of Appeals consisting of five members who are qualified by experience and training to pass upon matters pertaining to building construction and who are not employees of the jurisdiction. The Chief Building Official shall be an ex-officio member of and shall act as secretary to said board. The Board of Appeals shall be appointed by the Board of County Commissioners and shall hold office at its pleasure. The Board shall adopt rules and procedures for conducting business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the Chief Building Official.

(c) The Board of Appeals shall have jurisdiction to decide any appeals from the Chief Building Official if the decision of the Chief Building Official concerns suitability of alternate materials, methods of construction or a reasonable interpretation of the code. The Board of Appeals shall not hear appeals of life safety items, administrative provisions of the codes nor shall the Board of Appeals be empowered to waive requirements of the codes. The first order of business at any hearing of the Board of Appeals shall be to determine if it has jurisdiction to hear the appeal.

(d) Any appeal to the Board of Appeals shall be preceded by a written appeal to the Chief Building Official, who shall reply in writing. The decision of the Chief Building Official may be appealed to the Board of Appeals, within ten days from the date of the decision of the Chief Building Official. A Notice of Appeal together with a copy of the original written appeal and a copy of the Chief Building Official's decision shall be filed with the Board of Appeals at the time the appeal is requested.

(e) The Board of Appeals shall meet within 30 days of the written appeal, hear evidence and argument if it deems appropriate, and shall render all decisions and findings in writing to the Chief Building Official with a duplicate copy to the appellant.

Sec. 8-29. Nonassumption; nonwaiver.

The City, its officials, employees and agents thereof shall not be deemed to have assumed a duty of care where none otherwise existed by the performance of a service or an act of assistance for the benefit of any person under this chapter. The adoption of these codes shall not give rise to a duty of care. The enforcement or failure to enforce this chapter or the mere fact that an inspection was conducted in the course of enforcing this chapter shall not give rise to a duty of care where none otherwise existed. Enactment of this chapter shall not constitute a waiver of sovereign immunity by the City, its officials, employees and agents.

Sec. 8-51. Adoption of International Building Code and Standards.

(a) The International Building Code, 2006 Edition, promulgated by the International Code Council, Inc. together with amendments set forth below (hereafter "IBC" or "International Building Code") is hereby adopted to provide minimum standards to safeguard life and limb, health, property and the public welfare by regulating and controlling various matters including, but not limited to the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures within the jurisdiction.

(b) The following chapters of the Appendix of the International Building Code, 2006 Edition, are adopted:

Chapter C, Group U-Agricultural Buildings
Chapter I, Patio Covers

No other chapters of the Appendix are adopted.

Sec. 8-52. Amendments to International Building Code.

The building code adopted in Section 8-51 is hereby amended as follows:

- (1) *Section 105.2:* Section 105.2 is amended by the addition of the word Platforms to Section 105.2, Item 6.
- (2) *Section 108:* Section 108 is amended by the addition of Subsection 108.7 as follows: No fees shall be required for a building permit obtained for Agricultural Buildings, as defined at Section 202. This agricultural building fee exemption does not include fees for electrical, mechanical and plumbing permits for said structures.
- (3) *Section 108.2:* Section 108.2 is amended by adding the following language: Fees shall be determined by City Council and set forth in a Resolution
- (4) *Section 108.6:* Section 108.6 is amended to establish a fee refund policy, by the addition of the following: Building permit fees may be refunded at a rate of 85% of the building permit fee provided the project for which the permit was issued has not commenced and/or inspections have not been conducted. No refunds will be made after work has commenced.
- (5) *Section 109:* Section 109 is amended by addition of Subsection 109.7 as follows: No inspection shall be required for a building permit obtained for Agricultural Buildings as defined at Section 202. However, this exemption is not an exception to the minimum building standards set forth in the International Building Code, nor to the other requirements for inspections for electrical, mechanical and plumbing.

(6) *Section 112:* Section 112 is amended by deletion thereof. The Board of Appeals established in Section 8-26 of the City's Code of Ordinances shall serve as the Board of Appeals.

(7) *Section 508:* Section 508, Table 508.2 is amended to read: Storage rooms over 100 square feet in Group I and H occupancies.

(8) *Section 508:* Section 508, Table 508.3.3 is amended by changing footnote b. to read: Occupancy separation need not be provided for incidental storage areas within all occupancies that comply with the provisions of Section 508.3.2, Nonseparated occupancies, except Group I and H if the: Remainder of footnote b. remains unchanged.

(9) *Table 602:* Table 602 is amended by the addition of footnote f. to E occupancies. Footnote f. Group E Day Care occupancies that accommodate 12 or fewer persons shall have fire resistive ratings as required for Group R-3 occupancies.

(10) *Section 708.4:* Section 708.4 is amended by the addition of Exception #7 to read: The wall need not extend into the crawl space in existing construction.

(11) *Section 1004:* Section 1004, Table 1004.1.1 is amended to change the maximum floor area allowance per occupant of Agricultural Building from 300 Gross to 500 Gross.

(12) *Section 1704.1:* Section 1704.1 is amended to change the last sentence of the first paragraph to read: These inspections are to include the inspections specified in Section 109.

(13) *Chapter 30:* Chapter 30 concerning elevators, moving walks, escalators, or dumbwaiters is amended by amending Section 3001.1 as follows and adding four new sections and subsections to read as follows:

3001.1 Scope. This chapter governs the design, construction, installations, alterations, maintenance and repair of new and existing installations of elevators, dumbwaiters, escalators and moving walks, requiring permits therefore and providing procedures for the inspection and maintenance of such conveyances.

SECTION 3007

PERMITS & CERTIFICATES OF INSPECTION

3007.1 Permits Required. It shall be unlawful to install any new elevator, moving walk, escalator or dumbwaiter or to make alterations to

any existing elevator, dumbwaiter, escalator or moving walk, as defined in Part XII of ASME A17.1, without first having obtained a permit for such installations from the building official. Permits shall not be required for maintenance or minor alterations.

3007.2 Certificates of Inspection Required. It shall be unlawful to operate any elevator, dumbwaiter, escalator or moving walk without a current certificate of inspection issued by an approved inspection agency. Such certificates shall be issued upon payment of prescribed fees and a valid inspection report indicating that the conveyance is safe and that the inspection and tests have been performed in accordance with Part X of ASME A17.1. Certificates shall not be issued when the conveyance is posted as unsafe pursuant to Section 3010.

Exception: Certificates of Inspection shall not be required for conveyances within a dwelling unit.

3007.3 Applications for Permits. Applications for a permit to install shall be made on forms provided by the building official, and the permit shall be issued to an owner or the owner's representative, upon payment of the permit fees specified in this section.

3007.4 Applications for Certificates of Inspection. Applications for an inspection and certificates of inspection shall be made to an approved inspection agency by the owner of an elevator, dumbwaiter, escalator or moving walk. Fees for inspections and certificates of inspection shall be determined by the approved inspection agency.

3007.5 Fees. A fee for each permit shall be paid to the building official as prescribed in the jurisdiction Permit Fee Schedule which shall be determined by City Council and set forth in a Resolution.

SECTION 3008

DESIGN

3008.1 Detailed requirements. For detailed design, construction and installation requirements see Chapter 16 and the appropriate requirements for ASME A17.1.

SECTION 3009

REQUIREMENTS FOR OPERATION AND MAINTENANCE

3009.1 General. The owner shall be responsible for the safe operation and maintenance of each elevator, dumbwaiter, escalator and moving walk installations and shall cause periodic inspections to be made on such conveyances as required by this section.

3009.2 Periodic Inspection and Tests. Routine and periodic inspections and tests shall be made as required by ASME A17.1.

3009.3 Alterations, Repairs and Maintenance. Alterations, repairs and maintenance shall be made as required by Part XII of ASME A17.1.

3009.4 Inspection Costs. All costs of such inspections shall be paid by the owner.

SECTION 3010

UNSAFE CONDITIONS

3010.1 Unsafe Conditions. When an inspection reveals an unsafe condition of an elevator, escalator, moving walk or dumbwaiter, the inspector shall immediately file with the owner and the building official a full and true report of inspection and unsafe condition. If the building official finds that the unsafe condition endangers human life, the building official shall cause to be placed on such conveyance, in a conspicuous place, a notice stating that such conveyance is unsafe. The owner shall see to it that such notice of unsafe condition is legibly maintained where placed by the building official. The building official shall also issue an order in writing to the owner requiring the repairs or alterations to be made to such conveyance that are necessary to render it safe and may order the operation thereof discontinued until the repairs or alterations are made or the unsafe conditions are removed. A posted notice of unsafe conditions shall be removed by the building official when satisfied that the unsafe conditions have been corrected.

(14) *Section 3109.4:* Section 3109.4 is amended by deletion thereof.

Sec. 8-53. Adoption of National Electrical Code.

The National Electric Code, 2005 Edition, as promulgated by the National Fire Protection Association Inc, One Batterymarch Park, Quincy, Massachusetts 02269 and as adopted by the State of Colorado and pursuant to Title 12, Article 23 C.R.S.

Applicants shall pay for each electrical permit at the time of issuance, a fee for electrical permits and inspections as determined by City Council and set forth in a Resolution.

Sec. 8-54. Adoption of International Plumbing Code.

The International Plumbing Code as published by the International Code Council, together with amendments set forth below (hereafter "IPC" or "International Plumbing Code") is hereby adopted for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use, and maintenance of plumbing systems within the jurisdiction.

(b) The following chapters of the Appendix of the International Plumbing Code, 2006 Edition, are adopted:

Appendix B - Rates of Rain Fall for Various Cities
Appendix E - Sizing of Water Piping Systems

No other chapters of the Appendix are adopted.

Sec. 8-55. Amendments to International Plumbing Code.

The plumbing code adopted in Section 8-54 is hereby amended as follows:

(1) *Section 106.6:* Section 106.6 is amended by deletion of the section and replaced with the following: Section 106.6 Permit fees. A fee for each permit shall be as determined by City Council and set forth in a Resolution.

(2) *Section 109:* Section 109 is amended by deletion of the section and replacing with the following: Section 109, Subsection 109.1. The Board of Appeals as established in Section 8-26 of the City's Code of Ordinance shall serve as the Board of Appeals.

Sec. 8-56. Adoption of International Mechanical Code.

(a) The International Mechanical Code, 2006 Edition, promulgated by the International Code Council Inc., together with amendments set forth below (hereafter "IMC" or "International Mechanical Code") is hereby adopted to regulate the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use and maintenance of mechanical systems within the jurisdiction.

(b) The following chapters of the Appendix of the International Mechanical Code, 2006 Edition, are adopted:

Appendix A, Combustion Air Openings and Chimney Pass-Throughs.

No other chapters of the Appendix are adopted.

Sec. 8-57. Amendments to International Mechanical Code.

The mechanical code adopted in Section 8-56 is hereby amended as follows:

(1) *Section 106.5.2:* Section 106.5.2 is amended by deletion of the section and replacing with the following: Section 106.5.2 Fee schedule.

Fees shall be as determined by City Council and set forth in a Resolution.

(2) *Section 108.4:* Section 108.4 is amended by deletion of the section and replacing with the following: Section 108.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof shall be subject to penalties as prescribed in Section 8-30 of the City's Code of Ordinances.

(3) *Section 109:* Section 109 is amended by deletion thereof. The Board of Appeals established in Section 8-26 shall serve as the Board of Appeals.

(3)

Sec. 8-58. Adoption of International Fuel Gas Code.

(a) The International Fuel Gas Code, 2006 Edition, promulgated by the International Code Council Inc., together with amendments set forth below (hereafter "IFGC" or "International Fuel Gas Code") is hereby adopted for the control of buildings and structures within the jurisdiction.

(b) The following chapters of the Appendix of the International Fuel Gas Code, 2006 Edition, are adopted:

Chapter A, Sizing and Capacities of Gas Piping

Chapter B, Sizing of Vent Systems

Chapter C, Exit Terminals of Mechanical Draft and Direct-Vent Venting Systems

No other chapters of the Appendix are adopted.

Sec. 8-59. Amendments to International Fuel Gas Code.

The fuel gas code adopted in Section 8-58 is hereby amended as follows:

(1) *Section 106.5.2:* Section 106.5.2 is amended by deletion of the section and replacement with the following: Section 106.5.2 Fee schedule. Fees shall be as determined by City Council and set forth in a Resolution.

(2) *Section 108.4:* Section 108.4 is amended by deletion of the section and replacing with the following: Section 108.4 Violations penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof shall be subject to penalties as prescribed in Section 8-30 of the City's Code of Ordinances.

(3) *Section 109:* Section 109 is amended by deletion thereof. The Board of Appeals established in Section 8-26 shall serve as the Board of Appeals.

(4) *Section 404.4:* Section 404.4 is amended by deletion and replacing with the following: Section 404.4 Piping through foundation wall. Underground piping outside of buildings shall terminate at exterior aboveground locations and shall enter buildings in exposed locations.

Sec. 8-60. Adoption of International Property Maintenance Code.

The International Property Maintenance Code, 2006 Edition, promulgated by the International Code Council Inc., together with amendments set forth below (hereafter "IPMC" or "International Property Maintenance Code") is hereby adopted for the control of buildings and structures within the jurisdiction.

Section 8-61. Amendments to International Property Maintenance Code.

The property maintenance code adopted in Section 8-60, is hereby amended as follows:

(1) *Section 108.1.3:* Section 108.1.3 is amended by the deletion of the words "vermin or rat infested."

(2) *Section 111:* Section 111 is amended by the deletion of the words and replaced with: The Board of Appeals established in Section 8-26 shall serve as the Board of Appeals.

(3) *Section 302:* Section 302 is amended by deletion thereof.

(4) *Section 303:* Section 303 is amended by deletion thereof.

(5) *Section 307:* Section 307 is amended by deletion thereof.

(6) *Section 308:* Section 308 is amended by deletion thereof.

Sec. 8-62. Adoption of International Residential Code.

(a) The International Residential Code, 2006 Edition, promulgated by the International Code Council Inc., together with amendments set forth below (hereafter "IRC" or "International Residential Code") is hereby adopted for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of one- and two-family dwellings and townhouses not more than three stories in height within the jurisdiction.

(b) The following chapters of the Appendix of the International Residential Code, 2006 Edition, are adopted:

Appendix A, Sizing and Capacities of Gas Piping
Appendix B, Sizing of Vent Systems Serving Appliances Equipped With Draft Hoods, Category 1 Appliances, and Appliances Listed For Use With Type B Vents
Appendix C, Exit Terminals of Mechanical Draft and Direct-Vent Venting Systems
Appendix D, Recommended Procedures for Safety Inspections of Existing Appliance Installations
Chapter H, Patio Covers
Appendix Q, ICC International Residential Code Electrical Provisions/National Electrical Code Cross-Reference

No other chapters of the Appendix are adopted.

Sec. 8-63. Amendments to International Residential Code.

The residential code adopted in Section 8-62 is hereby amended as follows:

- (1) *Section R105.2:* Section R105.2, Item 1, is amended by deleting the words “120 square feet” and replacing with “200 square feet.”
- (2) *Section R105.2:* Section R105.2, Item 5, is amended to read: Sidewalks, Driveways and Platforms not more than 30 inches above adjacent grade and not over any basement or story below.
- (3) *Section R105.2:* Section R105.2 is amended by addition of the following new subsections; Building Item 10. Re-siding of building regulated by this code. Building Item 11. Re-roofing of buildings regulated by this code that do not exceed the limits of Section R907.3.
- (4) *Section R105.3.1.1:* Section R105.3.1.1 is amended by deletion thereof.
- (5) *Section R106.3.1:* Section R106.3.1 is amended by deletion of the first sentence of first paragraph. The building official shall retain one set of construction documents so reviewed.
- (6) *Section R106.5:* Section R106.5 is amended by deletion thereof.
- (7) *Section R108.2:* Section R108.2 is amended by deletion of the section and replacing with the following: Section R108.2 Fee schedule. Fees shall be as determined by City Council and set forth in a Resolution.

(8) *Section R112:* Section R112 is amended by deletion thereof. The Board of Appeals established in Section 8-26 shall serve as the Board of Appeals.

(9) *Table R302.1:* Table R302.1 Exterior Walls is amended by changing the following:

Walls (not fire resistance rated) Minimum Fire Separation Distance = 3 feet

Projections (fire resistance rated) Minimum Fire Separation Distance = 2 feet

Projections (not fire resistance rated) Minimum Fire Separation = 3 feet

Openings (unlimited) Minimum Fire Separation = 3 feet

Openings (deleted 25%) Maximum Wall Area/0 Hours/3 feet

Penetrations (all) Minimum Fire Separation Distance < 3 feet, compliance with Section R317.3 and at 3 feet or greater, no requirements.

(10) *Section R303.1:* Section R303.1, Exception #3 is amended by deletion and replacing with the following: Use of sunroom additions and patio covers, as defined in Section R202, shall be permitted for natural ventilation provided the space has adequate openings to the outside.

(11) *Section R309.3:* Section R309.3 is amended by deletion of the second paragraph.

(12) *Section R309.5:* Section R309.5 is amended by deletion thereof.

(13) *Section R317:* Section R317 is amended with the addition of: For the purpose of this section, townhouse shall include two or more attached units as defined in Section R202.

(14) *Section R408.2:* Section R408.2 Openings for under-floor ventilation is amended by the addition of exception #1 to read: The total area of ventilation openings may be reduced to 1/1,500 of under-floor area where the ground surface is treated with an approved vapor retarder material and the required openings are placed so as to provide cross-ventilation of the space. The installation of operable louvers shall not be prohibited.

(15) *Section R908:* The IRC is amended to add Section R908. Roof Covering Requirements in Wildfire Hazard Areas with the following subsections:

(16) *Section R908.1:* Section R908.1 Wildfire Hazards defined. Areas that have wildfire hazard rating of medium or above (as shown on the Mesa County Wildfire Hazard Map).

(17) *Section R908.2 Roof Covering.* Roof coverings for new buildings or structures or additions thereto or roof coverings utilized for re-roofing, shall be Class A or B, tested in accordance with ASME E108 or UL 790 or Fire-retardant-treated shingles or shakes treated in accordance with AWWA C1.

(18) *Section R908.3. Moved Buildings.* Any building or structure moved within or into any Wildfire Hazard Area shall be made to comply with all the requirements for new buildings in the Wildfire Hazard Area.

Sec. 8-64. Adoption of International Energy Conservation Code.

The International Energy Conservation Code, 2006 Edition, promulgated by the International Code Council Inc. (hereafter "IECC" or "International Energy Conservation Code") be and is hereby adopted as the code for the City of Grand Junction regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use and maintenance of the building envelope, mechanical, lifting and power systems in the City of Grand Junction.

Secs. 8-65-135. Reserved.

Repeal of Conflicting Provisions:

All other resolutions or ordinances in conflict herewith are hereby repealed except as otherwise provided herein.

Miscellaneous Provisions:

(a) *Adoption of Codes Unamended.* All Sections of the referenced Codes not specifically amended by this Ordinance are adopted as published.

(b) *Conflicts and Permits Previously Issued.* Any and all Resolutions and/or Ordinances or parts thereof in conflict herewith to the extent of such conflicts or inconsistencies are hereby amended; provided, however, this ordinance shall not affect the construction of buildings for which Permits were issued prior to the effective date of this Ordinance and all Buildings now under construction pursuant to existing Permits shall be constructed in conformance with the Building Codes applicable at the time of issuance of said permit; provided further however, that no construction authorized by an existing Permit shall be altered without complying with the newly adopted Building codes. Nor shall the adoption of this Code prevent the prosecution of violations of any prior Resolution or Ordinance adopting prior Building Codes, which occurred prior to the effective date of this Ordinance. Where this Ordinance and the Codes adopted herein by reference are in conflict with other resolutions or ordinances of the City of Grand Junction the more restrictive provision shall apply.

(c) *Copies of Code Available for Inspection.* At least one copy of each of the Codes adopted herein, all certified to be true copies, shall remain on file with the City Clerk. At least three (3) copies of each of the Codes hereby adopted; all certified to be true copies, are now and shall remain on file with the Mesa County Building Department.

(d) *Invalidity in Part.* If any part, section, subsection, sentence, clause or phrase of this Ordinance or of the Codes adopted herein is for any reason held to be invalid, such decisions shall not affect the validity of the remaining sections of this Ordinance or of the Codes adopted herein, the City Council hereby declares that it would have passed the Ordinance and adopted said Codes in each part, section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more parts, sections, subsections, sentences, clauses or phrases be declared invalid. Should any portion of this Ordinance or Codes adopted herein be declared invalid then to the extent of such invalidity the prior Code shall not be found, deemed or determined to be repealed so as to continue the provisions of the Code in effect for any portions of this Ordinance and Codes adopted thereby which may be declared invalid or unenforceable.

PUBLIC HEARING:

A public hearing on the adoption by reference thereto of the International Building Code, the International Plumbing Code, the International Mechanical Code, the International Fuel Gas Code, the International Property Maintenance Code, the International Residential Code, the National Electric Code and the International Energy Conservation Code, with certain amendments is scheduled in the City Council Chambers at 250 N. 5th Street, Grand Junction Colorado on January 3, 2007 at 7:00 P.M. and the City Clerk is hereby directed to publish Notice of said public hearing in the manner and style and pursuant to the schedule of such publication prescribed in 31-16-201 *et. seq.*, C.R.S. Such notice shall specifically include but not necessarily be limited to a description of the purpose of the Code, the subject matter of the Code by title, that the Codes are promulgated by the International Code Council, 5203 Leesburg Pike, Suite 708, Falls Church Virginia 22041-3401, unless indicated otherwise, and that the 2006 version of the Codes are being adopted, unless another version is specified.

At least one copy of the Codes, as described herein together with certain amendments thereto all certified to be true copies, shall be on file in the office of the City Clerk of the City of Grand Junction, Colorado. The clerk shall publish notice at least fifteen (15) and eight (8) days preceding said public hearing. The proposed ordinance and copies of the Codes may be inspected by interested persons between the hours of 8:00 A.M. and 5:00 P.M. Monday through Friday.

INTRODUCED ON FIRST READING this 6th day of December 2006.

PASSED and ADOPTED this _____ day of _____ 2007.

President of the Council

Attest:

Stephanie Tuin
City Clerk

Attach 10

**Fee Schedules under the International Building Related and Fire Codes
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
Subject	Adoption of Fee Schedules for Permits and Other Actions under the International Codes					
Meeting Date	January 3, 2007					
Date Prepared	December 27, 2006				File #	
Author	Jamie Kreiling			Assistant City Attorney		
Presenter Name	Mark Relph John Shaver Charles Mathis			Public Works & Utilities Director City Attorney Fire Inspector		
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda		Consent	X Individual Consideration

Summary: Adoption of a Resolution which will set fees for the 2006 Editions of the International Code set, including the International Building, Residential, Plumbing, Mechanical, Fuel Gas, Property Maintenance and Energy Conservation Codes, the Fire Code, and the 2005 Edition of the National Electric Code as adopted by the State of Colorado.

Budget: None

Action Requested/Recommendation: Approve Resolution ____-06 setting fees under the International Codes.

Attachments: Resolution_____-06.

Background Information: The City of Grand Junction contracts with Mesa County to administer the building codes including licensing, permitting and inspection. In exchange for the service, Mesa County retains all revenues.

When City Council adopted the 2000 Editions of the International Codes for building construction a fee schedule was also adopted by resolution. Mesa County has reviewed and updated the fee schedule. With consideration of the adoption of the 2006 Editions of the International Codes, Staff has reviewed the schedule and found the fees to be reasonable and appropriate and recommend that City Council adopt the fee schedule set forth in Table 108-A to be consistent with the County.

When City Council adopted the 2000 Edition of the International Fire Code (“IFC”), City Council also adopted a fee schedule for construction and operational permits. Staff has reviewed and updated the fee schedules for the permits. The fees are more in conformance with the time and expense that staff is involved with the permitting process. In addition, staff has included a fee schedule for false alarms which is

referred to in the IFC.

RESOLUTION NO. _____

A RESOLUTION SETTING BUILDING CODE FEES UNDER THE INTERNATIONAL BUILDING, RESIDENTIAL, PLUMBING, MECHANICAL, FUEL GAS, PROPERTY MAINTENANCE, AND ENERGY CONSERVATION CODES AS WELL AS THE NATIONAL ELECTRIC CODE AND SETTING FEES FOR OPERATIONAL AND CONSTRUCTION PERMITS AND FALSE ALARM FEES FOR THE INTERNATIONAL FIRE CODE IN THE CITY OF GRAND JUNCTION, COLORADO

Recitals:

On the 3rd day of January 2007, City Council adopted the 2006 Edition of the International Code set, including the International Building, Residential, Plumbing, Mechanical, Fuel Gas, Property Maintenance and Energy Conservation, and Fire Code, plus the 2005 Edition of the National Electric Code as adopted by the State of Colorado. Each of the codes provide for certain fees and charges being imposed for inspection, permitting, services and other expenses of the administration of the codes. In accordance with the City of Grand Junction's Code of Ordinances, fees are set by resolution of the City Council.

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

As concerns the International Building Code, International Residential Code, International Plumbing Code, International Mechanical Code, International Fuel Gas Code, International Property Maintenance Code, International Energy Conservation Code, and the National Electrical Code, Table 108-A-Fee Schedule, which is attached hereto and incorporated herein, for building permits and/or combinations of building, mechanical, plumbing, electrical, fuel gas piping, pool, hot tub and spa permits is adopted. In addition, the Table captioned *Other Inspections and Fees* is adopted. The fees shall constitute the fees and charges applicable in the City of Grand Junction under these codes unless otherwise established by ordinance.

As concerns the International Fire Code the following fees are hereby adopted:

Operational Permits. Permit fees for each new use: (code reference)

- Explosives or Blasting Agents (105.6.14): \$200 per permit
- Fireworks sales (105.6.14): \$75 per permit per calendar year (includes a required on-site visit)
- Fireworks public displays (105.6.13, 105.6.36): \$75 per permit (includes a required on-site visit)
- Open Burning (105.6.30): Spring or Fall Burning \$10 per permit; Combined

season \$15 per permit

- Bonfire (105.6.30): No charge
- High-piled Storage (105.6.22): \$50 per permit
- Spray finishing (105.6.41): \$50 per permit
- Tents/Air – Supported Structures (circus, etc.) (105.6.43): \$75 per permit

Construction Permits. Plan review fees: (code reference)

- Clearance form for building permit (International Building Code 106.1): \$50 per hour with a minimum charge for one-half hour. If the project includes a sprinkler system an additional fee of \$150 will be charged for the underground fire line and for site visits for rough-in, hydro, and flush.
- Special/Extra Inspections (International Building Code 106.1): \$50 per trip
- Sprinkler system plan review (150.7.1) \$50 per hour for review plus \$50 for each floor over a one story plus \$150 for rough-in, hydro, and final.
- Fire flow: \$50 to witness test by sprinkler contractor
- Fire alarm and detection systems (105.7.4): \$50 per hour plus \$25 for each floor over a one story plus \$50 for final inspection
- Hood extinguishing systems (105.7.1): \$50 per hour plus \$50 per trip test inspection
- Spray booth (105.7.1): \$50 per hour plus \$50 per trip test inspection
- Installation of above ground storage tanks (105.7.6): \$50 per tank plus \$50 for inspection
- Installation of underground tanks (105.7.6): \$50 per tank plus \$50 for inspection
- Removal of underground tanks: \$50 per tank plus \$50 for inspection
- LP-gas installation (105.7.9): \$5 per tank plus \$50 for inspection

Fee schedule for false alarms pursuant to Section 907.15.4 is as follows:

- First false alarm over the allowed number: \$75
- Second false alarm over the allowed number: \$150
- Third false alarm over the allowed number: \$250
- Fourth false alarm and any subsequent false alarm over the allowed number: \$300 for each

Any fees set by prior resolution in conflict with those adopted herein are hereby repealed and all other fees not in conflict or specifically modified herein shall remain in full force and effect.

PASSED AND ADOPTED this 3rd day of January 2007.

President of the Council

ATTEST:

City Clerk

**TABLE 108-A
FEE SCHEDULE**

SCHEDULE OF FEES FOR BUILDING PERMITS AND/OR COMBINATIONS OF BUILDING PERMITS, AND ELECTRICAL, PLUMBING, FUEL GAS PIPING, MECHANICAL, POOL, HOT TUB AND SPA PERMITS WHEN THE INSTALLATION VALUE IS OVER \$2000.

<u>VALUATION</u>	<u>FEE</u>
800 or less	35.00
900	38.00
1,000	40.00
1,100	42.00
1,200	43.00
1,300	44.00
1,500	45.00
1,600	46.00
1,700	48.00
1,900	49.00
2,000	50.00
3,000	69.00
4,000	84.00
5,000	95.00
6,000	102.00
7,000	105.00
8,000	108.00
9,000	117.00
10,000	125.00
11,000	135.00
12,000	144.00
13,000	153.00
14,000	164.00
15,000	165.00
16,000	172.00
17,000	179.00
18,000	185.00
19,000	190.00
20,000	196.00
21,000	202.00
22,000	207.00
23,000	212.00
24,000	216.00

25,000	220.00
26,000	224.00
27,000	227.00
28,000	230.00
29,000	232.00

VALUATION**FEE**

30,000	234.00
31,000	239.00
32,000	243.00
33,000	248.00
34,000	252.00
35,000	256.00
36,000	259.00
37,000	263.00
38,000	266.00
39,000	269.00
40,000	272.00
41,000	277.00
42,000	282.00
43,000	287.00
44,000	292.00
45,000	297.00
46,000	302.00
47,000	306.00
48,000	311.00
49,000	316.00
50,000	320.00
51,000	323.00
52,000	327.00
53,000	330.00
54,000	333.00
55,000	336.00
56,000	338.00
57,000	341.00
58,000	343.00
59,000	346.00
60,000	348.00
61,000	350.00
62,000	352.00
63,000	354.00
65,000	361.00
66,000	363.00
67,000	364.00
68,000	366.00
69,000	367.00
70,000	368.00
71,000	369.00
72,000	370.00

74,000	371.00
75,000	372.00
76,000	375.00
77,000	378.00

VALUATION**FEE**

78,000	381.00
79,000	384.00
80,000	387.00
81,000	390.00
82,000	393.00
83,000	396.00
84,000	399.00
85,000	401.00
86,000	404.00
87,000	406.00
88,000	409.00
89,000	412.00
90,000	414.00
91,000	416.00
92,000	419.00
93,000	421.00
94,000	423.00
95,000	426.00
96,000	428.00
97,000	430.00
98,000	432.00
99,000	434.00
100,000	436.00
101,000	439.00
102,000	441.00
103,000	444.00
104,000	446.00
105,000	449.00
106,000	451.00
107,000	454.00
108,000	456.00
109,000	459.00
110,000	461.00
111,000	464.00
112,000	466.00
113,000	469.00
114,000	471.00
115,000	474.00
116,000	476.00
117,000	479.00
118,000	481.00
119,000	484.00
120,000	486.00

121,000	489.00
122,000	491.00
123,000	494.00
124,000	497.00
<u>VALUATION</u>	<u>FEE</u>
125,000	499.00
126,000	502.00
127,000	505.00
128,000	507.00
129,000	510.00
130,000	512.00
131,000	515.00
132,000	518.00
133,000	521.00
134,000	523.00
135,000	526.00
136,000	529.00
137,000	531.00
138,000	534.00
139,000	536.00
140,000	539.00
142,000	545.00
143,000	548.00
144,000	551.00
145,000	553.00
146,000	556.00
147,000	558.00
148,000	560.00
149,000	563.00
150,000	565.00
160,000	589.00
170,000	610.00
180,000	630.00
190,000	648.00
200,000	664.00
210,000	678.00
220,000	691.00
230,000	701.00
240,000	710.00
250,000	717.00
260,000	723.00
270,000	726.00
280,000	728.00
290,000	731.00

300,000	732.00
310,000	746.00
320,000	759.00
330,000	772.00
340,000	784.00
350,000	796.00
360,000	807.00

VALUATION**FEE**

370,000	817.00
380,000	827.00
390,000	835.00
400,000	844.00
410,000	851.00
420,000	858.00
430,000	864.00
440,000	870.00
450,000	875.00
460,000	880.00
470,000	883.00
480,000	886.00
490,000	888.00
500,000	890.00
510,000	894.00
520,000	899.00
530,000	904.00
540,000	908.00
550,000	913.00
560,000	918.00
570,000	922.00
580,000	927.00
590,000	932.00
600,000	936.00
610,000	941.00
620,000	946.00
630,000	950.00
640,000	955.00
650,000	960.00
660,000	964.00
670,000	969.00
680,000	974.00
690,000	978.00
700,000	983.00
710,000	988.00
720,000	992.00
740,000	997.00
750,000	1002.00
760,000	1007.00
770,000	1011.00
780,000	1015.00
790,000	1021.00
800,000	1025.00

810,000
820,000
830,000

1030.00
1035.00
1039.00

<u>VALUATION</u>	<u>FEE</u>
840,000	1044.00
850,000	1049.00
860,000	1053.00
870,000	1058.00
880,000	1063.00
890,000	1067.00
900,000	1072.00
910,000	1077.00
920,000	1081.00
930,000	1086.00
940,000	1091.00
950,000	1095.00
960,000	1100.00
970,000	1105.00
980,000	1109.00
990,000	1114.00
1,000,000	1119.00
1,200,000	1311.00
1,400,000	1506.00
1,600,000	1694.00
1,800,000	1875.00
2,000,000	2049.00
2,200,000	2217.00
2,400,000	2377.00
2,600,000	2531.00
2,800,000	2678.00
3,000,000	2819.00
3,200,000	2952.00
3,400,000	3079.00
3,800,000	3312.00
4,000,000	3418.00
4,200,000	3518.00
4,400,000	3610.00
4,600,000	3696.00
4,800,000	3775.00
5,000,000	3848.00

The value column shall be figured by taking the outside square foot dimension of the proposed construction project and multiplying that by the average cost per square foot figure provided by the most current Building Valuation Chart found in the "Building Safety Journal", publication.

Fees for projects over five million shall be determined by dividing the project value by 5,000,000 and multiplying the resultant by \$3848.00.

OTHER INSPECTIONS AND FEES

1.	Inspection outside of normal hours	\$45.00 per hour
2.	Re-Inspections	\$35.00
3.	Inspections for which no fee is specifically indicated	\$70.00 per hour
4.	Demolition Permit	\$35.00
5.	House Moving	\$35.00
6.	Fences	\$35.00
7.	Illuminated Signs	\$35.00
8.	Non-Illuminated Signs	\$35.00
9.	Mechanical, Electrical, Plumbing, Hot Tub, Pool and Spa Permits – Installations under \$2000 Installations over \$2000	\$35.00 per Table 108-A Fee Schedule
10.	Manufactured Homes	\$100.00
11.	Manufactured Home on Permanent Foundation	\$150.00
12.	IRC Certified Homes	\$150.00
13.	Change in Use Permits, Valuation Under \$2000 Valuation \$2000 and over	\$35.00 Use Table 108-A
14.	Plan Reviews Performed by Third Party	Fee shall be that amount charged by the service provider
15.	Decks, Patio Covers, Storage Sheds, and Open Carports not exceeding 400 square feet in area and accessory to residences, shall be computed using following method In all cases the minimum building permit fee charged shall not be less that \$35.00 plus an additional \$35.00 for each of the following added to the building permit: Plumbing, Mechanical and/or Electrical installations.	Square foot Construction cost (from Building Valuation Data Sheet) x gross area x .0024 = permit fee

Attach 11
Public Hearing – Create Alley Improvement District 2007
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Create Alley Improvement District ST-07					
Meeting Date	January 3, 2007					
Date Prepared	December 28, 2006				File #	
Author	Michael Grizenko		Real Estate Technician			
Presenter Name	Mark Relph		Public Works and Utilities Director			
Report results back to Council	X	No		Yes	When	
Citizen Presentation	X	Yes		No	Name	Any Interested Citizen
	Workshop	X	Formal Agenda		Consent	X Individual Consideration

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

- East/West Alley from 3rd to 4th, between Ouray Avenue and Chipeta Avenue
- North/South & East/West Alleys from 7th to 8th, between Teller Avenue and Belford Avenue
- East/West Alley from 10th to 11th, between Ouray Avenue and Chipeta Avenue
- East/West Alley from 12th to 14th, between Elm Avenue and Texas Avenue
- North/South Alley from 17th to 18th, between Ouray Avenue and Chipeta Avenue
- North/South Alley from 22nd to 23rd, between Ouray Avenue and Gunnison Avenue

Budget:

Alley	Footage	Cost	Assessments	Net to City	% paid by property owner
E/W 3rd to 4th Ouray-Chipeta	800	\$ 48,400	\$ 8,588	\$ 39,813	18%
N/S E/W 7th to 8th, Teller-Belford	1005	\$ 80,300	\$ 17,953	\$ 62,347	22%
E/W 10th to 11th, Ouray-Chipeta	800	\$ 48,400	\$ 7,800	\$ 40,600	16%
EW 12th to 14th, Elm-Texas	1484	\$ 76,000	\$ 17,467	\$ 58,533	23%
N/S 17th to 18th, Ouray-Chipeta	600	\$ 35,750	\$ 7,150	\$ 28,600	20%
N/S 22nd to 23rd, Ouray-Gunnison	1201	\$ 68,200	\$ 12,351	\$ 55,849	18%
Totals	5890	\$ 357,050	\$ 71,308	\$ 285,742	20%
2007 Alley Budget		\$ 380,000			
Estimated cost to construct 2007 Alleys		\$ 357,050			
Estimated Balance		\$ 22,950			

Action Requested/Recommendation: Conduct public hearing and review and adopt proposed resolution.

Attachments: 1) Summary Sheets 2) Maps 3) Resolution

Background Information: People's Ordinance No. 33 authorizes the City Council to create improvement districts and levy assessments when requested by a majority of the property owners to be assessed. Council may also establish assessment rates by resolution. The present rates for alleys are \$8.00 per abutting foot for residential single-family uses, \$15.00 per abutting foot for residential multi-family uses, and \$31.50 per abutting foot for non-residential uses. A summary of the process that follows submittal of the petition is provided below.

Items preceded by a √ indicate steps already taken with this Improvement District and the item preceded by a ► indicates the step being taken with the current Council action.

1. √ City Council passes a Resolution declaring its intent to create an improvement district. The Resolution acknowledges receipt of the petition and gives notice of a public hearing.
2. ► Council conducts a public hearing and passes a Resolution creating the Improvement District. The public hearing is for questions regarding validity of the submitted petitions.
3. Council awards the construction contract.
4. Construction.
5. After construction is complete, the project engineer prepares a Statement of Completion identifying all costs associated with the Improvement District.
6. Council passes a Resolution approving and accepting the improvements, gives notice of a public hearing concerning a proposed Assessing Ordinance, and conducts a first reading of a proposed Assessing Ordinance.
7. Council conducts a public hearing and second reading of the proposed Assessing Ordinance. The public hearing is for questions about the assessments.
8. The adopted Ordinance is published for three consecutive days.
9. The property owners have 30 days from final publication to pay their assessment in full. Assessments not paid in full will be amortized over a ten-year period. Amortized assessments may be paid in full at anytime during the ten-year period.

SUMMARY SHEET

PROPOSED ALLEY IMPROVEMENT DISTRICT 3RD STREET TO 4TH STREET OURAY AVENUE TO CHIPETA AVENUE

OWNER	FOOTAGE	COST/FOOT	ASSESSMENT
Karl E. Coleman	50	8.00	400.00
• Robintix & Makiko Perryman	50	8.00	400.00
• Jerre A. Jones	50	8.00	400.00
• Westwood Rental LLC	50	8.00	400.00
• Twenty Twenty One LLC	125	15.00	1,875.00
• Leah B. & Jeffery M. Lyon	37.5	8.00	300.00
Debra S. Cortez	87.5	15.00	1,312.50
Michael J. Graf	50	8.00	400.00
• Betty A. Dennis	50	15.00	750.00
Linda Grace McBride	37.5	8.00	300.00
Barbara D. Leach	37.5	8.00	300.00
• Jean Laudadio-Sasser	50	8.00	400.00
• George Gus Gatseos, III	50	15.00	750.00
Scott A. Mayer	34	8.00	272.00
• Traci D. Bourbeau	<u>41</u>	8.00	<u>328.00</u>
ASSESSABLE FOOTAGE	TOTAL	800	8,587.50

Estimated Cost to Construct	\$ 48,400.00
Absolute Cost to Owners	<u>\$ 8,587.50</u>
Estimated Cost to City	\$ 39,812.50

Assessments may be paid in full upon completion of project or may be paid over a ten-year period, in which event, a one-time charge of 6% will be added to the principal balance to which simple interest will accrue at the rate of 8% per annum on the declining balance.

- Indicates owners signing in favor of improvements are 9/15 or 60% and 63% of the assessable footage.

SUMMARY SHEET
PROPOSED ALLEY IMPROVEMENT DISTRICT
7TH STREET TO 8TH STREET
TELLER AVENUE TO BELFORD AVENUE

OWNER	FOOTAGE	COST/FOOT	ASSESSMENT
Walter H. Schultz, etal c/o Robert Bender	140	31.50	4,410.00
Gincy Rae French	62.5	8.00	500.00
• David E. & Katherine Prince	50	8.00	400.00
• Ruth T. Bowhay c/o Carol P. Watkins	50	8.00	400.00
• Bruce M. Ricks	140	31.50	4,410.00
• Twelfth and Orchard LLC	75	31.50	2,362.50
• Judith V. Bell	38.1	8.00	304.80
Dewayne B. Roberts	49.4	15.00	741.00
Brett O. & Larry M. Roberts	50	15.00	750.00
Nan Carolyn Howard	50	8.00	400.00
• Kerry D. Rutledge	50	8.00	400.00
• E. Brittany & Rema K. Dunn	125	8.00	1,000.00
• Charline J. Allen	<u>125</u>	15.00	<u>1,875.00</u>
ASSESSABLE FOOTAGE TOTAL	1005		17,953.30

Estimated Cost to Construct	\$ 80,300.00
Absolute Cost to Owners	<u>\$ 17,953.30</u>
Estimated Cost to City	\$ 63,346.70

Assessments may be paid in full upon completion of project or may be paid over a ten-year period, in which event, a one-time charge of 6% will be added to the principal balance to which simple interest will accrue at the rate of 8% per annum on the declining balance.

- Indicates owners signing in favor of improvements are 8/13 or 62% and 65% of the assessable footage.

SUMMARY SHEET

PROPOSED ALLEY IMPROVEMENT DISTRICT 17TH STREET TO 18TH STREET OURAY AVENUE TO CHIPETA AVENUE

OWNER	FOOTAGE	COST/FOOT	ASSESSMENT
• Kathleen A. & Larry E. Rasmussen	50	8.00	400.00
• Andrew Lunning	50	8.00	400.00
• Melissa Lind	50	8.00	400.00
• Dennis L. & Boontang J. Bechtold	50	8.00	400.00
• Barry K. Cunningham & Karen J. Hurst	51	8.00	408.00
• Robert G. Lucas	50	8.00	400.00
Jerry & Diane Belt	49	8.00	392.00
• Kirby E. Holmes	50	8.00	400.00
Vivian G. & David A. Cone etal	50	8.00	400.00
• Edward C. & Ruth J. Scroggins	50	8.00	400.00
• School District 51	<u>100</u>	31.50	<u>3150.00</u>
ASSESSABLE FOOTAGE TOTAL	600		7150.00

Estimated Cost to Construct	\$ 35,750.00
Absolute Cost to Owners	<u>\$ 7,150.00</u>
Estimated Cost to City	\$ 28,600.00

Assessments may be paid in full upon completion of project or may be paid over a ten-year period, in which event, a one-time charge of 6% will be added to the principal balance to which simple interest will accrue at the rate of 8% per annum on the declining balance.

- Indicates owners in favor of improvements are 9/11 or 82% and 84% of the assessable footage

SUMMARY SHEET

PROPOSED ALLEY IMPROVEMENT DISTRICT 22ND STREET TO 23RD STREET OURAY AVENUE TO GUNNISON AVENUE

OWNER	FOOTAGE	COST/FOOT	ASSESSMENT
• Jeb Emil Brost & Dana Wilson	90.35	8.00	722.80
• Nathan J. Sneddon	63	8.00	504.00
Aaron Burrill	63	8.00	504.00
Terrance Robert Stath	391.73	15.00	5,875.95
• Lawrence G. & Helen L. Alley	63	8.00	504.00
• Jose Luis Leon Herrera	63	8.00	504.00
• Lije J. & Adelle S. Combrink	63	8.00	504.00
Christopher L. Martin	65	8.00	520.00
• Gary & Valerie Pilling	63	8.00	504.00
• Lisa Ulmer	63	8.00	504.00
• Donna R. Anderson	66.03	8.00	528.24
Robert W. & Nancy C. Witt	72	8.00	576.00
• Roy A. Blake III	75	8.00	600.00
ASSESSABLE FOOTAGE	TOTAL	1201.11	12,350.99

Estimated Cost to Construct	\$ 68,200.00
Absolute Cost to Owners	\$ <u>12,350.99</u>
Estimated Cost to City	\$ 55,849.01

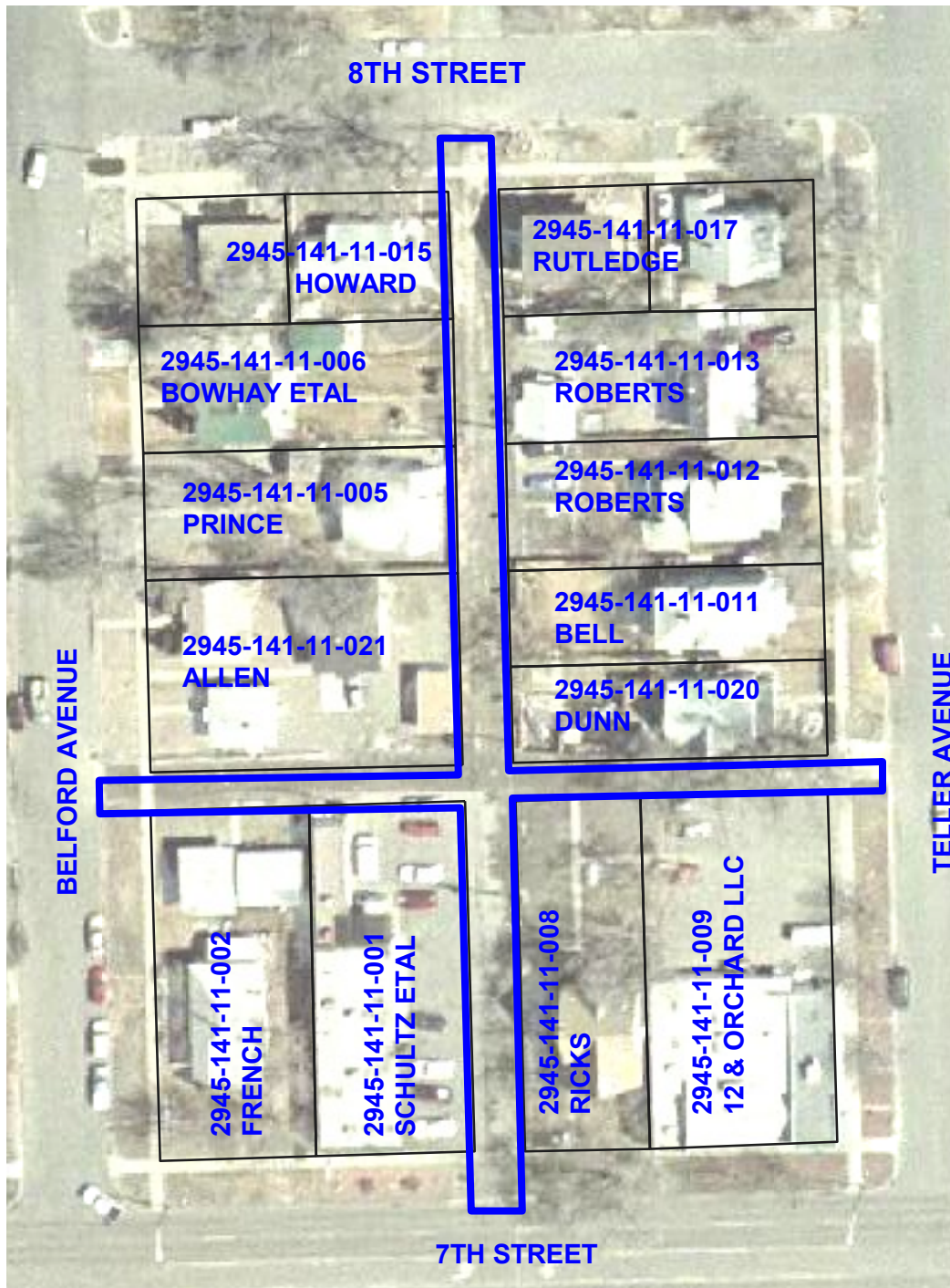
Assessments may be paid in full upon completion of project or may be paid over a ten-year period, in which event, a one-time charge of 6% will be added to the principal balance to which simple interest will accrue at the rate of 8% per annum on the declining balance.

- Indicates owners signing in favor of improvements are 9/13 or 69% and 51% of the assessable footage.

**PROPOSED ALLEY IMPROVEMENT DISTRICT
3RD STREET TO 4TH STREET
OURAY AVENUE TO CHIPETA AVENUE**



**PROPOSED ALLEY IMPROVEMENT DISTRICT
7TH STREET TO 8TH STREET
TELLER AVENUE TO BELFORD AVENUE**



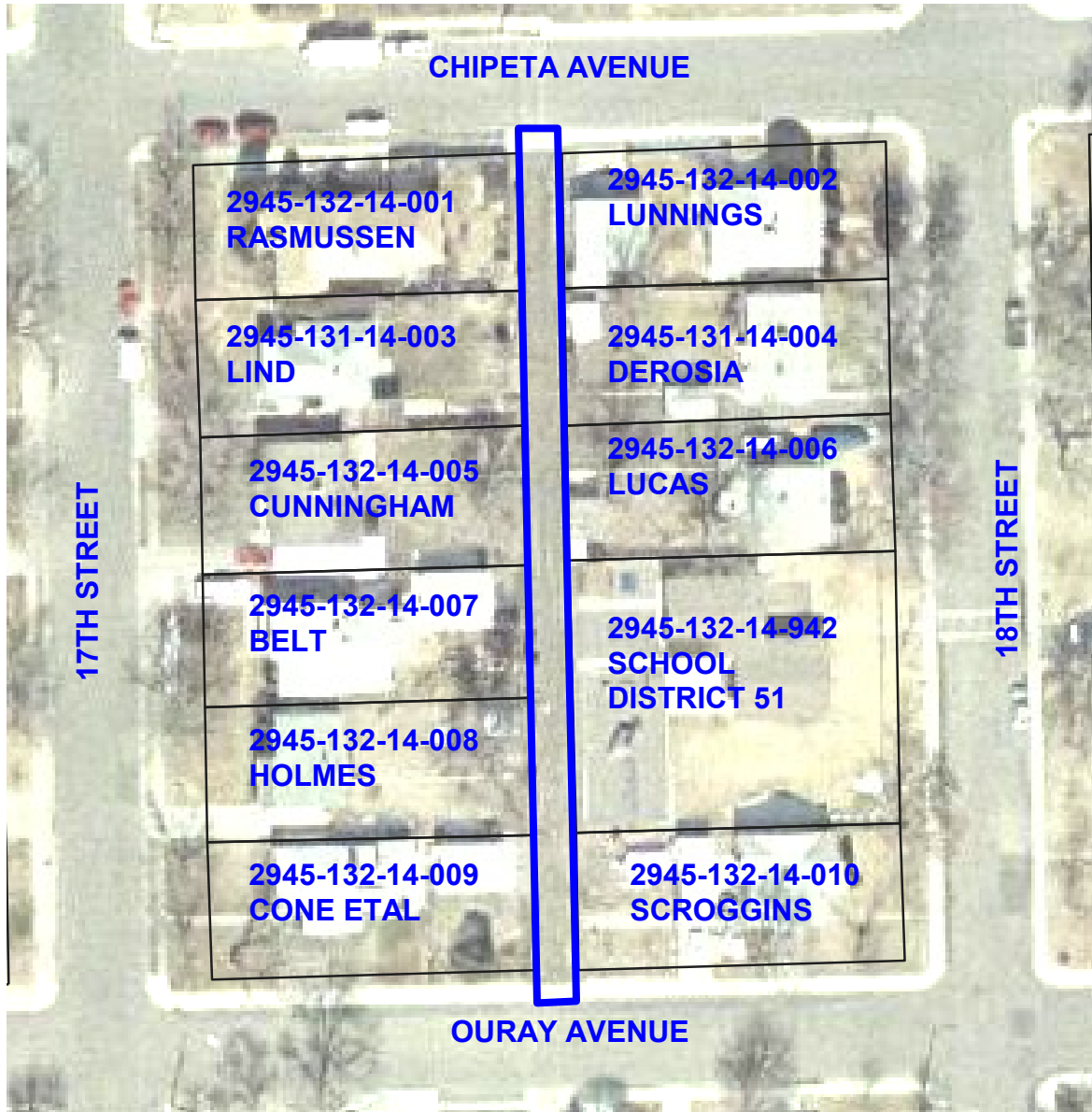
**PROPOSED ALLEY IMPROVEMENT DISTRICT
10TH STREET TO 11TH STREET
OURAY AVENUE TO CHIPETA AVENUE**



**PROPOSED ALLEY IMPROVEMENT DISTRICT
12TH STREET TO 14TH STREET, ELM AVENUE TO TEXAS AVENUE**



**PROPOSED ALLEY IMPROVEMENT DISTRICT
17TH STREET TO 18TH STREET
OURAY AVENUE TO CHIPETA AVENUE**



**PROPOSED ALLEY IMPROVEMENT
22ND STREET TO 23RD STREET
OURAY AVENUE TO GUNNISON AVENUE**



RESOLUTION NO. _____

**A RESOLUTION CREATING AND ESTABLISHING
ALLEY IMPROVEMENT DISTRICT NO. ST-07
WITHIN THE CORPORATE LIMITS OF THE CITY OF GRAND JUNCTION,
COLORADO, AUTHORIZING THE RECONSTRUCTION OF CERTAIN ALLEYS,
ADOPTING DETAILS, PLANS AND SPECIFICATIONS FOR THE PAVING
THEREON AND PROVIDING FOR THE PAYMENT THEREOF**

WHEREAS, a majority of the owners of the property to be assessed have petitioned the City Council, under the provisions of Chapter 28 of the City of Grand Junction Code of Ordinances, as amended, and People's Ordinance No. 33, that an Alley Improvement District be created, for the special benefit of the real property hereinafter described, to construct and install improvements to the following described alleys:

- East/West Alley from 3rd to 4th, between Ouray Avenue and Chipeta Avenue
- North/South & East/West Alleys from 7th to 8th, between Teller Avenue and Belford Avenue
- East/West Alley from 10th to 11th, between Ouray Avenue and Chipeta Avenue
- East/West Alley from 12th to 14th, between Elm Avenue and Texas Avenue
- North/South Alley from 17th to 18th, between Ouray Avenue and Chipeta Avenue
- North/South Alley from 22nd to 23rd, between Ouray Avenue and Gunnison Avenue

WHEREAS, the City Council has found and determined, and does hereby find and determine, that the construction of alley improvements as petitioned for is necessary for the health, safety and welfare of the residents of the territory to be served and would be of special benefit to the property included within said District; and

WHEREAS, on the 15th day of November, 2006, the City Council of the City of Grand Junction, Colorado, passed a Resolution Stating its Intent to Create Alley Improvement District No. ST-07, authorizing the City Engineer to prepare full details, plans and specifications for the paving thereon together with a map of the District to be assessed, and authorizing Notice of Intention to Create said District; and

WHEREAS, the City Engineer has fully and strictly complied with the directions so given, and has filed such specifications and map, all in accordance with said Resolution and the requirements of Ordinance No. 178, as amended, of said City; and

WHEREAS, Notice of Intention to create said District was duly published.

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

1. That the real property (also known as the “District Lands”) to be assessed with a portion of the costs of the proposed services, labor, materials and improvements which the City may deem appropriate, is described as follows:

Lots 1 through 32, inclusive, EXCEPT the North 50 feet of Lots 12 through 16, inclusive, Block 58, City of Grand Junction; and also, Lots 1 through 28, inclusive, EXCEPT the North 60 feet of Lots 19 & 20, and the South 66 feet of Lots 21 & 22, Block 58, City of Grand Junction; and also, Lots 1 through 32, inclusive, Block 65, City of Grand Junction; and also, Lots 3 through 28, inclusive, Block 2, Prospect Park; and also, Lots 1 through 24, inclusive, Block 6, Slocomb’s Addition; and also, Lots 1 through 13, inclusive, Block 2, Mesa Gardens Subdivision. All in the City of Grand Junction, and Mesa County, Colorado.

2. That the proposed services, labor, materials and improvements necessary to accommodate the request of the owners of the District Lands shall include, but may not be limited to, the design, construction, installation, placement and inspection of base course material and concrete paving, together with any other services or facilities required to accomplish this request as deemed necessary by the City Engineer (“District Improvements”), all of which shall be installed in accordance with the General Conditions, Specifications and Details for Public Works and Utility Projects of the City of Grand Junction.

3. That the assessments to be levied against and upon each respective property which is part of the District Lands shall be determined by multiplying the linear footage that each respective property abuts the alley right-of-way by the appropriate Residential Single-Family, Residential Multi-Family or Non-Residential assessment rate as defined by City Resolution No. 16-97, passed and adopted on the 17th day of February, 1997, and as established by City Resolution No. 57-99, passed and adopted on the 21st day of April, 1999, as follows:

(a) The Residential Single-Family assessment rate shall be \$8.00 per each linear foot of property abutting the alley right-of-way. The Residential Single-Family assessment rate shall apply to all properties having only one residential housing unit which is arranged, designed and intended to be occupied as a single housekeeping unit, and all vacant properties located within a residential single-family residential zone;

(b) The Residential Multi-Family assessment rate shall be \$15.00 per each linear foot of property abutting the alley right-of-way. The Residential Multi-Family assessment rate shall apply to all properties having a structure or structures which are arranged, designed and intended to be the residence of more than one housekeeping unit independent of other housekeeping units, and properties which are necessary for and appurtenant to the use and occupancy of multi-family

residential uses, such as parking lots, clubhouses and recreation facilities, and all vacant properties located within a multi-family residential zone;

(c) The Non-Residential assessment rate shall be \$31.50 per each linear foot of property abutting the alley right-of-way. Except as provided in Section 3(d) below, the Non-Residential assessment rate shall apply to all properties which are used and occupied for any purpose other than single-family or multi-family residential purposes, and all vacant properties located within any zone other than residential;

(d) Properties from which a business or commercial use is conducted (“home occupation”) which also serve as a single-family or multi-family residence may be assessed the applicable single-family or multi-family assessment rate if such home occupation conforms with or has been authorized by the Zoning and Development Code of the City;

(e) Pursuant to City Resolution No. 61-90, passed and adopted on 19th day of September, 1990, properties having alley frontage on more than one side shall be assessed the applicable assessment rate for the frontage on the longest side only.

(f) The assessment rates described above shall be applicable as of the date of the final reading of the assessing ordinance.

4. That the assessments to be levied against the District Lands to pay a portion of the costs of the District Improvements shall be due and payable, without demand, within thirty (30) days after the ordinance assessing such costs against and upon the District Lands becomes final. The failure by any owner(s) to pay the whole assessment within said thirty (30) day period shall be conclusively considered as an election on the part of said owner(s) to pay such owner’s assessment in ten (10) annual installments, in which event an additional six percent (6%) one-time charge for costs of collection and other incidentals shall be added to the principal amount of such owner’s assessment. Assessments to be paid in installments shall accrue simple interest at the rate of eight percent (8%) per annum on the unpaid balance and shall be payable at the time the next installment of general taxes, by the laws of the State of Colorado, is payable, and each annual installment shall be paid on or before the same date each year thereafter until paid in full.

5. That the City Engineer is hereby authorized and directed to prepare full details, plans and specifications for the District Improvements, together with a map of the District depicting the District Lands to be assessed from which the amount of the assessments to be levied against each individual property may be readily ascertained, all as required by Ordinance No. 178, as amended, City of Grand Junction, Colorado.

PASSED and **ADOPTED** this ____ day of _____
_____, 2007.

President of the Council

Attest:

City Clerk

Attach 12
Public Hearing – Hall Growth Plan Amendment
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Hall Property Growth Plan Amendment					
Meeting Date	January 3, 2007					
Date Prepared	December 20, 2006			File # GPA-2006-240		
Author	David Thornton		Principal Planner			
Presenter Name	Kathy Portner		Assistant Director of Community Development			
Report results back to Council	X	No		Yes	When	
Citizen Presentation	X	Yes		No	Name	
	Workshop	X	Formal Agenda		Consent	X Individual Consideration

Summary: A request to amend the Growth Plan, changing the Future Land Use designation from "Estate" (one unit per 2 to 5 acres) and "Rural" (one unit per 5 to 35 acres) to "Commercial/Industrial" for fifty-two acres located at 748 and 778 22 Road.

Budget: N/A

Action Requested/Recommendation: Hold a public hearing and consider a Resolution amending the Growth Plan.

Background Information: See attached Analysis/Background Information

Attachments:

1. Staff report/Background information
2. Vicinity Map / Aerial Photo
3. Growth Plan Map / Existing Zoning Map
4. Petitioner's General Project Report
5. Resolution

ANALYSIS

1. Background

<i>STAFF REPORT / BACKGROUND INFORMATION</i>				
Location:		748 22 Road & 778 22 Road		
Applicants:		Owner: W.T. Hall and Gaynell D. Colaric, W.T. Hall and Norma Hall; Developer/Representative: HallCO, LLC – Douglas A. Colaric		
Existing Land Use:		Vacant / Storage		
Proposed Land Use:		Commercial / Industrial		
Surrounding Land Use:	North	Warehousing/Storage/Residential/Vacant		
	South	Warehousing/Storage		
	East	Vacant		
	West	Vacant/Residential		
Existing Zoning:		County Planned Industrial		
Proposed Zoning:		City I-1 (if Growth Plan Amendment is approved)		
Surrounding Zoning:	North	County Planned Industrial		
	South	City I-1		
	East	County AFT		
	West	City I-1		
Growth Plan Designation:		Estate 2-5 du/ac and Rural 5-35 du/ac; Requesting GPA to Commercial /Industrial		
Zoning within density range?		w/ GPA	Yes	No

The Hall 22 Road Annexation was approved by City Council on December 6, 2006. The effective date of the annexation is January 7, 2007.

On March 22, 2006 the City Council and Mesa County Board of County Commissioners approved changes to the Persigo 201 sewer service boundary. The boundary change includes this property.

Mesa County rezoned these two properties from AFT to Planned Industrial in 1981, the current county zoning for both properties. Both properties are proposed for future light industrial with no specific plans for the site.

The request to change the two parcels, totaling 52.15 acres, to a “Commercial/Industrial” Land Use designation will allow the property owners to combine the properties with a third adjacent property to the west and south which is designated as “Commercial/Industrial” and zoned I -1 in the City.

A neighborhood meeting was held August 14, 2006 with four people in attendance. At the time of this staff report there has been no noted public opposition to this Growth Plan Amendment request.

2. Section 2.5.C of the Zoning and Development Code

The Growth Plan can be amended if the City finds that the proposed amendment is consistent with the purpose and intent of the Plan and it meets the following criteria:

- a. There was an error such that then existing facts, projects or trends (that were reasonably foreseeable) were not accounted for; or**

Staff suggests that due to the error on the County Zoning Map which showed these two properties inaccurately as AFT when the Growth Plan was adopted, that the Future Land Use Map designation of Rural was inappropriately designated for these parcels. In 2006 Mesa County acknowledged their error on the County zoning map and changed both properties back to Planned Industrial (PI), a zoning that was originally applied in 1981. The following additional evidence supports that the "Rural" designation was in error:

- The subject properties are adjacent to a commercial/ industrial area to the west and south.
- The canal borders the property on the east and north, a major barrier and buffer to properties east of this site from potential industrial impact.
- The existing lands uses and County zoning is Industrial and Planned Industrial for the properties directly north of the subject property.

NOTE: If the Existing designation is found to be in error, the remaining criteria of Section 2.5.C does not have to be applied.

- b. Subsequent events have invalidated the original premises and findings;**

Not Applicable

- c. The character and/or condition of the area have changed enough that the amendment is acceptable and such changes were not anticipated and are not consistent with the plan;**

Not Applicable

- d. The change is consistent with the goals and policies of the Plan, including applicable special area, neighborhood and corridor plans;**

Not Applicable

- e. Public and community facilities are adequate to serve the type and scope of the land use proposed;**

Not Applicable

- f. 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**

Not Applicable

- g. The community or area, as defined by the presiding body, will derive benefits from the proposed amendment.**

Not Applicable

FINDINGS OF FACT/CONCLUSIONS

After reviewing the Hall Property GPA application, GPA-2006-240 for a Growth Plan Amendment, staff makes the following findings of fact and conclusions:

1. The proposed amendment is consistent with the purpose and intent of the Plan.
2. The review criteria in Section 2.5.C of the Zoning and Development Code have all been met specifically that the "Rural" designation was in error.

STAFF RECOMMENDATION:

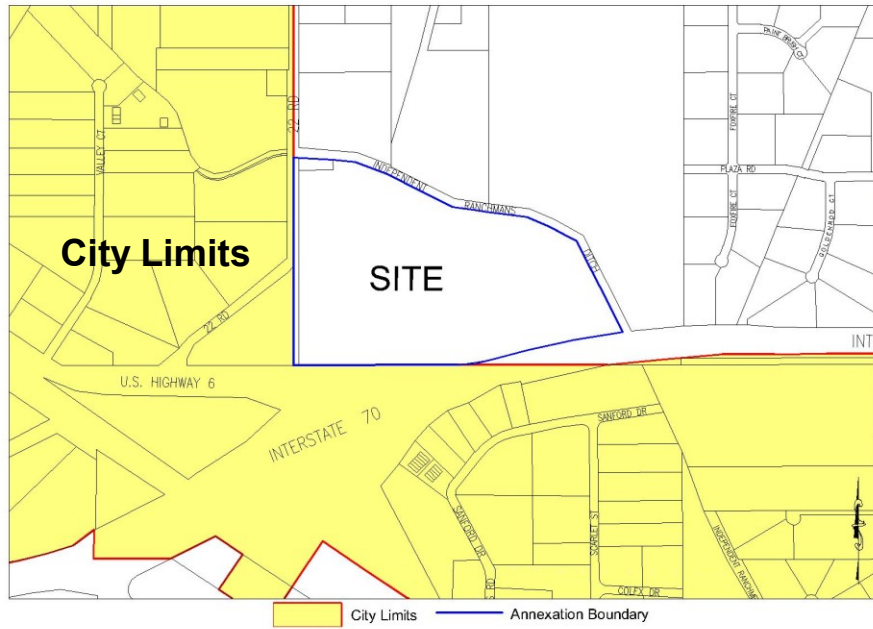
Staff recommends approval of the requested Growth Plan Amendment with the findings and conclusions listed above.

PLANNING COMMISSION RECOMMENDATION:

On December 12, 2006, as part of their consent agenda, Planning Commission recommended approval of the requested Growth Plan Amendment, GPA-2006-240, with the findings and conclusions listed above.

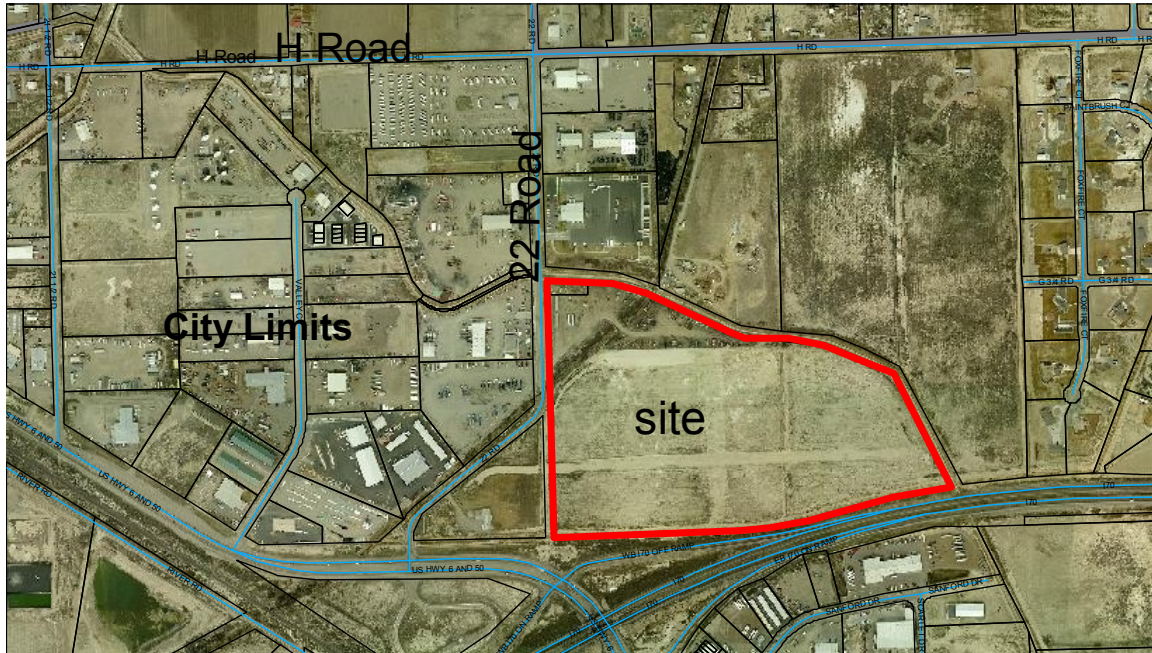
Site Location Map

Figure 1



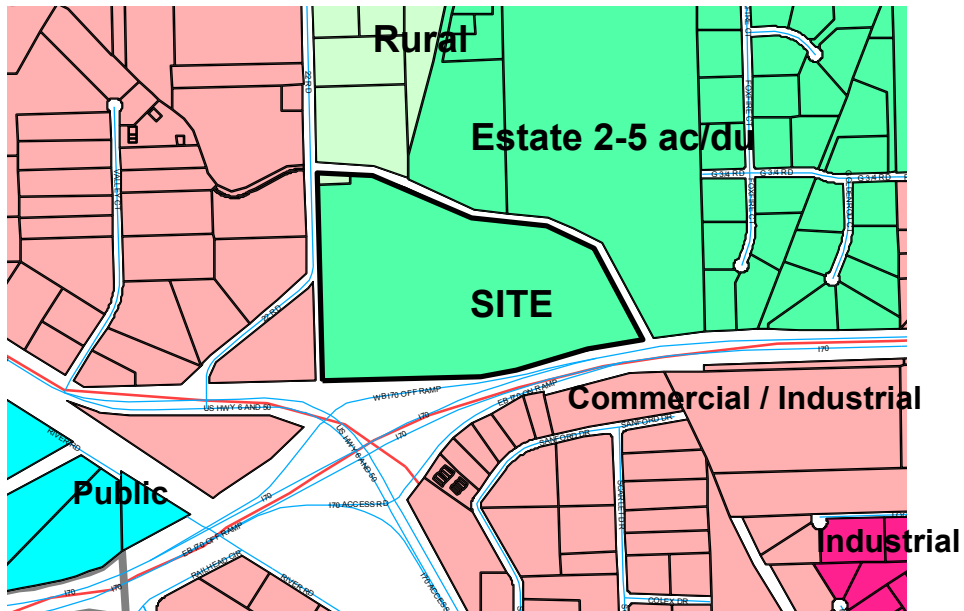
Aerial Photo Map

Figure 2



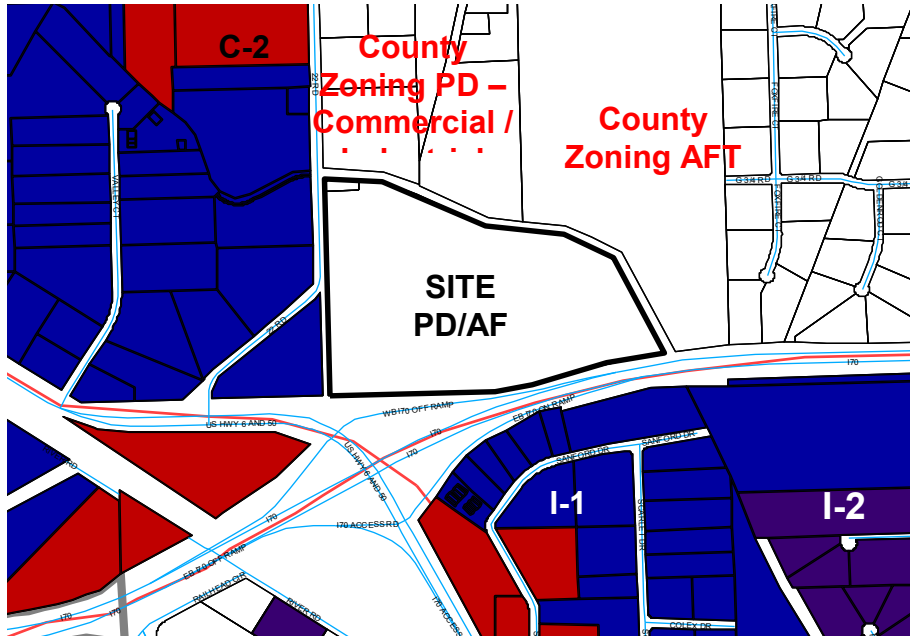
Future Land Use Map

Figure 3



Existing City and County Zoning

Figure 4



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

HALL PROPERTY PROJECT REPORT

A. Project Description

1. The subject property is located at 778 22 Rd., Grand Junction, CO 81505 and is comprised of two Mesa County tax parcels, 2701-312-00-519 and 2701-312-00-520 (hereinafter "Hall Property"). A third tax parcel, 2697-361-00-032, is owned by the applicant and is immediately adjacent to the Hall Property to the west. It is already in the City of Grand Junction and is zoned I-1 and as such, is not the subject of this Growth Plan Amendment ("GPA") application.

2. The Hall Property is comprised of 52.15 acres. The parcel already in the City of Grand Junction is comprised of 6.2 acres.

3. The applicant is requesting an amendment of the Growth Plan for the Hall Property from Estate to Commercial / Industrial based upon a variety of factors which will be discussed below.

B. Public Benefit

Goal 18 of the Growth Plan for the City of Grand Junction, adopted in 1996 ("Growth Plan") provides that to maintain the City's position as a regional provider of goods and services, the City and County will protect industrial land from residential development which limits the community's industrial development potential. Benefit to the public would be achieved by the requested GPA in that the Hall Property would be made available for Commercial / Industrial use adjacent to similar industrial properties that are already developed and in use. The Hall Property was designated and zoned Planned Industrial in 1981, before the severe economic downturn experienced by Mesa County in subsequent years. An error was made later when the Mesa County zoning map was adopted, and the property was shown as AFT on the Official Zone Map of Mesa County. This error was recently corrected by the Board of County Commissioners of Mesa County on June 20, 2006, when the Official Zone Map of Mesa County was amended to classify the Hall Property as Planned Industrial as originally approved in 1981 (See Mesa County Resolution No. MCM 2006-093 attached hereto and incorporated herein by this reference as Exhibit A). Further, the eventual annexation of the Hall Property to the City of Grand Junction as a commercial / industrial parcel would add to the tax base of the City, and should provide employment opportunities in the future.

C. Neighborhood Meeting

A Neighborhood Meeting was held on August 14, 2006 after notice to all parties found to be Adjacent Property Owners by the City of Grand Junction. The stated purpose of the meeting

was to seek public input through dialogue with neighbors for the GPA and ultimate Annexation into the City of Grand Junction of the Hall Property (See Notice of Neighborhood Meeting and mailing list attached hereto and incorporated herein by this reference as Exhibit B). In attendance were Douglas A. Colaric as Manager of HallCo, LLC, the developer; W.T. Hall, an owner of the Hall Property; and David L. Thornton, a Principal Planner for the City of Grand Junction. One neighbor representative came to the meeting. Alex Murrow, the Manager of Way Station, LLC, an adjacent property owner, attended and indicated that the request for Growth Plan Amendment to a Commercial / Industrial designation in the Growth Plan was a reasonable request and that he would support it.

D. Project Compliance, Compatibility, and Impact

1. Adopted plans and / or policies that justify the request. As indicated in B. above, the Hall Property is currently zoned Planned Industrial on the Official Zone Map of Mesa County. It was approved as a Planned Industrial property in 1981. It is highly likely that the Mesa County error in showing the Hall Property as AFT on its Official Zone Map was at least part of the reason that it is now designated as Estate on the Growth Plan. As previously stated, Goal 18 of the Growth Plan is to provide sufficient industrial land for development to maintain the City's position as a regional provider of goods and services in the region, and to protect industrial land from residential development. Further, a portion of the Hall Property is situated in the extreme southwest corner of the North Central Valley Future Land Use Plan adopted in March of 1998. While that plan seeks to promote residential uses in its study area, it recognizes and approves non-residential uses north of I-70 which had current appropriate zoning at the time of the adoption of the plan (See page 8, Implementation 8(B), and page 13, Future Land Use, Summary of Key Elements). As previously discussed, the Hall Property has been an approved Planned Industrial property under Mesa County zoning since 1981. Amending the Growth Plan to reflect a Commercial / Industrial designation for the Hall Property furthers the plans and policies above-described.

2. Land use in the surrounding area. All of the land immediately to the west of the Hall Property is already in the City of Grand Junction and is zoned I-1. Very nearly all of this property is developed and utilized for industrial purposes. The four properties to the north of the Hall Property on 22 Rd. which comprise the TIC Subdivision are recognized by Mesa County as Planned Industrial even though the Official County Zone Map has shown these properties as AFT historically. The same error as was previously described for the Hall Property in Mesa County not recognizing Planned Industrial approvals affected these properties also. All of the TIC Subdivision lots have been developed and are utilized for industrial purposes. An additional property lies to the north of the Hall Property (Tax Parcel No. 2701-312-00-259) and has a mobile home residence and stored equipment on it. A large parcel (Tax Parcel No. 2701-312-04-015) generally to the east of the Hall Property is not developed and is vacant at present. The Hall Property is bordered by I-70 and Highway 6 & 50 on the south. Nearby properties south of I-70 and Highway 6 & 50 are generally developed as commercial and industrial properties and are C-2, I-1 and I-2 in zoning.

3. Site access and traffic patterns. Access to the Hall Property is on 22 Rd. Traffic patterns are being studied at this time and will be discussed in applicant's Transportation Impact Study ("TIS"), which by agreement will be submitted on or before September 30, 2006.

4. Availability of utilities, including proximity to fire hydrants. The Hall Property has been included in the Persigo 201 boundaries for sewer service by City and County action taken on March 22, 2006, however, no sewer extension to the property has been constructed at this time. Electrical service to the Hall Property is provided by Grand Valley Rural Power from its transmission lines which run parallel to 22 Rd., and three-phase service is installed upon the property at this time. Tom Holman,, an engineer at Grand Valley Rural Power, indicated that his firm has just finished a new substation on 21 ½ Rd. from which a new transmission line goes north on 22 Rd. This new line will be able to serve whatever commercial / industrial use that might be proposed for the Hall Property. Natural gas service is provided by Xcel Energy from a 4" transmission line which runs down 22 Rd., and the property has gas service at this time. Shirley Welch, in Xcel's engineering department, has indicated that the 4" line will be sufficient to serve commercial / industrial use upon the Hall Property. Water is provided by Ute Water from a 8" line which also runs down 22 Rd. There are two fire hydrants on the Hall Property at this time. Tom Holman, in Ute's engineering department, has indicated that Ute has sufficient capacity and line sizing to serve commercial / industrial development on the Hall Property in the future.

5. Special or unusual demands on utilities. The applicant knows of no special or unusual demands which this GPA would create upon utilities. In the future, at the time of a development application, further assessment of site-specific utility demands and infrastructure requirements will be needed.

6. Effects on public facilities. Fire, police, and sanitation services will, to some extent be affected by future development of the Hall Property, however, as discussed in 5. above, until a development application for the property is submitted, the possible impact on public facilities is unknown. Applicant's TIS will attempt to analyze the impact of the GPA on roads and traffic, however, even in this area of analysis further study will probably be needed at the time of a development application. The future demands placed on parks and schools should decrease since the GPA request is to change the future land use of the Hall Property from Estate to Commercial / Industrial. Irrigation should be unaffected, as the Hall Property is not currently irrigated.

7. Site soils and geology. The Hall Property is generally level with no unusual geological formations. The northernmost part of the property is overlain with gravel. The rest of the property is vacant relatively undisturbed land. The USDA NRCS, Mesa Conservation District, has prepared a Soils Report for the Hall Property which is attached hereto and incorporated herein by this reference as Exhibit C.

8. Impact of project on site geology. Without a specific development plan for the Hall

Property, it would be speculative to try to assess the geological impact of the GPA herein requested. Naturally, at the time of a development application, comprehensive on-site geotechnical investigation will be needed.

9. Hours of Operation. Unknown at this time.

10. Number of employees. Unknown at this time.

11. Signage plans. None at this time.

12. Review criteria. (References below shall be to those review criteria set forth in Section 2.5 C. of the City of Grand Junction Zoning and Development Code)

1. There was an error such that then existing facts, projects, or trends (that were reasonably foreseeable) were not accounted for: As has been previously related in B. Public Benefit above, the Hall Property has been zoned and approved as a Planned Industrial property since 1981. The Official Zone Map of Mesa County was in error as to the Hall Property and the TIC Subdivision to the north when it was adopted. That error, only recently discovered and corrected as to the Hall Property, probably contributed to the designation of the subject property in the Growth Plan as residential Estate.

2. Subsequent events have invalidated the original premises and findings: Mesa County amended its Official Zone Map by Resolution dated July 18, 2006 (Exhibit A) recognizing the actual approved zoning of Planned Industrial for the Hall Property.

3. The character and / or condition of the area have changed enough that the amendment is acceptable and such changes were not anticipated and are not consistent with the plan: Since the adoption of the Growth Plan in 1996, all of the TIC Subdivision lots on 22 Rd. immediately north of the Hall Property have been developed as industrial tracts. Those lots were designated as Rural in the Growth Plan, providing for 5-35 acre residential and agricultural uses. The changes to the area were not anticipated in the Growth Plan probably because of the error in the Mesa County zoning map previously discussed. Obviously, these developments are not consistent with the Growth Plan as presently promulgated. Further, the GPA requested herein to Commercial / Industrial would appear to be similar in type and character with the changes in the area above-described and acceptable given those changes.

4. The change is consistent with the goals and policies of the plan, including applicable special area, neighborhood and corridor plans: Goal 18 of the Growth Plan seeks to maintain the City's position as a regional provider of goods and services by monitoring the supply of land zoned for commercial and industrial development and to retain an adequate supply thereof. Goal 18 also seeks to protect industrial land from residential development. Since the Hall Property is Planned industrial under Mesa County zoning, a denial of the GPA requested

designating the property as Commercial / Industrial would appear to be contrary to Goal 18 of the Growth Plan. Further, as discussed in D. Project Compliance, Compatibility, and Impact, 1. Adopted plans and / or policies that justify the request, above, a portion of the Hall Property is situated in the extreme southwest corner of the North Central Valley Future Land Use Plan adopted in March of 1998. While that plan seeks to promote residential uses in its study area, it recognizes and approves non-residential uses north of I-70 which had current appropriate zoning at the time of the adoption of the plan (See page 8, Implementation 8(B), and page 13, Future Land Use, Summary of Key Elements). As previously discussed, the Hall Property has been an approved Planned Industrial property under Mesa County zoning since 1981. Further, with the March 22, 2006 inclusion of the Hall Property in the Persigo 201 sewer district boundary, the requested GPA would appear to advance Goals 4 & 5 of the Growth Plan, in that this area is now able to be served with sewer treatment facilities the same as existing industrial properties which are adjacent to the Hall Property. (The comments set forth in this paragraph and the preceding paragraph 3, should also be considered to be in response to required discussion of 2.6 Code Amendment and Rezoning A. Approval Criteria 3.).

5. Public and community facilities are adequate to serve the type and scope of land use proposed: Water, electrical and natural gas service are all on the property already, and as discussed in D. Project compliance, Compatibility, and Impact, 4. Availability of utilities, including proximity to fire hydrants above, the utility providers have indicated an ability to serve a commercial / industrial future use upon the Hall Property. The Persigo Water Treatment Plant has determined that it has sufficient capacity to serve the area within which the Hall property is situated, however, sewer lines will have to be extended to the property. (The comments set forth in this paragraph should also be considered to be in response to required discussion of 2.6 Code Amendment and Rezoning A. Approval Criteria 4.).

6. 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 not an adequate supply of vacant Commercial / Industrial land within the City of Grand Junction for future development at present. A review of the Grand Junction Area Association of Realtors Multiple Listing Service for the month of July 2006, indicated that there are approximately 35 undeveloped properties in Grand Junction listed which have either a commercial or industrial zoning designation. Of those properties, only 9 have industrial zoning, and most are very small in size. There do not appear to be any large undeveloped commercial / industrial parcels available in the City of Grand Junction which are in the immediate vicinity of the Hall Property. (The comments set forth in this paragraph should also be considered to be in response to required discussion of 2.6 Code Amendment and Rezoning A. Approval Criteria 5.).

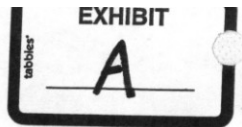
7. The community or area, as defined by the presiding body, will derive benefits from the proposed amendment: The applicant would assert that the benefits to the City of Grand Junction would be several if the proposed GPA were approved. As previously discussed, the proposed GPA would further several goals of the Growth Plan, most notably providing a large

commercial / industrial parcel for future development in furtherance of Goal 18. Also, when developed as a commercial / industrial property, the tract would enhance the City's tax base through property taxes and sales taxes. Further, the eventual development of the parcel should add jobs to the employment base in the City.

E. Development Schedule and Phasing

The applicant does not, at present, have a development schedule or phasing plan for the Hall Property.

-End-



2328011 BK 4205 PG 185-187
07/18/2006 11:25 AM
Janice Ward CLK&REC Mesa County,
RecFee \$0.00 SurChg \$0.00

**RESOLUTION NO. MCM 2006-093
Planning Department File No. 2006-116 ZM1**

**Approval of the Hall Zone Map Amendment from AFT to PI
748 & 778 22 Road**

WHEREAS, W.T. Hall, Trustee of the W.T. Hall Trust sought approval to amend the Official Zone Map of Mesa County to classify property as Planned Industrial (PI) located within the County of Mesa, State of Colorado, to wit,

See Attachment A for Location Map; and

WHEREAS, the staff recommendation of approval was contained within the Project Report dated June 10, 2006; and

WHEREAS, the public hearing on the matter was held before the Board of County Commissioners on June 20, 2006.

NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF MESA FINDS AS FOLLOWS:

That the hearing before the Board was held after proper notice, and

That the application is in accordance with relevant Mesa County Land Use Policies and the health, safety, and welfare of the residents of Mesa County, and

That the application meets Sections 4.5.5.3. (a-e) of the 2000 Mesa County Land Development Code as amended, and

That the Board of County Commissioners on May 26, 1981 rezoned the property at 748 and 778 22 Road from AFT to PI as recorded in Resolution MCM 81-111, and

That no further evidence was found in the records of the Mesa County Clerk and Recorder to demonstrate that a Board of County Commissioners took any official action after 1981 to change the zoning from PI to AFT as shown on the County's Official Zone Map.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF MESA that the request to amend the Official Zone Map of Mesa to classify the property at 748 and 778 22 Road as Planned Industrial (PI) in accordance with Resolution MCM 81-111 is hereby **approved**.

APPROVED this 18th day of July, 2006.



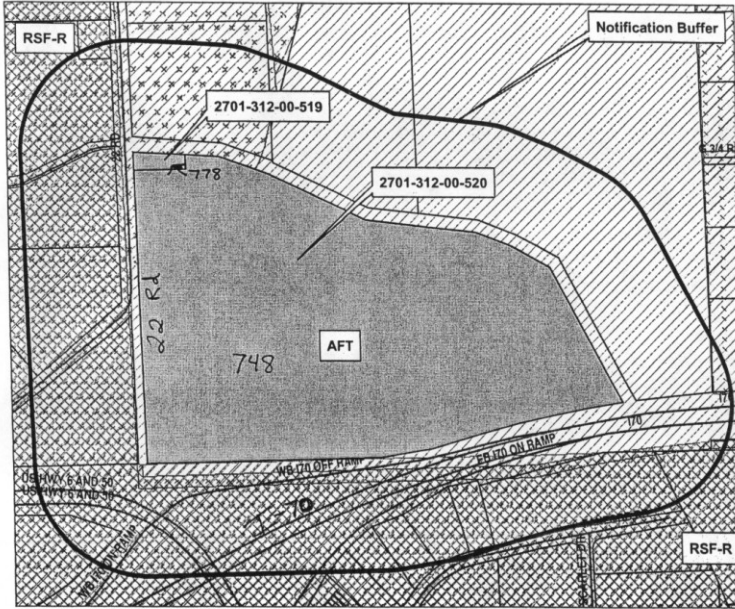
Tilman M. Bishop
Tilman M. Bishop, Chairman
Board of Mesa County Commissioners

ATTEST:

Janice Ward
Janice Ward
County Clerk and Recorder

Zoning/Parcel Map

Hall Property
 2006-116 ZM1 (5173)
 June 2, 2006



Legend

- 500 ft Buffer
- Parcels
- Roads
- Urban Growth Area
- GJ City Limits
- AFT
- B-2
- B-1
- C-2
- C-1
- I-2
- I-1
- PUD
- RSF-1
- RSF-2
- RSF-4
- RSF-E
- RMF-5
- RMF-8
- AF35
- RSF-R



The Geographic Information System (GIS) and its components are designed as a source of reference for answering inquiries, for planning and for modeling. GIS is not intended or does not replace legal descriptions in the state of title and other information contained in official government records such as the County Clerk and Recorders offices or the courts. In addition, the representations of locations in this GIS cannot be substituted for actual legal surveys.

The information contained herein is believed accurate and suitable for the use for the limited uses, and subject to the limitations, set forth above. Meigs County makes no warranty as to the accuracy or reliability of any information contained herein. Users assume all risk and responsibility for any and all damages, including consequential damages, which may flow from the user's use of this information.

Attachment A

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO.

**A RESOLUTION AMENDING THE GROWTH PLAN OF THE CITY OF GRAND
JUNCTION TO DESIGNATE HALL 22 ROAD ANNEXATION,
APPROXIMATELY 52 ACRES
LOCATED AT 748 & 778 22 ROAD,
FROM "ESTATE "AND "RURAL" TO "COMMERCIAL/INDUSTRIAL"**

Recitals:

A request for the Growth Plan amendment has been submitted in accordance with the Zoning and Development Code to the City of Grand Junction. The applicant has requested that two properties located at 748 & 778 22 Road be changed from "Estate" and "Rural" to "Commercial/Industrial" on the Future Land Use Map.

In a public hearing, the City Council reviewed the request for the proposed Growth Plan amendment and determined that it satisfied the criteria as set forth and established in Section 2.5.C of the Zoning and Development Code and the proposed amendment is consistent with the purpose and intent of the Growth Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE AREA DESCRIBED BELOW IS REDESIGNATED FROM ESTATE AND RURAL TO COMMERCIAL/INDUSTRIAL ON THE FUTURE LAND USE MAP:

A certain parcel of land located in the South half of the Northwest Quarter (S 1/2 NW 1/4) and the Northwest Quarter of the Northwest Quarter (NW 1/4 NW 1/4) of Section 31, Township 1 North, Range 1 West, of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Beginning at the Southwest corner of the Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4) of said Section 31 and assuming the West line of the Northwest Quarter (NW 1/4) of said Section 31 to bear N00°05'21"E with all bearings contained herein relative thereto; thence N00°05'21"E along the West line a distance of 1,320.86 feet to the Northwest corner of the SW 1/4 NW 1/4 of said Section 31; thence N00°05'12"E along said West line of the NW 1/4 NW 1/4 a distance of 98.95 feet; thence S85°01'27"E a distance of 425.22 feet; thence S74°31'00"E a distance of 116.13 feet; thence S62°52'11"E a distance of 152.99 feet; thence S63°32'38"E a distance of 99.76 feet; thence S62°29'52"E a distance of 334.39 feet; thence S77°35'34"E a distance of 162.47 feet; thence S84°45'59"E a distance of 191.68 feet; thence S80°51'35"E a distance of 82.63 feet; thence S73°43'16"E a distance of 98.15 feet; thence S66°33'42"E a distance of 123.73 feet; thence S63°00'06"E a distance of

176.30 feet; thence S53°55'23"E a distance of 65.91 feet; thence S34°37'34"E a distance of 82.60 feet; thence S26°31'10"E a distance of 282.99 feet; thence S23°47'59"E a distance of 252.23 feet; thence S23°47'46"E a distance of 72.41 feet to a point on the North line of Interstate 70; thence along the North line of Interstate 70 right of way, 699.68 feet along the arc of a 5,830.00 foot radius curve concave Southeast, having a central angle of 06°52'35" and a chord that bears S79°43'58"W a distance 699.26 feet; thence continuing along said North line S75°28'24"W a distance of 247.30 feet; thence continuing along said North line 112.42 feet along the arc of a 2,242.00 foot radius curve concave Northwest, having a central angle of 02°52'23" and a chord that bears S80°52'46"W a distance 112.41 feet to a point on the South line of the SW 1/4 NW 1/4 of said Section 31; thence N89°58'33"W along said South line a distance of 1,174.89 feet, more or less, to the Point of Beginning.

Said parcel contains 52.15 acres (2,271,868 square feet), more or less, as described.

PASSED on this _____ day of January, 2007.

ATTEST:

President of Council

City Clerk

Attach 13
Public Hearing – Kelley Growth Plan Amendment
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Kelley Growth Plan Amendment					
Meeting Date	January 3, 2007					
Date Prepared	December 20, 2006			File # GPA-2006-249		
Author	David Thornton		Principal Planner			
Presenter Name	Kathy Portner		Assistant Director of Community Development			
Report results back to Council	X	No		Yes	When	
Citizen Presentation	X	Yes		No	Name	
	Workshop	X	Formal Agenda		Consent	X Individual Consideration

Summary: A request to amend the Growth Plan, changing the Future Land Use designation from "Rural" (one unit per 5 to 35 acres) to "Commercial/Industrial" for 10.7 acres, located at 849 21 ½ Road.

Budget: N/A

Action Requested/Recommendation: Hold a public hearing and consider a Resolution amending the Growth Plan.

Background Information: See attached Analysis/Background Information

Attachments:

6. Staff report/Background information
7. Vicinity Map / Aerial Photo
8. Growth Plan Map / Existing Zoning Map
9. Petitioner's General Project Report
10. September 27, 2006 Neighborhood Mtg. notes
11. Resolution

ANALYSIS

<i>STAFF REPORT / BACKGROUND INFORMATION</i>					
Location:		849 21 ½ Road			
Applicants:		Owner/Developer: Randi L. and Coreen D. Kelley Representative: Brian Bray			
Existing Land Use:		Residential/Agricultural			
Proposed Land Use:		Commercial/Industrial			
Surrounding Land Use:	North	Residential/Agricultural			
	South	Vacant			
	East	Commercial/Industrial			
	West	Residential/Agricultural			
Existing Zoning:		County AFT			
Proposed Zoning:		City I-1 if Growth Plan Amendment is approved			
Surrounding Zoning:	North	County AFT			
	South	County PUD – Jobsite Development & Undeveloped Area			
	East	County PUD – Commercial/Industrial type use			
	West	County AFT			
Growth Plan Designation:		Existing: Rural 5-35 ac/du Requesting: Commercial/Industrial			
Zoning within density range?		w/ GPA	Yes		No

1. Background

The Kelley Annexation was approved by City Council on November 15, 2006. The effective date of the annexation was December 17, 2006.

This request is to change one parcel of land totaling 10.7 acres to a “Commercial/Industrial” Land Use designation on the Future Land Use Map. The area north of H Road to approximately the H ½ Road alignment has historically been zoned and developed for light industrial land uses in unincorporated Mesa County. This property is bordered by such zoning and land uses to the south and east.

On March 22, 2006 the City Council and Mesa County Board of County Commissioners approved changes to the Persigo 201 sewer service boundary. The boundary change includes this property.

A neighborhood meeting was held September 27, 2006 with approximately ten people in attendance. At the time of this staff report there has been no noted public opposition to this Growth Plan Amendment request.

2. Section 2.5.C of the Zoning and Development Code

The Growth Plan can be amended if the City finds that the proposed amendment is consistent with the purpose and intent of the Plan and it meets the following criteria:

- h. There was an error such that then existing facts, projects or trends (that were reasonably foreseeable) were not accounted for; or**

Not Applicable

- i. Subsequent events have invalidated the original premises and findings;**

In 1996 there were five parcels north of H Road that were shown as "Commercial" or "Commercial/Industrial" on the future Land Use Map. In 1999 Mesa County approved changes to the future land use map that re-designated 14 parcels in the 21 ½ Road area to "Commercial/Industrial", reflecting the existing zoning established in the 1980s for this area. In 2000 the two Jobsite properties were changed to "Commercial/Industrial" from the "Rural" designation and zoned to Planned Industrial in 2001. The Persigo 201 boundary was expanded to include this 21 ½ Road area (including the Kelley property) on March 22, 2006. The area has been and continues to be in transition from agricultural/rural land uses to industrial land uses with urban services, including sewer.

- j. The character and/or condition of the area have changed enough that the amendment is acceptable and such changes were not anticipated and are not consistent with the plan;**

The area on both sides of 21 ½ Road north of H Road continues to develop as an industrial area with the recent construction of the Jobsite facility located adjacent to the Kelley property to the south. The Jobsite final plan was approved in 2004 by Mesa County. With the Jobsite construction, sanitary sewer will be extended north from H Road to the southern border of the Kelley property. The Persigo 201 boundary was expanded to include this area (including the Kelley property) along 21 ½ Road on March 22nd of this year, supporting the premise that the character and condition of the area has changed and continues to change.

- k. The change is consistent with the goals and policies of the Plan, including applicable special area, neighborhood and corridor plans;**

The amendment is consistent with the following goals and policies of the Growth Plan:

Goal 4: To coordinate the timing, location and intensity of growth with the provision of adequate public facilities.

Policy 4.1: The City will place different priorities on growth depending on where growth is located...to locations...with adequate public facilities....

Goal 5: To ensure that urban growth and development make efficient use of investments in streets, utilities and other public facilities.

Policy 5.2: The City will encourage development that uses existing facilities and is compatible with existing development.

I. Public and community facilities are adequate to serve the type and scope of the land use proposed;

The Persigo 201 boundary was expanded to include this 21 ½ Road area (including the Kelley property) on March 22, 2006. Jobsite is constructing sanitary sewer to the south boundary of the southern border of the Kelley property. An 8 inch Ute Water Line has been constructed in 21 ½ Road north from H Road to the Jobsite development.

m. 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

The City continues to hear from the community that there is an increasing need for additional industrial land especially parcels that are ten or more acres in size.

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

Additional industrial opportunities will be available in an area that already has existing industrial land uses.

FINDINGS OF FACT/CONCLUSIONS

After reviewing the Hall Property GPA application, GPA-2006-249 for a Growth Plan Amendment, staff makes the following findings of fact and conclusions:

3. The proposed amendment is consistent with the purpose and intent of the Plan.
4. The review criteria in Section 2.5.C of the Zoning and Development Code have all been met.

STAFF RECOMMENDATION:

Staff recommends approval of the requested Growth Plan Amendment, GPA-2006-249 with the findings and conclusions listed above.

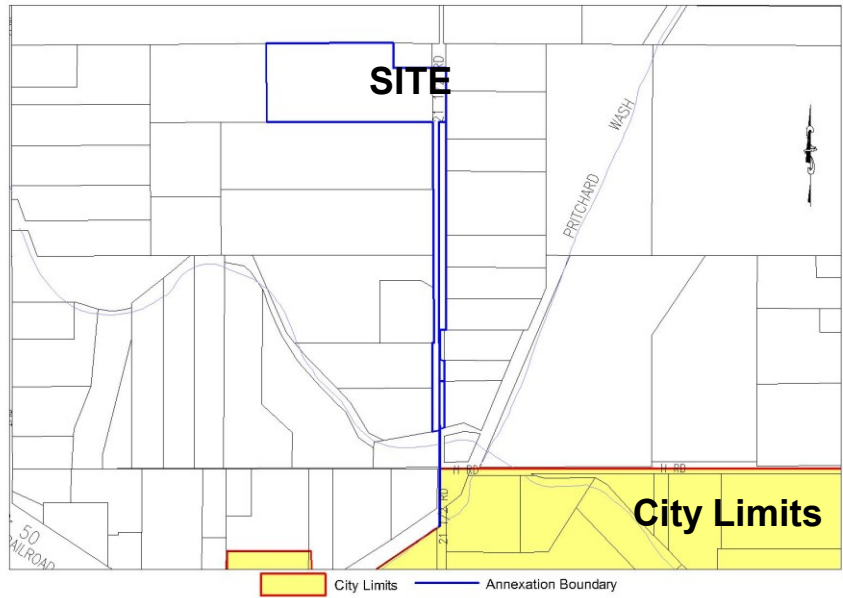
PLANNING COMMISSION RECOMMENDATION:

On December 12, 2006, as part of their consent agenda, Planning Commission recommended approval of the requested Growth Plan Amendment, GPA-2006-249, with the findings and conclusions listed above.

Site Location Map

Figure 1

Kelley Annexations #1-3



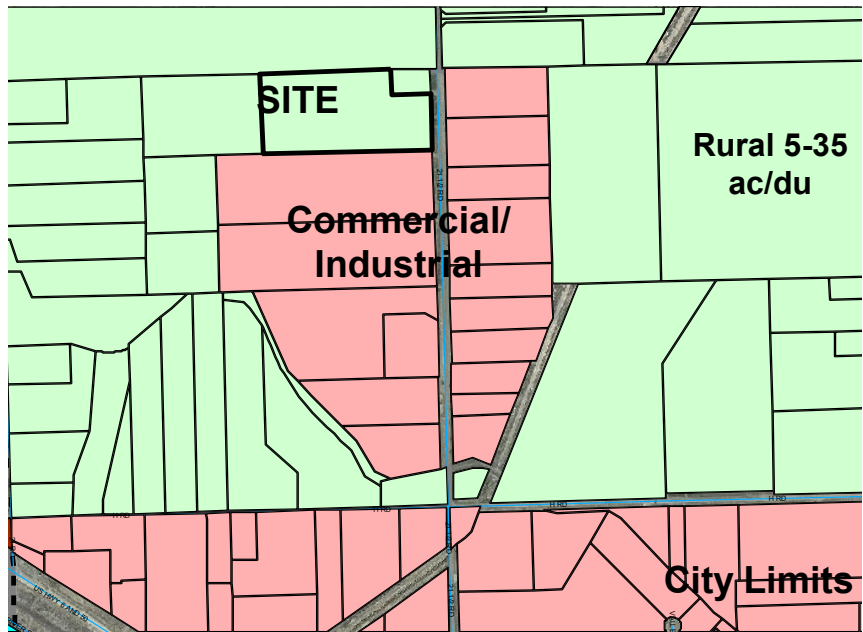
Aerial Photo Map

Figure 2



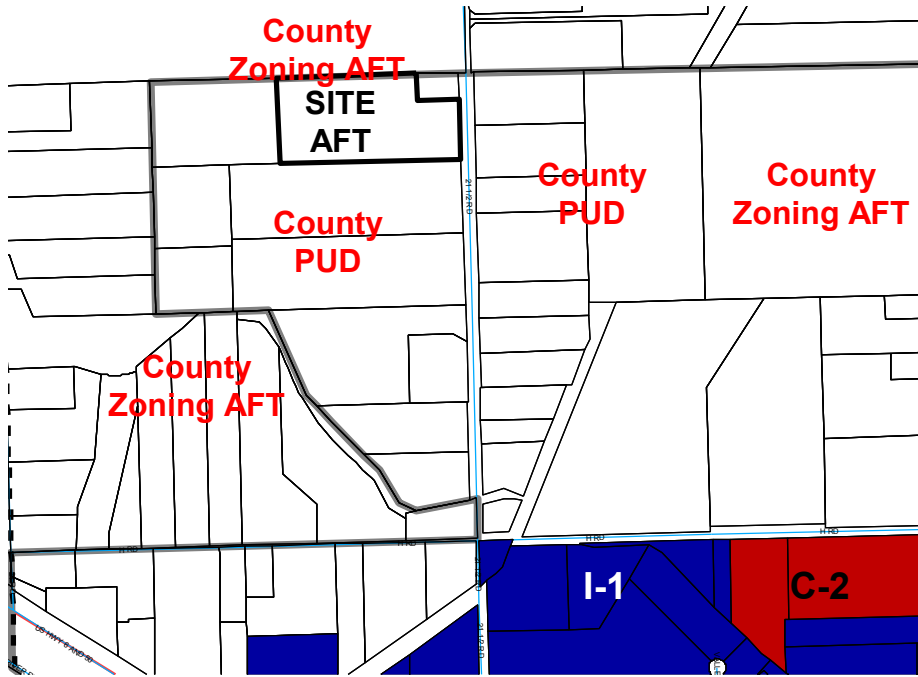
Future Land Use Map

Figure 3



Existing City and County Zoning

Figure 4



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

Kelley Property – 849 21 ½ Road
General Project Report
Annexation/Growth Plan Amendment

Project Overview

The subject property is currently zoned AFT and is designated on the Growth Plan as Rural – 5 to 35 acre parcels. The petitioner feels that a more appropriate Growth Plan designation would be Commercial Industrial. The primary justification for this request is based on adjacent properties to the south east and west and availability of public water and wastewater systems. A petition for annexation is submitted in conjunction with this request.

The subject property is located west of 21 ½ Road north of H Road, consists of 11 acres. The property is surrounded on the west, east, and south by commercial/industrial properties and on the north by AFT. The property is directly adjacent to manufacturing/processing, heavy automotive mechanic, vacant commercial, and contracting service uses. In the near vicinity along 21 ½ Road there is also a natural gas use (code 8000).

A. Project Description

Existing Land Use

The property is currently agricultural pasture land with one home on the site.

Existing Site Conditions

The site consists of pasture, most of which is currently irrigated. The property is currently used for equestrian activities and farming. The property fronts both 21 ½ Road allowing for access.

The Existing Zoning

The property is currently zoned as Mesa County – AFT.

The Proposed Plan

It is the Petitioner's desire to amend the Growth Plan to allow for future development consistent with adjacent zoning. As noted above, the property is surrounded on 3 sides by commercial and industrial uses. The inclusion in the persigo sewer district and available water make this appropriate at this time.

B. Plan Amendment Criteria – Section D.4

“The parties shall only amend the Plan if they find that the amendment is consistent with the overall purpose and intent of the adopted plan. Keeping in mind the broad legislative and other

authorities of the parties to consider all relevant factors, the decision whether or not to amend the Plan shall consider, at a minimum if":

- a) *There was an error in the original Plan such that then existing facts, projects, or trends (that were reasonably foreseeable) were not accounted for; there is no evidence of error at the time of adoption of the original plan.*
- b) *Events subsequent to the adoption of the Plan have invalidated the original premises and findings; the extension of sewer to this area in addition to the surrounding uses (which are recognized by the Growth Plan) warrants the consideration of annexation and growth plan amendment consistent with the availability of public infrastructure.*
- c) *The character and/or condition of the area has changed enough that the amendment is acceptable; as is noted the surrounding uses and approved sewer extension would suggest that this amendment is consistent with the purpose and intent of the original plan.*
- d) *The change is consistent with the goals and policies of the Plan, including applicable special area, neighborhood and corridor plans; the petitioner feels that the goals and policies will not be compromised with the requested Plan amendment.*
- e) *Public and community facilities are adequate to serve the type and scope of land use proposed; preliminary findings have identified public and community facilities and it has been determined that they are adequate for the proposed plan.*
- f) *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 a largely unmet demand for commercial industrial land right now in Mesa County*
- g) *The community or area, as defined by the presiding body, will derive benefits from the proposed amendment; The community or area will benefit as this land comes available for commercial/industrial type uses. The proximity of the highway and interstate make this a very practical and desirable area for this type of use.*

C. Project Compliance, Compatibility, and Impact

Adopted Plans and Policies

- 1) This request conforms to and is supported by the following Future Growth Plan policies:
 - 1.7 – The rezone is compatible with the planned development of adjacent property
 - 1.9 - The subject property is not located on an arterial street
 - 4.1 - The public facilities are being extended to this area for this type of development
 - 4.2 – The petitioner believes the City is currently making capital improvements to support the urban development in this area because it is such an efficient location for this type of development

4.3 – The urban area has recently been expanded to incorporate this area

5.1-5.3 The proposed rezone is supported by recent community inclusion in the urban area and commitment to extend sewer service to the property

8.7- The subject property is located on 21 ½ Road which the other uses share access along, 21 ½ Road has only one access point on Highway 50 for all the commercial/industrial property

11.1- The existing designation on the subject property is non-compatible with adjacent uses. Petitioner requests amendment to the growth plan to reflect zoning of adjacent properties.

D. Annexation

In order to maintain internal consistency between this Code and the Zoning Maps, map amendments must only occur if:

1) *The proposed rezone is compatible with the neighborhood and will not create adverse impacts such as: capacity or safety of the street network, parking problems, storm water or drainage problems, water, air, or noise pollution, excessive nighttime lighting, or other nuisances;* One goal of the rezone is to make the use on this site compatible with the neighborhood, which, as mentioned above, is by and large commercial and industrial uses. The property currently does not have any issues with safety access drainage or any other of the problems listed above. Any issues with further development would be absolved during the development process.

2) *The proposal conforms with and furthers the goals and policies of the Growth Plan, other adopted plans, and policies, the requirements of this Code, and other City regulations and guidelines;* Supported by Growth Plan policy 1.7, 1.9, 4.1, 4.2,4.3, 4.5, 5.1-5.3,8.7, 11.1

3) *Adequate public facilities and services are available or will be made available concurrent with the projected impacts of the proposed development;* City of Grand Junction has made plans to extend sewer into this area. Preliminary studies show that all other needed facilities and services are available.

Brian Bray

Modified: Wed 9/27/2006 10:01 AM

Categories: 21.5 Road

9/13/06 Kelley Neighborhood Meeting

Kelley Growth Plan Amendment/Annexation

Minutes for meeting on 9/13/06

Meeting begins approximately 5:40 P.M.

Brian Bray as representative gives presentation

Brian Bray explains the purpose for the meeting, the process of the Growth Plan Amendment/Annexation. Brian also explains why the Kelley residence is a good fit for the intended use. Also discussed was the time frame, up to two years to complete this process.

Mr. Thornton also assists Brian in explaining the process of the growth plan amendment/annexation. Brian also discussed how the current persigo annexation, allows for a critical timing opportunity for the Kelley property.

Brian opens discussion for Questions.

Mr. Dennis Lucas speaks;

Mr. Lucas concerns are based around the annexation process. Why do they have to annex into the city? Response is handled by Mr. Bray and Mr. Thornton.

Mr. Lucas expresses his continued support for the Kelley Zoning change.

Tom and Kelley Bowen speak next;

Mr. and Mrs. Bowen are concerned about future plans of this commercial development. Their concerns were more directed towards a property to the North of the Kelley residence and what may happen there. Mr. Bray gave a short explanation of why this property fits the criteria for a zoning change.

No comment from the rest of group.

Meeting concluded 6:15 P.M.

Name Tom & Kelly Bower
 Address 876 2 1/2 Road
Gr Jct 81505
 Home () 858-8315 Work ()
 Mobile () Fax ()
 E-mail

Name Gordon Harbut (Wholesale Truss)
 Address P.O. Box 458
G.J. CO 81502
 Home (970) 243-3273 Work ()
 Mobile () Fax ()
 E-mail

Name Amador Tratto
 Address 849 1/2 2 1/2 Rd.
Grand Jct. CO. 81505
 Home () Work ()
 Mobile () Fax ()
 E-mail

Name Dennis R. Lucas
 Address 848 2 1/2 2415011
Grand Jct 81505
 Home () Work ()
 Mobile () Fax ()
 E-mail

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO.

A RESOLUTION AMENDING THE GROWTH PLAN OF THE CITY OF GRAND JUNCTION TO DESIGNATE THE KELLEY ANNEXATION, 10.7 ACRES, LOCATED AT 849 21 1/2 ROAD, FROM "RURAL" TO "COMMERCIAL/INDUSTRIAL"

Recitals:

A request for the Growth Plan amendment has been submitted in accordance with the Zoning and Development Code to the City of Grand Junction. The applicant has requested that one property located at 849 21 1/2 Road be changed from Rural" to ""Commercial/Industrial" on the Future Land Use Map.

In a public hearing, the City Council reviewed the request for the proposed Growth Plan amendment and determined that it satisfied the criteria as set forth and established in Section 2.5.C of the Zoning and Development Code and the proposed amendment is consistent with the purpose and intent of the Growth Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE AREA DESCRIBED BELOW IS REDESIGNATED FROM RURAL TO COMMERCIAL/INDUSTRIAL ON THE FUTURE LAND USE MAP:

A certain parcel of land located in the County of Mesa, State of Colorado and being more particularly described as follows:

E 12 AC OF THAT PT BEG NE COR SW4 SEC 25 1N 2W N 89DEG 52'26SEC W 1766.76FT S0DEG11'26SEC W 488.95FT S 89DEG 52'31SEC E 1788.38FT N 488.89FT TO BEG EXC BEGNE COR SW4 SD SEC 25 S 155FT N 89DEG52'26SEC W 281.03FT N 155FT S89DEG52'26SEC E 281.03FT TO BEG & ALSO EXC E 40FT FOR RD ROW AS DESC IN B-1684P-621 MESA CO RECDS

PASSED on this _____ day of January, 2007.

ATTEST:

President of Council

City Clerk

Attach 14

Conduct a Hearing on an Appeal of a Planning Commission Decision to Deny the Pinnacle Ridge Preliminary Plan, Located Northeast of Monument Road and Mariposa Drive

CITY OF GRAND JUNCTION

<i>CITY COUNCIL AGENDA</i>								
Subject	Appeal of the Planning Commission Denial of the Pinnacle Ridge Preliminary Plan, Located Northeast of Monument Road and Mariposa Drive							
Meeting Date	January 3, 2007							
Date Prepared	December 28, 2006			File # PP-2005-226				
Author	Kathy Portner		Assistant Director of Community Development					
Presenter Name	Kathy Portner		Assistant Director of Community Development					
Report results back to Council	X	No		Yes	When			
Citizen Presentation		Yes		No	Name			
	Workshop	X	Formal Agenda			Consent	X	Individual Consideration

Summary: Appeal of the Planning Commission denial of the Pinnacle Ridge Preliminary Plan, consisting of 72 single family lots on 45.33 acres in a RSF-2 (Residential Single Family, 2 du/ac) zone district.

Budget: N/A

Action Requested/Recommendation: Staff is requesting that City Council continue this item.

Background Information:

To be provided next Council meeting.

Attach 15

**Setting a Hearing on Referring Charter Amendments to the April 3, 2007 Election
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
Subject	Ballot Titles for Charter Amendments						
Meeting Date	January 17, 2007						
Date Prepared	January 3, 2007				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		
	Workshop	X	Formal Agenda		X	Consent	Individual Consideration

Summary: The City Council reviewed the proposed Charter amendments and directed City Staff to draft the ballot questions for the April 3, 2007 regular municipal election.

Budget: The additional printing cost on the ballot and then the reprinting of City Charter.

Action Requested/Recommendation: Introduction of an ordinance on first reading and set a public hearing for January 17, 2007.

Attachments: Proposed ordinance

Background Information:

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 and there are three substantive changes. 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."

ORDINANCE NO. _____

AN ORDINANCE PLACING CHARTER AMENDMENTS TO REPEAL OBSOLETE PROVISIONS, BRING THE CHARTER INTO COMPLIANCE WITH CERTAIN STATE LAW PROVISIONS, ALLOW THE PUBLICATION OF PROPOSED ORDINANCES BY TITLE ONLY, AND TO CHANGE THE NUMBER OF REQUIRED SIGNATURES ON A PETITION TO ASCERTAIN IF THE CITY SHOULD PURCHASE A FRANCHISE; ON THE ELECTION BALLOT FOR THE REGULAR MUNICIPAL ELECTION TO BE HELD THE 3rd DAY OF APRIL, 2007

Recitals.

Pursuant to §151 of the Grand Junction City Charter, "The Charter may be amended at any time in the manner provided by Article XX of the Constitution of the State of Colorado. Nothing herein contained shall be construed as preventing the submission to the people of more than one Charter amendment or measure at any one election."

The last Charter amendments were taken to the voters in 1997.

The City Council has reviewed the City Charter and found there are numerous provisions that have become obsolete or are in conflict with State law.

Also, there are three changes in the provisions in the City Charter that are to be presented to the City voters to determine if the change would be in the best interest of the City.

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

1. That a question of proposed amendments to Sections 36, 38, 45, 48, 54, 57, 70, 72, 88, 93, 101, 103, 105, 107, 108, 121, 123, 143, 148, 149, 152, and 153 to make corrections, clarifications and bring the Charter into compliance with modern practices be placed on the April 3, 2007 ballot. The specific changes are as follows:

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 ~~councilman~~ 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.

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.

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.

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.~~

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.~~

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.

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.

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.

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.~~

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.~~

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.~~

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.

2. That the ballot question also include the repeal of Sections 63, 66, 76, 85, 86, 87, 96, 104, 112, 114, 122, 140, 150, 154, 155, and 156. The specific changes shall be as follows:

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.~~

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.~~

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.~~

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.~~

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

~~96. Rates Regulations Fines Financing. (1) The city council shall by ordinance or ordinances 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.~~

~~(2) 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.~~

~~(3) 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.~~

~~(4) 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.~~

~~(5) 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.~~

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.~~

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.~~

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.~~

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.

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.

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.~~

3. That the title of Article XIV be retitled to "Other Regulations"

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

4. That Section 28, Petition for Recall, be amended by changing the number of signatures on a recall petition as follows:

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.

5. That Section 51, Publication of Ordinances, be amended to allow for the publication of ordinances by title only, as follows:

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.~~

6. That Section 125 entitled City May Purchase, operate or Sell--Procedure be amended to proscribe the number of signatories on a petition to ascertain whether the City should purchase, operate or sell a franchise as follows:

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

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 ~~mayer~~ 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.

7. Inasmuch as these questions shall be placed on the April 3, 2007 ballot, the City Council hereby sets the ballot titles as follows:

City of Grand Junction B

Shall there be amendments to the Grand Junction City Charter, Sections 36, 38, 45, 48, 54, 57, 70, 72, 88, 93, 101, 103, 105, 107, 108, 121, 123, 143, 148, 149, 152, and 153 and the repeal of Sections 63, 66, 76, 85, 86, 87, 96, 104, 112, 114, 122, 140, 150, 154, 155, and 156 concerning the elimination of obsolete and conflicting provisions?

FOR THE AMENDMENTS

AGAINST THE AMENDMENTS

City of Grand Junction C

Shall there be an amendment to the Grand Junction City Charter Section 28, Petition for Recall, to the number of registered electors required to sign a recall petition?

FOR THE AMENDMENT

AGAINST THE AMENDMENT

City of Grand Junction D

Shall there be an amendment to the Grand Junction City Charter Section 51, Publication of Ordinances, to allow for the publication of ordinances by title only?

FOR THE AMENDMENT

AGAINST THE AMENDMENT

Shall there be an amendment to the Grand Junction City Charter Section 125, City May Purchase, Operate of Sell--Procedure, relative to franchises, to change the number of signatures required on a petition to ascertain whether or not the city shall acquire said property?

FOR THE AMENDMENT

AGAINST THE AMENDMENT

8. 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.

INTRODUCED ON FIRST READING AND ORDERED PUBLISHED THIS _____ DAY OF _____, 2007.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2007.

President of the City Council

Attest:

City Clerk