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

**MONDAY, MAY 18, 2009, 7:00 P.M.**

**Call to Order**

Pledge of Allegiance  
Moment of Silence

**Presentation**

Presentation of Appreciation Plaque to Outgoing President of the Council Gregg Palmer

**Proclamations**

Proclaiming May 17 through 23, 2009 as "Emergency Medical Services Week" in the City of Grand Junction

Proclaiming May 12 through May 19, 2009 as "Salvation Army Week" in the City of Grand Junction

**Citizen Comments**

**Council Comments**

**City Manager's Report**

\*\*\* Indicates New, Moved, or Changed Item  
® Requires Roll Call Vote

**\*\*\* CONSENT CALENDAR \*\*\*®**

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

*Action: Approve the Minutes of the May 4, 2009 and the May 6, 2009 Regular Meeting*

2. **Setting a Hearing on Amending the Code Relating to DDA Permit Applications and Special Rules Regarding Mobile Vending Carts** [Attach 2](#)

DDA and City Staff have become aware of some inconsistent language in the Code regarding the permit application process, especially as it pertains to sidewalk vendors. Staff has prepared amendments to sections of Chapter 32 of the Code to reconcile any conflicting language and make the application process clearer for DDA and City Staff to administer.

Proposed Ordinance Amending Portions of Article III of Chapter 32 Regarding the Downtown Development Authority (DDA)'s Permit Application and Section 32-68 Pertaining to Mobile Vending Carts

*Action: Introduction of a Proposed Ordinance and Set a Hearing for June 1, 2009*

Staff presentation: John Shaver, City Attorney

3. **Vacating a Portion of the Drainage Easement Along the Eastern Properties of Indian Road, South of the Riverside Parkway and East of 27 ½ Road** [File # VR-2008-313] [Attach 3](#)

A request to vacate 15 feet of the northernmost drainage easement and 10 feet of the southernmost drainage easement located adjacent to the eastern properties along Indian Road.

Resolution No. 48-09—A Resolution Vacating a Portion of Drainage Easement Adjacent to the Eastern Properties Located Along Indian Road

*®Action: Adopt Resolution No. 48-09*

Staff presentation: Michelle Hoshide, Associate Planner

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

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

4. **Public Hearing—Downtown Residential Neighborhoods Land Use Applications – Continued from May 6, 2009** [Attach 4](#)

The proposed resolution would afford the City an opportunity, by declaring a temporary moratorium on the filing of development applications in the identified area, to carefully evaluate and determine as appropriate, the proper implementation of the Downtown Plan specific to the residential neighborhoods located generally north of Grand Avenue, east of 1<sup>st</sup> Street, west of 12<sup>th</sup> Street and south of North Avenue.

Resolution No. 49-09—A Resolution Directing the City Manager Concerning Land Use Applications in the Downtown Residential Neighborhoods

®Action: *Adopt Resolution No. 49-09*

Staff presentation: John Shaver, City Attorney

5. **Public Hearing—Vacation of Public Right-of-Way in the Vicinity of 7<sup>th</sup> Street, Struthers Avenue and Kimball Avenue** [File # VR-2009-053] [Attach 5](#)

Request by the City of Grand Junction to vacate two surplus right-of-way areas totaling 0.22 acres: (1) a portion of South 7<sup>th</sup> Street south of the Riverside Parkway and north of Struthers Avenue and (2) a portion of Kimball Avenue west of the Riverside Parkway. These remnants have been rendered impractical for use as right-of-way because of the alignment of the Riverside Parkway through the area.

Ordinance No. 4356—An Ordinance Vacating a Portion of the South 7<sup>th</sup> Street Right-of-Way Located South of the Riverside Parkway and North of Struthers Avenue and a Portion of the Kimball Avenue Right-of-Way Located West of the Riverside Parkway

Action: *Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 4356*

Staff presentation: Judith Rice, Associate Planner

6. **Public Hearing—2009 CDBG Program Year Funding Requests and Expenditure of 2008 Plan Amendment for CDBG Recovery Act** [File #2009-CDBG] [Attach 6](#)

City Council will consider: 1) which activities and programs to fund Community Development Block Grant (CDBG) projects for the 2009 Program Year; and 2) an amendment to the 2008 Program Year to expend CDBG Recovery Act funds (CDBG-R).

*Action: Receive Public Input on the Use of the City's 2009 CDBG and CDBG-R Funds and Consider the CDBG City Council Workshop Recommendations for Funding for 2009 CDBG Program Year. Amend the 2008 Program Year to Include Expenditures of CDBG-R Funds and Set a Hearing for Adoption of the CDBG 2009 Action Plan for June 17, 2009*

Staff presentation: Kristen Ashbeck, Senior Planner

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

8. **Other Business**

9. **Adjournment**

## **Attach 1**

### **Minutes from Previous Meetings**

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

**May 4, 2009**

The City Council of the City of Grand Junction convened into regular session on the 4<sup>th</sup> day of April 2009 at 7:05 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Bruce Hill, Tom Kenyon, Bill Pitts, Linda Romer Todd, and Council President Gregg Palmer. Also present were City Manager Laurie Kadrich, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Palmer called the meeting to order. Councilmember Coons led in the Pledge of Allegiance followed by an invocation by Father John Farley, Immaculate Heart of Mary Catholic Church.

#### **Proclamations/Recognitions**

Proclaiming May 9, 2009 as “Grand Junction Letter Carriers Stamp Out Hunger Day” in the City of Grand Junction

Proclaiming May 10-16, 2009 as “National Police Week” and May 15, 2009 as “Peace Officers’ Memorial Day” in the City of Grand Junction

Recognition of Neighborhood Organization—Spring Valley

Kristen Ashbeck, Senior Planner, described the Spring Valley Neighborhood and advised it is the largest homeowners association in the City. It remains to be one of the most desirable neighborhoods in the City. Ms. Ashbeck then introduced two members of the homeowners association. They were presented with a certificate.

Recognition of Neighborhood Organization—LaRoche Condominiums

Kristen Ashbeck, Senior Planner, described the La Roche Condominiums which is a multifamily area with 31 residences. She described some of the goals of the neighborhood association. Ms. Ashbeck introduced some of the Home Owners Association board members. They were presented with a certificate.

Historic Preservation Awards to Marie Tipping and the I.O.O.F. Hall

Kathy Jordan, Historic Preservation Board Chair, reviewed the program of Historic Preservation Awards. Ms. Jordan described the work Ms. Tipping has done to uncover local history. Councilmember Beckstein then presented the first award to Marie Tipping for her historical research.

Kathy Jordan then described the next award and reviewed the history of the I.O.O.F. building. She noted that later on the agenda, there is a request to designate the building in the City Register of Historic Sites, Structures, and Districts. She introduced two of the owners and Councilmember Beckstein presented them with the award.

### **Certificates of Appointments**

To the Horizon Drive Association Business Improvement District

Clark Atkinson and Janice Rohr were present to receive their certificates for appointment and re-appointment to the Horizon Drive Association Business Improvement District.

### **Election of Mayor and Mayor Pro Tem/Administer Oaths of Office**

Council President Gregg Palmer expressed his appreciation for the opportunity to serve as Mayor but due to family and business, he has asked not to be considered for re-appointment. He thanked his fellow Councilmembers and Staff for their assistance during his term.

Councilmember Beckstein thanked Council President Palmer for his service and then nominated Councilmember Bruce Hill for Mayor of the City of Grand Junction. Councilmember Coons seconded the nomination. Councilmember Hill was elected as President of the Council/Ex Officio Mayor by acclamation and unanimous vote.

Councilmember Todd nominated Teresa Coons as Mayor Pro Tem for the City of Grand Junction. Councilmember Beckstein seconded the nomination. Councilmember Teresa Coons was elected as President of the Council Pro Tem/Ex Officio Mayor Pro Tem by acclamation and unanimous vote.

City Clerk Stephanie Tuin administered the oath of office to both Council President Pro Tem Coons and Council President Hill and Council President Hill took his seat at the dais.

Council President Hill called a recess at 7:45 p.m.

The meeting reconvened at 7:47 p.m.

Council President Hill thanked Councilmember Palmer for all his service and his dedication.

He then welcomed the two new Councilmembers – Councilmember Bill Pitts and Councilmember Tom Kenyon.

He thanked Councilmember Coons for her willingness to serve as Pro Tem and said he will be gone Wednesday.

Councilmember Coons also thanked Councilmember Palmer for his service as Mayor.

### **Citizen Comments**

There were none.

### **Council Comments**

There were none.

### **City Manager's Report**

City Manager Laurie Kadrach addressed the City Council for her report.

She thanked former Mayor Gregg Palmer for his service and especially his dedication in talking to groups and Staff members.

City Manager Kadrach thanked Elizabeth Tice for her work with legislative updates and working with federal legislation. Ms. Tice is also the lead person on the, American Recovery and Reinvestment Act project (ARRA). Kathy Portner, Neighborhood Services Manager, has also been working on the Division of Local Government grants and Ms. Kadrach thanked her for her work.

The first topic is an update on the ARRA. She described all the new items under the Recovery Act. Transportation is the number one project, the 29 Road project in partnership with the County; the request is now at \$24 million as this is one part of a two part project. The City is considering projects to determine best use of the grants. Economic Development allocated \$91,783 CDBG for the Housing Resources of Western Colorado. The number one project is the Transportation Surface Project; the criteria will be announced in May. This is joint with Mesa County for an estimated \$24 million as opposed to the \$30 million because it will be done in two phases. For the Energy, Environment, and Infrastructure, Energy Efficiency and Conservation, CDBG allocated \$229,800 for a Community Energy Efficient Project and LED Lighting and Retrofits. The application is in process and due in June. The Compressed Natural Gas Project at Persigo, which is through the Department of Energy (DOE), is in the amount of \$4.1 million and will be very competitive. In addition to looking at Recovery Act dollars, the City is looking at public/ private partnerships. The State Energy Program is discretionary funding through the Governor's Energy Office with potential for solar energy and facility upgrades that have not already been identified. The City is still awaiting criteria. The Clean Cities Petroleum Reduction Technology is a competitive grant process through the DOE. The City is requesting \$1.3 million for the Compressed Natural Gas fueling station. In addition to converting the byproduct at the sewer treatment plant, the City needs to have a way to transport the fuel to sanitation vehicles. Solid Waste is an Enterprise account and the grant dollars will help keep the cost of fuel low. An application has already been submitted for Clean Water and Safe Water which is distributed through a

State Revolving Fund. There may not be enough funding for the sewer project. Because this is a shovel-ready project, the City may look to private sector partners to move this project forward. The Public Safety-Firefighter Assistance Grants, which is a competitive grant process through FEMA, is a possibility for construction of Fire Station #1 and Remodel of Firestation #2. The grant criteria will be announced in June or July. There are many applying for these first round assistance grants. The demand for this grant will be very competitive. Under a Justice Assistance Grant, a joint formula allocation of \$254,568 was awarded to the County and City for Computer Aided Dispatch (CAD) and Records Management System (RMS). The City has since been awarded \$1 million towards implementation of this project. This grant will help in reducing the total cost of the Public Safety Initiative Project. The grant through the Colorado Division of Criminal Justice for 800 MHz digital trunked radio system in the amount of \$2.1 million application is in process. An application has been submitted for a Public Safety Telecommunicator grant in the amount of \$552,040 for two years of staffing costs. The application is in process for Community Oriented Policing Services (COPS) for three years' salary and benefits for sworn Police Officers in the amount of \$2.6 million.

Councilmember Palmer asked if these grants that require matching grants obligates the City to fund that portion within a certain time frame. City Manager Kadrich said no, the ones applied for so far, with the exception of the E 911, do not require a match. Those funds are already budgeted. The only other attachment is for the police officer grants but that won't affect the City for four years.

Next, City Manager Kadrich addressed Spring Clean Up. The program has been a tradition since the early 1900's. Nearly 26,000 residences are served and contractors are required to complete the project. It is an expensive program for the City. The curbside recycling that occurs is encouraged because then those items do not have to be taken to the landfill.

The third topic to be addressed is the Swine Flu. The City has been coordinating with Mesa County Emergency Management and Health Department. Employees are encouraged to stay home if they have flu symptoms. As of today there have been no reported cases in Mesa County. City Manager Kadrich then displayed important contact information.

Councilmember Coons advised the World Health Organization has a good website on the illness. The official name is now the H1N1 Flu.

Tim Moore, Public Works and Planning Director, then introduced a discussion on the I-70 B improvements. It is a Colorado Department of Transportation project. The improvements are needed in addition to the Riverside Parkway completion and has been on the State's list of projects. It has been determined that widening and closing off of access points are some of the improvements needed.

Jim Shanks, Deputy Public Works and Planning Director, identified the area to be improved for this project is from 24 Road to Rimrock Drive. The estimate for the improvements is \$40 million. There is limited funding. The American Recovery and



Reinvestment Act funding has presented a funding possibility. This project is item #7 on the "A" list. However, CDOT has not started the right-of-way acquisition yet. CDOT is on a hiring freeze and their real estate department is short four people. They are also not allowed to hire a contractor for the service. Therefore, CDOT has asked the City to participate in this project by hiring and funding the services of a right-of-way acquisition service. There are a total of 69 separate pieces of property owned by 29 different owners that need to be acquired for the project. There is one parcel where the business will have to be relocated. CDOT will pay for all those costs. There are some other funding possibilities on the horizon but they require a 20% funding match. If the City contributes by hiring the right-of-way contractor, this will be the City's contribution.

Councilmember Palmer asked if there is a possibility that the City pays for this contractor and then the project does not go forward. Mr. Shanks said there is that possibility/risk but without the City's participation the possibility of the project happening is nil.

Councilmember Palmer asked if it is possible to get the project done by the deadline. Mr. Shanks said it is possible but having CDOT reduce the amount of red tape will be needed. He noted the contractor being considered is currently being used by the City's engineering firm for the 29 Road project and they have met all previous deadlines.

City Attorney Shaver agreed that the contractor, TRS, Bradley Rodenberg, has performed well in the past.

Councilmember Todd asked if action is required on this item. City Attorney Shaver advised the action item is on the Wednesday agenda.

Councilmember Kenyon asked, if hired, will the contractor begin immediately so he can meet the deadline. Mr. Shanks said there is also a priority list from CDOT so the contractor can concentrate on those properties first. That way the first phase could be bid out.

Council President Hill asked Mr. Shanks to clarify that the cost of this contract, \$300,000 plus, would be the only contribution toward the project. Mr. Shanks said yes unless the Intermodal Surface Transportation Efficiency Act (ISTEA) is reauthorized and then this project would be redesignated as a high priority. Those funds do require a 20% match. That concluded the briefing on the I-70 B improvement project relative to the action item on Wednesday's agenda.

Council President Hill called a ten minute recess at 8:30 p.m.

The meeting reconvened at 8:38 p.m.

## **CONSENT CALENDAR**

Councilmember Coons read the Consent Calendar and then moved to approve items #1 through #4. Councilmember Kenyon seconded the motion. Motion carried by roll call vote.

1. **Minutes of Previous Meetings**

*Action: Approve the Minutes of the April 13, 2009 and the April 15, 2009, Regular Meetings*

2. **I.O.O.F. Hall Historic Building Designation, Located at 128 North 5<sup>th</sup> Street**  
[File # HBD-2009-081]

The owners of the I.O.O.F. Hall located at 128 North 5<sup>th</sup> Street, are requesting that the building be designated as historic in the City register of Historic Sites, Structures and Districts.

Resolution No. 44-09—A Resolution Designating the I.O.O.F. Hall Located at 128 North 5<sup>th</sup> Street in the City Register of Historic Sites, Structures and Districts

*Action: Adopt Resolution No. 44-09*

3. **Setting a Hearing on Vacation of Public Right-of-Way in the Vicinity of 7<sup>th</sup> Street, Struthers Avenue and Kimball Avenue** [File # VR-2009-053]

Request by the City of Grand Junction to vacate two surplus right-of-way areas totaling 0.22 acres: (1) a portion of South 7<sup>th</sup> Street south of the Riverside Parkway and north of Struthers Avenue and (2) a portion of Kimball Avenue west of the Riverside Parkway. These remnants have been rendered impractical as right-of-way because of the alignment of the Riverside Parkway through the area.

Proposed Ordinance Vacating a Portion of the South 7<sup>th</sup> Street Right-of-Way Located South of the Riverside Parkway and North of Struthers Avenue and a Portion of the Kimball Avenue Right-of-Way Located West of the Riverside Parkway

*Action: Introduction of a Proposed Ordinance and Set a Hearing for May 18, 2009*

4. **Setting a Hearing on the Lang Industrial Park Annexation, Located at 2764 C <sup>3</sup>/<sub>4</sub> Road, 2765 and 2767 Riverside Parkway** [File #ANX-2009-072]

Request to annex 4.86 acres, located at 2764 C <sup>3</sup>/<sub>4</sub> Road, 2765 and 2767 Riverside Parkway. The Lang Industrial Park Annexation consists of 3 parcels.

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

Resolution No. 45-09—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, Lang Industrial Park Annexation, Located at 2764 C  $\frac{3}{4}$  Road, 2765 and 2767 Riverside Parkway

*Action: Adopt Resolution No. 45-09*

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Lang Industrial Park Annexation, Approximately 4.86 Acres, Located at 2764 C  $\frac{3}{4}$  Road, 2765 and 2767 Riverside Parkway

*Action: Introduction of a Proposed Ordinance and Set a Hearing for June 15, 2009*

**ITEMS NEEDING INDIVIDUAL CONSIDERATION**

**Airport Improvement Program Grant at Grand Junction Regional Airport**

AIP-39 is a Stimulus Project to rehabilitate the General Aviation Concrete Ramp on the east end of the airport. The grant amount is \$8,000,000.00. The Supplemental Co-sponsorship Agreement is required by the FAA as part of the grant acceptance by the City.

Laurie Kadrach, City Manager, presented this item. She described the request is for Airport Improvements. Usually these requests are on the Consent Calendar, however, this grant is coming under the ARRA and it is required the City certify that the Airport Board has fulfilled the requirements for the grant. She suggested the City receive a quarterly written report or via a report from the Councilmember representative on the board.

Councilmember Palmer advised the management at the Airport is top notch and he has no qualms that they will meet all the requirements. He was comfortable with the Council's representative reporting back. Ms. Kadrach said she would ask that there be some report trail/documentation.

Councilmember Coons asked that there be a quarterly report. Councilmember Kenyon agreed to avoid any problems at the end of the process.

Council President Hill suggested a report in the Airport Board minutes.

City Manager Kadrach recalled the meeting where the criteria for the grant dollars from the ARRA need to be very well documented and scrutinized.

Councilmember Palmer moved to authorize the Mayor to sign the original FAA AIP-39 grant documents and the ARRA Airport Sponsor Certification for General Aviation Ramp Rehabilitation (Phase 1) at the Grand Junction Regional Airport and authorize the City Manager to sign the Supplemental Co-sponsorship Agreement for AIP-39. Councilmember Beckstein seconded the motion. Motion carried by roll call vote.

**Public Hearing—North Avenue Rights-of-Way Annexation** [File #ANX-2009-042]

Request to annex approximately 5.32 acres, located at six locations on North Avenue between 29 Road and I-70 Business Loop. The North Avenue Annexation consists only of right-of-way.

The public hearing was opened at 8:47 p.m.

Ivy Williams, Development Services Supervisor, presented this item. She described the site and the location and asked that the Staff Report and attachments be entered into the record. The request meets the criteria of the Zoning and Development Code and Planning Commission recommended approval.

Councilmember Palmer asked why the City needs to annex when the City took over the roadway a couple of years ago. Tim Moore, Public Works and Planning Director, advised that the agreement was negotiated which included the City annex the whole corridor. The remainder of the agreement is still in process.

There were no public comments.

The public hearing was closed at 8:50 p.m.

**a. Accepting Petition**

Resolution No. 46-09—A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the North Avenue Rights-of-Way Annexation Located at Six Separate Sections of North Avenue Right-of-Way, from 29 Road to I-70 Business Loop as Shown in Attachment A is Eligible for Annexation

**b. Annexation Ordinance**

Ordinance No. 4354—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, North Avenue Rights-of-Way Annexation, Approximately 5.32 Acres, Located at Six Separate Sections of North Avenue Right-of-Way from 29 Road to I-70 Business Loop as Shown in Attachment A

Councilmember Palmer moved to adopt Resolution No. 46-09 and Ordinance No. 4354 and ordered it published. Councilmember Coons seconded the motion. Motion carried by roll call vote.

**Public Hearing—The Tall Grass Rezone, Located at 2293 and 2295 Tall Grass Drive**  
[File #RZ-2009-014]

Request to rezone the 3.709 acres, located at 2293 and 2295 Tall Grass Drive from C-2 (General Commercial) to I-1 (Light Industrial).

The public hearing was opened at 8:50 p.m.

Michelle Hoshide, Associate Planner, presented this item. She described the request, the site, and the location. She asked that the Staff Report and attachments be entered into the record. The request meets the criteria of the Zoning and Development Code and Planning Commission recommended approval on March 24, 2009.

There were no public comments.

The public hearing was closed at 8:52 p.m.

Ordinance No. 4355—An Ordinance Rezoning Two Parcels of Land from C-2 (General Commercial) to I-1 (Light Industrial) Known as the Tall Grass Rezone, Located at 2293 and 2295 Tall Grass Drive

Councilmember Coons moved to adopt Ordinance No. 4355 and ordered it published. Councilmember Todd seconded the motion. Motion carried by roll call vote.

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

There were none.

### **Other Business**

Councilmember Todd asked if the discussion on volunteer boards and commissions was scheduled. Council President Hill said it was not. He suggested that the appointment be made to the open seats first, and then they can discuss the rest of the matters related to boards and commissions.

### **Adjournment**

The meeting adjourned at 8:55 p.m.

Stephanie Tuin, MMC  
City Clerk

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

**May 6, 2009**

The City Council of the City of Grand Junction convened into regular session on the 6<sup>th</sup> day of May 2009 at 7:00 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Tom Kenyon, Gregg Palmer, Bill Pitts, Linda Romer Todd, and Council President Pro Tem Teresa Coons. Council President Bruce Hill was absent. Also present were City Manager Laurie Kadrach, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Pro Tem Coons called the meeting to order. Councilmember Beckstein led in the Pledge of Allegiance.

**Proclamations/Recognitions**

**Recognition of Hans Schmoldt and his crew with Anode Systems for Community Service**

Rob Schoeber, Parks and Recreation Director, described the recognition for Anode Systems, a company that wanted to give back to the community. The company had some down time and the owner Hans Schmoldt did not want his crew to be inactive. He volunteered them to do some tamarisk removal and clean up around the tennis courts which included removing vegetation and replacing it with decorative rock.

Councilmember Palmer elaborated on how this came to be and the generosity of Mr. Schmoldt and his crew and personally expressed his appreciation. Two members of the crew, Guy Stephens and Brian May, were present to receive the recognition.

**Recognition of Lena Elliott for receiving the 2009 Individual Citation Award**

Rob Schoeber, Parks and Recreation Director, described the recognition of Lena Elliot which was awarded to her at the recent Parks and Recreation Conference. Mrs. Elliot was unable to attend this meeting but Mr. Schoeber listed the many things both Lena Elliot and her husband have done for the community. Mrs. Elliot received a standing ovation at the award ceremony at the conference.

**Recognition of the Grand Junction Commission on Arts and Culture for being honored with the 2009 Arts and Humanities Award**

Rob Schoeber, Parks and Recreation Director, reviewed the criteria for the next award which was presented to the Grand Junction Commission on Arts and Culture at the Parks and Recreation Conference. Mr. Schoeber described the many contributions the Commission makes to the community including the grant and scholarship programs they administer.

Commission Chair Kat Rhein, Board Member Don Myers, and Cultural Arts Coordinator Allison Sarmo accepted the award on behalf of the Commission.

Council President Pro Tem Coons expressed her appreciation for what they do for the community.

### **Citizen Comments**

There were none.

### **CONSENT CALENDAR**

Councilmember Kenyon read the Consent Calendar and then moved to approve items #1 through #3. Councilmember Beckstein seconded the motion. Motion carried by roll call vote.

1. **Intergovernmental Agreement Between the City of Grand Junction and the Town of Palisade for the Operation of the Outdoor Swimming Pool in Palisade**

The Town of Palisade has submitted a request to the Parks and Recreation Department to create a partnership for the operation of the outdoor pool in Palisade. Through this intergovernmental agreement, the City of Grand Junction will operate all aquatic programs at the Palisade Pool during the upcoming summer season.

*Action: Authorize the Mayor and City Manager to sign an Intergovernmental Agreement with the Town of Palisade for the Operation of the Palisade Pool during the Upcoming Summer Season*

2. **Vacation of Utility and Irrigation Easement (Country Squire II Subdivision), Located at 2074 Broadway and 2076 Ferree Drive** [File #PP-2008-054]

A request to vacate a Utility and Irrigation Easement for the benefit of the proposed Country Squire II Subdivision that is to be located at 2074 Broadway and 2076 Ferree Drive in the Redlands.

Resolution No. 47-09—A Resolution Vacating a Utility and Irrigation Easement (Country Squire II Subdivision), Located 2074 Broadway and 2076 Ferree Drive

*Action: Adopt Resolution No. 47-09*

3. **Contract for the Right-of-Way Acquisition Services for I-70B, 24 Road to Rimrock Drive**



The Colorado Department of Transportation has requested that the City of Grand Junction contribute to the I-70B project from 24 Road to Rimrock Drive by contracting and paying for the Right-of-Way acquisition services. This project includes providing six lanes of through travel, consolidation of access points, intersection improvements, improved bicycle and pedestrian facilities and improving existing bus stops.

*Action: Authorize the City Manager to Approve the Contract with Transportation Resource Services, Inc. for the Right-of-Way Acquisition Services for I-70B in the Amount of \$369,860*

## **ITEMS NEEDING INDIVIDUAL CONSIDERATION**

### **Downtown Residential Neighborhoods Land Use Applications**

The proposed resolution would afford the City an opportunity, by declaring a temporary moratorium on the filing of development applications in the identified area, to carefully evaluate and determine as appropriate, the proper implementation of the Downtown Plan specific to the residential neighborhoods located generally north of Grand Avenue, East of 1<sup>st</sup> Street, West of 12<sup>th</sup> Street and South of North Avenue.

Councilmember Todd explained this resolution was brought forward on Monday and added to the agenda for this evening. She stated there has been some confusion as to whether proper notice was provided.

Resolution No. 48-09—A Resolution Directing the City Manager Concerning Land Use Applications in the Downtown Residential Neighborhoods

Councilmember Todd moved to continue a public hearing for consideration of the resolution to May 18, 2009. Councilmember Beckstein seconded the motion. Motion carried by roll call vote.

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

There were none.

### **Other Business**

There was none.

### **Executive Session**

DISCUSSION OF PROPERTY NEGOTIATIONS REGARDING THE PURCHASE, ACQUISITION, LEASE, TRANSFER, OR SALE OF REAL, PERSONAL, OR OTHER PROPERTY INTEREST UNDER SECTION 402(4)(a) OF THE OPEN MEETINGS LAW

Councilmember Todd moved to go into executive session to discuss property negotiations regarding the purchase, acquisition, lease, transfer, or sale of real, personal, or other property interest under section 402(4)(a) of the open meetings law and will not be returning to open session. Councilmember Palmer seconded the motion. Motion carried.

### **Adjournment**

The City Council adjourned into Executive Session at 7:20 p.m.

Stephanie Tuin, MMC  
City Clerk

**Attach 2**

**Setting a Hearing on Amending the Code Relating to DDA Permit Applications and Special Rules Regarding Mobile Vending Carts**

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA			
<b>Subject</b>	Amending the Code Relating to DDA Permit Applications and Special Rules Regarding Mobile Vending Carts		
<b>File #</b>			
<b>Meeting Day, Date</b>	Monday, May 18, 2009		
<b>Placement on the Agenda</b>	<b>Consent</b>	X	<b>Individual</b>
<b>Date Prepared</b>	May 8, 2009		
<b>Author Name &amp; Title</b>	Mary Lynn Kirsch, Paralegal		
<b>Presenter Name &amp; Title</b>	John Shaver, City Attorney		

**Summary:** DDA and City Staff have become aware of some inconsistent language in the Code regarding the permit application process, especially as it pertains to sidewalk vendors. Staff has prepared amendments to sections of Chapter 32 of the Code to reconcile any conflicting language and make the application process clearer for DDA and City Staff to administer.

**Budget:** NA

**Action Requested/Recommendation:** Introduction and first reading of proposed ordinance amendments and set a hearing for June 1, 2009.

**Attachments:** Ordinance with proposed revisions

**Background Information:** Inconsistencies in certain portions of Chapter 32, Article III of the Code became apparent when a sidewalk vendor applying for a permit wanted to operate at different hours in the downtown area. Making the changes to reconcile the discrepancies will allow staff to better determine the terms of sidewalk vendor permits.

**CITY OF GRAND JUNCTION, COLORADO**

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

**AN ORDINANCE AMENDING PORTIONS OF ARTICLE III OF CHAPTER 32 REGARDING THE DOWNTOWN DEVELOPMENT AUTHORITY (DDA)'S PERMIT APPLICATION AND SECTION 32-68 PERTAINING TO MOBILE VENDING CARTS**

Recitals:

The City Code of Ordinances allows for a permit application process, to be jointly administered by DDA and City staff. Businesses and sidewalk vendors who wish conduct business on the sidewalks in the downtown area must obtain a permit from the DDA.

DDA and City staff have noted some inconsistencies in the Code regarding the permit application process, especially as it pertains to sidewalk vendors. Staff has prepared amendments to portions of Chapter 32 of the Code to reconcile any conflicting language and make the application process more flexible for DDA and City staff to administer.

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

A. Section 32-65 of Article III of Chapter 32 of the Code is amended as shown below. (Additions are shown in CAPITAL LETTERS and deletions are shown by ~~strike through~~).

**Sec. 32-65. Review of permit application.**

(a) The DDA shall promptly review each application and shall determine, IN ITS SOLE DISCRETION, if:

- (1) The application is complete.
- (2) All other permits, licenses or permissions have been or will be obtained prior to the beginning date of the permit.
- (3) Required insurance has been obtained.
- (4) It is in accordance with the goals and objectives in the plan of development.
- (5) The proposed use or activity would enhance the Downtown Park according to such plan of development.
- (6) More than one application is received for the same use in the same location, the complete and sufficient application which was first received by the DDA shall be issued.

(b) If the DDA finds that the application is not complete or in order, it shall deny the application and give the reasons in writing to the applicant.

(c) If the DDA finds that the application is proper and complete, and is in accordance with the DDA and City rules and requirements, the DDA shall forward ITS APPROVAL ~~to the City Clerk who shall issue the permit,~~ with or without conditions, TO THE CITY CLERK WHO SHALL ISSUE THE PERMIT.

(d) The City Clerk may delegate the duty to issue the permits pursuant to an intergovernmental agreement or pursuant to an administrative regulation.

(e) QUESTIONS OR PROBLEMS WITH THE ADMINISTRATION OF THE PERMIT SHALL BE REFERRED TO THE DDA EXECUTIVE DIRECTOR. THE DDA EXECUTIVE DIRECTOR SHALL HAVE AUTHORITY TO INTERPRET AND APPLY THE PERMIT REQUIREMENTS TO EFFECTUATE THE PURPOSE OF THIS CHAPTER.

(f) An applicant may appeal A DECISION OF THE EXECUTIVE DIRECTOR REGARDING A PERMIT, the denial of such a permit, or a condition of a permit, OR A DECISION OF THE EXECUTIVE DIRECTOR REGARDING A PERMIT, to the DDA Board by submitting a letter to the EXECUTIVE Director of the DDA or any DDA board member within ten (10) calendar days of the mailing of ~~the denial~~ A DECISION LETTER TO THE APPLICANT/PERMITTEE. The DDA Board shall decide the appeal within thirty (30) days of receipt of the appeal.

(Code 1965, § 26-54; Ord. No. 3422, 5-1-02)

B. Section 32-67 of Article III of Chapter 32 of the Code is amended as follows:

**Sec. 32-67. General Provisions.**

(a) The permittee may conduct business on the public right-of-way within the Downtown Park but only subject to and in compliance with the following:

- (1) Each permittee pursuant to this article shall pick up and properly dispose of any paper, cardboard, wood or plastic containers, wrappers and other litter which is deposited or is located on the sidewalk within twenty five feet (25') of the permittee's use, activity or location.
- (2) Each permittee shall provide readily accessible container(s) and facilities for the collection of litter, debris and trash and shall properly dispose of all litter, debris and trash collected.
- (3) No permittee shall sell or give any food, object or other item to any person who is located in the right of way, including parking areas, unless such right of way has been closed by the City Engineer.

- (4) The permittee shall not offer to sell or sell except within the location designated by the permit.
- (5) A permittee shall not leave his equipment or merchandise unattended, except for a sidewalk café/restaurant or kiosk and only when the café/restaurant or kiosk is secured.
- (6) The permittee shall ~~not~~ conduct any business, use or activity ~~between the hours of 12:00 a.m. (midnight) and 6:00 a.m.~~ DURING THE HOURS ESTABLISHED BY THE PERMIT.
- (7) A permittee shall not offer to sell or sell merchandise that is not described in the application.
- (8) No permittee may hold more than one permit at any one time, unless approved by the DDA Board.
- (9) The permittee shall only locate tables, chairs, benches, and/or other personal property in the portion of the adjacent Main Street right-of-way to the permittee's restaurant or café that is within the permitted area.

The DDA Director in consultation with the City Engineer shall ensure that permittees' using the sidewalk maintain an adequate unobstructed and unoccupied area of the sidewalk for the two-way movement of pedestrian traffic. An adequate unobstructed and unoccupied area shall be deemed to be no less than five feet (60") wide and be no closer than two feet from the closest point on Main Street to the sidewalk activity.

The DDA Director may authorize the use of the sidewalk so long as "clear space" of not less than 60" is provided for at least 40% of the permitted area; the DDA Director may issue a permit notwithstanding the existence of a planter box (es), tree(s), art or some other fixture or permanent installation so long as not more than 60% of the permitted area is not encumbered by such fixtures.

(b) An amended permit may be issued in an expedited manner without additional fees if the permittee has remained (while all prior permits were in effect) in compliance with all applicable requirements and laws.

(c) Each permittee shall forthwith obey every lawful order of the DDA and any City official, including police officers, such as an order to move to a different location (if needed, for example, to avoid congestion or obstruction of a sidewalk) or an order to forthwith remove all personal property from the Downtown Park (in case of congestion or public safety or similar concerns).

(d) No permittee shall make unlawful noise or any continuous noise of any kind

by vocalization or otherwise for the purpose of advertising or attracting attention to his use, business or merchandise.

(e) During a community event, as determined by the City or the DDA, each permittee shall be subject to overriding rules, requirements and even prohibitions, during the community event. For example, a permittee for a mobile vending cart, a kiosk or a pedestrian vendor may be limited in hours, location and/or type of goods or foods.

(Code 1965, § 26-56; Ord. No. 3422, 5-1-02; Ord. No. 3609, 3-3-04)

**Sec. 32-68. Special rules for mobile vending carts.**

(a) The following provisions, IN ADDITION TO THOSE RULES MADE OTHERWISE APPLICABLE ELSEWHERE IN THIS CHAPTER, shall apply to mobile vending carts:

- (1) A mobile vending device shall not: be greater than sixteen square feet (16<sup>2</sup> feet) in area; longer than four feet (4') in width, excluding wheels; be greater than six feet (6') in length or depth, including any handle; be greater than five feet (5') in height, excluding a canopy, umbrella or transparent enclosure.
- (2) A permittee shall not locate a mobile vending device on a public sidewalk within the boundaries of a crosswalk, nor in a location that will restrict the flow of way designated or used for motor vehicles, unless specifically permitted as part of a use or activity for which the right-of-way is closed to motor vehicles.
- (3) A permittee shall not sell from a mobile vending device that is located within three feet of any right-of-way designated or used for motor vehicles, unless specifically permitted as part of a use or activity for which the right-of-way is closed to motor vehicles.

(Ord. No. 3422, 5-1-02)

The remainder of Article III, Chapter 32, not specifically amended herein, shall remain in full force and effect.

INTRODUCED on this first reading and authorized for publication this \_\_\_\_ day of \_\_\_\_\_ 2009.

Passed and adopted on second reading and publication this \_\_\_ day of \_\_\_\_\_ 2009.

\_\_\_\_\_  
Bruce Hill

President of the Council

ATTEST:

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Stephanie Tuin  
City Clerk



**Attach 3**

**Vacating a Portion of the Drainage Easement Along the Eastern Properties of Indian Road, South of the Riverside Parkway and East of 27 ½ Road**

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA			
<b>Subject</b>	Vacation of a portion of the drainage easement along the eastern properties of Indian Road		
<b>File #</b>	VR-2008-313		
<b>Meeting Day, Date</b>	Monday, May 18, 2009		
<b>Placement on the Agenda</b>	<b>Consent</b>	<b>X</b>	<b>Individual</b>
<b>Date Prepared</b>	May 6, 2009		
<b>Author Name &amp; Title</b>	Michelle Hoshide – Associate Planner		
<b>Presenter Name &amp; Title</b>	Michelle Hoshide – Associate Planner		

**Summary:** A request to vacate 15 feet of the northernmost drainage easement and 10 feet of the southernmost drainage easement located adjacent to the eastern properties along Indian Road.

**Budget:** N/A

**Action Requested/Recommendation:** Approval of the easement vacation request.

**Attachments:**

1. Site Location Map
2. Aerial Photo
3. Future Land Use
4. Existing City and County Zoning
5. Existing 30' Easement
6. Proposed 15' Easement
7. Existing 30' Easement
8. Proposed 15' Easement
9. Existing 25' Easement
10. Proposed 15' Easement
11. Existing 25' Easement
12. Proposed 15' Easement
13. Resolution

**Background Information:** See attached report

BACKGROUND INFORMATION			
Location:	The drainage easement along the eastern properties of Indian Road		
Applicant:	Indian Road Industrial Park LLC.		
Existing Land Use:	Industrial		
Proposed Land Use:	Industrial		
Surrounding Land Use:	North	Union Pacific Railroad Company	
	South	Detention Pond and Industrial Uses	
	East	Vacant Land	
	West	Industrial	
Existing Zoning:	I-1 (Light Industrial)		
Proposed Zoning:	I-1 (Light Industrial)		
Surrounding Zoning:	North	I-1 (Light Industrial)	
	South	I-1 (Light Industrial)	
	East	RSF-R (County Residential Single Family Rural)	
	West	I-1 (Light Industrial)	
Growth Plan Designation:	n.a.		
Zoning within density range?	X	Yes	No

**Staff Analysis:**

1. Background

The applicant, 372 Indian Road LLC, made a request to vacate a portion of an existing drainage easement that runs the length of the eastern property line of the Indian Road Industrial Park Subdivision. The request to vacate 15 feet of the northernmost drainage easement and 10 feet of the southernmost drainage easement will create a universal 15 foot wide drainage easement along the entire eastern length of the Indian Road Subdivision.

This will allow more buildable area on already small industrial lots.

2. Section 2.11.C of the Zoning and Development Code

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

- a. *The Growth Plan, Grand Valley Circulation Plan and other adopted plans and policies of the City.*

The vacation of this portion of the drainage easement will not impact the Grand Valley Circulation Plan, Growth Plan or policies adopted by the City of Grand Junction.

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

No parcel will be landlocked as a result of the vacation.

- c. *Access to any parcel shall not be restricted to the point where access is unreasonable, economically prohibitive or reduces or devalues any property affected by the proposed vacation.*

Access will not be restricted to any parcel as a result of this vacation.

- d. *There shall be no adverse impacts on the health, safety, and/or welfare of the general community and the quality of public facilities and services provided to any parcel of land shall not be reduced (e.g. police/fire protection and utility services).*

The vacation will not cause any adverse impacts on the health, safety or welfare of the general community and the quality of public facilities. Services provided to any parcel of land will not be reduced if this part of the easement is vacated. The drainage will be provided by existing swales located in the remaining 15 foot portion of the existing easement. Engineering staff critically examined drainage requirements for the area and concluded that the existing swale would provide adequate drainage.

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

Adequate public facilities and services will not be inhibited to any property. Appropriate utility easements will be reserved and retained.

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

The vacation will allow for more buildable land for the eastern properties along Indian Road. This will result in a more desirable use of space.

## FINDINGS OF FACTS/CONCLUSION

After reviewing the City of Grand Junction application, VE-2008-313 for the vacation of a portion of drainage easement, the following finding of facts and conclusion has been determined:

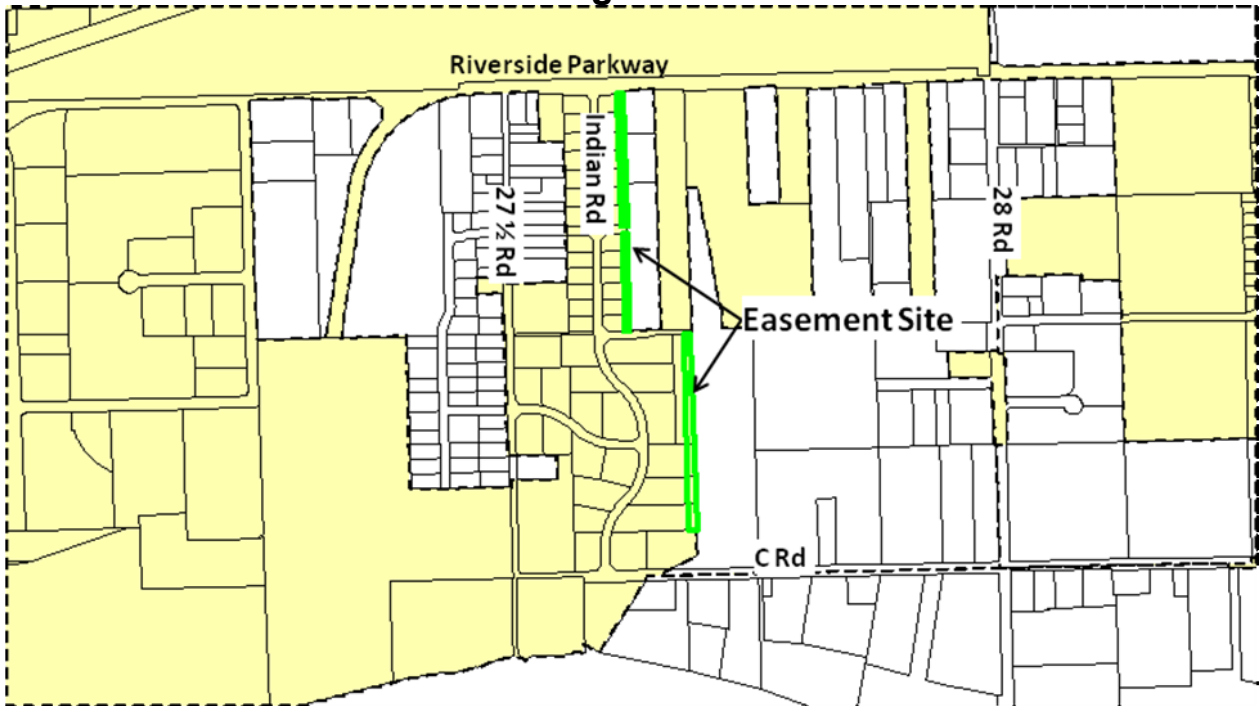
- 1.) The review criteria in Section 2.11.C of the Zoning and Development Code have all been met.

**PLANNING COMMISSION RECOMMENDATION:**

On April 28, 2009, Planning Commission forwarded a recommendation of approval of the requested drainage easement vacation, VR-2008-313, to the City Council with the findings and conclusions listed above.

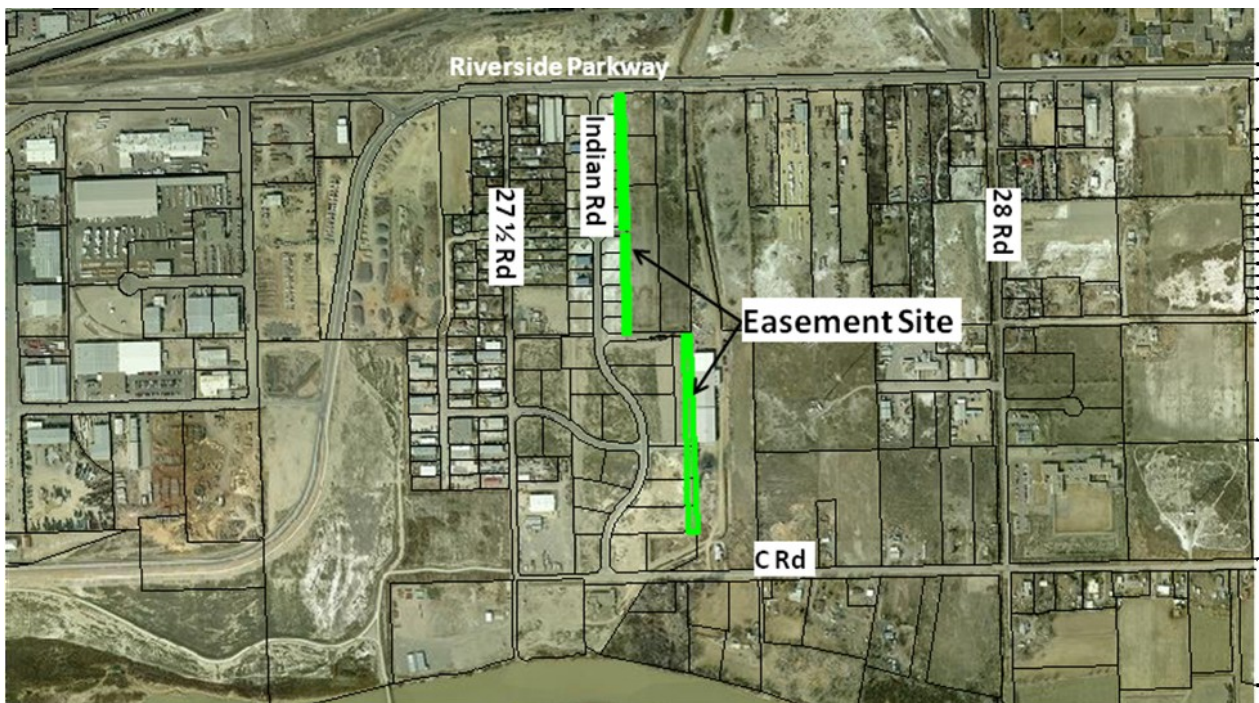
# Site Location Map

Figure 1



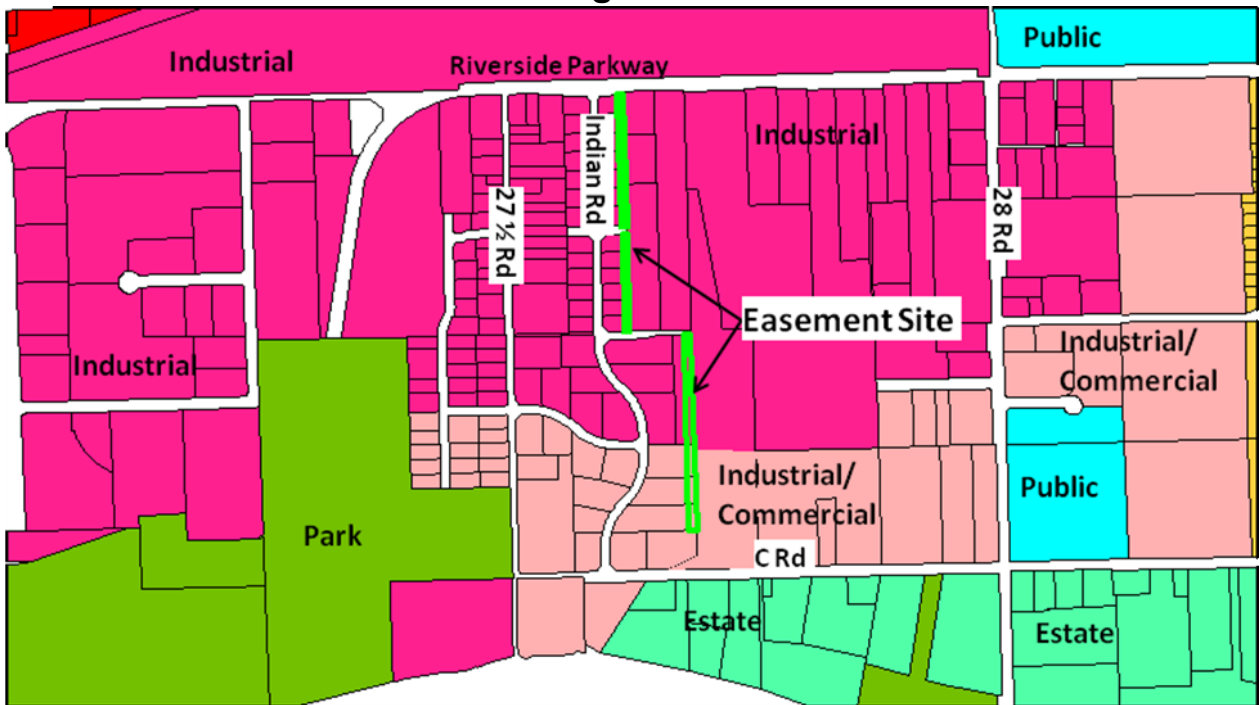
# Aerial Photo Map

Figure 2



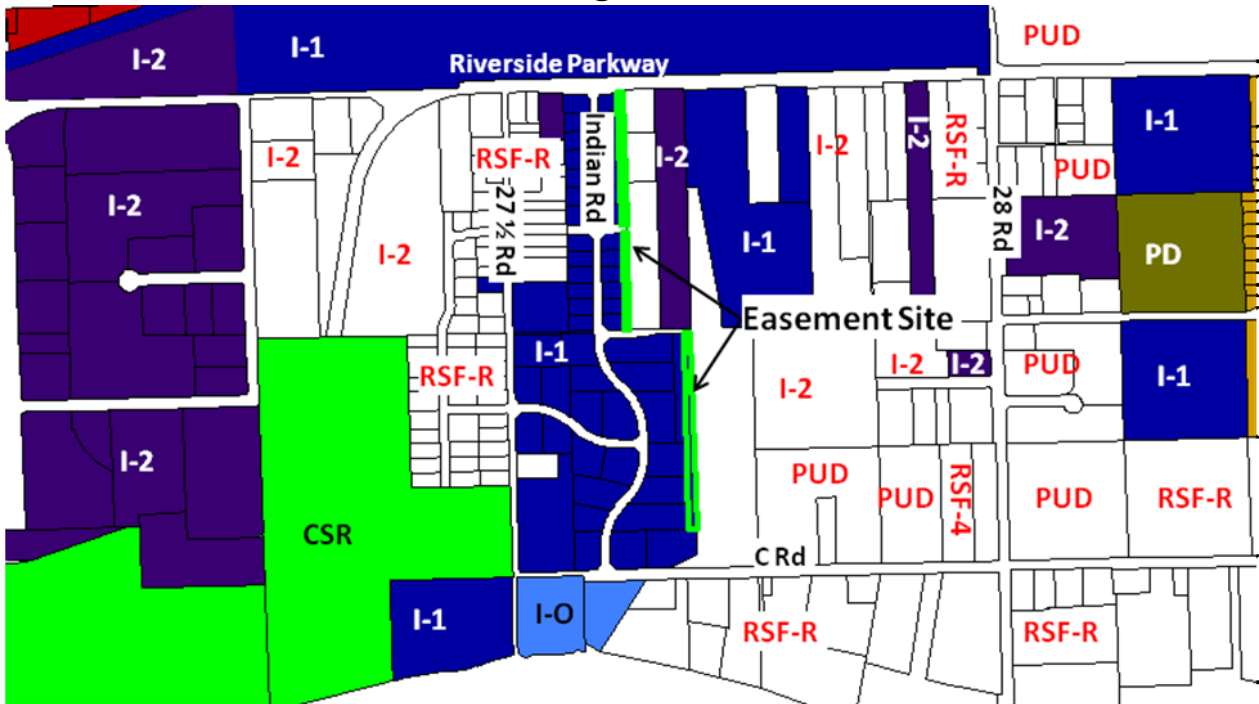
# Future Land Use Map

Figure 3



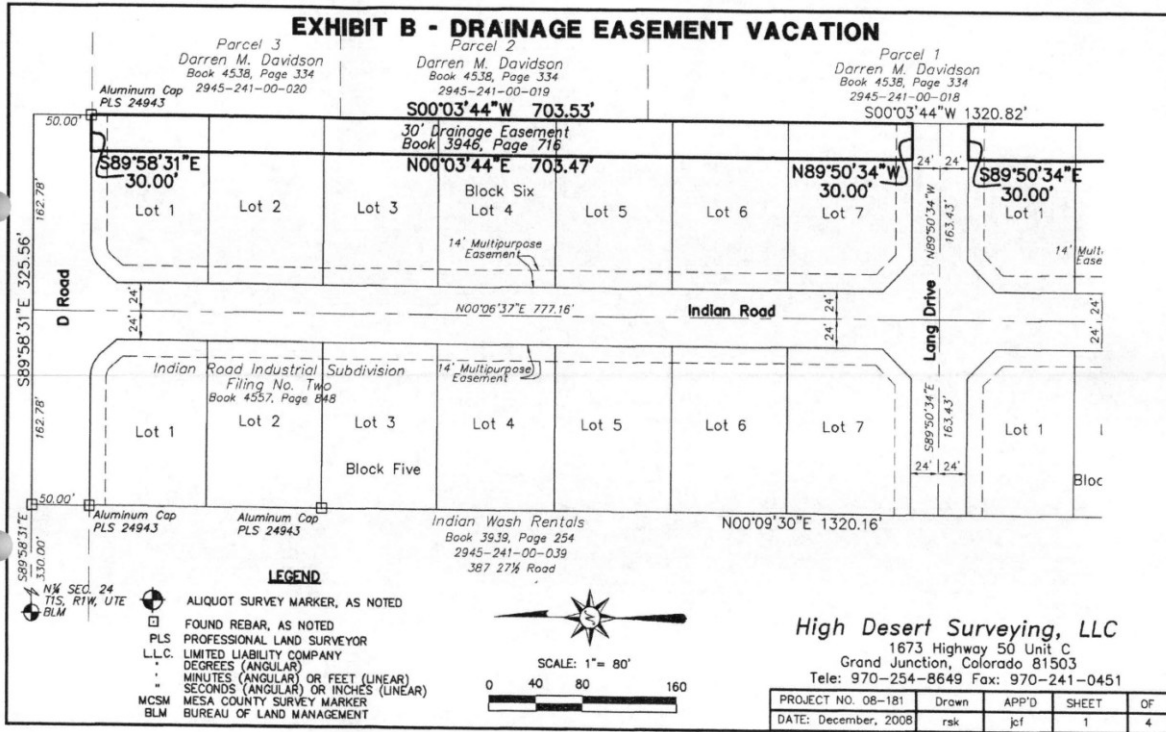
# Existing City and County Zoning

Figure 4



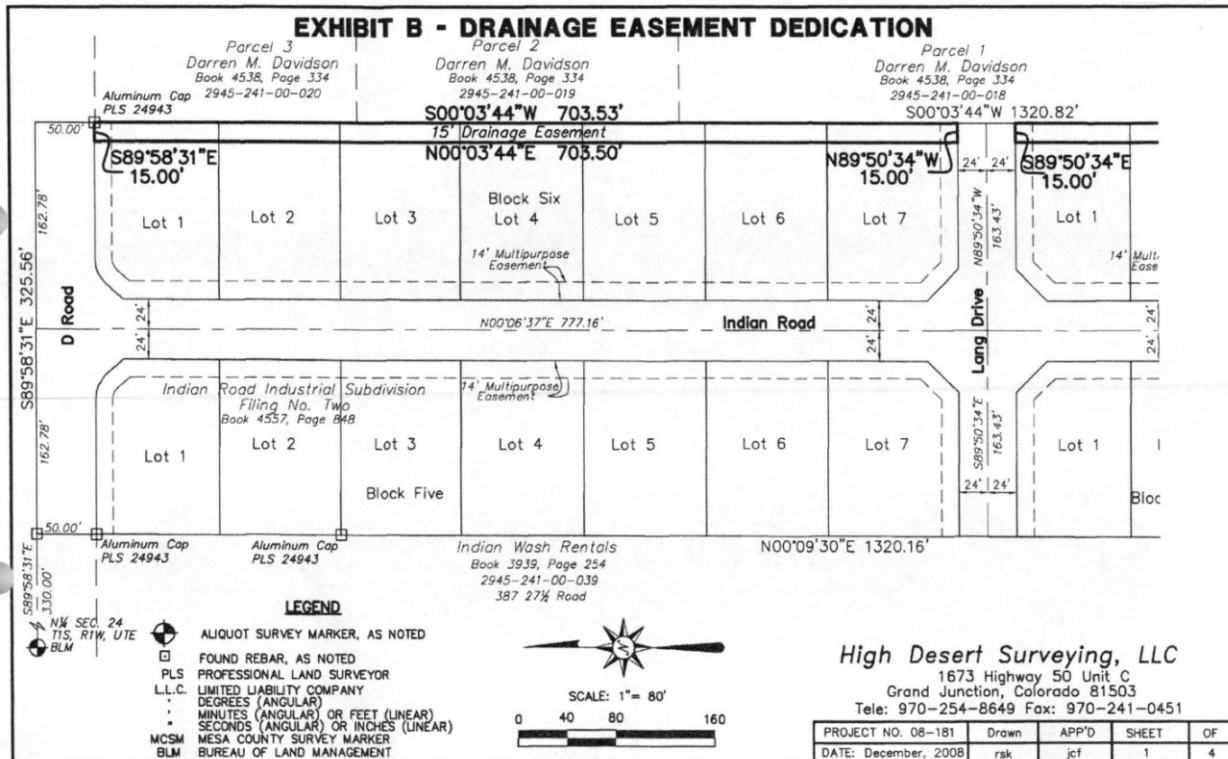
# Figure 5

## EXISTING 30' EASEMENT



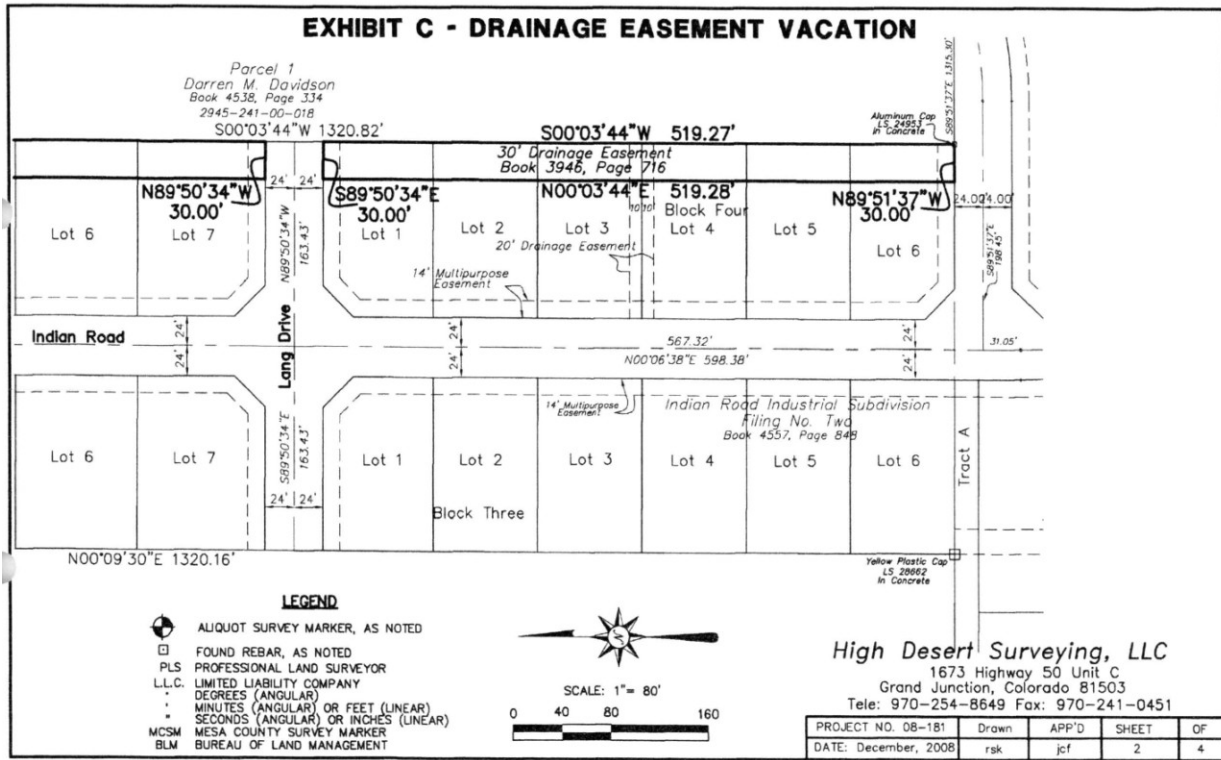
# Figure 6

## PROPOSED 15' EASEMENT



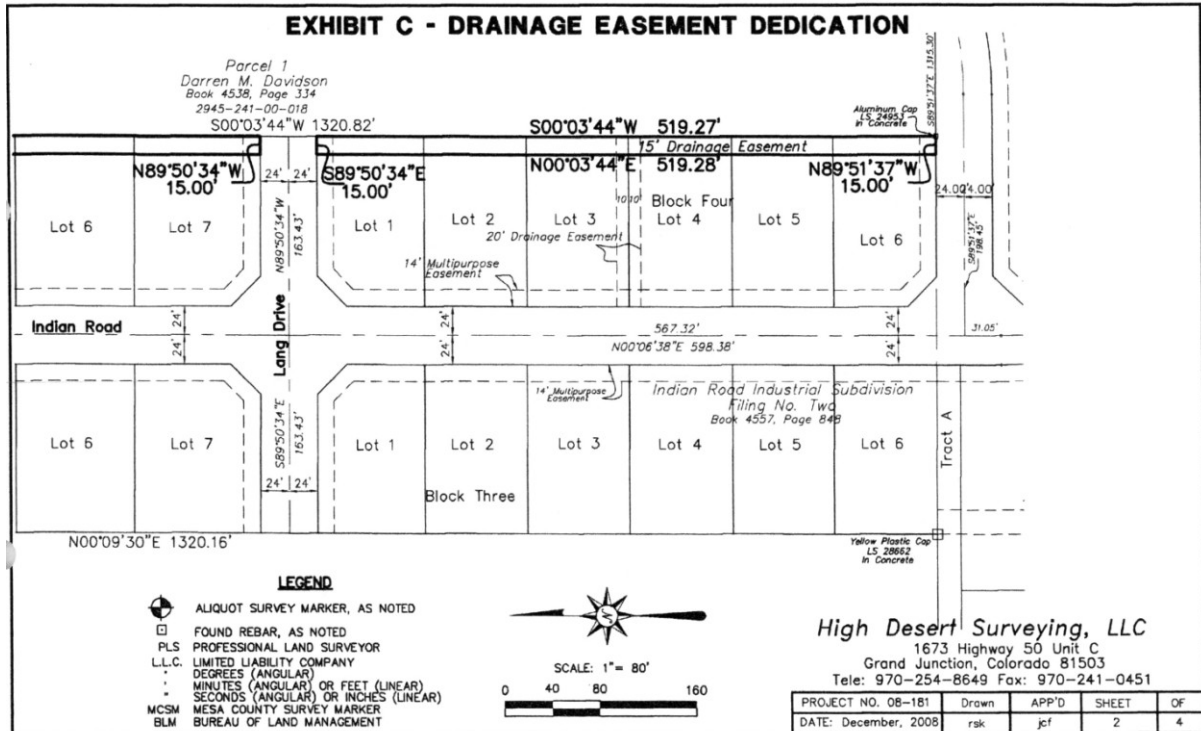
# Figure 7

## EXISTING 30' EASEMENT



# Figure 8

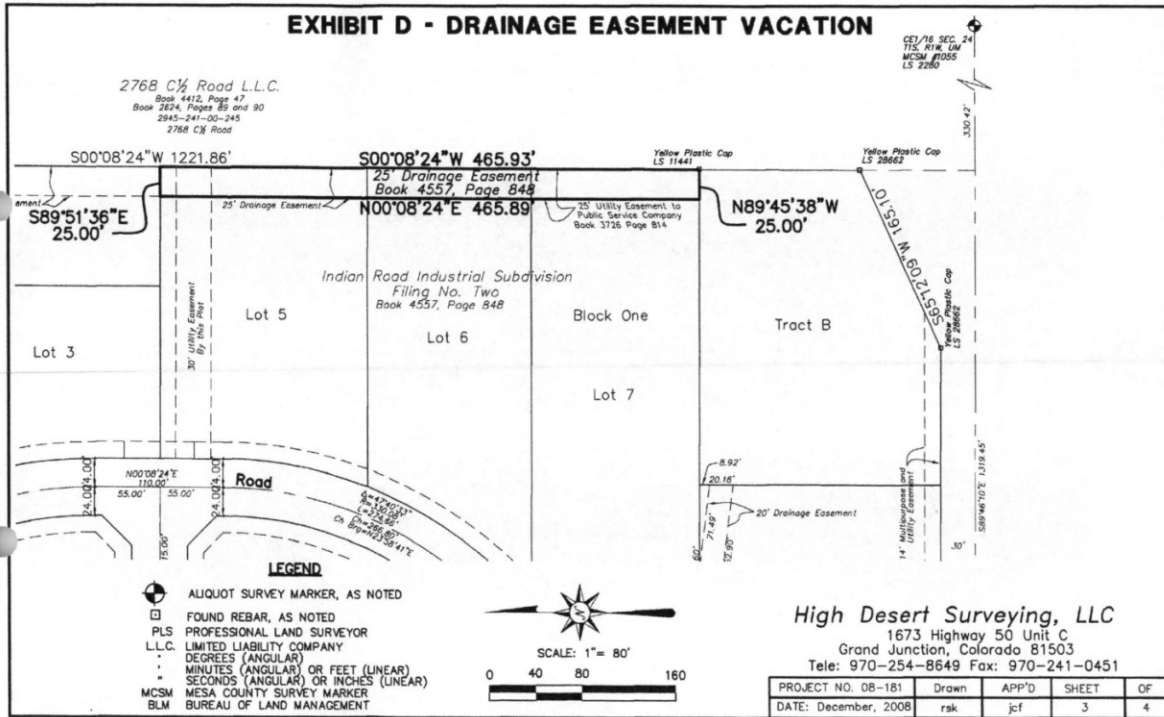
## PROPOSED 15' EASEMENT





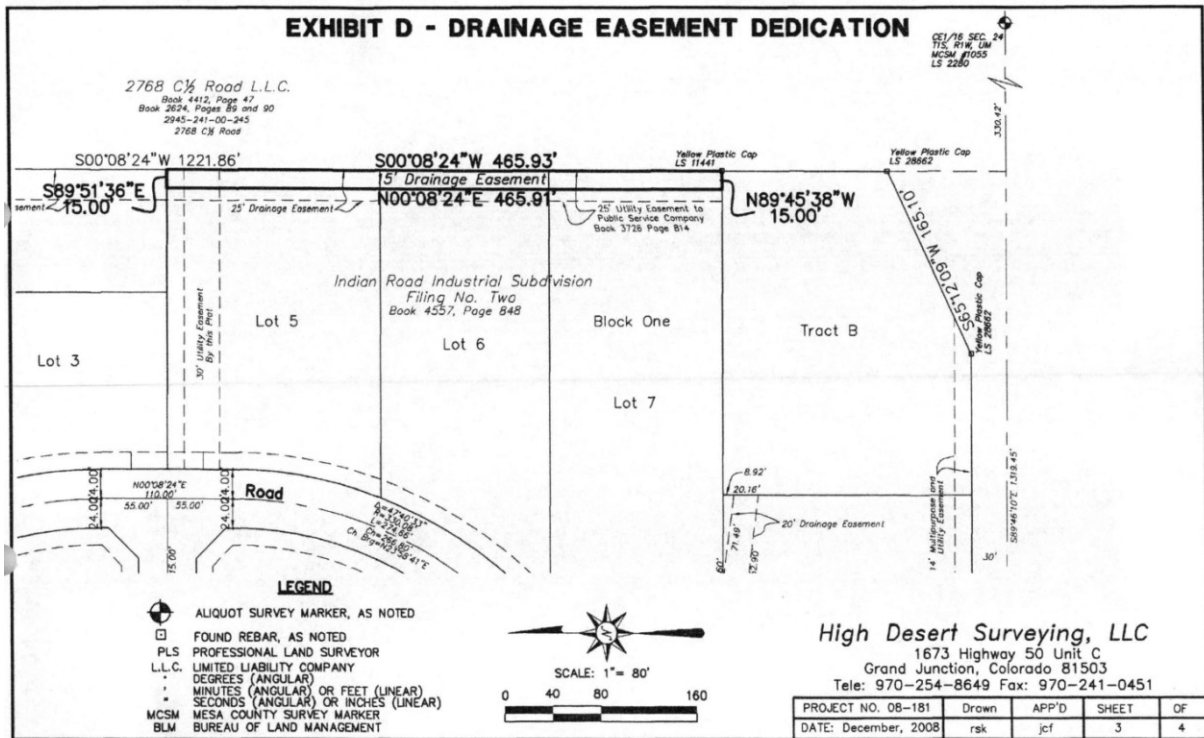
# Figure 9

## EXISTING 25' EASEMENT



# Figure 10

## PROPOSED 15' EASEMENT





**CITY OF GRAND JUNCTION, CO**

**RESOLUTION NO.**

**A RESOLUTION VACATING A PORTION OF DRAINAGE EASEMENT ADJACENT TO THE EASTERN PROPERTIES LOCATED ALONG INDIAN ROAD**

RECITALS:

A request to vacate 15 feet of the northernmost drainage easement and 10 feet of the southernmost drainage easement located adjacent to the eastern properties along Indian Road. This request has been made by Indian Road Industrial Park LLC. The City shall reserve and retain a perpetual 25 foot Utility Easement on, along, over, under, through and across 10 feet of the area of the easement to be vacated.

The City Council finds that the request to vacate the herein described portion of drainage easement with the reservation to retain an easement is consistent with the Growth Plan and Section 2.11 of the Zoning and Development Code.

The Planning Commission, having heard and considered the request on April 28, 2009, found the criteria of the Zoning and Development Code to have been met, and recommends that the vacation be approved as requested subject to the condition that the City shall reserve and retain a perpetual Utility Easement on, along, over, under, through and across 10 feet of the area of the hereinafter described drainage easement.

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

The following described Drainage Easement is hereby vacated subject to the listed conditions:

1. Applicants shall pay all recording/documentary fees for the Vacation Resolution

The following easement vacation is shown on "Exhibit B" through "Exhibit E" as part of this vacation of description.

**A DRAINAGE EASEMENT VACATION**

A Drainage Easement across that real property located in part of the Southwest Quarter Northeast Quarter (SW $\frac{1}{4}$  NE $\frac{1}{4}$ ) Section 24, Township 1 South, Range 1 West of the Ute Meridian, Mesa County, Colorado, known as Indian Road Industrial Subdivision, Filing No. Two, as recorded in recorded in Book 4557, Page 848, Mesa County Records and being more particularly described as follows:

That Drainage Easement being the East 25.00 feet of Lots 4 through 7, Block One, Inclusive, and being the East 30.00 feet Lots 1 through 6, Block Four, Inclusive, and

Lots 1 through 7, Block Six, Inclusive, all being located in said Indian Road Industrial Subdivision, Filing No. Two.

**A 15.00 FOOT WIDE DRAINAGE EASEMENT**

A 15.00 foot wide Drainage Easement across that real property located in part of the Southwest Quarter Northeast Quarter (SW $\frac{1}{4}$  NE $\frac{1}{4}$ ) Section 24, Township 1 South, Range 1 West of the Ute Meridian, Mesa County, Colorado, known as Indian Road Industrial Subdivision, Filing No. Two, as recorded in recorded in Book 4557, Page 848, Mesa County Records and being more particularly described as follows:

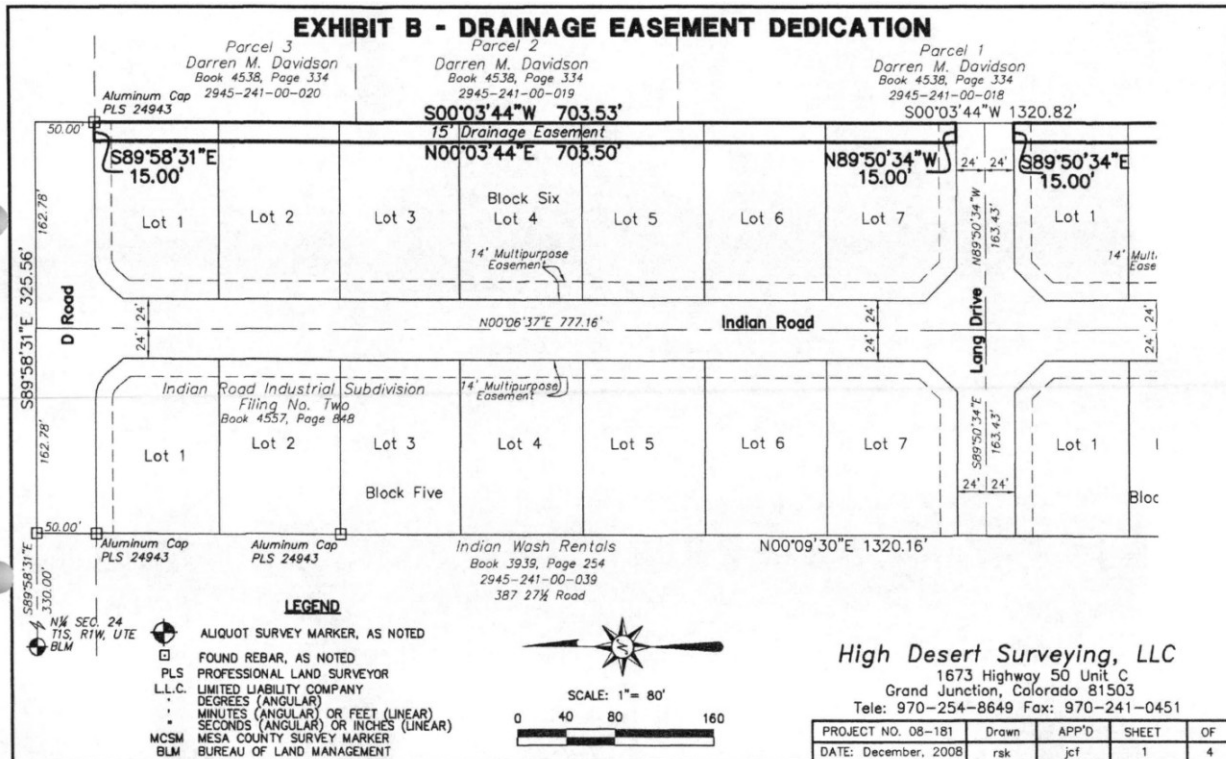
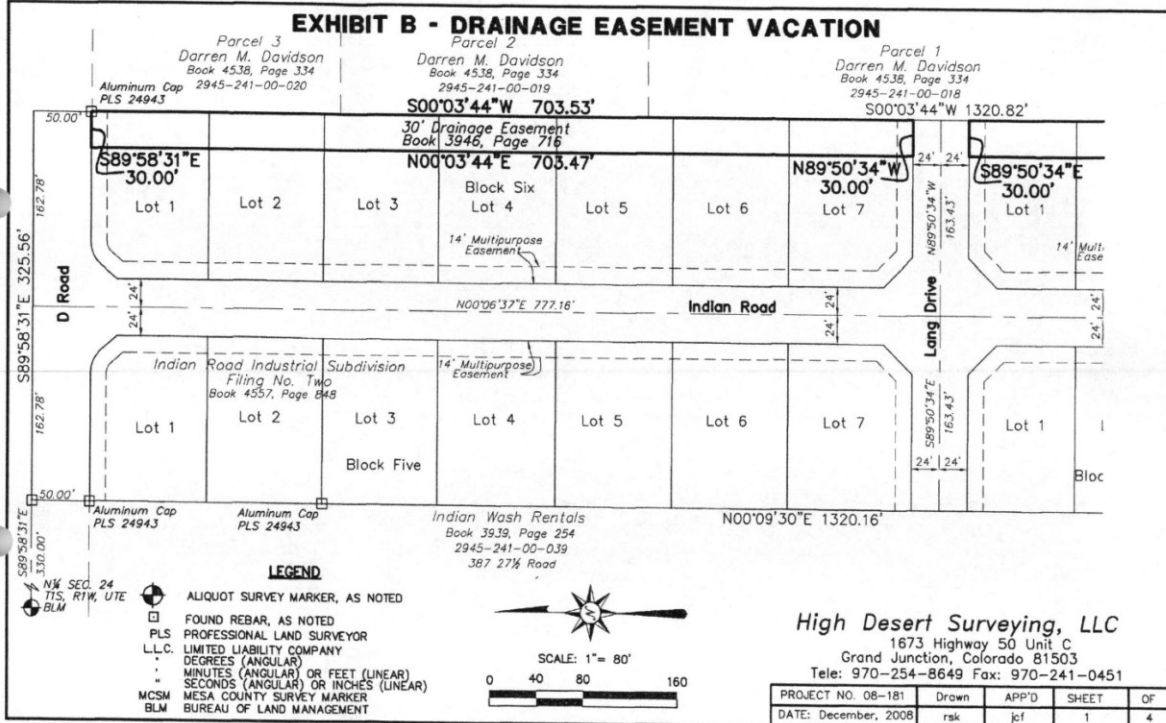
The East 15.00 feet of Lots 4 through 7, Block One, Inclusive, Lots 1 through 6, Block Four, Inclusive, and Lots 1 through 7, Block Six, Inclusive, all being located in said Indian Road Industrial Subdivision, Filing No. Two.

PASSED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

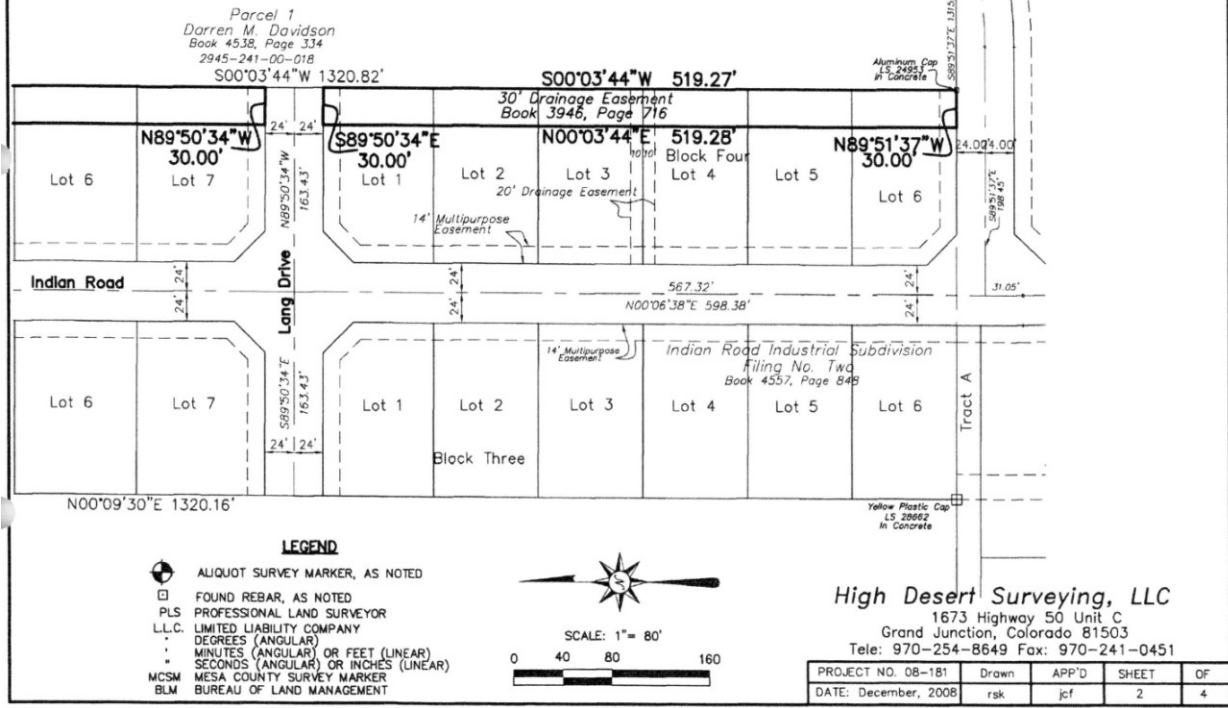
ATTEST:

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

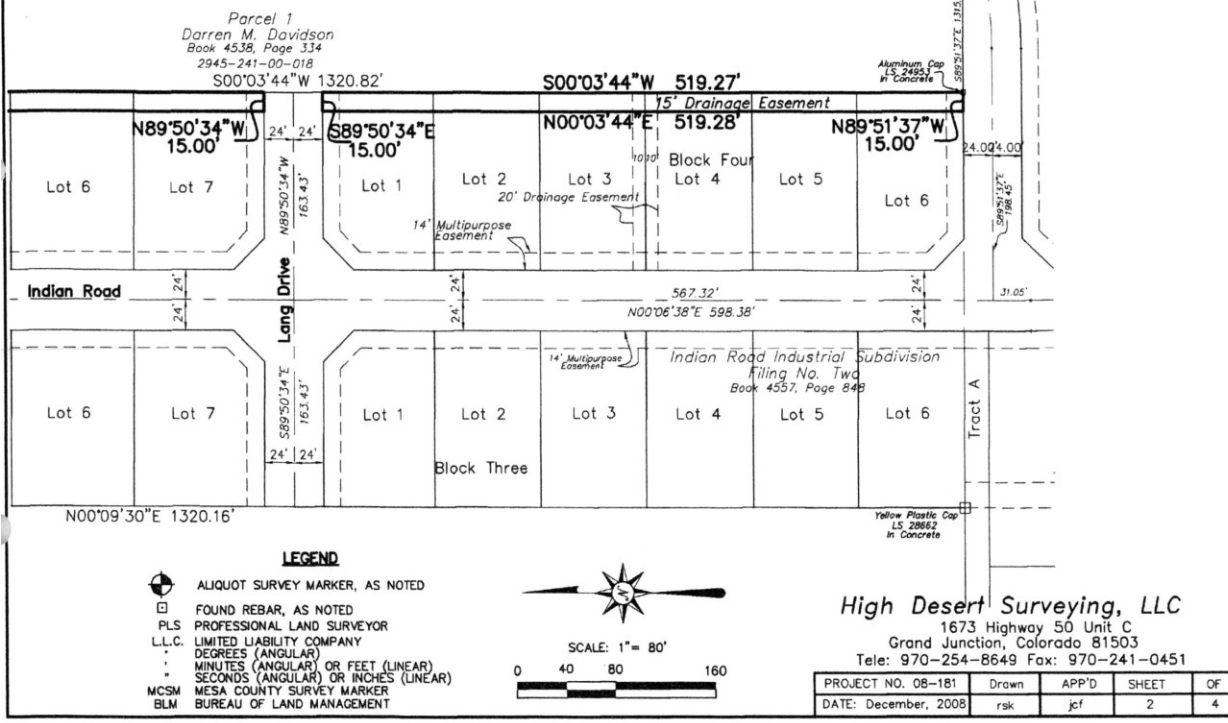
\_\_\_\_\_  
City Clerk



**EXHIBIT C - DRAINAGE EASEMENT VACATION**

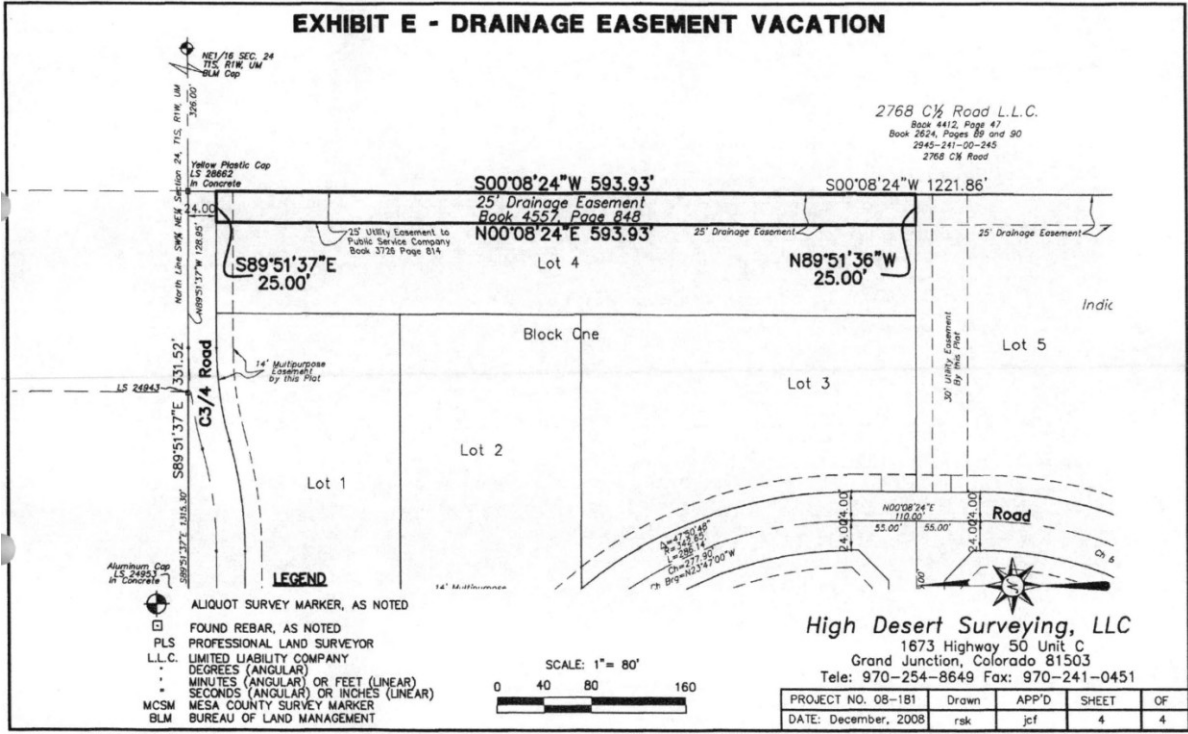


**EXHIBIT C - DRAINAGE EASEMENT DEDICATION**

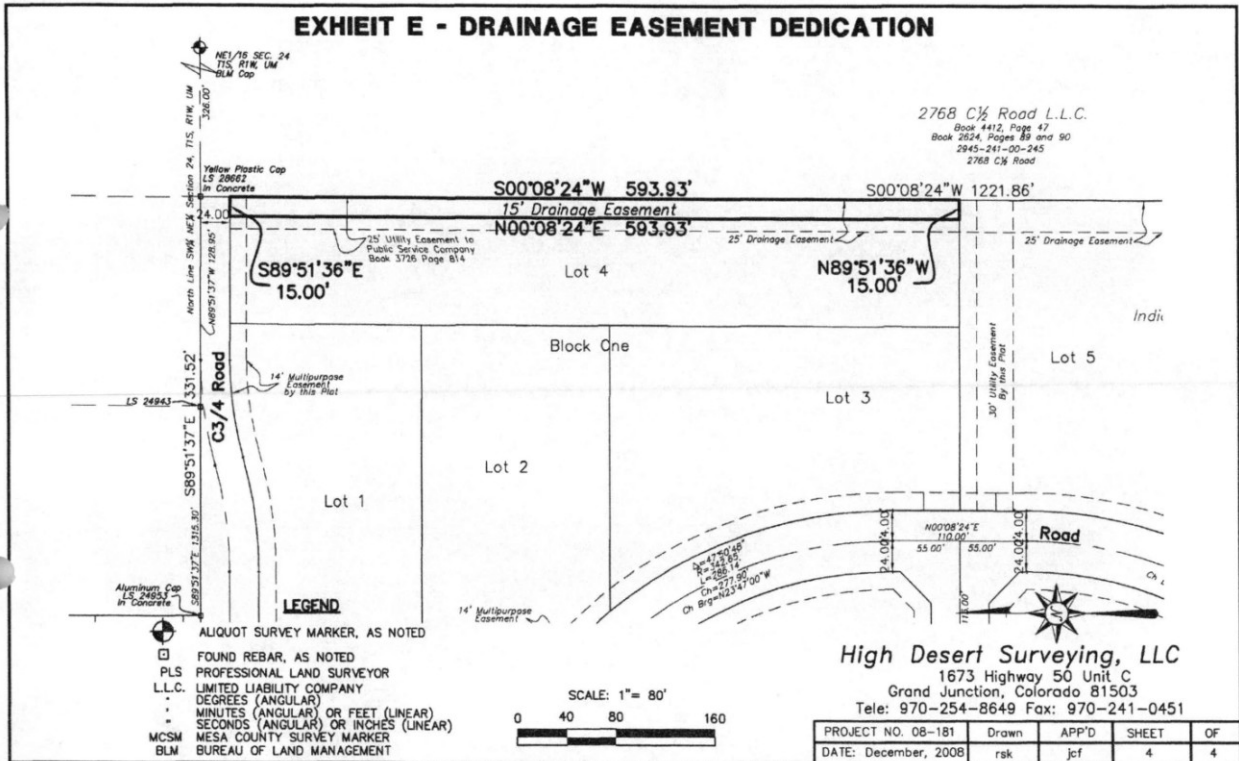




**EXHIBIT E - DRAINAGE EASEMENT VACATION**



**EXHIBIT E - DRAINAGE EASEMENT DEDICATION**





**Attach 4  
Public Hearing—Downtown Residential Neighborhoods Land Use Applications  
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA			
<b>Subject</b>	Downtown Residential Neighborhoods Land Use Applications		
<b>File #</b>			
<b>Meeting Day, Date</b>	Monday, May 18, 2009		
<b>Placement on the Agenda</b>	<b>Consent</b>		<b>Individual</b> <b>X</b>
<b>Date Prepared</b>	May 5, 2009		
<b>Author Name &amp; Title</b>	Kathy Portner, Neighborhood Services Manager John Shaver, City Attorney		
<b>Presenter Name &amp; Title</b>	John Shaver, City Attorney		

**Summary:** The proposed resolution would afford the City an opportunity, by declaring a temporary moratorium on the filing of development applications in the identified area, to carefully evaluate and determine as appropriate, the proper implementation of the Downtown Plan specific to the residential neighborhoods located generally north of Grand Avenue, east of 1<sup>st</sup> Street, west of 12<sup>th</sup> Street and south of North Avenue.

**Budget:** N.A.

**Action Requested/Recommendation:** Consider a Resolution Directing the City Manager Concerning Land Use Applications in the Downtown Residential Neighborhoods

**Attachments:**

1. Letters of Opposition
2. Resolution

**Background Information:** The Strategic Downtown Master Plan was developed through a public process involving a steering committee of interested downtown merchants, property owners, and policy makers during 2007-2008. Recognizing that a strong downtown core supports the economic and community development of an entire region, the goal of the plan was to quantify current conditions, identify opportunities, and recommend specific actions for the decision makers of the Downtown Partnership and the City of Grand Junction.

On February 2, 2009, the Strategic Downtown Master Plan was considered by the City Council. The Council directed staff to provide more specificity as to the application and implementation of the plan elements.

One of the major goals of the plan is to stabilize and enhance the historic residential neighborhoods. Two of the proposed actions are to discourage further encroachment of non-residential uses into the established residential neighborhoods and establish design standards for the transitional areas to include larger setbacks, detached sidewalks, appropriate building heights, and pedestrian-friendly features along the street.

The staff is working with the neighborhood residents to identify strategies to implement the plan through an overlay zone. The overlay zone will also address the 7<sup>th</sup> Street historic district Planned Development zone district.

Because of the unique history of the original square mile of the City (1<sup>st</sup> Street to 12<sup>th</sup> Street, South to North Avenues) and the pressures that are being brought to bear to introduce new and different uses to that area, the City staff has recommended that the City Council temporarily suspend development applications within the residential area shown on the attached map. The area specifically includes but is not limited to the 7<sup>th</sup> Street historic district, the Washington Park and Hawthorne Park areas.

RECEIVED

MAY 08 2009

May 7, 2009

Laurie Kadrich  
City Manager  
John Shaver  
City Attorney  
City of Grand Junction  
525 North 5<sup>th</sup> Street  
Grand Junction, Colorado 81501

RE: Resolution for Downtown Housing Moratorium

Dear Ms. Kadrich and Mr. Shaver,

On behalf of the Housing and Building Association of Northwestern Colorado, we are respectfully requesting that the "Resolution Directing the City Manager Concerning Land Use Application in the Downtown Residential Neighborhoods" be withdrawn from consideration by the City Council. In the event you are not able to withdraw this Resolution, we are requesting that staff recommend that City Council deny adoption of the Resolution.

The Resolution, as proposed, establishes a moratorium on housing in the downtown Grand Junction area specified in the resolution. While we understand that there is currently limited housing development in the proposed moratorium area, it is our understanding that this proposed moratorium is in response to an individual project request. It is our position that establishing moratoriums in reaction to a individual development request is a questionable procedure and potentially places a burden on others needlessly. In addition, we are gravely concerned about establishing a precedence of staff utilizing moratoriums as a planning tool.

We appreciate staff's concerns about thoughtfully implementing Downtown Plan but feel this action is inappropriate under the circumstances.

Thank you for time and consideration. We look forward to your reply.

Sincerely,



Rob Griffin  
President



HBA of Northwestern Colorado  
569 South Westgate Drive #3  
Grand Junction, CO 81505  
Phone (970)245-0253 Fax (970)241-5945



GRAND JUNCTION AREA REALTOR® ASSOCIATION

May 8, 2009

Laurie Kadrich  
City Manager  
John Shaver  
City Attorney  
City of Grand Junction  
525 North 5<sup>th</sup> Street  
Grand Junction, Colorado 81501

RECEIVED

MAY 12 2009

RE: Resolution for Downtown Housing Moratorium

Dear Ms. Kadrich and Mr. Shaver,

On behalf of the Grand Junction Area REALTORS® Association, we are supporting the request submitted by the Housing and Building Association of Northwestern Colorado that the "Resolution Directing the City Manager Concerning Land Use Application in the Downtown Residential Neighborhoods" either be withdrawn by staff from consideration by the City Council or that staff recommend that City Council deny adoption of the Resolution.

The Resolution, as proposed, establishes a moratorium on housing in the downtown Grand Junction area specified in the resolution. While we too understand that there is currently limited housing development in the proposed moratorium area, it is also our understanding that this proposed moratorium is in response to an individual project request. We agree that establishing moratoriums in reaction to a individual development request is a questionable procedure and potentially places a burden on others needlessly. In addition, we share the concern with staff utilizing moratoriums as a planning tool.

We appreciate staff's concerns about thoughtfully implementing Downtown Plan but we also feel this action is inappropriate under the circumstances.

Thank you for time and consideration. We look forward to your reply.

Sincerely,  
GRAND JUNCTION AREA REALTORS® ASSOCIATION

  
Erika Doyle  
Chairman Elect

**CITY OF GRAND JUNCTION, CO**

**RESOLUTION NO. \_\_\_\_-09**

**A RESOLUTION DIRECTING THE CITY MANAGER  
CONCERNING LAND USE APPLICATIONS IN THE DOWNTOWN  
RESIDENTIAL NEIGHBORHOODS**

Recitals.

- A. The purpose of this Resolution is to afford the City an opportunity, by declaring a temporary moratorium on the filing of development applications in a specified residential area, to carefully evaluate and determine as appropriate, the proper implementation of the Downtown Plan regarding the residential neighborhoods located generally north of Grand Avenue, East of 1st Street, West of 12<sup>th</sup> Street and South of North Avenue.
  
- B. A stated goal of the Downtown Plan is to evaluate what if any non-residential uses should be allowed in the downtown residential neighborhoods and/or if special protections should be developed and/or implemented to preserve and encourage residential uses or to recognize and encourage transition of exclusively residential uses to other compatible uses.
  
- C. Because of the unique history of the original square mile of the City (1<sup>st</sup> Street to 12<sup>th</sup> Street, South to North Avenues) and the pressures that are being brought to bear to introduce new and different uses to that area, the City staff has recommended that the City Council temporarily suspend development applications within the residential area shown on the attached map. The area specifically includes but is not limited to the 7<sup>th</sup> Street historic district, the Washington Park, Hawthorne Park areas and the balance of the lands shown.
  
- D. In order to properly evaluate the needs and desires of the residents as well as the need and desires of the community that does not reside in the Downtown, the City Council hereby directs the City Manager to evaluate making changes to the Zoning and Development Code pertaining to the area, including the possibility of developing corridor overlay(s) and/or other specific changes to the Zoning and Development Code concerning residential and/or non-residential land uses in the planning area.

- E. Consistent with the City's authority and obligation to promote the health, safety and general welfare of the citizens and residents of the City, the City Council does hereby direct the City Manager to not accept, process or act on any use or zone change development applications or issue any permits for uses that are either conditional or allowed by the 2006 Zoning and Development Code.
  
- F. The area to be included within the terms of this Resolution is generally shown on Exhibit A as the residential area marked in orange. Exhibit A is attached hereto and incorporated by this reference as if fully set forth.
  
- G. This Resolution is reasonable and proper because there are no applications pending at this time and a temporary moratorium will allow the opportunity for careful determination of the public and private needs.
  
- H. This Resolution shall expire, if not renewed or sooner rescinded by the City Council, on December 31, 2009.

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

The foregoing Recitals are adopted as the policy of the Council; that the City Manager shall act consistently therewith and shall report back to City Council as soon as is practicable with recommendations.

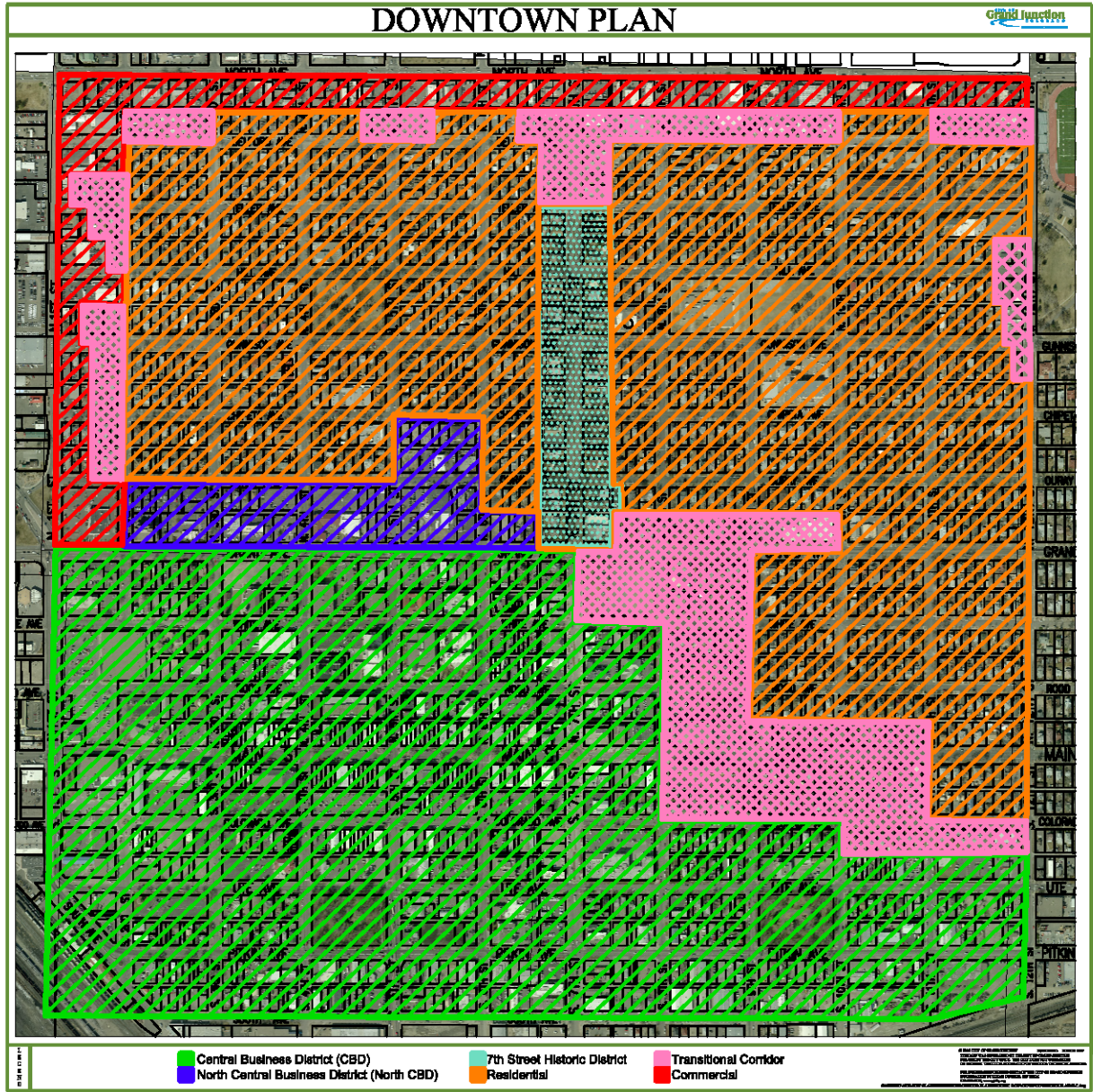
PASSED and ADOPTED this \_\_\_ day of \_\_\_\_\_ 2009.

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

Attest:

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

Exhibit A



**Attach 5**  
**Public Hearing—Vacation of Public Right-of-Way in the Vicinity of 7th Street,  
 Struthers Avenue and Kimball Avenue**  
**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA			
<b>Subject</b>	Vacation of Public Right-of-Way in the vicinity of 7 <sup>th</sup> Street, Struthers Avenue and Kimball Avenue		
<b>File #</b>	VR-2009-053		
<b>Meeting Day, Date</b>	Monday, May 18, 2009		
<b>Placement on the Agenda</b>	<b>Consent</b>	<input type="checkbox"/>	<b>Individual</b> <input checked="" type="checkbox"/>
<b>Date Prepared</b>	May 4, 2009		
<b>Author Name &amp; Title</b>	Judith Rice – Associate Planner		
<b>Presenter Name &amp; Title</b>	Judith Rice – Associate Planner		

**Summary:** Request by the City of Grand Junction to vacate two surplus right-of-way areas totaling 0.22 acres: (1) a portion of South 7th Street south of the Riverside Parkway and north of Struthers Avenue and (2) a portion of Kimball Avenue west of the Riverside Parkway. These remnants have been rendered impractical for use as right-of-way because of the alignment of the Riverside Parkway through the area.

**Budget:** N/A

**Action Requested/Recommendation:** Hold a public hearing and consider final passage and publication of the proposed Vacation Ordinance.

**Attachments:**

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

**Background Information:** See attached report



BACKGROUND INFORMATION				
Location:		The Vicinity of Seventh Street, Struthers Avenue and Kimball Avenue		
Applicant:		City of Grand Junction		
Existing Land Use:		Surplus Right-of-Way		
Proposed Land Use:		Commercial or Light Industrial		
Surrounding Land Use:	North	Vacant Land and Retail/Trade Shop		
	South	Botanical Gardens		
	East	Vacant Land and Storage Yards		
	West	Elam Construction		
Existing Zoning:		n.a.		
Proposed Zoning:		C-2 (General Commercial) and I-1 (Light Industrial)		
Surrounding Zoning:	North	C-2 (General Commercial) and I-1 (Light Industrial)		
	South	CSR (Community Services and Recreation) and C-2 (General Commercial)		
	East	C-2 (General Commercial) and I-1 (Light Industrial)		
	West	I-1 (Light Industrial)		
Growth Plan Designation:		n.a.		
Zoning within density range?		X	Yes	No

**Staff Analysis:**

2. Background

The alignment of the Riverside Parkway through the area of South 7<sup>th</sup> Street, Struthers Avenue and Kimball Avenue rendered the two subject areas impractical for use as right-of-way. If vacated, these right-of-way remnants will be combined with adjacent City owned properties and sold or leased.

If vacated, the remnants will acquire the existing zone of the properties with which they are combined.

There have been no previous applications for vacation of these right-of-way remnants.

2. Section 2.11.C of the Zoning and Development Code

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

- g. The Growth Plan, Grand Valley Circulation Plan and other adopted plans and policies of the City.*

The vacation of the two right-of-way remnants does not impact the Grand Valley Circulation Plan or policies adopted by the City of Grand Junction. Current traffic and street patterns in this area provide adequate circulation and connectivity. The Urban Trail Plan will not be affected by this vacation. Vacating the right-of-ways will facilitate reduction of street maintenance and generate revenue from the sale or lease.

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

No parcel will be landlocked as a result of the vacation. All parcels abutting these right-of-way remnants have other access to public streets.

- i. Access to any parcel shall not be restricted to the point where access is unreasonable, economically prohibitive or reduces or devalues any property affected by the proposed vacation.*

Access will not be restricted to any parcel nor will any property affected by the proposed vacation be devalued.

- j. There shall be no adverse impacts on the health, safety, and/or welfare of the general community and the quality of public facilities and services provided to any parcel of land shall not be reduced (e.g. police/fire protection and utility services).*

The vacation will not cause any adverse impacts on the health, safety or welfare of the general community and the quality of public facilities. Services provided to any parcel of land will not be reduced if these right-of-way remnants are vacated.

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

Adequate public facilities and services will not be inhibited to any property. Appropriate multipurpose easements will be reserved and retained over the entire area of both right-of-way remnants for access to existing utilities which includes traffic signal conduits, telephone lines, and water, sewer and stormwater lines.

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

The City will benefit by the reduction in street maintenance and from the revenue generated from the sale or lease of these lands.

**FINDINGS OF FACTS/CONCLUSION:**

After reviewing the City of Grand Junction application, VR-2009-053 for the vacation of two portions of public right-of-way, the following finding of facts and conclusion has been determined:

1. The requested Vacation is consistent with the goals and policies of the Growth Plan.
2. The review criteria in Section 2.11.C of the Zoning and Development Code have all been met.

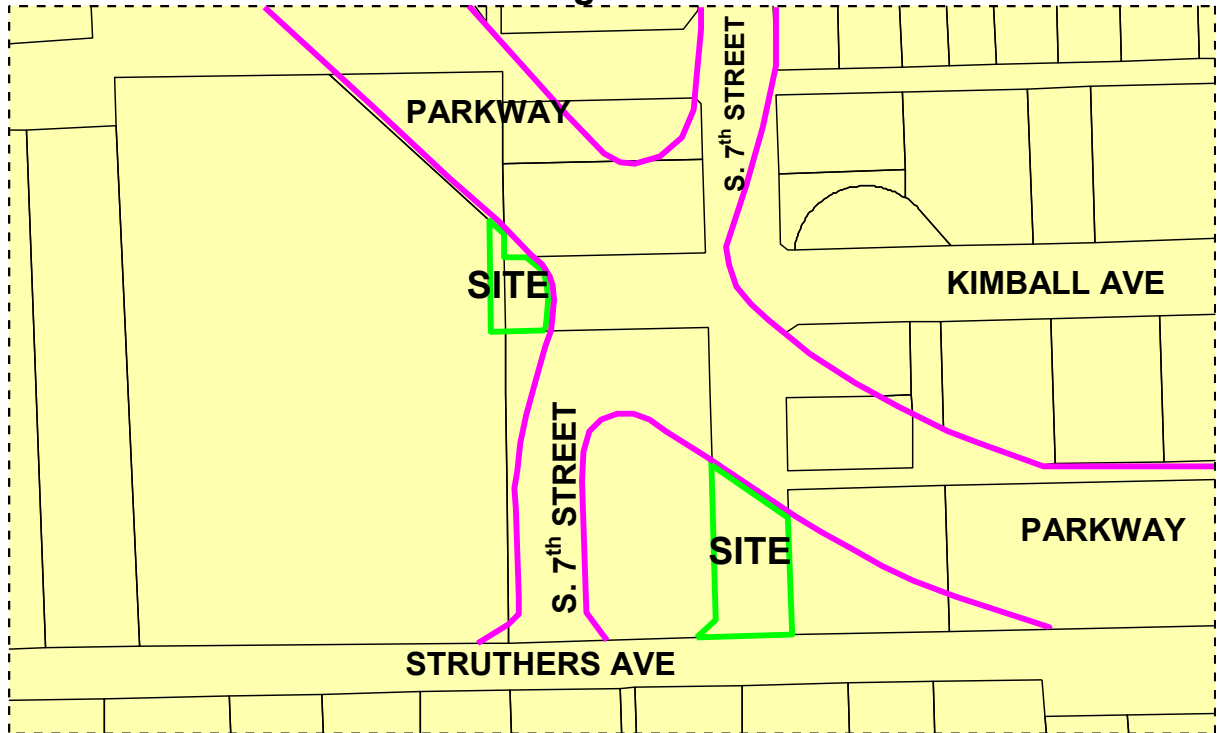
The City shall reserve and retain a perpetual Multipurpose Easement on, along, over, under, through and across the entire area of the two vacated right-of-ways.

**PLANNING COMMISSION RECOMMENDATION:**

On April 28, 2009, Planning Commission forwarded a recommendation of approval of the requested right-of-way vacation, VR-2009-053, to the City Council with the findings and conclusions listed above.

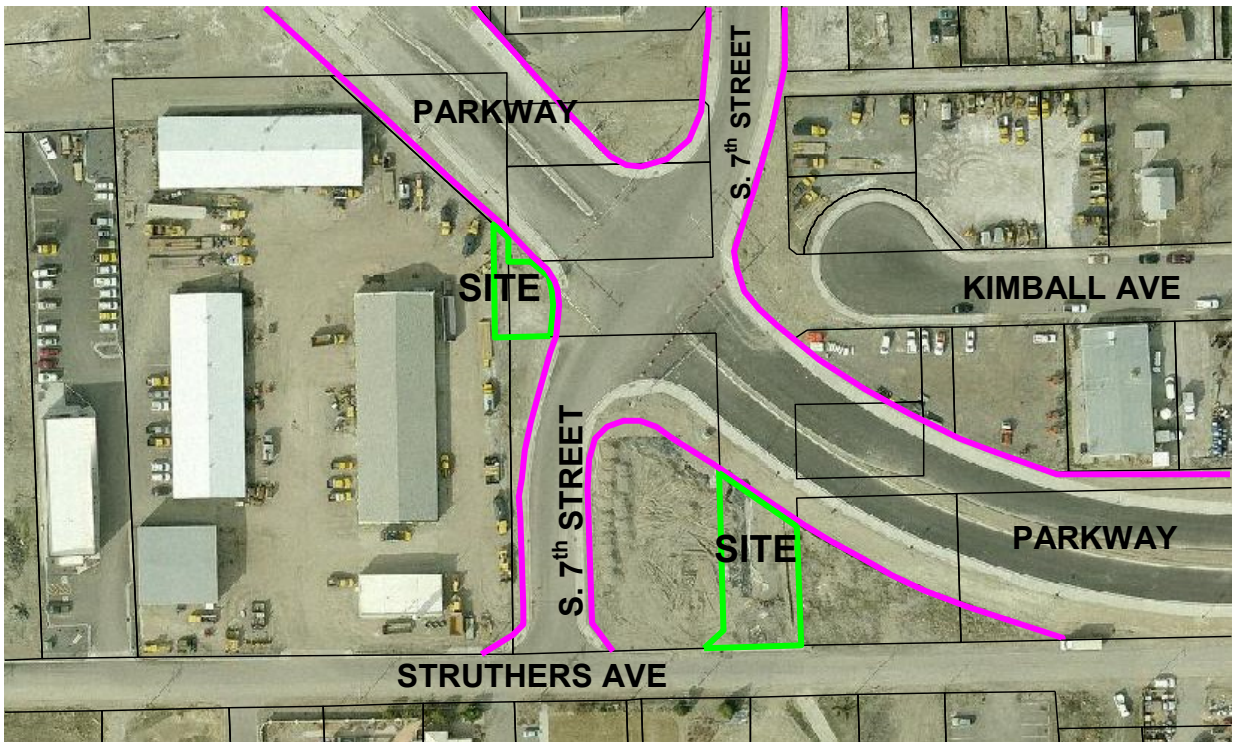
# Site Location Map

Figure 1



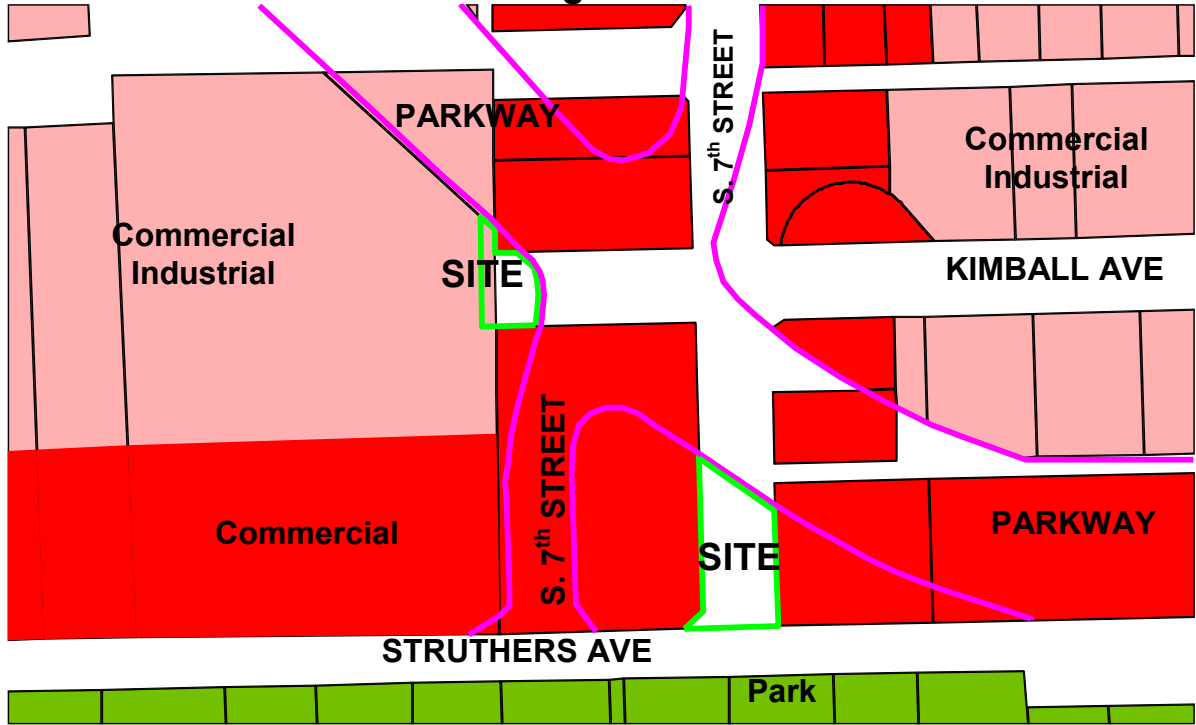
# Aerial Photo Map

Figure 2



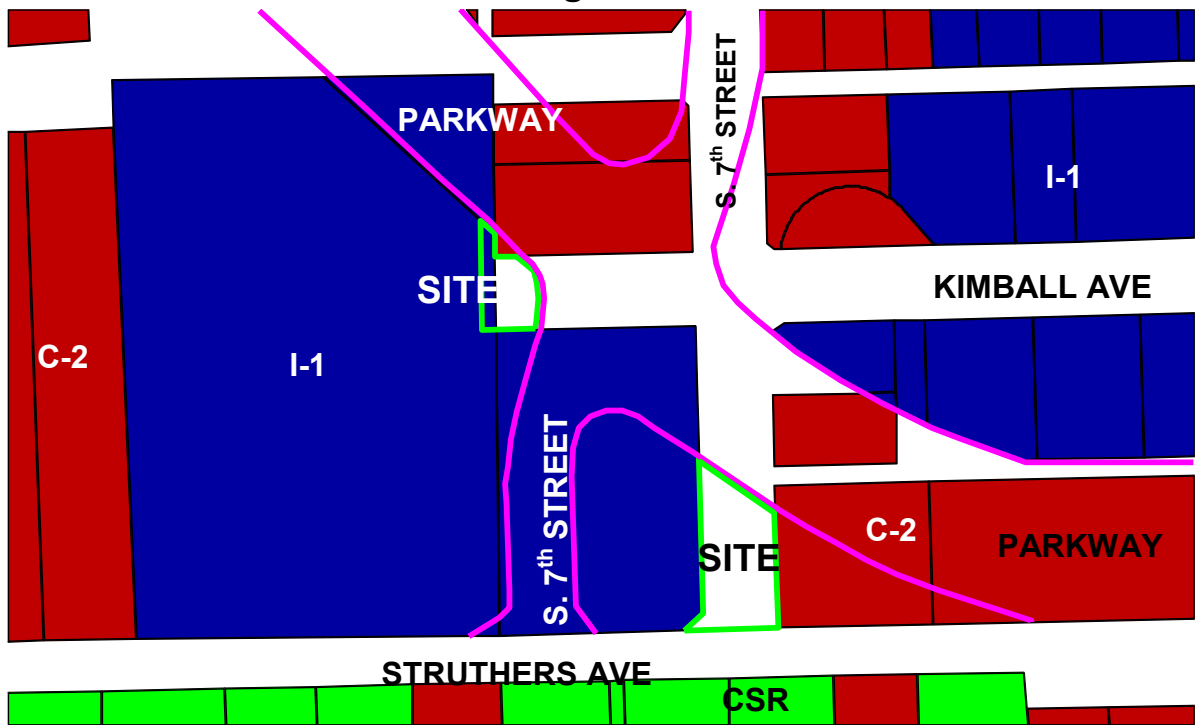
# Future Land Use Map

Figure 3



# City Zoning Map

Figure 4



**CITY OF GRAND JUNCTION**

**ORDINANCE NO.**

**AN ORDINANCE VACATING A PORTION OF THE SOUTH 7TH STREET RIGHT-OF-WAY LOCATED SOUTH OF THE RIVERSIDE PARKWAY AND NORTH OF STRUTHERS AVENUE AND A PORTION OF THE KIMBALL AVENUE RIGHT-OF-WAY LOCATED WEST OF THE RIVERSIDE PARKWAY**

RECITALS:

A request to vacate a portion of the South 7th Street right-of-way located south of the Riverside Parkway and north of Struthers Avenue and a portion of the Kimball Avenue right-of-way located west of the Riverside Parkway, has been made by the City. The City shall reserve and retain a perpetual Multipurpose Easement on, along, over, under, through and across the entire area of the right-of-ways to be vacated.

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

The Planning Commission, having heard and considered the request on April 28, 2009, found the criteria of the Zoning and Development Code to have been met, and recommends that the vacation be approved as requested subject to the condition that the City shall reserve and retain a perpetual Multipurpose Easement on, along, over, under, through and across the entire area of the hereinafter described right-of-ways.

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

The described right-of-way portions in the attached Exhibit A which are incorporated herein as if fully rewritten are hereby vacated and perpetual Multipurpose Easements are hereby reserved and retained on, along, over, under, through and across the entire area of the described portions of right-of-way for City-approved utilities including the installation, operation, maintenance and repair of said utilities and appurtenances which may include but are not limited to electric lines, cable TV lines, natural gas pipelines, sanitary sewer lines, storm sewers, waterlines, telephone lines, traffic control facilities, street lighting, landscaping, trees and grade structures.

Introduced for first reading on this 4<sup>th</sup> day of May, 2009

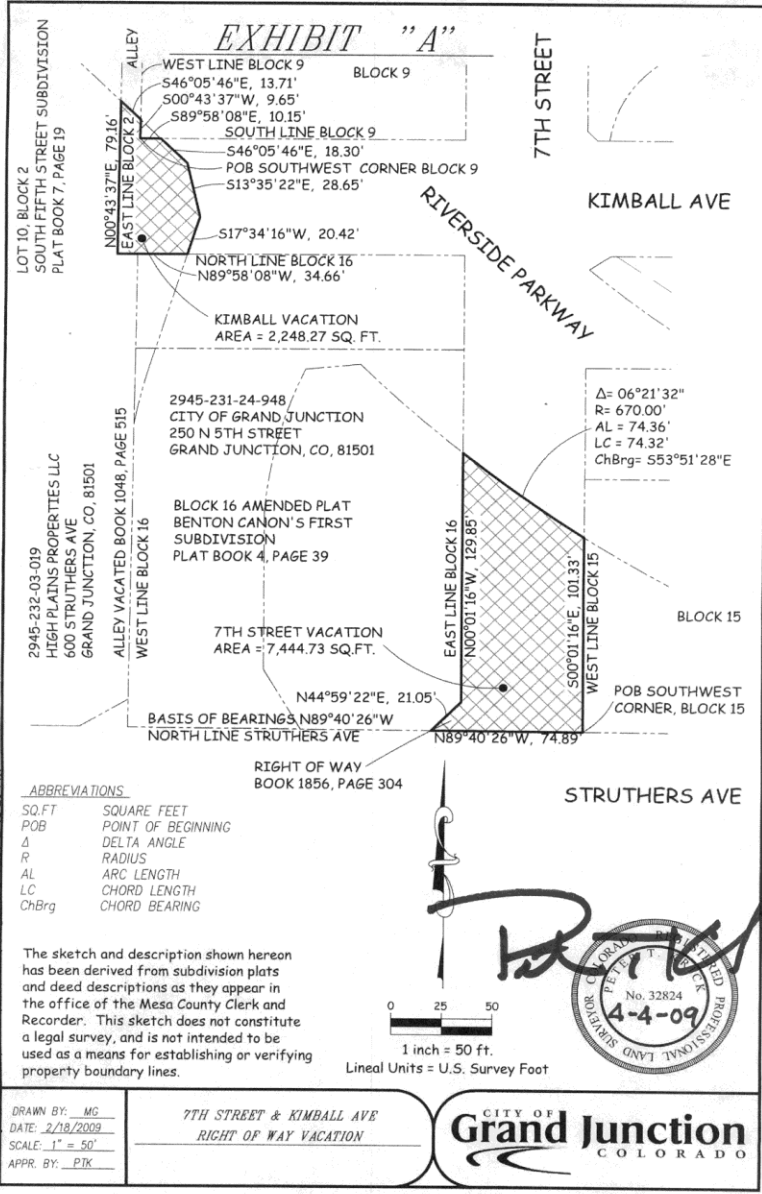
PASSED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

ATTEST:

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

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

# EXHIBIT "A"



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**Attach 6**  
**Public Hearing—2009 CDBG Program Year Funding Requests and**  
**Expenditure of 2008 Plan Amendment for CDBG Recovery Act**  
**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA			
<b>Subject</b>	Public Hearing – 2009 CDBG Program Year Funding Requests and Approval of 2008 Plan Amendment for Expenditure of CDBG Recovery Act Funds		
<b>File #</b>	2009 CDBG		
<b>Meeting Day, Date</b>	Monday, May 18, 2009		
<b>Placement on the Agenda</b>	Consent	<input type="checkbox"/>	Individual <span style="float: right;">XX</span>
<b>Date Prepared</b>	May 14, 2009		
<b>Author Name &amp; Title</b>	Kristen Ashbeck, Senior Planner		
<b>Presenter Name &amp; Title</b>	Kristen Ashbeck, Senior Planner		

**Summary:**

City Council will consider: 1) which activities and programs to fund Community Development Block Grant (CDBG) projects for the 2009 Program Year; and 2) an amendment to the 2008 Program Year to expend CDBG Recovery Act funds (CDBG-R).

**Budget:**

2009 CDBG ALLOCATION	\$344,439
FUNDS FROM PREVIOUS YEARS	\$110,000
CDBG-R (STIMULUS) ALLOCATION	\$ 91,783
<b>TOTAL FUNDS TO BE ALLOCATED</b>	<b>\$546,222</b>

**Action Requested/Recommendation:**

1. Receive public input on use of the City's 2009 CDBG and CDBG-R funds.
2. Consider the CDBG City Council workshop recommendations for funding for 2009 CDBG program year.
3. Amend the 2008 Program Year to include expenditure of CDBG-R funds
4. Set a hearing for adoption of the CDBG 2009 Action Plan for June 17, 2009

**Attachments:**

1. Summary of 2009 Funding Requests
2. Spreadsheet of 2009 Funding Requests
3. CDBG Evaluation Criteria
4. CDBG-R Funding Policies

5. 2009 Program Year Schedule
6. History of CDBG Projects 1996-2008

**Background Information:** CDBG funds are an entitlement grant to the City of Grand Junction which became eligible for the funding in 1996. The City's 2009 Program Year will begin September 1, 2009. Applications for funding were solicited and received by the City in late March 2009.

The City has received \$896,100 in grant requests. The City will receive \$344,439 for the 2009 program year. Attached is a summary of the applications for 2009 funding.

In addition to the 2009 program year funds, the City will receive \$91,783 CDBG Stimulus funds. These funds are to be granted separately under an amendment to the City's 2008 Annual Action Plan so the funds can be expended as soon as possible. There are also specific policies issued for use of the stimulus funds that should be adhered to for the project(s) selected to receive these funds. The policies are included in Attachment A.

There are also some remaining CDBG funds from Program Year 2007 that have not been expended. Estimates and bids for several alternatives for constructing an additional classroom at the Riverside Head Start facility were double the funds available (\$110,000, bids \$200,000-\$220,000). Thus, Head Start has declined the grant and will be looking at other facility options.

**SUMMARY – FUNDS AVAILABLE**

2009 CDBG ALLOCATION	\$ 344,439
FUNDS FROM PREVIOUS YEARS	\$110,000
CDBG STIMULUS FUNDS	\$ 91,783
TOTAL FUNDS TO BE ALLOCATED	\$546,222

On May 4, 2009 City Council met in a workshop to discuss the funding requests and recommended funding eight requests/projects as shown in the summary which follows and on the attached spreadsheet of funding requests.

**SUMMARY – RECOMMENDED FUNDING**

Administration	\$30,000	NA
Homeward Bound	\$26,000	\$5,000
Senior Companions	\$12,000	\$263,062
GJ Housing Authority	\$100,000	\$1,208,750
Riverside Task Force	\$173,222	Unspec SD51 Partner
Mesa Develop Services	\$40,000	\$358,835
Housing Resources	\$100,000	\$257,250
W Slope Ctr for Children	\$65,000	\$1,000 +

**Total Allocation: \$546,222**

**Total Funds Leveraged: \$2,093,897**

# SUMMARY OF 2009 FUNDING REQUESTS

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## ADMINISTRATION AND PLANNING PROJECTS (20% cap)

### 1 Latin-Anglo Alliance Foundation Pre-Development Costs for new Community Facility

The Latin-Anglo Alliance Foundation (LAAF) currently owns property at 748 Winters Avenue. The building on the site is presently used for the Foundation's office and community services. Originally constructed as a neighborhood church in the 1940s, LAAF purchased the building in the 1970s. LAAF is requesting funds to help develop plans and determine costs for the alternatives of either adding on to the existing building or constructing a new building on the site (preferred option). Based on the outcome of the proposed planning, LAAF would anticipate applying for CDBG funds in the future for the actual construction.

**Total Project Cost: \$70,290**

**Funds Requested: \$63,900**

**Recommended Funding: -**

**FUNDING CONCERNS:** It is not evident in the application how the pre-development costs were determined. Staff believes that LAAF should be able to have a "go" – "no-go" analysis of the project and alternatives (e.g. addition versus new building) for about half the funds requested.

### 1a CDBG Program Administration

Due to the current budget situation, Council recommends that a portion of the 2009 CDBG funds be expended on administration/staff salary to offset the costs of administering the CDBG program. This type of expenditure is an eligible activity under HUD guidelines.

**Recommended Funding: \$30,000**

## **PUBLIC SERVICES PROJECTS (15% cap)**

### **2 Grand Valley Catholic Outreach**

Funds will be used to help families not be evicted from their homes. It is used to be possible to gain an additional 30 days for a family faced with eviction for a negotiated sum – typically \$300-\$500, depending on the landlord.

**Total Project Cost: \$2,875**  
**Funds Requested: \$2,375**  
**Recommended Funding: -**

**FUNDING CONCERNS:** General guidance from HUD is that rental assistance is not an eligible CDBG activity.

### **3 Homeward Bound of the Grand Valley**

Homeward Bound operates the Community Homeless Shelter at 2853 North Avenue. Their original request was for the purchase of a commercial grade dishwasher and a 12-15 passenger van. Upon discussing the application with the shelter staff, they will be purchasing the dishwasher with funds remaining from a 2007 CDBG grant. Thus, the 2009 grant request is to purchase the van only. The van will be used to transport overflow shelter guests to churches in the community that provide shelter for the overflow persons.

**Estimated Cost of Van Purchase: \$31,000**  
**Funds Requested: \$26,000**  
**Recommended Funding: \$26,000**

**FUNDING CONCERNS:** None

### **4 Riverside Educational Center (REC)**

REC provides qualifying K-12<sup>th</sup> grade students facing academic and financial challenges a no-cost, after-school tutoring and enrichment program, operated in the old Riverside School. REC has had significant growth since its inception in 2006 with just 22 students to the current enrollment of 75 students. Services are primarily provided to the students by over 50 volunteers. Tutoring is provided 3 nights a week and enrichment activities are provided 1 night a week.

CDBG funds would fund program increases for approximately 11 more students to be provided by the program at an estimated cost of \$32.50/contact hour for 48 contacts hour for each new student.

**Total Project Cost: \$17,160**  
**Funds Requested: \$ 8,500**  
**Recommended Funding: -**

**FUNDING CONCERNS:** The majority of the estimated program cost per student is for salaries for the REC staff. General guidance from HUD is that payment of salary is not an eligible CDBG activity.

### **5 Food Bank of the Rockies**

Funds would be used to purchase a commercial combination freezer/cooler walk-in unit for the Western Slope Food Bank of the Rockies (WSFBR). The application does not specify where the unit would be installed but it is assumed it would be in the existing food bank facility on Scarlet Drive. WSFBR provides food assistance for children, seniors and families in need on Colorado's Western Slope. WSFBR currently serves the counties of Delta, Eagle, Garfield, Mesa, Moffat, Montrose, Ouray, Pitkin, and Rio Blanco.

**Total Project Cost: \$150,000**

**Funds Requested: \$150,000**  
**Recommended Funding: -**

**FUNDING CONCERNS:** The cost estimate is well above the 15% project cap for Public Services (\$40,554). The difficulty with an application from this agency is tracking those who receive services – the City's CDBG funds can only be expended on City of Grand Junction residents. This project may be better suited for an application through the County that would not require the separate tracking of City residency.

### **6 St Mary's Hospital Senior Companion Program**

Utilizing senior volunteers, the program provides weekly transportation services for elderly or disabled city residents who can no longer drive. Funding is for reimbursement for gas and mileage for 12 additional volunteers. Most recently, the Senior Companion Program received funding in 2007 (\$10,000). All funds have been expended and the project has been closed out.

**Total Program Cost: \$263,062**  
**Funds Requested: \$12,000**  
**Recommended Funding: \$12,000**

**FUNDING CONCERNS:** None

### **7 Audio Information Network of Colorado (AIN)**

Funds would support audio information services that provide access to ink print materials not otherwise available to Grand Junction's blind, visually impaired, and print-handicapped citizens. The number of people served is directly related to the amount of funding received. AIN has 32 listeners in Grand Junction is proposing to add 12 more. AIN received funding in 2004 (\$4,500) and in 2007 (\$4,500). All funds have been expended and the project closed out

**Total Program Cost: \$77,000**  
**Funds Requested: \$5,700**  
**Recommended Funding: -**

**FUNDING CONCERNS:** The 2007 application stated that 12 new listeners would be provided services but the numbers stated in the 2009 application show only 4 new persons have been provided services (2 per year). Performance should be demonstrated to meet the original goal of 12 new listeners prior to additional funding for a stated 12 more persons.

## **CAPITAL PROJECTS (No cap, minimum 70%)**

### **8 Grand Junction Housing Authority (GJHA)**

GJHA owns and operates the Walnut Park Apartments located at 2236 North 17<sup>th</sup> Street. The complex provides affordable housing for seniors. The units were built prior to the 1990 American with Disabilities Act (ADA) and, until recently, GJHA has been given waivers for the units. GJHA is now being required to make at least 10% of the units accessible. The current floorplan of the units is not conducive to remodeling to provide the accessibility so GJHA is proposing to add 14 units on the site that will meet the ADA requirements.

CDBG funds cannot be used to construct the new units themselves so GJHA is requesting funds for eligible costs of site and infrastructure work to include rerouting underground utilities in the areas where the new units will be placed, demolition and site preparation and construction of parking areas for the anticipated new units. The request also includes funds to construct a new maintenance building on the site. The original request was for \$350,000 but a portion of these costs will be paid for through reallocation of City General Funds as previously approved by Council. Thus, GJHA has revised their CDBG request to \$100,000.

**Total Project Cost: \$1.8 million**  
**Funds Requested: \$100,000**  
**Recommended Funding: \$100,000**

**FUNDING CONCERNS:** Funding requests are eligible CDBG activities in order for the City to participate in the needed housing project.

### **9 Riverside Task Force, Inc. Campus Expansion**

The Riverside Task Force (RTF) is seeking to expand the Riverside School

Campus through the acquisition of one to four of the residential parcels east of the school. The current 2-acre campus consists of the Dual Immersion Elementary School, the Community Center in the old Riverside School which also houses some uses for the elementary school, playground and parking areas. The restored school has achieved optimal usage, with the majority of the 4,000 square feet of functional space being utilized by the elementary school, the after-school programs and other community uses on evenings and weekends.

The City awarded 2008 CDBG funds to RTF in the amount of \$220,900 towards purchase of the two closest residential properties (542 and 538 West Main Street). RTF purchased 542 West Main (shown in red above) in March 2009 for a cost of \$140,848.50, leaving a balance of \$80,051.50 in their 2008 grant. RTF is requesting \$85,000 in additional funds in order to purchase a second property at 522 West Main Street (shown in green above). The owner of 538 Main Street is not a willing seller at this time.

**Potential Future Project Cost: \$1,420,000**

**Funds Requested: \$85,000**

**Recommended Funding: \$173,222**

**FUNDING CONCERNS:** Acquisition with Federal funds will trigger all Federal requirements for future use of the property(ies) including relocation of residents, environmental concerns with demolition, historic preservation and payment of Davis-Bacon wages on future construction. Staff has already started working with HUD and other agencies to ensure requirements are met if the acquisition project is funded.

An alternative for RTF is to utilize the remaining \$80,000 from 2008 to fund demolition of the structure and surface the lot at 542 West Main Street so that records for HUD purposes can be closed out for the 2008 project.

### **10 Mesa Developmental Services (MDS)**

MDS provides services for all children and adults in Mesa County with developmental disabilities and their families, and for infants and toddlers diagnosed with a developmental delay or at risk for life-long disability. A facility condition assessment was recently completed for all of the facilities that MDS owns and operates, including the main offices at 950 Grand Avenue and twelve group homes. Specific deficiencies were identified and MDS is requesting funds to do some of the remodeling work to correct deficiencies, much of which is relating to improving energy efficiency in the facilities.

**Total Project Cost: \$508,835**

**Funds Requested: \$150,000**

**Recommended Funding: \$40,000**



**FUNDING CONCERNS:** Although acknowledged in the application, some of the group homes are not in the City limits so CDBG funding cannot be applied to these. The weatherization work for all of the group homes may be more suited to a grant through Mesa County so that all of the units would be eligible – the City could participate in the work on main office building.

### **11 Housing Resources of Western Colorado**

CDBG funds would be used to construct a new 2,000 square foot learning center on the grounds of the Garden Village Apartment complex that is owned and operated by Housing Resources. The learning center would be used as a community center for the residents of Garden Village as well as provide accessible office and classroom space for self improvement classes such as budgeting, financial management and homebuyer education. The classes may also be available to residents of other low-income housing complexes in Grand Junction. The classes and available equipment in the learning center would provide families with the tools they need to better educate themselves and graduate to more gainful employment and more independent living situations.

**Total Project Cost: \$257,250**  
**Funds Requested: \$100,000**  
**Recommended Funding: \$100,000**

**FUNDING CONCERNS:** This project most closely fits the criteria for a project that would be eligible for use of the City's stimulus funding.

### **12 The Tree House Center for Youth**

The Tree House is proposing to utilize CDBG funds towards the acquisition of the property where the program currently operates from at 1505 Chipeta Avenue. The Tree House provides youth services to middle and high school aged children including after school homework assistance, relational wellness education and operation of the Teen Bistro. The property to be acquired consists of two buildings that are currently used for these activities.

The Tree House received \$101,610 in 2007 CDBG funds to acquire the former homeless youth shelter building but released that grant back to the City when the shelter was forced to close. Those funds were reallocated along with the 2008 CDBG funds.

**Total Project Cost: \$175,000**  
**Funds Requested: \$ 75,000**  
**Recommended Funding: -**

**FUNDING CONCERNS:** The deed for the property was transferred to The Tree House in January 2009 but now the previous owners, the Jaycees, are requesting some payment and The Tree House is attempting to negotiate the amount. HUD will not allow CDBG funds to be expended on a transaction that has already occurred or funds have been obligated.

**13 Western Slope Center for Children (WSCC)**

WSCC is a child advocacy center with the mission of reducing trauma of investigations of child sexual abuse and to promoting justice and healing. CDBG funds would be used for improvements to the existing WSCC building at 259 Grand Avenue, primarily for energy conservation. Improvements would include replacing the HVAC system and spraying high density foam over existing batts in the ceiling and wall areas for added insulation.

**Total Project Cost: TBD**  
**Funds Requested: \$65,000**  
**Recommended Funding: \$65,000**

**FUNDING CONCERNS:** This project is not eligible for the weatherization program through entities such as Housing Resources of Western Colorado, but could be eligible for a program developed under the City or County Energy Efficiency Community Block Grant Program.

**2009 CITY OF GRAND JUNCTION CDBG APPLICATIONS**

Project Number	Agency	Project Title	Grant Request	Funds Leveraged	Funding Limitations and Additional Information	Consolidated Plan Priority	Workshop Recommend
1	Latin-Anglo Alliance	Community/Office Building Pre-Development Costs	\$63,900	\$6,390	Cost estimate appears high and some portions not eligible for this phase of project	Admin/Plan	\$0
1a	City of Grand Junction	Program Administration	\$30,000	NA	Personnel expenses to administer CDBG Program	Admin/Plan	\$30,000
Projects 1 and 1a under the 20% Admin and Planning Cap	Maximum that can be spent in this area of 2009 funds is \$68,887		<b>Total Request \$93,900</b>				<b>\$30,000</b>
2	GV Catholic Outreach	Preserving Family Homes	\$25,000	\$99,899	Per HUD, rental assistance is not an eligible CDBG activity	Homeless Needs	0
3	Homeward Bound of GV	Vehicle Purchase	\$26,000	\$5,000	Eligible CDBG Activity	Homeless Needs	\$26,000
4	Riverside Educational Ctr	After-School Tutoring & Enrichment	\$8,500	\$187,500	Cost is primarily salary which is not an eligible CDBG activity	Human Services - Youth	0
5	Food Bank of the Rockies	Fighting Hunger, Feeding Hope	\$150,000	\$80,000	Service is Western Slope-wide - too difficult to track service to City residents. Request far exceeds amount available in this project category	Human Services	0
6	St Marys Hospital	Senior Companion Program	\$12,000	\$263,062	Eligible CDBG Activity	Human Services	\$12,000
7	Audio Information Network of Colorado	GJ Audio Information Services	\$5,700	\$77,000	Proposing to add 12 new persons in GJ. In the past, they have only added 4 per year.	Special Needs Population	0
Projects 2-7 under the 15% Public Services Cap	Maximum that can be spent in this area of 2009 funds \$51,666		<b>Total Request \$227,200</b>				<b>\$38,000</b>
8	GJ Housing Authority	Walnut Park Apartments	\$100,000	\$1,208,750	Site work for new housing and construction of a maintenance building	Affordable Housing	\$100,000
9	Riverside Task Force	Property Acquisition and Demolition for Campus Expansion	\$85,000	MCVSD51 Partner	Add to remainder of 2008 funds	Human Services - Youth	\$173,222

Project Number	Agency	Project Title	Grant Request	Funds Leveraged	Funding Limitations and Additional Information	Consolidated Plan Priority	Workshop Recommend
10	Mesa Developmental Services	Group Home and Main Program Building Improvements	\$150,000	\$358,835	Some work outside of City limits - may be better suited to County application for energy conservation. Work on main facility is eligible CDBG activity	Special Needs Population	\$40,000
11	Housing Resources of Western Colorado	Garden Village Apartments Learning Center	\$100,000	\$257,250	Stimulus eligible - economic development	Economic Development Housing	\$100,000
12	The Tree House Center for Youth, Inc	Primary Property Acquisition	\$75,000	\$175,000	The Tree House has already been deeded the property. Funds cannot be applied retroactively	Human Services - Youth	0
13	Western Slope Center for Children	Improving a Home for Healing	\$65,000	\$1,000 + other funds as received	Application may be better suited to an application for energy conservation improvements	Human Services - Youth	\$65,000
Projects 8-13 Capital - No % funding limitations	Minimum of \$241,107 must be spent in this category		<b>Total Request \$575,000</b>				<b>\$478,222</b>
<b>All Projects</b>			<b>Grand Total Requests \$896,100</b>		<b>Total Funds Available \$344,439 + \$110,000 2007 funds + \$91,783 stimulus = \$ 546,222</b>		<b>\$546,222</b>

# **CDBG EVALUATION CRITERIA**

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Applications for CDBG funding will be judged by the following criteria:

- Proposed project meets national Objectives, is an eligible project and meets Consolidated Plan goals
- Ability of the applicant to complete the project
- Agency capacity – history of performance, staff level and experience, financial stability, etc.
- Amount requested
- Request by applicant is consistent with agency needs

## **CDBG NATIONAL OBJECTIVES**

The mission of the CDBG program is the “development of viable urban communities by providing decent housing and a suitable living environment, and expanding economic opportunities, principally for persons of low and moderate income.” Therefore, projects funded must address one or more of the following national objectives:

- Benefits low and moderate income persons
- Eliminates or prevents slum or blight
- Address an urgent community need (usually a natural disaster)

## **GRAND JUNCTION PRIORITIES 2006 FIVE-YEAR CONSOLIDATED PLAN**

The grand Junction City Council maintains a commitment to use CDBG funds for facilities, services, and infrastructure that directly benefits low-income households in Grand Junction. The 5-Year Consolidated Plan outlines the following five priorities for the expenditure of CDBG funds.

- Need for non-housing community development infrastructure
- Need for affordable housing
- Needs of the homeless
- Needs of special needs populations and other human services
- Neighborhood programs

**The “American Recovery and Reinvestment Act of 2009”  
COMMUNITY PLANNING AND DEVELOPMENT COMMUNITY  
DEVELOPMENT FUND (NSPII)**

**Amount: \$1,000,000,000**

- To grantees that received funding in fiscal year 2008:
- Recipients shall give priority to projects that can award contracts based on bids within 120 days from the date the funds are made available to the recipients:
- Grantees shall expend at least 50 percent of allocated funds within 2 years of the date funds become available to the grantee for obligation, and 100 percent of such funds within 3 years of such date:
- Competitions for which eligible entities shall be States, units of general local government, and nonprofit entities or consortia of nonprofit entities, which may submit proposals in partnership with for profit entities:
- Grantees may not use more than 10 percent of its grant to demolish housing. No amounts made available from a grant under this heading may be used to demolish any public housing
- 10 percent of the grant can be used by grantee for capacity building
- Acquisition of a foreclosed upon dwelling or residential real property shall not preempt any Federal, State or local law that provides more protections for tenants

**SUPPLEMENTARY INFORMATION:**

Authority to Provide Alternative Requirements and Grant Regulatory Waivers title XII of Division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-005, approved February 17, 2009) appropriates \$1 billion to carry out the DBG program under Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301, et seq.) (the HCDA) on an expedited basis. These funds will be distributed to grantees that received CDBG funding in Fiscal Year (FY) 2008 in accordance with the provisions of 42 U.S.C. 5306. The grant program under Title XII is commonly referred to as the CDBG Recovery (CDBG-R) program.

In administering CDBG-R funds, the Secretary may waive or specify alternative requirements for any provision of any statute or regulation in connection with the

obligation by the Secretary or the use by the recipient of these funds except for requirements related to fair housing, nondiscrimination, labor standards, and the environment, upon a finding that such waiver is necessary to expedite or facilitate the timely use of such funds and would not be inconsistent with the overall purpose of the statute. Such regulatory relief as HUD deemed necessary and is authorized to provide under 24 CFR 5.110 and 24 CFR 91.600 to permit implementation of CDBG-R is provided in this notice.

The Secretary finds that the alternative requirements outlined in Section II of this notice are necessary to expedite the use of these funds for their required purposes.

Except as described in this notice, statutory and regulatory provisions governing the CDBG program, including those at 24 CFR part 570 subpart I for states and those at 24 CFR part 570 subparts A, C, D, E, F, J, K, and O for CDBG entitlement communities, as appropriate, shall apply to the use of these funds. Subpart M, concerning the Section 108 Loan Guarantee program, is not applicable to CDBG-R. Other sections of the notice will provide further details of the changes, the majority of which deal with adjustments necessitated by Recovery Act provisions to expedite the use of CDBG-R funds.

#### Ensuring Responsible Spending of Recovery Act Funds

Funding available under the Recovery Act has clear purposes – to stimulate the economy through measures that modernize the Nation’s infrastructure, improve energy efficiency, and expand educational opportunities and access to health care. In implementing the Recovery Act, Federal agencies are undertaking unprecedented measures to ensure transparency and accountability in the use of the funds. Concurrently, Federal agencies must ensure that the funds are employed in a prudent manner consistent with applicable program requirements.

The Department desires that CDBG-R grantees carefully evaluate proposed projects for consistency with the overarching goals of the Recovery Act, especially the above-cited purposes. To this extent, HUD strongly urges grantees to use CDBG-R funds for hard development costs associated with infrastructure activities that provide basic services to residents or activities that promote energy efficiency and conservation through rehabilitation or retrofitting of existing buildings. While the full range of CDBG activities is available to grantees, the Department strongly suggests that grantees incorporate consideration of the public perception of the intent of the Recovery Act in identifying and selecting projects for CDBG-R funding.

On March 20, 2009, President Obama issued a memorandum to the heads of executive branch agencies, entitled “Ensuring Responsible Spending of Recovery Act Funds”. (This memorandum was published in the Federal Register on March 25 at 74 FR 12531.) This memorandum lays out principles and steps that federal agencies are to take to ensure responsible distribution and use of Recovery Act funds. Grantees should

ensure that the activities that they select for CDBG-R funding adhere to the expectations of this notice, particularly those of Section 2(c).

The Department must emphasize the following points to recipients of CDBG-R funds. Certain specified activities and/or projects may not be funded with CDBG-R funds pursuant to the Recovery Act and this includes swimming pools, golf courses, zoos, aquariums, and casinos or other gambling establishments. Other activities generally prohibited under regulations governing the regular CDBG program are also prohibited under CDBG-R. This includes prohibitions on the construction of buildings for the general conduct of government, political activities, purchase of equipment, and operating and maintenance expenses. Other CDBG restrictions may also apply including bans on assistance to professional sports teams, recreational facilities that serve a predominantly higher income clientele, and general promotional activities for the grantee.



## **CITY OF GRAND JUNCTION 2009 CDBG PROGRAM YEAR SCHEDULE**

Monday, May 18<sup>th</sup>                      CITY COUNCIL PUBLIC HEARING  
City Council reviews workshop recommendations and makes decision on which projects  
to fund for 2009 Program Year and 2008 CDBG Recovery Act allocation

June 8<sup>th</sup> – July 9<sup>th</sup>    PUBLIC REVIEW period for 2009 Annual Action Plan  
30-day review period required

Wednesday, June 17<sup>th</sup>            PUBLIC HEARING BEFORE CITY COUNCIL  
Adoption of the 2009 Action Plan

July 13, 2009                      SUBMIT 2009 Annual Action Plan to HUD  
45-day review period required

August 31, 2009                  RECEIVE HUD APPROVAL  
BEGIN CONTRACTS WITH SUBRECIPIENTS

September 1, 2009                BEGIN 2009 Program Year

**City of Grand Junction**  
**CDBG PROJECTS BY PROGRAM YEAR 1996-2008**

**1996 PROGRAM YEAR - \$484,000 – All Projects Completed**

- Habitat for Humanity Property Acquisition - \$80,000
- Catholic Outreach Homeless Day Center - \$30,000
- Program Administration - \$44,000
- GJHA Lincoln Apartments Property Acquisition - \$330,000

**1997 PROGRAM YEAR - \$477,000 – All Projects Completed**

- Catholic Outreach Homeless Day Center - \$10,000
- Marillac Clinic Elevator and Program Costs - \$90,000
- South Avenue Reconstruction - \$330,000
- Program Administration - \$47,000

**1998 PROGRAM YEAR – \$469,000 – All Projects Completed**

- Catholic Outreach Homeless Day Center - \$17,131
- Colorado West Mental Health Transitional Living Center - \$25,000
- Salvation Army Hope House Shelter - \$25,000
- Mesa Developmental Services Group Home Rehabilitation - \$200,000
- Elm Avenue Sidewalk - \$157,869
- Program Administration - \$44,000

**1999 PROGRAM YEAR - \$472,000 - All Projects Completed**

- GJHA Homeless Shelter Acquisition - \$205,000
- Catholic Outreach Homeless Day Center - \$16,000
- Salvation Army Hope House Shelter - \$25,000
- Riverside Drainage Improvements - \$200,000
- Program Administration - \$26,000

**2000 PROGRAM YEAR – \$489,000 – All Projects Completed**

- Catholic Outreach Day Center Acquisition - \$130,000
- Energy Office Linden Building Rehabilitation - \$55,000
- Riverside Drainage Improvements - \$200,000
- Head Start Classroom/Family Center - \$104,000

**2001 PROGRAM YEAR - \$465,000 – All Projects Completed**

- The Energy Office – Housing Acquisition - \$200,000
- Catholic Outreach Transitional Housing services - \$10,000
- Marillac Clinic Dental Expansion - \$200,000
- Mesa County Partners Activity Center Parking/Landscaping - \$15,000
- Mesa Developmental Services Group Home Improvements - \$40,000

### **2002 Program Year - \$468,834 – All Projects Completed**

- Catholic Outreach Soup Kitchen Remodel - \$50,000
- Western Region Alternative to Placement Program Costs - \$10,000
- Homeward Bound Bunk Beds for Homeless Shelter - \$10,000
- Western Slope Center For Children Remodel - \$101,280
- GJHA Affordable Housing Pre-development/ costs - \$41,720
- Bass Street Drainage Improvements \$205,833
- Program Administration - \$50,000

### **2003 Program Year - \$417,000 – All Projects Completed**

- Riverside School Historic Structure Assessment - \$4,000
- Riverside School Roof Repair - \$15,000
- Center For Independence Purchase 4-passenger Accessible Van - \$20,000
- Western Region Alternative to Placement Program Costs - \$7,500
- The Tree House Teen Bistro Rehabilitation and Americorp Volunteer - \$20,000
- Gray Gourmet Program - \$5,050
- Foster Grand Parents Program - \$5,000
- Senior Companion Program - \$5,000
- GJHA Linden Pointe Infrastructure - \$335,450

### **2004 Program Year - \$407,000 – All Projects Completed**

- Program Administration - \$20,000
- Five-Year Analysis of Impediments to Fair Housing Study
- Gray Gourmet Program - \$10,000
- Foster Grand Parents Program - \$7,000
- Senior Companion Program - \$8,000
- Radio Reading Services of the Rockies - \$4,500
- Mesa County Health Dept Purchase Equipment - \$5,000
- Riverside School Roof Repair/Rehabilitation - \$47,650
- Senior Center Masterplan Study – \$20,000
- Hilltop Community Resources Energy Improvements - \$50,000
- Housing Resources Permanent Supportive Housing - \$50,000
- Hope Haven Roof Replacement - \$7,500
- Riverside Sidewalk Improvements - \$50,000
- Grand Avenue Sidewalk Improvements - \$60,000

### **2005 Program Year - \$387,644 – All Projects Completed**

- Program Administration \$25,000
- Salvation Army Adult Rehab Program - \$25,000
- Mesa County Partners Purchase 12-passenger Van - \$15,000
- GJHA Bookcliff Property Acquisition - \$127,500 (completed)
- Housing Resources Install Handicap Lift - \$30,000
- Ouray Avenue Storm Drain Enlargement - \$172,644

**2006 Program Year - \$348,286 – All Projects Completed Except Admin**

- Program Administration - \$39,656 (\$11,379.76 remaining; \$10,000 committed to RR Depot Historic Structure Assessment)
- GJHA Village Park Property Acquisition - \$178,630
- Orchard Mesa Drainage Improvements - \$128,500

**2007 Program Year - \$412, 043 All Projects Completed Except Admin**

- Program Administration - \$16,501 (\$15,686 remaining)
- Audio Information Network of Colorado - \$4,500
- Center for Enriched Communication - \$7,181
- Gray Gourmet Program - \$20,500
- Foster Grandparent Program - \$10,000
- Senior Companion Program - \$10,000
- Riverside Head Start Classroom Addition - \$110,000 (Not Completed, Transfer Funds to 2009)
- Hilltop Community Resources Daycare/Family Center Remodel - \$24,547

**2008 Program Year - \$337,972 – All Projects Completed or Underway**

- Senior Multiuse Campus Feasibility Study - \$80,000 (RFP in process)
- Riverside Educational Center Americorps Personnel - \$5,000 (completed)
- St. Mary's Gray Gourmet Program - \$20,500 (balance \$6,243)
- Riverside task Force Acquisition for Campus Expansion - \$220,900 (balance \$80,052)
- Partners Acquisition for W CO Conservation Corps - \$100,000 (completed)
- Center for Independence Vocational Center Remodel - \$9,500 (balance \$3,871)
- Melrose Park Restroom and Shelter Relocation - \$108,201(Bid in process)

**2009 Program Year – \$344,439 – To be allocated mid-2009**