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

MONDAY, AUGUST 31, 2009, 7:00 P.M.

Call to Order

Pledge of Allegiance
Invocation—Pastor Michael Ferguson, Providence Reform
Evangelical Church

[The invocation is offered for the use and benefit of the City Council. The invocation is intended to solemnize the occasion of the meeting, express confidence in the future and encourage recognition of what is worthy of appreciation in our society. During the invocation you may choose to sit, stand or leave the room.]

Proclamation

Proclaiming the Month of September 2009 as “Fire Fighters Appreciation Month” in the City of Grand Junction

Proclaiming the Month of September 2009 as “National Preparedness Month” in the City of Grand Junction

Certificate of Appointment

To the Urban Trails Committee

Citizen Comments

Council Comments

*** 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 August 17, 2009 and the August 19, 2009 Regular Meetings

2. **Assign the City's 2009 Private Activity Bond Allocation to the Colorado Housing and Finance Authority** [Attach 2](#)

Request approval to assign the City's 2009 Private Activity Bond Allocation to the Colorado Housing and Finance Authority (CHFA) for the purpose of providing single-family mortgage loans to low and moderate income persons and families. The amount of this assignment would be "banked" towards a future partnership with CHFA for a multi-family rental housing project serving low and middle income families.

Resolution No. 72-09—A Resolution Authorizing Assignment to the Colorado Housing and Finance Authority of a Private Activity Bond Allocation of the City of Grand Junction Pursuant to the Colorado Private Activity Bond Ceiling Allocation Act

®Action: *Adopt Resolution No. 72-09*

Staff presentation: Jodi Romero, Financial Operations Manager

3. **Setting a Hearing Accepting Improvements and Assessments Connected with Alley Improvement District No. ST-09** [Attach 3](#)

Improvements to the following alleys have been completed as petitioned by a majority of the property owners to be assessed:

- East/West Alley from 3rd to 4th, between Glenwood Avenue and Kennedy Avenue*
- East/West Alley from 9th to 10th, between Main Street and Rood Avenue*
- East/West T Alley from 17th to 18th, between North Avenue and Glenwood Avenue*
- East/West Alley from 11th to 12th, between Hill Avenue and Teller Avenue**

* Phase A Alleys

** Phase B Alley

Resolution No. 73-09—A Resolution Approving and Accepting the Improvements Connected with Alley Improvement District No. ST-09, Phase A, and Alley Improvement District No. ST-09, Phase B

Proposed Ordinance Approving the Assessable Cost of the Improvements Made in and for Alley Improvement District No. ST-09, Phase A and Alley Improvement District ST-09, Phase B in the City of Grand Junction, Colorado, Pursuant to Ordinance No. 178, Adopted and Approved the 11th Day of June, 1910, as Amended; Approving the Apportionment of Said Cost to Each Lot or Tract of Land or Other Real Estate in Said Districts; Assessing the Share of Said Cost Against Each Lot or Tract of Land or Other Real Estate in Said Districts; Approving the Apportionment of Said Cost and Prescribing the Manner for the Collection and Payment of Said Assessment

®Action: Adopt Resolution No. 73-09 and Set a Public Hearing for October 5, 2009

Staff presentation: Tim Moore, Public Works and Planning Director

4. **Vacation of Utility and Access Easements at Peppermill Lofts, Located at 2823 North Avenue** [File # SPR-2009-068] [Attach 4](#)

Request to vacate a utility and access easement on lot 1 and part of lot 2 of Woodland Subdivision (Easement Vacation No. 1) and a 25 foot wide utility easement on the north, west and south sides of Lot 2 of Woodland Subdivision (Easement Vacation No. 2), located at 2823 North Avenue. The easements are not needed for access or utility purposes and the vacation of the easements will facilitate the development of the proposed Peppermill Lofts, a 48 unit, multifamily project.

Resolution No. 74-09—A Resolution Vacating a Utility and Access Easement Located in Part of Lot 1 and Part of Lot 2 of Woodland Subdivision as Part of the Peppermill Lofts Development

Resolution No. 75-09—A Resolution Vacating a Utility Easement on the North, West and South 25 Feet of Lot 2 of the Woodland Subdivision as Part of Peppermill Lofts Development

®Action: Adopt Resolution Nos. 74-09 and 75-09

Staff presentation: Kathy Portner, Neighborhood Services Manager

5. **Purchase of Computer Aid Dispatch System/Records Management System/Corrections Management System and Acceptance of Energy and Mineral Impact Grant** [Attach 5](#)

Purchase of a County-wide Computer Aid Dispatch/Records Management/Correction Management System (CAD/RMS/CMS) that will provide a single, integrated public safety solution for the City of Grand Junction, Mesa County, the Grand Junction Regional Communications Center (GJRCC), and all police and fire agencies dispatched by the GJRCC. The systems currently in use are disparate, not integrated, and several are nearing the end of their vendor provided support. Critical data is being reentered multiple times by the various agencies. As part of this project, a request is also being made to accept an Energy and Mineral Impact Grant.

Action: Authorize the City Manager to Sign the Grant Award and Authorize the Purchasing Division to Award Contracts to New World Systems of Troy, MI for the Purchase of an Integrated CAD/RMS/CMS System and the Purchase of the Necessary Hardware, Software and Related Services Up to the Value of the Approved Grants and Authorized 911 Funding Not to Exceed \$4,066,533

Staff presentation: Troy Smith, Deputy Police Chief
Jim Finlayson, Information Technology Manager

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

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

6. **Purchase of Aquastar Contact Clarifier for Kannah Creek Water Treatment Plant** [Attach 6](#)

This project will provide for doubling the production capability of the Kannah Creek Water Treatment Plant. The direct filtration equipment proposed to be utilized for the project is produced by Filter Tech Systems, Inc., the same manufacturer that produced the current water treatment components for the plant.

Action: Authorize a Sole Source Purchase of a Filter Tech Systems, Inc. Aquastar Contact Clarifier to be Used for the Kannah Creek Water Treatment Plant

Staff presentation: Greg Trainor, Utility and Street Systems Director
Bret Guillory, Utility Engineer

7. **Public Hearing—Maverik Annexation and Zoning, Located at 2948 F Road and 603 29 ½ Road** [File #ANX-2009-023] [Attach 7](#)

Request to annex and zone 3.02 acres, located at 2948 F Road and 603 29 ½ Road, to C-1 (Light Commercial) and R-4 (Residential 4 du/ac). The Maverik Annexation consists of 2 parcels and contains 0.62 acres of the 29 ½ Road right-of-way.

a. Accepting Petition

Resolution No. 76-09—A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Maverik Annexation, Located at 2948 F Road and 603 29 ½ Road Including a Portion of the 29 ½ Road Right-of-Way is Eligible for Annexation

b. Annexation Ordinance

Ordinance No. 4380—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Maverik Annexation, Approximately 3.02 Acres, Located at 2948 F Road and 603 29 ½ Road Including a Portion of the 29 ½ Road Right-of-Way

c. Zoning Ordinance

Ordinance No. 4381—An Ordinance Zoning the Maverik Annexation to C-1 (Light Commercial) and R-4 (Residential 4 Du/Ac), Located at 2948 F Road and 603 29 ½ Road

®Action: Adopt Resolution No. 76-09 and Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance Nos. 4380 and 4381

Staff presentation: Senta L. Costello, Senior Planner

8. **Downtown Uplift Budget and Timeline** [Attach 8](#)

The Project Team will present the revised estimated budget and recommended schedule for the Downtown Uplift (Main Street) Project as approved by the DDA. The Council has already approved the design concept and asked for more information on costs and timing of the project.

Action: Approval of Project Schedule Separating the Project into Two Phases, Authorization for Staff to Proceed with the Construction Schedule and Final Bid Documents for Phase I, Approval for DDA to Repay in 2009 to the City \$3,021,099

of the \$7,889,256 Outstanding Loan, and Authorize the City Manager to Execute an Agreement with DDA for the City to Carry the Remaining Balance of \$4,868,157 to Bear Interest at the City's Internal Rate of Return with Payment in Full, at the Latest, December 31, 2012

Staff presentation: Heidi Hoffman Ham, DDA Executive Director

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

10. **Other Business**

11. **Adjournment**

Attach 1
Minutes of Previous Meetings

GRAND JUNCTION CITY COUNCIL
MINUTES OF THE REGULAR MEETING

August 17, 2009

The City Council of the City of Grand Junction convened into regular session on the 17th day of August 2009 at 7:00 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Tom Kenyon, Gregg Palmer, Bill Pitts, Linda Romer Todd, and Council President Bruce Hill. Also present were City Manager Laurie Kadrich, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Hill called the meeting to order. Boy Scout Troop 357 led in the Pledge of Allegiance followed by a moment of silence. Council President Hill asked that Earl Payne's family be kept in everyone's thoughts as Mr. Payne recently passed away. He was a former Councilmember.

Proclamation

Proclaiming August 31, 2009 as "Total Force Recognition Day" in the City of Grand Junction

Certificates of Appointment

Gust Panos, Bennett Boeschstein, Dennis DeVore, and Brian Meinhart were present to receive their certificates of appointment to the Riverfront Commission. Mr. Boeschstein noted the videos he provided the City Council on the Colorado Riverfront called "Love that River".

Jocelyn Mullen was present to receive her certificate of appointment to the Urban Trails Committee.

Citizen Comments

Dennis Simpson, 2306 E. Piazza Place, addressed the City Council regarding the Public Safety Initiative on the Wednesday agenda. He stated his concerns as ten reasons it would be a mistake to pass the resolution as proposed. 1 – any amount could be borrowed, 2 – any interest could be accepted, 3 – it allows the City to borrow money before it is needed, 4 – resolution does not address bond issuance cost, 5 – resolution does not disclose a maximum interest rate, 6 – the issue does not limit the amount to be borrowed, 7 – doesn't address the issue if more revenue is generated, 8 – the issue does not disclose what would happen in the event of another economic downturn and the ¼% doesn't generate enough income to pay the debt, 9 – doesn't

address what happens when the money is paid back, and 10 – doesn't say how long it will take to pay the bond back. He thought the issue was very vague. The consultant stated the citizens don't trust the City Council. These concerns should be taken to heart. If the issue was more specific, there would be a better chance of getting it passed. The resolution is only as good as the current Council. The resolution attempts to de-bruce the tax increase. The last election said loud and clear that de-brucing is not something the citizens want. The need has been discussed but the financing piece has not been available to the public.

Sherry DeRose, 604 N. 7th Street, said the Council several weeks ago voted against a moratorium development in the 7th Street Historic District. Her application for a bed and breakfast was submitted to the Planning Department. She was told that her permit was ready to be issued but since then the Planner has been told not to issue the permit. She asked that this issue be addressed.

Council Comments

Council President Hill addressed the fact that the City hosted the President of the United States. He was proud of the community. He appreciated the working relationships the City has with the Mesa County Sheriff's Department and the Colorado State Patrol and their relationship with the Grand Junction Police Department. He noted that the Health Plan in this valley is a template of the cooperativeness in the community.

Councilmember Palmer added the cooperation of the Airport staff and thanked them.

City Manager Laurie Kadrich noted many of the first speaker's questions under Citizen Comments will be addressed at the Wednesday Council meeting.

CONSENT CALENDAR

Councilmember Kenyon read the Consent Calendar and then Councilmember Beckstein moved that Consent items #1 through #10 be adopted as written. Councilmember Pitts seconded but stated he will abstain from item #8.

Jodi Behrman, attorney representing the 7th Street Historic District, asked that the item #6 be removed from the Consent Calendar. She stated it would be a waste of time to adopt such a plan without the support of the neighborhood. Council President Hill asked if any Councilmember agreed that it be removed. No Councilmember asked for that action. The Consent Calendar stood as read.

Motion carried by roll call vote with Councilmember Pitts abstaining from Item #8.

1. **Minutes of Previous Meeting**

Action: Approve the Minutes of the August 3, 2009 Regular Meeting

2. **Vacation of Utility Easement, Located at 2421 Hidden Valley Drive** [File # VE-2009-134]

Request approval to vacate a 15 foot wide utility easement located at 2421 Hidden Valley Drive. The applicants would like to use the property and the easement is not needed.

Resolution No. 62-09—A Resolution Vacating a Utility Easement at 2421 Hidden Valley Drive

Action: Adopt Resolution No. 62-09

3. **Revocable Permit to Mesa State College for a Buried Conduit Line Across Blichmann Avenue** [File # RVP-2009-160]

Request for a Revocable Permit to allow a utility conduit to cross beneath Blichmann Avenue between 2508 Blichmann Avenue and 2510 Foresight Circle.

Resolution No. 65-09—A Resolution Concerning the Issuance of a Revocable Permit to Mesa State College

Action: Adopt Resolution No. 65-09*

4. **Setting a Hearing on the RQ Annexation, Located at 3131 D Road** [File # ANX-2009-144]

Request to annex 20.02 acres, located at 3131 D Road. The RQ Annexation consists of one parcel.

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

Resolution No. 66-09—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, RQ Annexation, Located at 3131 D Road

Action: Adopt Resolution No. 66-09*

b. Setting a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, RQ Annexation, Approximately 20.02 Acres, Located at 3131 D Road

Action: Introduction of a Proposed Ordinance and Set a Hearing for October 5, 2009

5. **Setting a Hearing on Zoning the Maverik Annexation, Located at 2948 F Road and 603 29 1/2 Road** [File #ANX-2009-023]

Request to zone the 2.28 acre Maverik Annexation, located at 2948 F Road and 603 29 ½ Road, to C-1 (Light Commercial) and R-4 (Residential 4 du/ac).

Proposed Ordinance Zoning the Maverik Annexation to C-1 (Light Commercial) and R-4 (Residential 4 Du/Ac), Located at 2948 F Road and 603 29 ½ Road

Action: Introduction of a Proposed Ordinance and Set a Hearing for August 31, 2009

6. **Setting a Hearing on the Strategic Downtown Master Plan, Overlay Zone, 7th Street Historic District PD Zone** [File #PLN-2009-179]

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. The primary implementation strategy is through an overlay zone and amending the 7th Street Historic District Planned Development Zoning Ordinance.

Proposed Ordinance Amending the Zoning and Development Code to add Section 7.7 Strategic Downtown Master Plan Zoning Overlay Design Standards and Guidelines

Proposed Ordinance Amending Ordinance No. 2211 by Adoption of the 7th Street Residential Historic District Zoning Overlay Design Standards and Guidelines, Amending the Zoning and Development Code to Add Section 7.7

Action: Introduction of Proposed Ordinances and Set a Hearing for September 14, 2009

7. **Petition for Exclusion from the Downtown Grand Junction Business Improvement District from Arvan Jeffry Leany for Property Located at 337 S. 1st Street**

The Downtown Grand Junction Business Improvement District was formed on August 17, 2005. The ballot question regarding a Special Assessment for said District was approved on November 1, 2005. The City Council then held a hearing on the assessments on December 7, 2005 and there were no objections voiced at the hearing. On August 4, 2009, Mr. Arvan J. Leany filed a letter and the required deposit to initiate consideration of the exclusion of his property from the Downtown Grand Junction Business Improvement District at 337 S. 1st Street (Pufferbelly Restaurant).

Action: Refer to the DGJBID for a Hearing and a Recommendation

8. **Airport Improvement Program Stimulus Grant for General Aviation Ramp Reconstruction Project at Grand Junction Regional Airport**

AIP-41 is a \$666,809.00 Stimulus Grant for additional funding of the General Aviation Ramp Reconstruction Project at the east end of the ramp. Total funding for this project with this grant is \$9,980,170.00. The airport is expecting one more grant of approximately \$1,111,000.00 to complete the funding of this project. The Supplement Co-sponsorship Agreement is required by the FAA as part of the grant acceptance by the City.

Action: Authorize the Mayor and City Attorney to Sign the Original FAA AIP-41 Grant Documents for General Aviation Ramp Reconstruction at the Grand Junction Regional Airport, and Authorize the City Manager to Sign the Supplemental Co-sponsorship Agreement for AIP-41

9. **Purchase of a Baler for the Recycle Center**

Purchase of an Auto-Tie Baler for Grand Junction Curbside Recycling Indefinitely (GJ CRI) to expand their operation per the terms of a State Grant. The current baler does not have sufficient capacity to handle more volume. An additional baler is needed to process recyclable materials, such as cardboard, newspaper, aluminum, steel cans, office paper, and plastics.

Action: Authorize the Purchasing Division to Award a Contract to Action Compaction Equipment of Midvale, UT in the Amount of \$152,022 for the Purchase of an Automatic Baler for Curbside Recycling Indefinitely

10. **Great Outdoors Colorado Grant Revised Resolution**

In February of 2009, a Great Outdoors Colorado grant application was submitted for the Melrose Park redevelopment project. The grant was fully funded by the Great Outdoors Colorado Board; however, a new resolution reflecting the change in Mayors is required before the final agreement can be signed.

Resolution No. 67-09—A Resolution Supporting the Agreement Between the City of Grand Junction and the State Board of the Great Outdoors Colorado Trust Fund

*Action: Adopt Resolution No. 67-09**

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Council President Hill called for a brief recess due to technical difficulties at 7:35 p.m.

The meeting reconvened at 7:40 p.m.

Public Hearing—Approving the Service Plan for the Proposed 29 and D Metropolitan District Nos. 1 and 2 (Mesa State College Foundation), Including an Intergovernmental Agreement

Adoption of a resolution approving the Service Plan for the formation of two metropolitan districts, the 29 and D Metropolitan District No. 1 and No. 2 (“Districts”), for property owned by the Mesa State College Real Estate Foundation. The Districts are being created for financing public improvements on the land within the Districts.

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

John Shaver, City Attorney, explained the request before them. This has been discussed at a previous work session. Consistent with the Statute, the City Council must find that certain criteria are met for the Districts to be formed as well as approve the Service Plan. The tax to be imposed will be an ad valorem tax upon the properties in order to fund the development of the property. The Districts will have to conform with the City’s planning process. The plans were found by Staff to be quite good. Their attorney, MaryAnn McGeady, is present to answer any questions.

Councilmember Kenyon inquired if the District can purchase land with the funds raised. City Attorney Shaver said the plan states the funds are for improvements not for acquisition of property.

MaryAnn McGeady, McGeady, Sisneros, P.C., was present but did not wish to speak. There were no public comments.

The public hearing was closed at 7:45 p.m.

Resolution No. 68-09—A Resolution Approving the Service Plan and Inter-governmental Agreement for the 29 and D Metropolitan District No. 1 and No. 2

Councilmember Coons moved to adopt Resolution No. 68-09*. Councilmember Kenyon seconded the motion. Motion carried.

Public Hearing—Fults Annexation and Zoning, Located at 3066 F Road [File #ANX-2009-130]

Request to annex and zone 3.72 acres, located at 3066 F Road, to R-4 (Residential – 4 units per acre). The Fults Annexation consists of one parcel.

The public hearing was opened at 7:46 p.m.

Lori V. Bowers, Senior 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. She advised the request does meet the Zoning and Development Code criteria and the Planning Commission recommended approval.

Councilmember Palmer asked if it is one or two parcels. Ms. Bowers answered it is one parcel. Councilmember Palmer asked where is the access. Ms. Bowers answered it is off of F Road, but when future development takes place, that access will go away.

Larry Beckner, attorney representing the Fults, stated the parcel will be split into two parcels. The new parcel will access off Orange Grove Way. He complimented Staff for their help with this project.

There were no public comments.

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

a. Accepting Petition

Resolution No. 69-09—A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Fults Annexation, Located at 3066 F Road is Eligible for Annexation

b. Annexation Ordinance

Ordinance No. 4371—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Fults Annexation, Approximately 3.72 Acres, Located at 3066 F Road

c. Zoning Ordinance

Ordinance No. 4372—An Ordinance Zoning the Fults Annexation to R-4 (Residential – 4 Units Per Acre), Located at 3066 F Road

Councilmember Todd moved to adopt Resolution No. 69-09* and Ordinance Nos. 4371 and 4372 and ordered them published. Councilmember Pitts seconded the motion. Motion carried by roll call vote.

Public Hearing—The Redlands Vista Planned Development Rezone and Amendment to the Preliminary Development Plan, Located at West Ridges Blvd., School Ridge Rd., and Ridge Circle Drive [File #PFP-2009-092]

Amend the existing Ordinance for Redlands Vista in the Ridges Preliminary Development Plan (PDP) to increase the density from 3.8 dwelling units per acre to 6.7 dwelling units per acre. The redesign includes private streets. 2) Approval of a resolution to vacate a pedestrian and equestrian easement. 3) Approval of a resolution to reduce the size of a utility, irrigation, and drainage easement.

The public hearing was opened at 7:50 p.m.

Lori V. Bowers, Senior Planner, presented this item. She described the three requests, the site, and the location. Ms. Bowers described the surrounding zoning and land use as well as the history of the Planned Development on the property. The new plan has a different housing type with more density. Access will be off of West Ridges Drive and School Ridge Road. There is a pedestrian trail that will have to be improved as well as other trails in the development. The new density will be 6.7 units per acre and will include private streets. There will be parking pods to account for the lack of on-street parking. Deviations are being requested (the underlying zone will be R-8). Staff is asking that a maximum height be stated for the duplexes with walk-out basements as 34 feet 7-³/₄ inches, and the other units as 41 feet 9 inches. Ms. Bowers pointed out the two areas to be vacated including the equestrian trail easement. She advised the request does meet the Zoning and Development Code criteria and the Planning Commission recommended approval.

Councilmember Pitts asked where the horses are going to be. Ms. Bowers said it would not be appropriate for horses to go through this area which is why the equestrian trail is up for vacation.

Councilmember Todd asked about the easement crossing the other easement. Ms. Bowers thought that to be an error previously.

Councilmember Palmer asked about the other trails in the development. Ms. Bowers said those will still exist.

Councilmember Palmer asked what a zero lot line is. Ms. Bowers said the lot line goes through the dividing walls in the structures.

Otto Burden, Colorado Civil Engineering, representing the applicant, stated he is asking for approval. He described the proposal which he categorized as an infill project. They will not be eliminating the trail; they will move it into the right-of-way. He reviewed the history of the project and how it has changed from high end luxury homes to the multifamily project being presented. The new plan reduces the number of access points to the public streets. The new design is fewer buildings and will retain more vegetation. It will be a gated community for vehicles. The covenants will require parking in the garages. Counting the garage as half full, it has 209 parking spaces. There will be no on-street parking even though the streets are wide enough for on-street parking on one side. He listed the additional elements over the City standards. He reviewed the phased construction proposal.

Councilmember Todd asked about when people have an event, where folks will park, on the street? She noted a 19 foot width garage is narrow so that no one can park two cars in that width of garage. Mr. Burden said he was not the architect.

Councilmember Beckstein asked what the Fire Department says about these streets. Mr. Burden said they allow parking on one side but the developer has decided not to allow on-street parking. Even with only one car in the garage, there are still over 200 spaces. The Fire Department did not have an issue.

Mr. Burden said the developer would have to give the City permission to enforce the on-street parking prohibition.

Councilmember Todd asked where guests will park. Mr. Burden said there are small parking lots around the development in combination with the driveway parking.

Scott Freidman, 1341 Rawhide Circle, Elizabeth, Colorado, the developer, said he wanted to show there is ample parking, more than what is required. The Homeowners Association (HOA) documents are structured to require parking in the garages or in the driveway. Parking should be a minimal issue.

Councilmember Palmer asked what standard width is for streets. Ms. Bowers advised that 26 feet is standard, so the proposal is one foot less. Councilmember Palmer expressed his concerns with private streets and asked if the additional units changed it to private streets.

Tim Moore, Public Works and Planning Director, noted that the previous proposal with the lower density was also private streets. Mr. Moore added that since this is to be a gated community, Staff requires the streets to be private due to the lack of access.

Mark Fenn, 350 Cliff View Drive, lives in Shadow Run, which had the same developers. He has resided there for two years and supports the project. It is appropriate in terms of the surrounding properties and is more appropriate for the current market and future market. His development has similar size garages, yet not as deep, and several people use the garage for both cars and still store things in them. When Shadow Run was originally designed it had 23 foot wide streets, and because Council objected to the width, the width was increased and two units were lost. People in Shadow Run do have gatherings and there is not a problem with parking. Housing units do not allow for huge gatherings. It is more than adequate in design features with street width and adequate parking. Mr. Fenn lauded the developer.

Nick Paulson, 413 30 Road, said there has been subdivisions approved over the last eight years, and it is starting to feel crowded. Grand Junction is becoming a huge town and that is not a good thing in some ways. Growth leads to a higher crime rate and more traffic.

Bryan Sims, 160 Dee Vee Drive, said he did not see accommodations for RVs and other types of vehicles and equipment in the proposal.

Richard Schoenrad, 2585 F 1/2 Road, is the listing agent for Shadow Run and has had a lot of success marketing those units. He gets feedback on the wonderful layout. This proposal is even nicer. He believes in this product.

There were no other public comments.

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

Mr. Burden stated the Homeowners Association covenants will prohibit the outside storage of RVs and boats. Small items like All Terrain Vehicles could be stored in the garage, but nothing will be allowed outside.

Council President Hill asked if the City has the covenants. Ms. Bowers replied those are not submitted until Final Plat. Council President Hill said those items need to be tracked as the Council may rely on the statements as to what is in the covenants for their decision.

City Attorney Shaver suggested that any approval could be conditioned on those items being included.

Mr. Burden added that they comply with the Code for required driveway parking.

Councilmember Pitts said he would like to have the opportunity to review the Homeowners Association documents.

Councilmember Kenyon disagreed as he did not feel it was appropriate to stray from the ordinance and resolutions proposed.

Councilmember Coons agreed.

Councilmember Todd thanked Mr. Burden for addressing the parking issue and she is comfortable with the parking allowed and disagreed with being involved with the HOA.

Councilmember Beckstein agreed, as Staff has heard the Council's concerns. She noted her concern was the prohibition of parking of boats and RV's outside and they want assurance that will be in the written agreement.

Councilmember Coons expressed that she was pleased to see this type of housing unit, multifamily, and such high quality.

Council President Hill agreed.

Councilmember Palmer was comfortable with the development in general but still has concerns with the street width and will not support the ordinance but will support the vacations.

Ordinance No. 4373—An Ordinance Rezoning and Amending the Preliminary Development Plan for Redlands Vista Planned Development, Lot 1 and Lot 2, Block Twenty-One, the Ridges Filing No. Four, Located at West Ridges Blvd., School Ridge Road, and Ridge Circle Drive

Resolution No. 70-09—A Resolution Vacating a 10-Foot Pedestrian and Equestrian Easement on Lots 1 and 2, the Ridges Filing No. Four, Located Along West Ridges Boulevard and School Ridge Road as Part of the Redlands Vista Planned Development

Resolution No. 71-09—A Resolution Vacating a Portion of a Utility, Irrigation, and Drainage Easement Located on Lot 1, the Ridges Filing No. Four Subdivision, Located Near West Ridges Boulevard as Part of the Redlands Vista Planned Development

Councilmember Kenyon moved to adopt Ordinance No. 4373 and ordered it published. Councilmember Coons seconded. Motion carried by roll call vote 6 to 1 with Councilmember Palmer voting NO.

Councilmember Kenyon moved to adopt Resolution No. 70-09*. Councilmember Coons seconded. Motion carried by roll call vote.

Councilmember Kenyon moved to adopt Resolution No. 71-09*. Councilmember Coons seconded. Motion carried by roll call vote.

Council President Hill called a recess at 8:41 p.m.

The meeting reconvened at 8:47 p.m.

Public Hearing—Fiesta Guadalajara Rezone, Preliminary Development Plan, and Vacation of Right-of-Way, Located at 710 and 748 North Avenue and 705 and 727 Glenwood Avenue [File # RZ-2009-037]

Requests for: 1) zone property located at 710 and 748 North Avenue and 705 and 727 Glenwood Avenue to PD (Planned Development) with default zones of C-1(Light Commercial) and R-8 (Residential 8 du/ac), 2) approval of a Preliminary Development Plan, and 3) vacation of the west 7.5' of the north/south alley located east of North 7th Street and south of Glenwood Avenue.

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

Senta L. Costello, Senior Planner, presented this item. She described the request, the site and the location. She described the current uses on the property. The property is surrounded by other commercial properties and a mix of residential and commercial to the north. The existing land use is commercial and the existing zoning is commercial and residential. The proposal is to zone all parcels Planned Development. Ms. Costello advised that Neighborhood Services played a key role in the development of a plan for these parcels in order to integrate a mix of uses. The Preliminary Development Plan has many different components. The development will have consistent architectural styles throughout (southwestern). The residential units will be compatible with surrounding residential properties. A minimum of three dwelling units and a maximum of 30 would be allowed on the site. Signage will be limited to monument signage along the road frontage. Shared parking will be utilized as the uses have different use hours. There are three specific substantial community benefits; more effective use of infrastructure; reduced traffic demands; and innovative designs including increased landscaping and street interactive buildings along North Avenue and Seventh Street allowing more pedestrian interaction. Although outside the current North Avenue Corridor Plan, Ms. Costello did compare the plan to the goals and policies of the North Avenue Corridor Plan and described how the plan conforms to the corridor plan. She reviewed how the project meets the criteria of the Zoning and Development Code.

Councilmember Palmer asked about the setbacks on the various streets. Ms. Costello stated the setbacks will be at the property lines which is behind the sidewalk.

Councilmember Palmer asked if that affects sight distance. Ms. Costello said that landscaping will be reviewed at Final Plat to ensure it does not.

Councilmember Todd asked about additional housing. Ms. Costello said potentially in the future the northern parking lot could be redeveloped as a multi-story residential building.

Councilmember Todd asked if that will cause a parking issue as it may be

underestimated. Ms. Costello offered that underground parking could be one option, the full potential of 34 units may not be possible but more units are possible.

Councilmember Todd voiced concern about additional landscaping as this is a desert area. Ms. Costello said that some of the additional landscaping is already existing on the property.

Councilmember Kenyon asked more about the density. He asked if the approval will allow the higher number of units. Ms. Costello said this approval is for three but they would have to come back for any additional.

Councilmember Pitts lauded the project but his concern is the signage, he would like it to be reduced.

Derrick Draper, Chief Financial Officer (CFO) of Fiesta Guadalajara, stated his appreciation of the Staff including Senta Costello and Kathy Portner. One of the beauties of this plan is there will be a higher level for private parties. They have leased the old bar to two women who will make it a high end bar. The residential use will make it a multi-purpose development.

Milton "Tony" Long, 237 White Avenue, Apt. B, questioned the access with the access points being removed.

There were no other public comments.

The public hearing was closed at 9:13 p.m.

Council President Hill asked Ms. Costello to clarify the access. Ms. Costello said it won't look any different. The alley will still be maintained; only a portion is being vacated.

Councilmember Todd said she likes signs. She too is excited about the change to the corner.

Ordinance No. 4374—An Ordinance Rezoning Property Known as the Fiesta Guadalajara Rezone, Located at 710 and 748 North Avenue and 705 and 727 Glenwood Avenue to a PD (Planned Development) Zone

Ordinance No. 4375—An Ordinance Vacating a Portion of North-South Alley Right-of-Way Located West of North 7th Street and South of Glenwood Avenue

Councilmember Palmer moved to adopt Ordinance Nos. 4374 and 4375 and ordered them published. Councilmember Todd seconded the motion noting it the alley is to the east of 7th Street. Motion carried by roll call vote with the correction noted.

Public Hearing—Rezoning Property Located Between Ute Avenue and Pitkin Avenue, Between S. 5th and S. 6th Street and Between Ute Avenue and Pitkin Avenue from S. 7th Street, East 230 Feet [File #RZ-2008-342]

A request to rezone property located between Ute Avenue and Pitkin Avenue between S. 5th and S. 6th Street and between Ute Avenue and Pitkin Avenue from S. 7th Street east 230 feet in Block 139, consisting of 2.52 acres more or less, and a portion of Block 137, consisting of 1.45 acres more or less, from C-1 (Light Commercial) to B-2 (Downtown Business) for the purposes of facilitating a new fire station and police building on City owned property.

The public hearing was opened at 9:17 p.m.

Brian Rusche, Senior Planner, presented this item. He described the request, the site and the location. He asked that the Staff Report and attachments be entered into the record. The request is to provide a uniform zone district for the properties. The B-2 zoning is consistent with the draft Comprehensive Plan Goals and Policies. He advised the request does meet the Zoning and Development Code criteria and the Planning Commission recommended approval.

There were no public comments.

The public hearing was closed at 9:20 p.m.

Councilmember Palmer asked the City Manager if this is the best zoning for this property regardless of what happens in the future. Ms. Kadrich said this is a recommendation of Staff and Staff has been working on developing that site for a public safety facility at some point in the future. Grant applications have also been made and the site would need to be ready if that grant were to be awarded.

Ordinance No. 4376—An Ordinance Rezoning Parcels of Land from C-1 (Light Commercial) To B-2 (Downtown Business), Located Between Ute and Pitkin Avenues from S. 5th Street to S. 6th Street and from S. 7th Street East Approximately 230 Feet

Councilmember Beckstein moved to adopt Ordinance No. 4376 and ordered it published. Councilmember Todd seconded the motion. Motion carried by roll call vote.

Public Hearing—Vacating the North/South Alley Between Ute Avenue and Pitkin Avenue, East of South 7th Street and a Portion of the East/West Alley Between South 7th and South 8th Street South of Ute Avenue [File #VR-2008-342]

Request to vacate the North/South Alley between Ute Avenue and Pitkin Avenue, East of South 7th Street and a portion of the East/West alley between South 7th and South 8th Street South of Ute Avenue within Block 137 of the Original Town Site of Grand Junction

for the purposes of consolidating City-owned parcels and the construction of a new Fire Station.

The public hearing was opened at 9:24 p.m.

Brian Rusche, Senior Planner, presented this item. He described the request, site, and location. He asked that the Staff Report and attachments be entered into the record. The sites have been acquired and cleared in anticipation of future development. Any utilities that need to be relocated will be relocated. The proposal meets the criteria of the Zoning and Development Code. The Planning Commission recommends approval.

Councilmember Pitts asked about the alley being vacated only partway through the block. Mr. Rusche said the alley is being vacated only along the city-owned parcels. One private residence uses the alley and accommodations have been worked out for trash collection.

There were no public comments.

The public hearing was closed at 9:28 p.m.

Ordinance No. 4377—An Ordinance Vacating Alley Rights-of-Way Located Between Ute and Pitkin Avenues, East of South 7th Street

Councilmember Coons moved to adopt Ordinance No. 4377 and ordered it published. Councilmember Palmer seconded the motion. Motion carried by roll call vote.

Public Hearing—The Issuance of Downtown Development Authority (DDA) Tax Increment Revenue Bonds and Pledge the Tax Increment Revenues of the City for Payment of the Bonds – Series 2009

On April 3, 2007, a majority of qualified voters within the boundaries of the Grand Junction, Colorado Downtown Development Authority (DDA) authorized the City to issue bonds or other indebtedness for the purpose of financing certain capital improvements within the DDA's "Plan of Development" area. The voters also authorized the pledge of tax increment funds for payment of the bonds. The City Council is authorized by the City Charter to authorize the issuance of such tax increment revenue bonds and now desires to cause the bonds to be issued, to authorize and direct the application of the proceeds and to provide security for the payment.

The public hearing was opened at 9:29 p.m.

John Shaver, City Attorney, presented this item. The purpose of the bonds is for continued financing and operation of the Downtown Development Association (DDA). The City of Grand Junction authorizes such bonds on behalf of the DDA. The Executive Director of the DDA, Heidi Hoffman Ham, is present if there are any

questions as to the proposed uses of the bond proceeds. The ordinance allows the use of the funding for any lawful purpose. A listing of capital improvement needs have been identified by the DDA board.

Councilmember Coons suggested it may be helpful to the public to know how the funds will be used.

Heidi Hoffman Ham, DDA Executive Director, referred to the most recent CIP and operations listing prepared by the DDA. These monies are only to be used for capital projects. The Main Street project is the biggest and most important project for the DDA and highest priority. Other projects are street furniture, way finding program (signage), façade grant program, (helping property owners improve their street frontage), and occasionally land acquisition.

There were no public comments.

The public hearing was closed at 9:35 p.m.

Ordinance No. 4378—An Ordinance Authorizing the Issuance of the City of Grand Junction, Colorado, Downtown Development Authority Tax Increment Revenue Bonds, Series 2009; Pledging the Tax Increment Revenues of the City for the Payment of the Bonds; and Related Matters

Councilmember Beckstein moved to adopt Ordinance No. 4378 and ordered it published. Councilmember Coons seconded the motion. Motion carried by roll call vote.

Public Hearing—Cross Referencing Old Municipal Code Numbering with New Numbering System to Allow the Transition Between the Two Systems

Staff has been working on reorganizing and renumbering of the Municipal Code and other reference documents such as the Zoning and Development Code, the various manuals (SSID, TEDS, and SWMM), the various neighborhood and corridor plans and other important previously approved documents in order to have them on the internet for easy public access. At this point, the work is close enough to completion that a transition ordinance is in order to allow any reference to the current Code (soon to be Old Code) to apply to the newly numbered Code (soon to be New Code).

The public hearing was opened at 9:35 p.m.

John Shaver, City Attorney, explained the request which will allow the City, during the Code recodification, to reference both the old Code and new Code numbering. This will allow enforcement officers to use either numbering system during the transition.

There were no public comments.

The public hearing was closed at 9:37 p.m.

Ordinance No. 4379—An Ordinance Providing for a Cross Reference Between the 1994 Code of Ordinances Old Numbering System and the New Numbering System

Councilmember Kenyon moved to adopt Ordinance No. 4379 and ordered it published. Councilmember Beckstein seconded the motion. Motion carried by roll call vote.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

There was none.

Adjournment

The meeting was adjourned at 9:39 p.m.

Stephanie Tuin, MMC
City Clerk

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

August 19, 2009

The City Council of the City of Grand Junction convened into regular session on the 19th day of August 2009 at 7:03 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Tom Kenyon, Gregg Palmer, Bill Pitts, Linda Romer Todd, and Council President Bruce Hill. Also present were City Manager Laurie Kadrich, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Hill advised the process for the meeting tonight and the workshop following.

Council President Hill called the meeting to order and then led in the Pledge of Allegiance.

Citizen Comments

Elizabeth Lavelly, 629 Ouray Avenue, advised the Winter Summit was held on behalf of the homeless and she wanted to update the City Council. She listed those organizations in attendance at the Summit, noting the amount of enthusiasm to address this issue in the community. She encouraged the City Council to get involved and to include ways to address homelessness in the Comprehensive Plan. She invited them to a meeting the following day at the Homeless Shelter at 10:00 a.m.

CONSENT CALENDAR

Councilmember Kenyon read the Consent Calendar and then moved to approve item #1. Councilmember Beckstein seconded the motion. Motion carried.

1. **Setting a Hearing on Amending Chapter 24 of the Code of Ordinances to Regulate the Use of City Medians**

The incidence of persons standing on City medians has increasingly become a problem for motorists using the streets. Persons that stand, sit or otherwise occupy medians create a dangerous situation for motorists, pedestrians and traffic. City staff recommends that an ordinance be adopted to regulate use of the City medians.

Proposed Ordinance to Prohibit Solicitation in City Medians and Rights-of-Way

Action: Introduction of a Proposed Ordinance and Set a Hearing for September 2, 2009

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Public Safety Initiative

a) Ballot Resolution

To provide an opportunity for the City Council to consider the Public Safety Initiative and possible November 2009 ballot question. The ballot question would ask voters to approve a sales tax increase to build public safety facilities.

Council President Hill advised that this item was discussed at a previous workshop but no decision was made nor were all seven members of Council present at the workshop. That is why this item is before the City Council this evening. First, the City Council must decide if a question will be placed on the ballot. If that is decided in the affirmative, then the City Council will address the specifics. He asked for a motion and then they will move into discussion.

Resolution No. 72-09—A Resolution Setting Titles and Submitting to the Electorate on November 3, 2009 a Measure to Increase the Sales and Use Tax from 2.75% to 3.00% as a Voter Approved Revenue Change as Defined by Article X, Section 20 of the Colorado Constitution

Councilmember Coons moved to adopt Resolution No. 72-09. Councilmember Todd seconded the motion.

City Council then asked for a presentation.

Laurie Kadrach, City Manager, presented this item. She first addressed the economic impact of each of the options and explained the model that is used to compute that impact. Another piece in the Staff Report is the recommendation from Cobb and Associates, a firm hired by the City Manager to provide analysis of the public sentiment.

City Manager Kadrach reviewed what has been done to extend and improve the use of the current facilities, including the Communication Center, at Fire Station #1. In preparation for new facilities, the groundwork that has been laid so far was accomplished including a needs assessment that was a ten-year outlook. The most recent proposal was only the first phase in that ten-year plan. An architect was hired and put together a project team that included Staff that were not necessarily in favor of new facilities for police. That project team identified the public safety facilities as the number one priority. A grant application for Fire Station #1 and a Neighborhood Fire Station has been submitted. The City has also used reserve dollars to prepare the site. Ms. Kadrach reviewed the analysis the City has done both prior and after the election in November 2008. Lastly, City Manager Kadrach listed the work session and meetings where the City Council has discussed this issue.

Councilmember Todd asked how the City is faring regarding federal guidelines and compliance. City Manager Kadrach said there are deadlines looming for conversion of the radio system to 800 MHz by 2012. The City is continuing to move forward in coming into compliance.

Councilmember Todd asked what the response time is to get to the large equipment stored at City Shops. City Manager Kadrach said that would depend on the location of the call. The ideal situation is that the officer and the equipment are at the same location. The current situation does add to the response time.

Councilmember Coons asked if the current situation is adequate and what problems would be anticipated if the issue was phased in over the next several years.

City Manager Kadrach responded that a band-aid has been applied to the public safety situation. Sharing the CBI building will likely continue for certain lab work but there is other lab work that can't be done at the CBI facility. The proposal calls for sharing of the central operations so that most of the centralized functions can be shared and thus save taxpayers money. It was estimated that the savings was \$12 to \$14 million in savings by combining those functions. The current City funds are not sufficient to fund the construction of the central building.

Councilmember Todd asked if the City is going to borrow money or hold onto the funds. City Manager Kadrach said a ¼ cent increase would still need to be matched by other City funding and the amount of revenue from that increase is now less than what was estimated previously.

Councilmember Palmer asked for clarification on the \$53 million option. City Manager Kadrach explained how that would fit into the resolution. Councilmember Palmer then asked about the language that spoke to operation of facilities. If the tax were to sunset, then how will those operating expenses continue to be funded? City Manager Kadrach said it could be used for operations but would typically be for one-time expenses.

Councilmember Coons asked for clarification from the City Attorney on the bonding process.

City Attorney Shaver referred to the questions brought up by Mr. Dennis Simpson and then answered that the question is a revenue question. It is not a debt question. If a question were to be approved, the City would seek financing through Certificates of Participation through another entity and then the City would lease those facilities.

Councilmember Palmer asked about more information on the ballot question. City Attorney Shaver advised the question in the resolution is not complete, if the Council

decides to place a question on the ballot, they will then need to insert the additional language.

Councilmember Coons asked Terry Cavanaugh of Cobb and Associates, the consultant referred to previously, as to how she gathered her information and made her conclusion. Ms. Cavanaugh listed her sources of information and her conclusion is that the public is still not clear on what the question is. Councilmember Coons asked if the time frame is too short to still educate the public. Ms. Cavanaugh responded that this is her belief. She then gave City Council a variety of examples of the sentiments in the community and how the need should be met as it is still unclear. Councilmember Coons asked about timing. Ms. Cavanaugh said that communication is the key, as well as consensus and a strong citizen mandate.

Councilmember Kenyon said the mandate he hears is that there should not be a tax increase. There was also confusion in the community. His conclusion is that the City is not ready.

Councilmember Todd said the elected officials need to step up to the plate in times of downturn. They can create jobs in this downturn time and they should move forward on this desperate need. The City Council needs to engage the community and move forward. It is \$32 dollars per household per year to build these facilities. Without placing a measure on this ballot, they will have to wait until November 2010 or April 2011.

Councilmember Pitts said when he was campaigning, he said he would listen to the public. He agreed there is a need and to do nothing would be to go backwards; but in listening, he thinks placing it on this upcoming ballot would be an error.

Councilmember Palmer agreed the need is well established but he respects the reasons the voters said no. He agreed with Ms. Cavanaugh as far as the timing and the questions that the public still have. There are still other questions that could impact this matter such as the Clifton annexation. The economic conditions are not good and the people he has spoken with think the City should wait. He said he preferred not to have the matter on this ballot.

Councilmember Coons said her constituents don't all agree. Some agree with the not now, but many think it will be a stimulus package for the City. Many think that now is the time. The amount of the tax increase is minimal compared to the impact on the economy. She thought many of the questions from the last election have been answered and the project has been adjusted. If the Council decides to go forward, then the responsibility is on Council to get the word out. She is in favor of going forward. Councilmember Beckstein agreed the need is there, however, there is so much going on and so many unsettling things going on at the Federal and State level. The citizens want the City to slow down and think about it. Start slower and make sure the citizens

know the Council is listening. There are a lot of citizens who do not feel they were part of the analysis. She would like to see it happen, but now is not the time.

Council President Hill thanked the members for adjusting their schedule to be at this meeting. Staff provided options after the Council had a work session and laid out some different options. Although they have tried to engage community groups, there is more work to be done. He can't think of a better time to build something, but wonders if that is an argument that the citizens would accept in this environment. Regardless of how the vote comes out, the Council will adjourn in the next room to begin planning.

The vote was called. Motion failed by roll call vote with Councilmembers Kenyon, Palmer, Pitts, Beckstein and Council President Hill voting NO. Councilmembers Coons and Todd voted YES.

Council President Hill advised with the failure of the motion the next item is no longer necessary.

b) Contract with Mesa County Elections for the Public Safety Initiative Election

In order to place the City's ballot question regarding the Public Safety Initiative on the Mesa County ballot, an intergovernmental agreement setting forth the responsibilities of both entities is required. In essence, by this intergovernmental agreement, the City will enter into a contract with Mesa County for them to conduct the City's election.

No action was taken on this item.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

There was none.

Adjournment

The meeting adjourned at 8:17 p.m.

Stephanie Tuin, MMC
City Clerk



Date: 8/25/09

Author: Jodi Romero

Title/ Phone Ext: 1515

Proposed Schedule: August

31st

2nd Reading

Attach 2
Assignment of the City’s 2009 Private Activity
Bond Allocation to the Colorado Housing and
Finance Authority
CITY COUNCIL AGENDA ITEM

Subject: Assignment of the City’s 2009 Private Activity Bond Allocation to the Colorado Housing and Finance Authority

File # (if applicable): N/A

Presenters Name & Title: Jodi Romero, Financial Operations Manager

Executive Summary:

Request approval to assign the City’s 2009 Private Activity Bond Allocation to the Colorado Housing and Finance Authority (CHFA) for the purpose of providing single-family mortgage loans to low and moderate income persons and families. The amount of this assignment would be “banked” towards a future partnership with CHFA for a multi-family rental housing project serving low and middle income families.

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

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

Assigning the City’s PAB allocation to CHFA creates additional resources for CHFA to provide the financing necessary for low to middle income individuals and families to attain housing who may otherwise not be able to.

Action Requested/Recommendation:

Approval of the Proposed Resolution Assigning the City’s 2009 Private Activity Bond Allocation to the Colorado Housing and Finance Authority and Authorize the City Manager to Execute the Assignment.

Board or Committee Recommendation:

At this time the Grand Junction Housing Authority does not have a project that they would like to use the City's PAB allocation towards, and therefore concurs with the recommendation to assign to CHFA.

Background, Analysis and Options:

Each year the State of Colorado allocates the authority to issue tax exempt Private Activity Bonds (PABs) directly to local governments whose population warrants an allocation of \$1 million or more. PABs may be used for housing projects and certain types of eligible development (ie. small manufacturing). If the local government does not have a designated use of the PABs (by September 15th of each year), they are required to either turn back the funds for Statewide use or assign the allocation to another issuer.

Since 1997, the City has been receiving a direct allocation of PABs and for the majority of those years the City Council has exercised the option of assigning the allocation to CHFA. CHFA's activity in Grand Junction last year totaled \$17.4 million in loans to low and moderate income families and often first time home buyers, and an additional \$31 million in loans for Mesa County residents outside of Grand Junction.

The City does not have a qualifying project for this year's allocation and therefore in order to have the greatest assurance that the City's PAB allocation will continue to be used in the community, it is staff's recommendation that the City again assign it's 2009 PAB allocation to CHFA.

Financial Impact/Budget:

Private Activity Bonds are simply an authorization by the State of Colorado that allows the City to issue tax exempt bonds on behalf of a qualified project; therefore assignment of the City's bond allocation does not impact the budget. The City's 2009 Allocation amount is \$2,414,790.

Legal issues:

none

Other issues:

none

Previously presented or discussed:

none

Attachments:

Proposed Resolution

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. _____ -09

A RESOLUTION AUTHORIZING ASSIGNMENT TO THE COLORADO HOUSING AND FINANCE AUTHORITY OF A PRIVATE ACTIVITY BOND ALLOCATION OF THE CITY OF GRAND JUNCTION PURSUANT TO THE COLORADO PRIVATE ACTIVITY BOND CEILING ALLOCATION ACT

RECITALS

The City of Grand Junction (the "City") is authorized and empowered under the laws of the State of Colorado (the "State") to issue revenue bonds for the purpose of providing single-family mortgage loans to low- and moderate-income persons and families.

The Internal Revenue Code of 1986, as amended (the "Code"), restricts the amount of tax-exempt bonds ("Private Activity Bonds") which may be issued in the State to provide such mortgage loans and for certain other purposes.

Pursuant to the Code, the Colorado legislature adopted the Colorado Private Activity Bond Ceiling Allocation Act, Part 17 of Article 32 of Title 24, Colorado Revised Statutes (the "Allocation Act"), providing for the allocation of the State Ceiling among the Colorado Housing and Finance Authority (the "Authority") and other governmental units in the State, and further providing for the assignment of such allocations from such other governmental units to the Authority.

Pursuant to an allocation under Section 24-32-1706 of the Allocation Act, City has an allocation of the 2009 State Ceiling for the issuance of a specified principal amount of Private Activity Bonds prior to September 15, 2009 ("2009 Allocation")

The City has determined that, in order to increase the availability of adequate affordable housing for low and moderate-income persons and families within the City and elsewhere in the State, it is necessary or desirable to provide for the utilization of all or a portion of the 2009 Allocation.

The City has also determined that the 2009 Allocation, or a portion thereof, can be utilized most efficiently by assigning it to the Authority to issue Private Activity Bonds for the purpose of providing single-family mortgage loans to low and moderate-income persons and families.

The City Council of the City has determined to assign \$2,414,790 of its 2009 Allocation to the Authority, which assignment is to be evidenced by an Assignment of Allocation between the City and the Authority (the "Assignment of Allocation").

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City Grand Junction that:

1. The assignment to the Authority of \$2,414,790 of the City's 2009 Allocation be and hereby is approved.
2. The form and substance of the Assignment of Allocation is hereby approved. Furthermore, the City Manager, in consultation with the City Attorney, is hereby authorized to make such technical variations, additions or deletions in or to such Assignment of Allocation as she deems necessary or appropriate and not inconsistent with this Resolution.
3. The City Manager is authorized to execute and deliver the Assignment of Allocation on behalf of the City and to take such other steps or actions as may be necessary, useful or convenient to effect the aforesaid assignment in accordance with the terms and intent of this Resolution.
4. If any section, paragraph, clause or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this resolution.
5. This Resolution shall be in full force and effect upon its passage and approval or as otherwise required by home rule charter.

PASSED, ADOPTED AND APPROVED this ____ day of _____ 2009.

President of the Council

ATTEST:

City Clerk



Date: August 21, 2009
 Author: Michael Grizenko
 Title/ Phone Ext: 256-4021

 Proposed Schedule: _____^{1st}
Reading 8/31/2009
 2nd Reading
 (if applicable): 10/5/2009

Attach 3
Setting a Hearing Accepting Improvements and Assessments Connected with Alley Improvement District No. ST-09
CITY COUNCIL AGENDA ITEM

Subject: Accepting the Improvements Connected with Alley Improvement Districts No. ST-09, Phase A and Phase B, Giving Notice of a Hearing, and the First Reading of the Assessment Ordinance
File # (if applicable): N/A
Presenters Name & Title: Tim Moore, Director of Public Works and Planning

Executive Summary:

Improvements to the following alleys have been completed as petitioned by a majority of the property owners to be assessed:

- East/West Alley from 3rd to 4th, between Glenwood Avenue and Kennedy Avenue*
- East/West Alley from 9th to 10th, between Main Street and Rood Avenue*
- East/West T Alley from 17th to 18th, between North Avenue and Glenwood Avenue*
- East/West Alley from 11th to 12th, between Hill Avenue and Teller Avenue**

* Phase A Alleys

** Phase B Alley

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

Meets **Goal 8:** Create attractive public spaces and enhance the visual appeal of the community through quality development.

Policy B: Construct streets in the City Center, Village Centers, and Neighborhood Centers to include enhanced pedestrian amenities.

Local improvement districts provide a service to citizens seeking to improve their neighborhood and enhance the look and appeal of the City as a whole.

Action Requested/Recommendation:

Adopt Proposed Resolution and Set a Public Hearing on Proposed Ordinance for Alley Improvement Districts ST-09, Phase A and Phase B for October 5, 2009.

Board or Committee Recommendation:

N/A

Background, Analysis and Options:

People's Ordinance No. 33 gives the City Council authority to create improvement districts and levy assessments when requested by a majority of the property owners to be assessed. These alleys were petitioned for reconstruction by more than 50% of the property owners. Assessment rates for alleys are based on percentages of total assessable costs the City will contribute for three property uses: 85% per abutting foot for residential single-family uses, 75% per abutting foot for residential multi-family uses, and 50% per abutting foot for non-residential uses.

A summary of the process that follows submittal of the petition is provided below. Items preceded by a √ indicate steps already taken with this Improvement District and the item preceded by a ► indicates the step being taken with the current Council action.

1. √ City Council passes a Resolution declaring its intent to create an improvement district. The Resolution acknowledges receipt of the petition and gives notice of a public hearing.
2. √ Council conducts a public hearing and passes a Resolution creating the Improvement District.
3. √ Council awards the construction contract.
4. √ Construction.
5. √ After construction is complete, the project engineer prepares a Statement of Completion identifying all costs associated with the Improvement District.
6. ► Council passes a Resolution approving and accepting the improvements, gives notice of a public hearing concerning a proposed Assessing Ordinance, and conducts the first reading of the proposed Assessing Ordinance.
7. Council conducts a public hearing and second reading of the proposed Assessing Ordinance.
8. The adopted Ordinance is published.
9. The property owners have 30 days from final publication to pay their assessment in full. Assessments not paid in full will be amortized over a ten-year period. Amortized assessments may be paid in full at anytime during the ten-year period.

The second reading and public hearing is scheduled for the October 5, 2009 Council meeting. The published assessable costs include a one-time charge of 6% for costs of collection and other incidentals. This fee will be deducted for assessments paid in full by November 13, 2009. Assessments not paid in full will be turned over to the Mesa County Treasurer for collection under a 10-year amortization schedule with simple interest at the rate of 8% accruing against the declining balance.

Financial Impact/Budget:

Alley	Footage	Cost	Assessments	Net to City	% paid by property owner
E/W 3rd-4th, Glenwood to Kennedy	860	\$ 58,576	\$ 20,634	\$ 37,943	35%
E/W 9th-10th, Main to Rood	800	\$ 58,576	\$ 17,305	\$ 41,272	30%
T 17th-18th, North to Glenwood	1,263.78	\$ 109,831	\$ 32,148	\$ 77,682	29%
E/W 11th-12th, Hill to Teller	907.2	\$ 63,901	\$ 27,987	\$ 35,914	44%
Totals	3830.98	\$ 290,884	\$ 98,073	\$ 192,811	34%
2009 Alley Budget		\$ 400,000			
Cost to construct 2009 Phases A & B		\$ 290,884			
Balance		\$ 109,116			

Legal issues:

Have legal insert information here.

Other issues:

N/A

Previously presented or discussed:

N/A

Attachments:

- 1) Summary Sheets
- 2) Maps
- 3) Resolution and Notice of Hearing
- 4) Assessing Ordinance

SUMMARY SHEET
ALLEY IMPROVEMENT DISTRICT
3RD STREET TO 4TH STREET
GLENWOOD AVENUE TO KENNEDY AVENUE

OWNER	FOOTAGE	COST/FOOT	ASSESSMENT
***Sherwood Park Apartments Inc	205	16.64	3,411.20
Ronald D. & Terry Louise Vincent	70	33.28	2,329.60
***MMH Property Joint Venture	275	16.64	4,576.00
John A. Hart & Doris L. Hart Revocable Trusts	85	33.28	2,828.80
***4th & Kennedy Avenue LLC	100	33.28	3,328.00
***4th & Kennedy Avenue LLC	125	33.28	4,160.00
ASSESSABLE FOOTAGE TOTAL	860		20,633.60

Estimated Cost to Construct	\$ 58,576.28
Absolute Cost to Owners	<u>\$ 20,633.60</u>
Estimated Cost to City	\$ 37,942.68

Assessments may be paid in full upon completion of project or may be paid over a ten-year period, in which event, a one-time charge of 6% will be added to the principal balance to which simple interest will accrue at the rate of 8% per annum on the declining balance.

*** Indicates property owners voting in favor are 4/6 or 67% and 82% of the assessable footage.

SUMMARY SHEET

ALLEY IMPROVEMENT DISTRICT 11th STREET TO 12TH STREET HILL AVENUE TO TELLER AVENUE

OWNER	FOOTAGE	COST/FOOT	ASSESSMENT
***Lutheran Church of Messiah of GJ	62.5	16.64	1,040.00
Michael D. & Margaret A. Harvey	50	9.98	499.00
The Brophy Family Trust	53.6	33.28	1,783.81
***Lutheran Church of Messiah of GJ	50	33.28	1,664.00
***Lutheran Church of Messiah of GJ	87.5	33.28	2,912.00
***Lutheran Church of Messiah of GJ	100	33.28	3,328.00
***Lutheran Church of Messiah of GJ	50	33.28	1,664.00
***Lutheran Church of Messiah of GJ	<u>453.6</u>	33.28	<u>15,095.81</u>
ASSESSABLE FOOTAGE TOTAL	907.2		27,986.62

Estimated Cost to Construct	\$ 63,901.39
Absolute Cost to Owners	<u>\$ 27,986.62</u>
Estimated Cost to City	\$ 35,914.77

Assessments may be paid in full upon completion of project or may be paid over a ten-year period, in which event, a one-time charge of 6% will be added to the principal balance to which simple interest will accrue at the rate of 8% per annum on the declining balance.

*** Indicates owners signing in favor of improvements are 6/8 or 75% and 89% of the assessable footage.

**ALLEY IMPROVEMENT DISTRICT
3RD STREET TO 4TH STREET
GLENWOOD AVENUE TO KENNEDY AVENUE**



ALLEY IMPROVEMENT DISTRICT 9TH STREET TO 10TH STREET MAIN STREET TO ROOD AVENUE



**ALLEY IMPROVEMENT DISTRICT
11TH STREET TO 12TH STREET
HILL AVENUE TO TELLER AVENUE**



RESOLUTION NO. _____

**A RESOLUTION APPROVING AND ACCEPTING THE IMPROVEMENTS
CONNECTED WITH ALLEY IMPROVEMENT DISTRICT NO. ST-09, PHASE A, AND
ALLEY IMPROVEMENT DISTRICT NO. ST-09, PHASE B**

WHEREAS, the City Council of the City of Grand Junction, Colorado, has reported the completion of Alley Improvement District No. ST-09, Phase A and Alley Improvement District No. ST-09, Phase B; and

WHEREAS, the City Council has caused to be prepared a statement showing the assessable cost of the improvements of Alley Improvement District No. ST-09, Phase A and Alley Improvement District No. ST-09, Phase B and apportioning the same upon each lot or tract of land to be assessed for the same;

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

1. That the improvements connected therewith in said District be, and the same are hereby approved and accepted; that said statement be, and the same is hereby approved and accepted as the statement of the assessable cost of the improvements of said Alley Improvement District No. ST-09, Phase A and Alley Improvement District No. ST-09, Phase B;
2. That the same be apportioned on each lot or tract of land to be assessed for the same;
3. That the City Clerk shall immediately advertise for three (3) days in the Daily Sentinel, a newspaper of general circulation published in said City, a Notice to the owners of the real estate to be assessed, and all persons interested generally without naming such owner or owners, which Notice shall be in substantially the form set forth in the attached "NOTICE", that said improvements have been completed and accepted, specifying the assessable cost of the improvements and the share so apportioned to each lot or tract of land; that any complaints or objections that may be made in writing by such owners or persons shall be made to the Council and filed with the City Clerk within thirty (30) days from the first publication of said Notice; that any objections may be heard and determined by the City Council at its first regular meeting after said thirty (30) days and before the passage of the ordinance assessing the cost of the improvements, all being in accordance with the terms and provisions of Chapter 28 of the Code of Ordinances of the City of Grand Junction, Colorado, being Ordinance No. 178, as amended.

PASSED and ADOPTED this ____ day of _____, 2009.

President of the Council

Attest:

City Clerk

NOTICE

NOTICE IS HEREBY GIVEN that a hearing is scheduled for October 5, 2009, at 7:00 p.m., to hear complaints or objections of the owners of the real estate hereinafter described, said real estate comprising the Districts of lands known as Alley Improvement District No. ST-09, Phase A and Alley Improvement District No. ST-09, Phase B, and all persons interested therein as follows:

Lots 1 through 4, inclusive, Block 12, Sherwood Addition Subdivision Plat of Blocks 8,9,11,12 & 13, City of Grand Junction; and also, The South 40 feet of Lots 1 through 3, inclusive, and Lots 4 through 32, inclusive, Block 108, City of Grand Junction; and also, Lots 1 through 8, inclusive, and Lots 13 through 15, inclusive, Block 7, Elmwood Plaza Refiling, except the West 5 feet of said Lot 15; and also, Lot 1, Mitchell Replat; and also Lots 5 & 6, Block 4, Parkplace Heights, including that portion of the vacated alley, described in Book 1111, Page 739 in the Mesa County records, between said Lots 5 and 6, except the alley right of way through said Lot 5 as described in Book 1133, Page 903 in said records; and also, Lots 1 through 34, inclusive, Block 23, City of Grand Junction. All in the City of Grand Junction, and Mesa County, Colorado.

That the improvements in and for said Alley Improvement District No. ST-09, Phase A, which are authorized by and in accordance with the terms and provisions of Resolution No. 145-08, passed and adopted on the 3rd day of December, 2008, declaring the intention of the City Council of the City of Grand Junction, Colorado, to create a local Alley improvement District to be known as Alley Improvement District No. ST-09, Phase A with the terms and provisions of Resolution No. 07-09, passed and adopted on the 7th day of January, 2009, creating and establishing said District, and for said Alley Improvement District No. ST-09, Phase B which are authorized by and in accordance with the terms and provisions of Resolution No. 09-09, passed and adopted on the 21st day of January, 2009, declaring the intention of the City Council of the City of Grand Junction, Colorado, to create a local Alley improvement District to be known as Alley Improvement District No. ST-09, Phase B with the terms and provisions of Resolution No. 26-09, passed and adopted on the 4th day of March, 2009, creating and establishing said District, all being in accordance with the terms and provisions of Chapter 28 of the Code of Ordinances of the City of Grand Junction, Colorado, being Ordinance No. 178, as amended, have been completed and have been accepted by the City Council of the City of Grand Junction, Colorado;

The City has inspected and accepted the condition of the improvements installed. The amount to be assessed from those properties benefiting from the improvements is \$103,957.32. Said amount including six percent (6%) for cost of collection and other incidentals; that the part apportioned to and upon each lot or tract of land within said District and assessable for said improvements is hereinafter set forth; that payment may be made to the Finance Director of the City of Grand Junction at any time within thirty (30) days after the final publication of the assessing ordinance

assessing the real estate in said District for the cost of said improvements, and that the owner(s) so paying should be entitled to an allowance of six percent (6%) for cost of collection and other incidentals;

That any complaints or objections that may be made in writing by the said owner or owners of land within the said District and assessable for said improvements, or by any person interested, may be made to the City Council and filed in the office of the City Clerk of said City within thirty (30) days from the first publication of this Notice will be heard and determined by the said City Council at a public hearing on Monday, October 5th, 2009 at 7:00 p.m. in the City Auditorium, 250 N. 5th Street, Grand Junction, Colorado, before the passage of any ordinance assessing the cost of said improvements against the real estate in said District, and against said owners respectively as by law provided;

That the sum of \$103,957.32 for improvements is to be apportioned against the real estate in said District and against the owners respectively as by law provided in the following proportions and amounts severally as follows, to wit:

ALLEY 3RD STREET TO 4TH STREET, GLENWOOD AVENUE TO KENNEDY AVENUE		
TAX SCHEDULE NO.	LEGAL DESCRIPTION	ASSESSMENT
2945-113-16-002	Lot 2, Block 12, Sherwood Addition Subdivision Plat of Blocks 8,9,11,12 & 13, City of Grand Junction	\$3,615.87
2945-113-16-003	West 70 feet of Lot 3, Block 12, Sherwood Addition Subdivision Plat of Blocks 8,9,11,12 & 13, City of Grand Junction	\$2,469.38
2945-113-16-008	Lot 3 except the West 70 feet thereof, Block 12, and the West 125 of Lot 4, Block 12, Sherwood Addition Subdivision Plat of Blocks 8,9,11,12 & 13, together with the vacated alley between said Lots 3 & 4 of said Subdivision, City of Grand Junction	\$4,850.56
2945-113-16-009	Lot 4, Block 12, Sherwood Addition Subdivision Plat of Blocks 8,9,11,12 & 13, except the West 125 feet thereof, City of Grand Junction	\$2,998.53
2945-113-16-010	The West 100 feet of Lot 1, Block 12, Sherwood Addition Subdivision Plat of Blocks 8,9,11,12 & 13, City of Grand Junction	\$3,527.68
2945-113-16-011	Lot 1, Block 12, Sherwood Addition Subdivision Plat of Blocks 8,9,11,12 & 13, except the West 100 feet thereof, City of Grand Junction	\$4,409.60

ALLEY 9TH STREET TO 10TH STREET, MAIN STREET TO ROOD AVENUE

TAX SCHEDULE NO.	LEGAL DESCRIPTION	ASSESSMENT
2945-144-15-003	Lots 4 & 5, Block 108, City of Grand Junction	\$ 881.92
2945-144-15-004	Lots 6 & 7, Block 108, City of Grand Junction	\$ 528.94
2945-144-15-006	Lot 10, Block 108, City of Grand Junction	\$ 264.47
2945-144-15-008	Lots 13 & 14, Block 108, City of Grand Junction	\$ 528.94
2945-144-15-009	Lots 15 & 16, Block 108, City of Grand Junction	\$ 528.94
2945-144-15-005	Lots 8 & 9, Block 108, City of Grand Junction	\$ 528.94
2945-144-15-010	Lots 30 to 32, inclusive,, Block 108, City of Grand Junction	\$2,645.76
2945-144-15-013	Lots 22 to 24, inclusive, Block 108, City of Grand Junction	\$2,645.76
2945-144-15-015	Lots 17 to 19, inclusive, Block 108, City of Grand Junction	\$1,322.88
2945-144-15-014	Lots 20 & 21, Block 108, City of Grand Junction	\$ 528.94
2945-144-15-016	Lot 29, Block 108, City of Grand Junction	\$ 881.92
2945-144-15-018	South 40' of Lots 1 through 3, inclusive, Block 108, City of Grand Junction	\$2,645.76
2945-144-15-017	Lots 27 & 28, Block 108, City of Grand Junction	\$1,763.84
2945-144-15-975	Lots 25 & 26, Block 108, City of Grand Junction	\$1,763.84
2945-144-15-977	Lots 11 & 12, Block 108, City of Grand Junction	\$ 881.92

ALLEY 17TH STREET TO 18TH STREET, NORTH AVENUE TO GLENWOOD AVENUE

TAX SCHEDULE NO.	LEGAL DESCRIPTION	ASSESSMENT
2945-123-25-001	Lot 8, Block 7, Elmwood Plaza Refiling	\$1,171.19
2945-123-25-002	Lot 7, Block 7, Elmwood Plaza Refiling	\$ 702.43
2945-123-25-003	Lot 5, Block 7, Elmwood Plaza Refiling	\$ 607.12
2945-123-25-004	Lot 4, Block 7, Elmwood Plaza Refiling	\$ 607.12
2945-123-25-005	Lot 3, Block 7, Elmwood Plaza Refiling	\$ 607.12
2945-123-25-006	Lots 1 & 2, Block 7, Elmwood Plaza Refiling	\$2,024.19
2945-123-25-007	Lot 5, Block 4, Parkplace Heights together with north 10 feet of vacated alley per Book 1111, Page 739, except alley right of way per Book 1133, Page 903	\$4,447.35
2945-123-25-011	Lot 6, Block 4 Parkplace Heights together with south 10 feet of vacated alley per Book	\$4,868.20

	1111, Page 739	
2945-123-25-013	East 42 feet of Lot 14 and all of Lot 13, Block 7, Elmwood Plaza Refiling	\$4,907.35
2945-123-25-015	Lot 6, Block 7, Elmwood Plaza Refiling	\$ 607.12
2945-123-25-017	The East 116.5 feet of the following: the west 61 feet of Lot 14 & all of Lot 15, except the west 5 feet of said Lot 15, Block 7, Elmwood Plaza Refiling	\$4,575.76
2945-123-25-021	Lot 1, Mitchell Replat	\$4,684.75
2945-123-25-018	West 48 feet of Lot 15, Block 7 Elmwood Plaza Refiling, except the west 5 feet thereof.	\$4,267.43

ALLEY 11TH STREET TO 12TH STREET, HILL AVENUE TO TELLER AVENUE		
TAX SCHEDULE NO.	LEGAL DESCRIPTION	ASSESSMENT
2945-141-18-005	Lots 25, 26 and the East 1/2 of Lot 27, Block 23, City of Grand Junction	\$ 1,102.40
2945-141-18-006	Lots 23 & 24, Block 23, City of Grand Junction	\$ 528.94
2945-141-18-009	Lot 18, Block 23, City of Grand Junction	\$ 1,890.84
2945-141-18-981	Lots 33 & 34, Block 23, City of Grand Junction	\$ 1,763.84
2945-141-18-998	The West 11.5 feet of Lot 29 and all of Lots 30 through 32, Block 23, City of Grand Junction	\$ 3,086.72
2945-141-18-014	Lots 19 through 22, inclusive, Block 23, City of Grand Junction	\$ 3,527.68
2945-141-18-951	The West half of Lot 27, Lot 28 and the East 13.5 feet of Lot 29, Block 23, City of Grand Junction	\$ 1,763.84
2945-141-18-959	Lots 1 through 17, inclusive, Block 23, City of Grand Junction	\$ 16,001.56

Dated at Grand Junction, Colorado, this _____ day of _____, 2009.

BY ORDER OF THE CITY COUNCIL,
CITY OF GRAND JUNCTION, COLORADO

By: _____
City Clerk

ORDINANCE NO. _____

AN ORDINANCE APPROVING THE ASSESSABLE COST OF THE IMPROVEMENTS MADE IN AND FOR ALLEY IMPROVEMENT DISTRICT NO. ST-09, PHASE A AND ALLEY IMPROVEMENT DISTRICT ST-09, PHASE B IN THE CITY OF GRAND JUNCTION, COLORADO, PURSUANT TO ORDINANCE NO. 178, ADOPTED AND APPROVED THE 11TH DAY OF JUNE, 1910, AS AMENDED; APPROVING THE APPORTIONMENT OF SAID COST TO EACH LOT OR TRACT OF LAND OR OTHER REAL ESTATE IN SAID DISTRICTS; ASSESSING THE SHARE OF SAID COST AGAINST EACH LOT OR TRACT OF LAND OR OTHER REAL ESTATE IN SAID DISTRICTS; APPROVING THE APPORTIONMENT OF SAID COST AND PRESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF SAID ASSESSMENT

WHEREAS, the City Council and the Municipal Officers of the City of Grand Junction, in the State of Colorado, have complied with all the provisions of law relating to certain improvements in Alley Improvement District No. ST-09, Phase A and Alley Improvement District ST-09, Phase B in the City of Grand Junction, pursuant to Ordinance No.178 of said City, adopted and approved June 11, 1910, as amended, being Chapter 28 of the Code of Ordinances of the City of Grand Junction, Colorado, and pursuant to the various resolutions, orders and proceedings taken under said Ordinance; and

WHEREAS, the City Council has heretofore caused to be published the Notice of Completion of said local improvements in said Alley Improvement District No. ST-09, Phase A and Alley Improvement District ST-09, Phase B and the apportionment of the cost thereof to all persons interested and to the owners of real estate which is described therein, said real estate comprising the district of land known as Alley Improvement District No. ST-09, Phase A and Alley Improvement District ST-09, Phase B in the City of Grand Junction, Colorado, which said Notice was caused to be published in The Daily Sentinel, the official newspaper of the City of Grand Junction (the first publication thereof appearing on September 2, 2009, and the last publication thereof appearing on September 4, 2009); and

WHEREAS, said Notice recited the share to be apportioned to and upon each lot or tract of land within said Districts assessable for said improvements, and recited that complaints or objections might be made in writing to the Council and filed with the Clerk within thirty (30) days from the first publication of said Notice, and that such complaints would be heard and determined by the Council at its first regular meeting after the said thirty (30) days and before the passage of any ordinance assessing the cost of said improvements; and

WHEREAS, no written complaints or objections have been made or filed with the City Clerk as set forth in said Notice; and

WHEREAS, the City Council has fully confirmed the statement prepared by the City Engineer and certified by the President of the Council showing the assessable cost of said improvements and the apportionment thereof heretofore made as

contained in that certain Notice to property owners in Alley Improvement District No. ST-09, Phase A and Alley Improvement District ST-09, Phase B duly published in the Daily Sentinel, the official newspaper of the City, and has duly ordered that the cost of said improvements in said Alley Improvement District No. ST-09, Phase A and Alley Improvement District ST-09, Phase B be assessed and apportioned against all of the real estate in said District in the portions contained in the aforesaid Notice; and

WHEREAS, from the statement made and filed with the City Clerk by the City Engineer, it appears that the assessable cost of the said improvements is \$103,957.32; and

WHEREAS, from said statement it also appears the City Engineer has apportioned a share of the assessable cost to each lot or tract of land in said District in the following proportions and amounts, severally, to wit:

ALLEY 3RD STREET TO 4TH STREET, GLENWOOD AVENUE TO KENNEDY AVENUE		
TAX SCHEDULE NO.	LEGAL DESCRIPTION	ASSESSMENT
2945-113-16-002	Lot 2, Block 12, Sherwood Addition Subdivision Plat of Blocks 8,9,11,12 & 13, City of Grand Junction	\$3,615.87
2945-113-16-003	West 70 feet of Lot 3, Block 12, Sherwood Addition Subdivision Plat of Blocks 8,9,11,12 & 13, City of Grand Junction	\$2,469.38
2945-113-16-008	Lot 3 except the West 70 feet thereof, Block 12, and the West 125 of Lot 4, Block 12, Sherwood Addition Subdivision Plat of Blocks 8,9,11,12 & 13, together with the vacated alley between said Lots 3 & 4 of said Subdivision, City of Grand Junction	\$4,850.56
2945-113-16-009	Lot 4, Block 12, Sherwood Addition Subdivision Plat of Blocks 8,9,11,12 & 13, except the West 125 feet thereof, City of Grand Junction	\$2,998.53
2945-113-16-010	The West 100 feet of Lot 1, Block 12, Sherwood Addition Subdivision Plat of Blocks 8,9,11,12 & 13, City of Grand Junction	\$3,527.68
2945-113-16-011	Lot 1, Block 12, Sherwood Addition Subdivision Plat of Blocks 8,9,11,12 & 13, except the West 100 feet thereof, City of Grand Junction	\$4,409.60

ALLEY 9TH STREET TO 10TH STREET, MAIN STREET TO ROOD AVENUE

TAX SCHEDULE NO.	LEGAL DESCRIPTION	ASSESSMENT
2945-144-15-003	Lots 4 & 5, Block 108, City of Grand Junction	\$ 881.92
2945-144-15-004	Lots 6 & 7, Block 108, City of Grand Junction	\$ 528.94
2945-144-15-006	Lot 10, Block 108, City of Grand Junction	\$ 264.47
2945-144-15-008	Lots 13 & 14, Block 108, City of Grand Junction	\$ 528.94
2945-144-15-009	Lots 15 & 16, Block 108, City of Grand Junction	\$ 528.94
2945-144-15-005	Lots 8 & 9, Block 108, City of Grand Junction	\$ 528.94
2945-144-15-010	Lots 30 to 32, inclusive,, Block 108, City of Grand Junction	\$2,645.76
2945-144-15-013	Lots 22 to 24, inclusive, Block 108, City of Grand Junction	\$2,645.76
2945-144-15-015	Lots 17 to 19, inclusive, Block 108, City of Grand Junction	\$1,322.88
2945-144-15-014	Lots 20 & 21, Block 108, City of Grand Junction	\$ 528.94
2945-144-15-016	Lot 29, Block 108, City of Grand Junction	\$ 881.92
2945-144-15-018	South 40' of Lots 1 through 3, inclusive, Block 108, City of Grand Junction	\$2,645.76
2945-144-15-017	Lots 27 & 28, Block 108, City of Grand Junction	\$1,763.84
2945-144-15-975	Lots 25 & 26, Block 108, City of Grand Junction	\$1,763.84
2945-144-15-977	Lots 11 & 12, Block 108, City of Grand Junction	\$ 881.92

ALLEY 17TH STREET TO 18TH STREET, NORTH AVENUE TO GLENWOOD AVENUE

TAX SCHEDULE NO.	LEGAL DESCRIPTION	ASSESSMENT
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2945-123-25-002	Lot 7, Block 7, Elmwood Plaza Refiling	\$ 702.43
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2945-123-25-004	Lot 4, Block 7, Elmwood Plaza Refiling	\$ 607.12
2945-123-25-005	Lot 3, Block 7, Elmwood Plaza Refiling	\$ 607.12
2945-123-25-006	Lots 1 & 2, Block 7, Elmwood Plaza Refiling	\$2,024.19
2945-123-25-007	Lot 5, Block 4, Parkplace Heights together with north 10 feet of vacated alley per Book 1111, Page 739, except alley right of way per Book 1133, Page 903	\$4,447.35
2945-123-25-011	Lot 6, Block 4 Parkplace Heights together with south 10 feet of vacated alley per Book	\$4,868.20

	1111, Page 739	
2945-123-25-013	East 42 feet of Lot 14 and all of Lot 13, Block 7, Elmwood Plaza Refiling	\$4,907.35
2945-123-25-015	Lot 6, Block 7, Elmwood Plaza Refiling	\$ 607.12
2945-123-25-017	The East 116.5 feet of the following: the west 61 feet of Lot 14 & all of Lot 15, except the west 5 feet of said Lot 15, Block 7, Elmwood Plaza Refiling	\$4,575.76
2945-123-25-021	Lot 1, Mitchell Replat	\$4,684.75
2945-123-25-018	West 48 feet of Lot 15, Block 7 Elmwood Plaza Refiling, except the west 5 feet thereof.	\$4,267.43

ALLEY 11TH STREET TO 12TH STREET, HILL AVENUE TO TELLER AVENUE		
TAX SCHEDULE NO.	LEGAL DESCRIPTION	ASSESSMENT
2945-141-18-005	Lots 25, 26 and the East 1/2 of Lot 27, Block 23, City of Grand Junction	\$ 1,102.40
2945-141-18-006	Lots 23 & 24, Block 23, City of Grand Junction	\$ 528.94
2945-141-18-009	Lot 18, Block 23, City of Grand Junction	\$ 1,890.84
2945-141-18-981	Lots 33 & 34, Block 23, City of Grand Junction	\$ 1,763.84
2945-141-18-998	The West 11.5 feet of Lot 29 and all of Lots 30 through 32, Block 23, City of Grand Junction	\$ 3,086.72
2945-141-18-014	Lots 19 through 22, inclusive, Block 23, City of Grand Junction	\$ 3,527.68
2945-141-18-951	The West half of Lot 27, Lot 28 and the East 13.5 feet of Lot 29, Block 23, City of Grand Junction	\$ 1,763.84
2945-141-18-959	Lots 1 through 17, inclusive, Block 23, City of Grand Junction	\$ 16,001.56

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

Section 1. That the assessable cost and apportionment of the same, as hereinabove set forth, is hereby assessed against all the real estate in said District, and to and upon each lot or tract of land within said District, and against such persons in the portions and amounts which are severally hereinbefore set forth and described.

Section 2. That said assessments, together with all interests and penalties for default in payment thereof, and all cost of collecting the same, shall from the time of

final publication of this Ordinance, constitute a perpetual lien against each lot of land herein described, on a parity with the tax lien for general, State, County, City and school taxes, and no sale of such property to enforce any general, State, County, City or school tax or other lien shall extinguish the perpetual lien of such assessment.

Section 3. That said assessment shall be due and payable within thirty (30) days after the final publication of this Ordinance without demand; provided that all such assessments may, at the election of the owner, be paid in installments with interest as hereinafter provided. Failure to pay the whole assessment within the said period of thirty days shall be conclusively considered and held an election on the part of all persons interested, whether under disability or otherwise, to pay in such installments. All persons so electing to pay in installments shall be conclusively considered and held as consenting to said improvements, and such election shall be conclusively considered and held as a waiver of any and all rights to question the power and jurisdiction of the City to construct the improvements, the quality of the work and the regularity or sufficiency of the proceedings, or the validity or correctness of the assessment.

Section 4. That in case of such election to pay in installments, the assessments shall be payable in ten (10) equal annual installments of the principal. The first of said installments of principal shall be payable at the time the next installment of general taxes, by the laws of the State of Colorado, is payable, and each annual installment shall be paid on or before the same date each year thereafter, along with simple interest which has accrued at the rate of 8 percent per annum on the unpaid principal, payable annually.

Section 5. That the failure to pay any installments, whether of principal or interest, as herein provided, when due, shall cause the whole unpaid principal to become due and payable immediately and the whole amount of the unpaid principal and accrued interest shall thereafter draw interest at the rate of 8 percent per annum until the day of sale, as by law provided; but at any time prior to the date of sale, the owner may pay the amount of such delinquent installment or installments, with interest at 8 percent per annum as aforesaid, and all penalties accrued, and shall thereupon be restored to the right thereafter to pay in installments in the same manner as if default had not been suffered. The owner of any piece of real estate not in default as to any installments may at any time pay the whole of the unpaid principal with interest accrued.

Section 6. That payment may be made to the City Finance Director at any time within thirty days after the final publication of this Ordinance, and an allowance of the six percent added for cost of collection and other incidentals shall be made on all payments made during said period of thirty days.

Section 7. That the monies remaining in the hands of the City Finance Director as the result of the operation and payments under Alley Improvement District No. ST-09, Phase A and Alley Improvement District ST-09, Phase B shall be retained by the Finance Director and shall be used thereafter for the purpose of further funding of past or subsequent improvement districts which may be or may become in default.

Section 8. That all provisions of Ordinance No. 178 of the City of Grand Junction, as amended, being Chapter 28 of the Code of Ordinances of the City of

Grand Junction, Colorado, shall govern and be taken to be a part of this Ordinance with respect to the creation of said Alley Improvement District No. ST-09, Phase A and Alley Improvement District ST-09, Phase B, the construction of the improvements therein, the apportionment and assessment of the cost thereof and the collection of such assessments.

Section 9. That this Ordinance, after its introduction and first reading shall be published once in full in the Daily Sentinel, the official newspaper of the City, at least ten days before its final passage, and after its final passage, it shall be numbered and recorded in the City ordinance record, and a certificate of such adoption and publication shall be authenticated by the certificate of the publisher and the signature of the President of the Council and the City Clerk, and shall be in full force and effect on and after the date of such final publication, except as otherwise provided by the Charter of the City of Grand Junction.

Introduced on First Reading this _____ day of _____, 2009.

Passed and Adopted on the _____ day of _____, 2009

Attest:

City Clerk

President of the Council



Date: Aug. 20, 2009_____

Author: Kathy Portner_____

Title/ Phone Ext: Neighborhood Services Manager/1420____

Proposed Schedule: Aug. 31,

Attach 4
Vacation of Utility and Access Easements at
Peppermill Lofts, Located at 2823 North Avenue
CITY COUNCIL AGENDA ITEM

Subject: Vacation of a Utility and Access Easements at Peppermill Lofts – Located at 2823 North Avenue
File # (if applicable): SPR-2009-068
Presenters Name & Title: Kathy Portner, Neighborhood Services Manager

Executive Summary: Request to vacate a utility and access easement on lot 1 and part of lot 2 of Woodland Subdivision (Easement Vacation No. 1) and a 25 foot wide utility easement on the north, west and south sides of Lot 2 of Woodland Subdivision (Easement Vacation No. 2), located at 2823 North Avenue. The easements are not needed for access or utility purposes and the vacation of the easements will facilitate the development of the proposed Peppermill Lofts, a 48 unit, multifamily project.

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

The project for which these easements are being vacated, Peppermill Lofts, meets the following draft goals and policies:

- Goal 3: The Comprehensive Plan will create ordered and balanced growth and spread future growth throughout the community.
 - The Peppermill Lofts development will create opportunities to reduce the amount of trips generated for shopping and commuting and decrease vehicle miles traveled, thus increasing air quality, by introducing residential uses in this, predominantly, commercial area.
- Goal 5: To provide a broader mix of housing types in the community to meet the needs of a variety of incomes, family types and life stages.
 - The Peppermill Lofts project maximizes residential density in the context of the North Avenue commercial corridor.
- Goal 8: Create attractive public spaces and enhance the visual appeal of the community through quality development.
 - Peppermill Lofts will revitalize an area of the North Avenue commercial corridor.

Action Requested/Recommendation: Approval of Resolutions Vacating the Utility and Access Easements.

Board or Committee Recommendation: At the August 11, 2009 hearing, Planning Commission recommended approval of the easement vacations.

Background, Analysis and Options:

ANALYSIS

1. Background

The applicant, Northuin, LLC, is requesting vacation of a utility and access easement , identified as Easement Vacation No 1 and a utility easement identified as Easement Vacation No 2. The two easements requested for vacation have never been used for the established purpose and both easements are not needed for the development of the property. The vacation of the two easements will not have any impact on service to the property; approved easements are proposed with the plat for the development of Peppermill Loft Apartments, SPR-2009-068.

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

The vacation of the utility easement and the utility and ingress/egress easements shall conform to the following:

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

The vacation of these easements will not impact the Grand Valley Circulation Plan, the Growth Plan or any policies adopted by the City of Grand Junction.

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

No parcel shall be landlocked as a result of the proposed vacations.

- 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.

No access restrictions are created and there is no economic impact created by the proposed vacations.

- 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).

These vacations will not cause any adverse impacts on the health, safety or welfare of the general community and the quality of public facilities. Services to any parcel of land will not be reduced if these easements are

vacated. Easements that will best serve all parcels will be dedicated with the proposed plat for this development.

- 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.

Public facilities and services to the property are not impacted by the proposed vacations.

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

These easements have never been used and the plat proposed with this project establish easements that are determined to better benefit the property and the City for required maintenance and traffic circulation.

FINDINGS OF FACT/CONCLUSIONS

After reviewing the Peppermill Lofts application, SPR-2009-068 for the vacation of a utility and access easement and a utility easement, staff makes the following findings of fact and conclusions:

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

Financial Impact/Budget:

NA.

Legal issues:

NA

Other issues:

NA

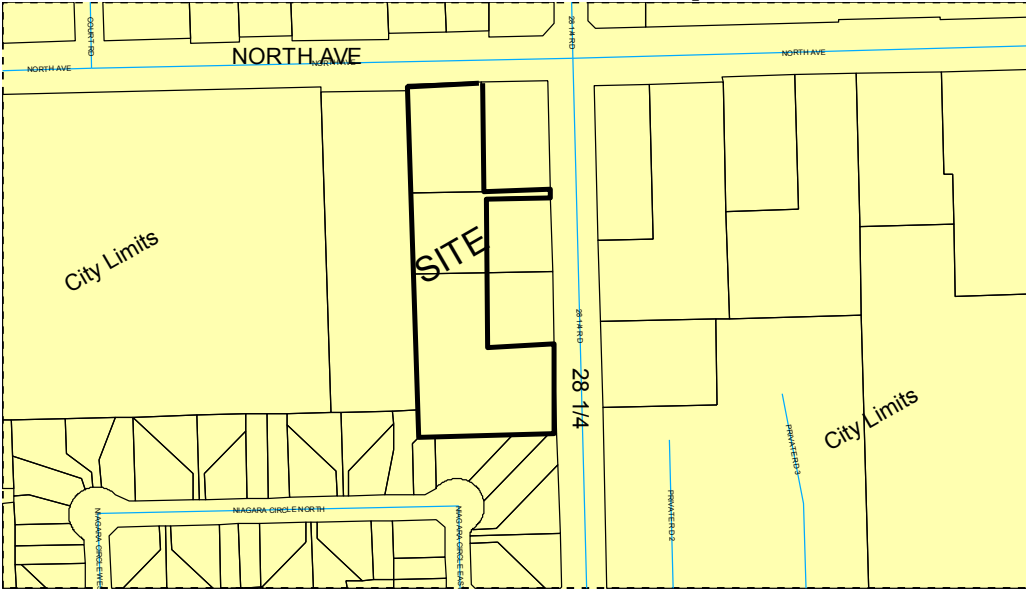
Previously presented or discussed:

NA

Attachments:

Site Map/Aerial Photo
Growth Plan Map/Zoning Map
Resolution for Easement Vacation No. 1 with Exhibit
Resolution for Easement Vacation No. 2 with Exhibit

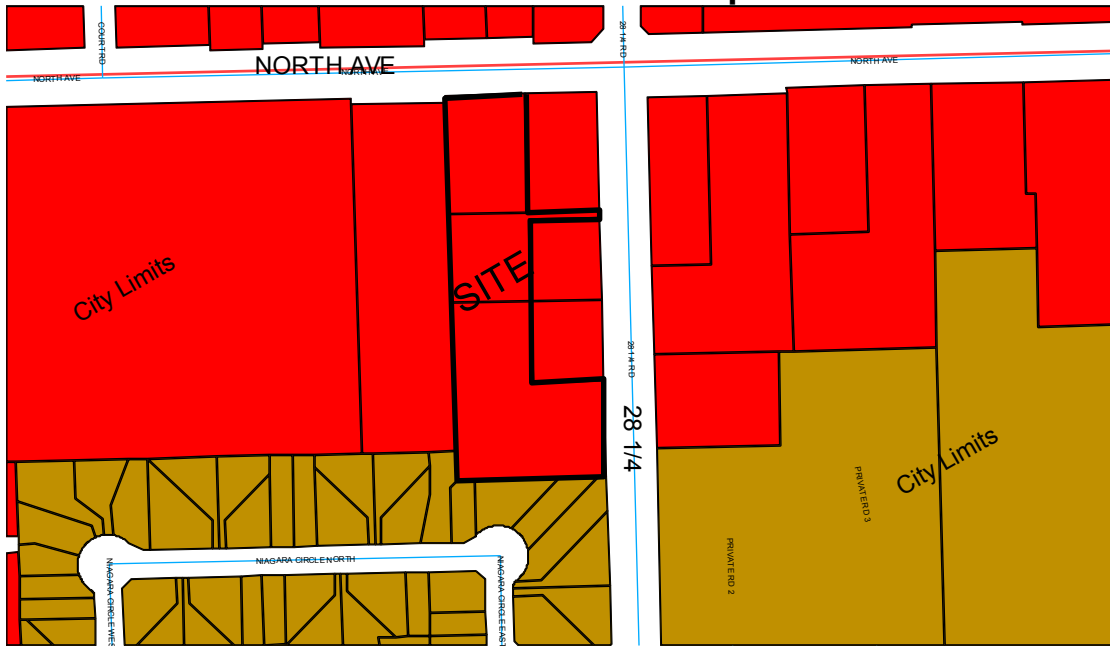
Site Location Map



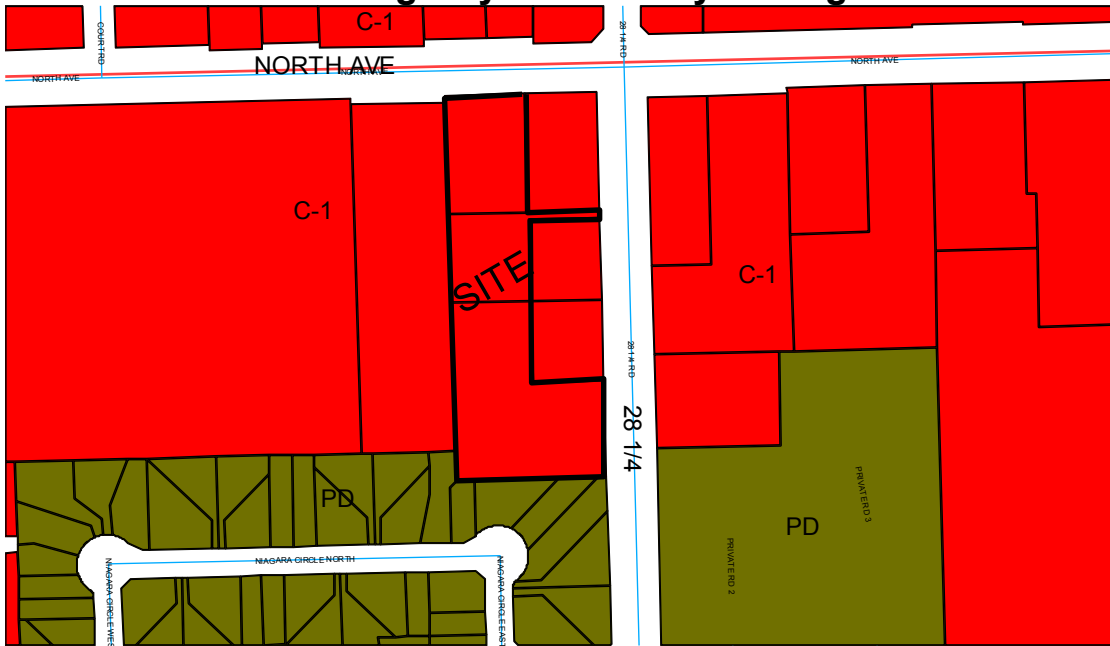
Aerial Photo map



Future Land Use Map



Existing City and County Zoning



CITY OF GRAND JUNCTION

RESOLUTION NO.

**A RESOLUTION VACATING A UTILITY AND ACCESS EASEMENT
LOCATED IN PART OF LOT 1 AND PART OF LOT 2 OF WOODLAND SUBDIVISION
AS PART OF THE PEPPERMILL LOFTS DEVELOPMENT**

RECITALS:

A request to vacate an easement dedicated on the plat of Woodland Subdivision as recorded at Book 12, Page 108 of the Records of The County of Mesa, State of Colorado.

The City Council finds that the request is consistent with the Growth Plan, the Grand Valley Circulation Plan and Section 2.11 of the Zoning and Development Code.

The Planning Commission, having heard and considered the request, found the criteria of the Code to have been met, and recommends that the vacation be approved.

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

The following described dedicated right-of-way for is hereby vacated subject to the listed conditions:

1. Applicants shall pay all recording/documentary fees for the Vacation Ordinance, any easement documents and dedication documents.

The following right-of-way is shown on "Exhibit A" as part of this vacation of description.

Dedicated right-of-way to be vacated:

LEGAL DESCRIPTION OF EASEMENT VACATION 1

AN EASEMENT DEDICATED ON THE PLAT OF WOODLAND SUBDIVISION AS RECORDED AT BOOK 12, PAGE 108 OF THE RECORDS OF THE COUNTY OF MESA, STATE OF COLORADO, SAID EASEMENT BEING PART OF LOT 1 AND PART OF LOT 2 OF THE SAID WOODLAND SUBDIVISION AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 1, THENCE FOLLOWING THE LOT LINE OF SAID LOT 1 S89°54'25"E 126.66 FEET; THENCE S89°46'47"E 115.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 1, SAID NORTHEAST CORNER BEING ON THE WEST RIGHT OF WAY LINE OF 28 ¼ ROAD; THENCE S01°09'39"E 12.18 FEET; THENCE N89°56'48"W 114.61 FEET; THENCE DEPARTING FROM THE LOT LINE OF SAID LOT 1 AND CONTINUING ALONG THE PREVIOUSLY RECORDED EASEMENT LINE N89°54'25"W 18.40 FEET; THENCE S00°23'48"E 130.41 FEET TO THE COMMON LOT LINE OF LOT 1

AND LOT 2; THENCE S00°23'48"E 10.00 FEET; THENCE N89°34'56"W 24.00 FEET;
THENCE N00°23'18"W 10.00 FEET TO THE COMMON LOT LINE OF LOT 1 AND
LOT 2; THENCE N00°23'18"W 130.28 FEET; THENCE N89°54'25"W 84.28 FEET TO
THE WEST LINE OF LOT 1; THENCE N00°09'08"W 12.00 FEET TO THE POINT OF
BEGINNING AND CONTAINING 6,266.0 SQUARE FEET, MORE OR LESS.

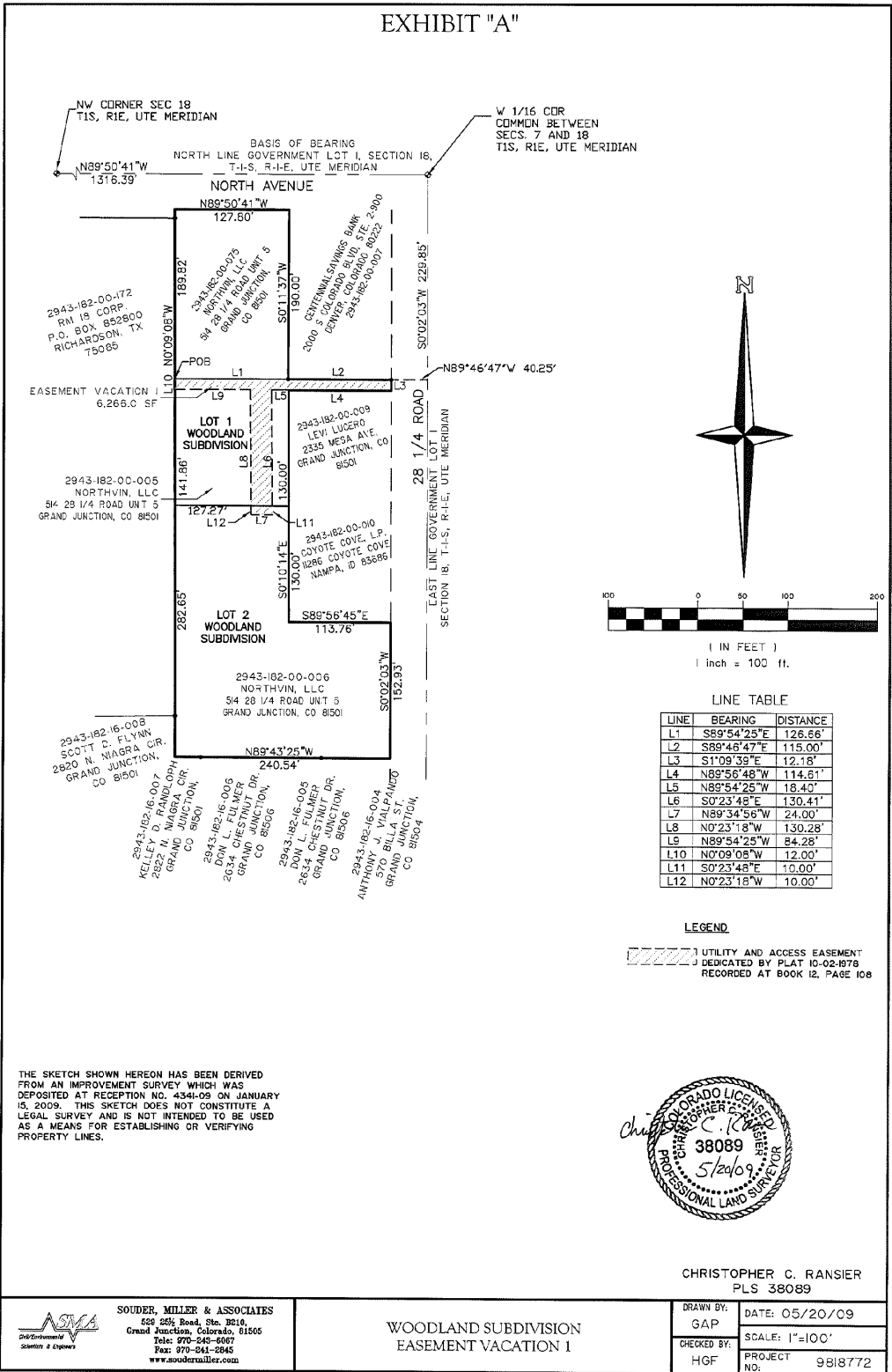
PASSED and ADOPTED this _____ day of _____, 2009.

ATTEST:

President of City Council

City Clerk

EXHIBIT "A"



CITY OF GRAND JUNCTION

RESOLUTION NO.

A RESOLUTION VACATING A UTILITY EASEMENT LOCATED ON NORTH, WEST AND SOUTH 25 FEET OF LOT 2 OF THE WOODLAND SUBDIVISION AS PART OF THE PEPPERMILL LOFTS DEVELOPMENT

RECITALS:

A request to vacate a utility easement dedicated AT Book 2102, Page 254 and recorded at Book 12, Page 102 of the records of the County of Mesa, State of Colorado.

The City Council finds that the request is consistent with the Growth Plan, the Grand Valley Circulation Plan and Section 2.11 of the Zoning and Development Code.

The Planning Commission, having heard and considered the request, found the criteria of the Code to have been met, and recommends that the vacation be approved.

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

The following described dedicated right-of-way for is hereby vacated subject to the listed conditions:

2. Applicants shall pay all recording/documentary fees for the Vacation Ordinance, any easement documents and dedication documents.

The following easement is shown on "Exhibit A" as part of this vacation of description.

Dedicated right-of-way to be vacated:

LEGAL DESCRIPTION OF EASEMENT VACATION 2

AN EASEMENT DEDICATED AT BOOK 2102, PAGE 254 OF THE RECORDS OF THE COUNTY OF MESA, STATE OF COLORADO, SAID EASEMENT BEING THE NORTH, WEST AND SOUTH 25 FEET OF LOT 2 OF SAID WOODLAND SUBDIVISION AS RECORDED AT BOOK 12, PAGE 108 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NW CORNER OF SAID LOT 2; THENCE ALONG THE NORTH LINE OF SAID LOT 2 S89°36'53"E 127.27 FEET; THENCE ALONG THE EAST LINE OF SAID LOT 2 S00°23'07"E 25.00 FEET; THENCE PARALLEL TO THE NORTH LINE OF SAID LOT 2 N89°36'53"W 102.04 FEET; THENCE PARALLEL TO THE WEST LINE OF SAID LOT 2 S00°09'08"E 232.60 FEET; THENCE PARALLEL TO THE SOUTH LINE OF SAID LOT 2 S89°43'25"E 195.62 FEET; THENCE ALONG THE

EAST LINE OF SAID LOT 2 S00°02'03"W 25.00 FEET; THENCE ALONG THE SOUTH LINE OF SAID LOT 2 N89°43'25"W 240.54 FEET; THENCE ALONG THE WEST LINE OF SAID LOT 2 N00°09'08"W 282.65 FEET TO THE POINT OF BEGINNING AND CONTAINING 15,261.5 SQUARE FEET, MORE OR LESS.

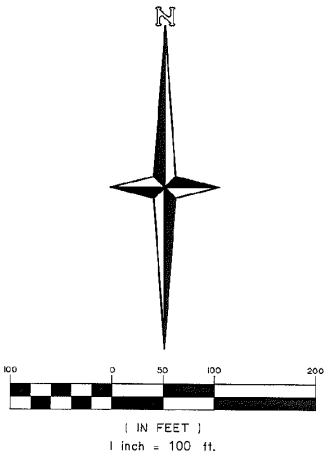
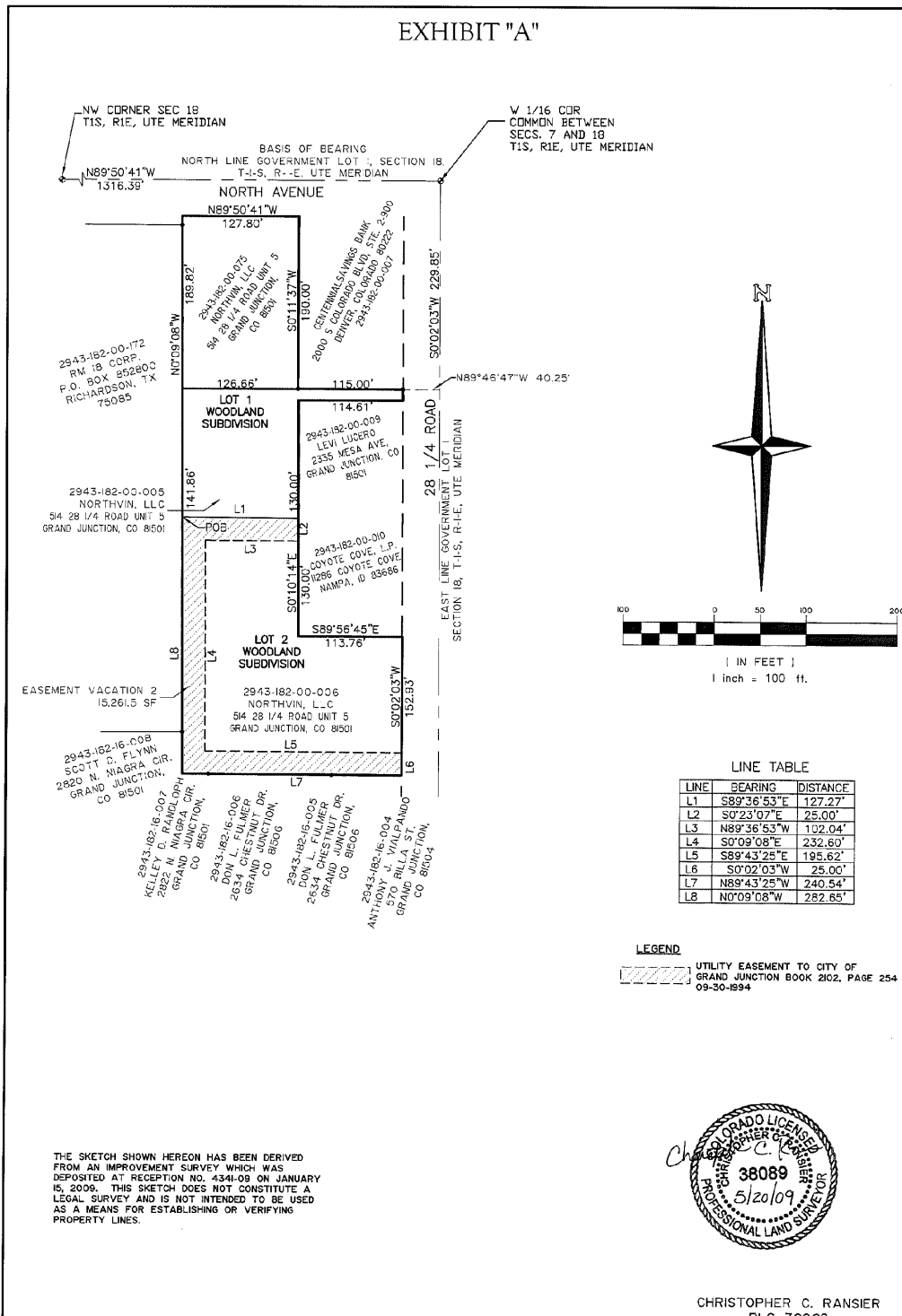
PASSED and ADOPTED this _____ day of _____, 2009.

ATTEST:

President of City Council

City Clerk

EXHIBIT "A"



LINE TABLE

LINE	BEARING	DISTANCE
L1	S89°36'53"E	127.27'
L2	S0°23'07"E	25.00'
L3	N89°36'53"W	102.04'
L4	S0°09'08"E	232.60'
L5	S89°43'25"E	195.62'
L6	S0°02'03"W	25.00'
L7	N89°43'25"W	240.54'
L8	N0°09'08"W	282.65'

LEGEND
 UTILITY EASEMENT TO CITY OF GRAND JUNCTION BOOK 2302, PAGE 254 09-30-894

THE SKETCH SHOWN HEREON HAS BEEN DERIVED FROM AN IMPROVEMENT SURVEY WHICH WAS DEPOSITED AT RECEPTION NO. 4341-09 ON JANUARY 15, 2009. THIS SKETCH DOES NOT CONSTITUTE A LEGAL SURVEY AND IS NOT INTENDED TO BE USED AS A MEANS FOR ESTABLISHING OR VERIFYING PROPERTY LINES.



CHRISTOPHER C. RANSIER
 PLS 38089

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 Grand Junction, Colorado, 81505
 Tel: 970-243-8067
 Fax: 970-241-2845
 www.soudermiller.com

WOODLAND SUBDIVISION
 EASEMENT VACATION 2

DRAWN BY: GAP	DATE: 05-20-09
CHECKED BY: HGF	SCALE: 1"=100'
	PROJECT NO: 9816772



Date: August 11, 2009
 Author: Shirley Nilsen
 Title/ Phone Ext: 361-7624
 Proposed Schedule: August
31, 2009
 2nd Reading
 (if applicable):

Attach 5
Purchase of Computer Aid Dispatch System/Records Management System/Corrections Management System and Acceptance of Energy and Mineral Impact Grant
CITY COUNCIL AGENDA ITEM

Subject: Purchase of Computer Aid Dispatch System/Records Management System/Corrections Management System and Acceptance of Energy and Mineral Impact Grant
File # (if applicable): N/A
Presenters Name & Title: Troy Smith, Deputy Police Chief Jim Finlayson, Information Technology Manager

Executive Summary:

Purchase of a County-wide Computer Aid Dispatch/Records Management/Correction Management System (CAD/RMS/CMS) that will provide a single, integrated public safety solution for the City of Grand Junction, Mesa County, the Grand Junction Regional Communications Center (GJRCC), and all police and fire agencies dispatched by the GJRCC. The systems currently in use are disparate, not integrated, and several are nearing the end of their vendor provided support. Critical data is being reentered multiple times by the various agencies. As part of this project, a request is also being made to accept an Energy and Mineral Impact Grant.

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

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

The mobile and GIS aspects of the applications will indirectly assist with the development and support of a well-balanced transportation system. Mobile applications in the cars will allow more officers to be visible on the street more of the time, which allows them to respond more quickly to a transportation related incident. The GIS analytics provided with the system will enable a more timely and complete analysis of traffic accidents and stops. This, in turn, will help us determine the need for signal changes, signage, etc.

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

This procurement effort is supported by all of the agencies that are currently part of the GJRCC and represents a true regional approach to public safety practices and information sharing. The new systems will provide a strong information infrastructure for all law enforcement and fire agencies in the valley, which in turn enhances the security of our citizens and ensures our ability to be a regional provider of goods and services.

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

The regional information sharing capabilities will significantly improve the ability of law enforcement to track and deter criminal activity throughout the County. Indirectly, enhanced public safety reduces cost for vendors in the County and attracts outside shoppers into a safe, comfortable environment.

Action Requested/Recommendation:

Authorize the City Manager to Sign the Grant Award and Authorize the Purchasing Division to Award Contracts to New World Systems of Troy, MI for the Purchase of an Integrated CAD/RMS/CMS System and the Purchase of the necessary Hardware, Software and Related Services up to the value of the approved grants and authorized 911 Funding not to Exceed: \$ 4,066,533.

Board or Committee Recommendation: This procurement request comes at the culmination of an extensive system search and evaluation effort lasting more than one year. In June of 2008, the GJRCC formed a technical team, comprised of representatives from the City's Police Department, Fire Department, Communication Center, Information Technology, and Purchasing Departments; Mesa County Sheriff's Office and Information Technology; and Corrections Departments; and the City of Fruita's Police Department to select a replacement system. After a very formal and thorough process, involving the investment of hundreds of hours of research and discovery, the team recommends that the New World Aegis System be purchased for use throughout the valley. This recommendation is based on a detailed review of fit with requirements, on-site demonstrations, reference checks, and price. The GJRCC Board approved the purchase of the CAD and Mobile system and recommended the purchase of the integrated RMS/CMS modules at the meeting held on June 29, 2009.

Financial Impact/Budget:

The City has received notice that two JAG grants and one Energy Impact Grant have been secured to partially fund the purchase of the CAD/RMS/CMS system, including subsequent purchases of hardware and related software. The GJRCC Board has authorized funds for the purchases of the CAD, Mobile and Field Reporting Systems, hardware and related software. As the fiscal agent for the GJRCC, the City will manage

the grants and make the purchases required for this project. There should be no direct financial impact to the City for the software and hardware purchases. Ongoing maintenance costs will be paid by the benefiting agencies.

Funding Source	Funding Amount
JAG Grant (Joint with MCSO)	\$ 254,568
JAG Grant (Joint with MCSO)	61,965
Energy Impact Grant	1,000,000
E-911 Authorized Funding	2,750,000
Total Funding	\$4,066,533

Legal issues:

The City Legal, Police, Procurement, and Information Technology Departments have taken the lead throughout the procurement process and have negotiated the contracts with New World Systems on behalf of the GJRCC Board and the other agencies involved in the project. The contracts have been structured in such a way that individual agencies could, at a later date, elect to pay New World directly for ongoing support and install the software on their computer systems.

Other issues:

Additional procurement actions for hardware, operating system, database, and related software will be required and are part of the project budget. The grants and authorized funds described above are sufficient to cover all of the purchases necessary for this project.

Previously presented or discussed:

NA

Background, Analysis and Options:

The Grand Junction Regional Communications Center's current Motorola dispatch system has reached the end of its life expectancy and will no longer be supported as of December, 2012. The GJRCC Board determined that the need to find a replacement CAD system provided an excellent opportunity to evaluate the overall public safety information infrastructure and work towards an integrated County-wide solution. An interagency technical team was formed in July, 2008 to select a replacement vendor for the CAD system and to look at the integrated solutions available for RMS and CMS.

A Statement of Qualifications (SOQ) was sent to one hundred eighty-three potential bidders. Six responses were opened and evaluated by the technical team. The Motorola, Sungard systems did not meet the SOQ requirements and were eliminated from further consideration leaving the following four companies to present on on-site demonstration of their product:

Software Vendor	Home Office
Intergraph Corporation	Madison, Alabama
New World Systems	Troy, Michigan
Spillman	Salt Lake City, Utah
Tiburon	Pleasanton, California

The on-site demos provided the technical team and other agency representatives to see, firsthand, the functional capabilities of each software offering. Vendor references were contacted for each vendor. Based on an evaluation of the SOQ responses and the daylong on-site demonstrations, the field of potential vendors was narrowed to two: Intergraph Corporation and New World Systems.

Over a two month period, teams representing the various agencies and the various public safety functions developed a set of detailed requirements and a formal request for proposal was submitted to the two candidates. As part of their response, each vendor was required to provide a week long, hands-on demonstration of their software. The two remaining vendors each submitted a proposal and participated in the hands-on demonstration.

New World Systems	\$2,979,259.00
Intergraph Corporation	\$4,872,821.00

Each vendor’s proposal was evaluated by the technical team and additional representatives from each agency (Approximately 100 officers, dispatchers, fire fighters, and technology personnel were involved in the evaluation.) using the following criteria:

Overall Quality of Product	Company Capacity
Match with Functional Requirements	Experience
Technical Environment Compatibility	Reputation
Ease of Use	Support and Maintenance
Response to Critical Element Section	Training Capacity
Hands on Demo	References by similar users
Cost of System	RFP Compliance

The Aegis suite of systems offered by New World Systems is recommended by the technical team and the GJRCC Board as the preferred system based on Quality, Company Capacity, and Price. The hardware, operating system software and related services are being procured separately through existing contract vehicles already in place.

Attachments:

Grand Junction Regional Communication Board Resolution

**GRAND JUNCTION REGIONAL COMMUNICATION CENTER
GRAND JUNCTION EMERGENCY TELEPHONE SERVICES**

RESOLUTION NO. 01-09

**A RESOLUTION AUTHORIZING THE PURCHASE OF THE NEW WORLD
SYSTEMS COMPUTER AIDED DISPATCH SYSTEM AND ENDORSEMENT OF THE
CITY OF GRAND JUNCTION'S PURCHASE OF THE NEW WORLD SYSTEMS
RECORD AND JAIL MANAGEMENT SYSTEM**

RECITALS:

In 1979, the City of Grand Junction Police and Fire Departments and the Mesa County Sheriff's Department joined forces for the purpose of dispatching emergency services. At about the same time 911 service was first provided to the citizens of the Grand Valley.

Sheriff Dick Williams, Police Chief Ed Vandertook and Fire Chief R.T. Mantlo spearheaded the union and oversaw the function of the operation, thus forming the Grand Valley Communication Center and Communication Center Board.

The Board was informally constituted and, given its relatively inauspicious beginnings, did a good job overseeing the City's continued operation of the Center.

In 1989, the City of Grand Junction, Mesa County, the City of Fruita, the Town of Palisade, Clifton Fire Protection District and others signed an intergovernmental agreement, which established the Grand Junction Emergency Telephone Services Authority Board, and provided that a surcharge may be imposed to fund the continued operation of emergency telephone services in Mesa County. The City has operated the communication center under the name of the Grand Junction Regional Communication Center (GJRCC) and provided dispatching and 911 services since that time.

In 1992 the GJRCC became automated with the acquisition of its first computer aided dispatch (CAD) system. That system, with upgrades, continues to serve the Center.

In 1996 the Federal Communications Commission issued FCC Order, docket No. 94-102, which requires that Public Service Answering Points (of which the GJRCC is one) provide 911 services for wireless/cellular telephone customers.

In 1998 the GJRCC upgraded the CAD system, which paved the way for the implementation and use of mobile data computers (MDC's), field based reporting and the transmission of greater amounts of information to field personnel. The City acquired mobile computing software in 2000, at which time the CAD to MDC interface was activated.

In 1999 the City acquired a records management system that was integrated with the CAD system. The need to link other agencies reliably and seamlessly to the CAD system was recognized by the Boards and planning and budgeting for a new CAD system began.

In 2003 the GJRCC upgraded the CAD system, similar to the upgrade in 1998, with the replacement of the redundant server. As the Board considered the upgrade it also considered the fact that the CAD system was approaching the end of its functional life. Because of advances in technology as well as the additional demands that were being placed on the system, the Boards determined that the system would need to be replaced as soon as funds were available.

In May 2008, under the direction of Police Chief Mark Angelo, Police Chief Bill Gardner, Sheriff Stan Hilkey, Fire Chief Kent Holsan, Police Chief Carrol Quarles and Fire Chief Ken Watkins, a Technical Committee was formed to evaluate the CAD system needs of all of the agencies. The formation of the Technical Committee also presented the opportunity to review and standardize record keeping and record management using information derived from and through the CAD system. The work of the Technical Committee continued through June 2009

On June 29, 2009 the Technical Committee made a recommendation to the Boards to purchase the New World Systems CAD products. The Technical Committee recommendation was formed following an extensive review of the New World Systems CAD. The review included a week long hands on, live demonstration as well as a very thorough review of the quality of the product, the support capacity of the company and the cost of the product. The New World Systems CAD was the preferred product of the Technical Committee by an overwhelming margin.

Because of the unprecedented availability of grant funds the City is in the very unique position of being able to fund the acquisition of certain modules of law enforcement records and jail management system that will integrate with the New World Systems CAD. In order to have the highest degree of compatibility with the CAD system recommended by the Technical Committee the City will agree to purchase the New World Systems records management products. While the City can fund the initial cost of acquisition, the agencies that utilize that system must pay all recurring license, maintenance and upgrade costs of the records and jail systems once installed.

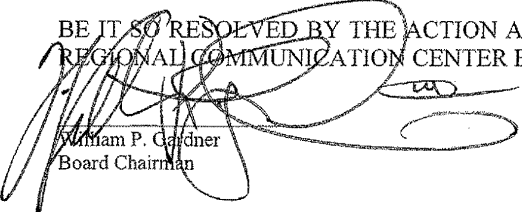
Given the increasing complexity of providing emergency dispatch and 911 services, the complexity and interrelationship of the Emergency Telephone Services Authority Board and the Communication Board and the fact that 911 remains the most effective and familiar way the public has of seeking emergency assistance, the members of the Communication Board do hereby adopt and ratify the recommendation of the Technical Committee, commend them for their diligence and authorize and direct the following:

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE GRAND JUNCTION REGIONAL COMMUNICATION CENTER THAT THIS RESOLUTION, OF WHICH THE RECITALS ARE A PART, IS DULY ADOPTED AND BY ITS ADOPTION THE CHAIRMAN AND STAFF OF THE BOARD ARE AUTHORIZED TO ENTER INTO NEGOTIATIONS, TO SIGN AN AGREEMENT AND TO PURCHASE THE NEW WORLD SYSTEMS COMPUTER AIDED DISPATCH SYSTEM, INCLUDING THE MOBILE COMPONENT SYSTEM AND FIELD BASE REPORTING SYSTEM AT A COST NOT TO EXCEED \$2,750,000.00.

FURTHERMORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE GRAND JUNCTION REGIONAL COMMUNICATION CENTER THAT THE BOARD DOES ENDORSE AND RECOMMEND THAT THE CITY OF GRAND JUNCTION PURCHASE THE NEW WORLD SYSTEMS RECORD AND JAIL MANAGEMENT PRODUCTS WITH THE CONDITION AND UNDERSTANDING THAT EACH AGENCY THAT AVAILS ITSELF OF THE RECORDS AND JAIL MANAGEMENT SYSTEMS WILL PAY THE ON-GOING LICENSE AND MAINTENANCE FEES AND COSTS THEREOF.

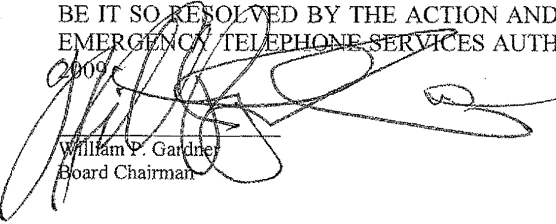
THIS RESOLUTION IS ADOPTED, RATIFIED AND CONFIRMED WITH THE BENEFITS AND OBLIGATIONS PROVIDED.

BE IT SO RESOLVED BY THE ACTION AND DIRECTION OF THE GRAND JUNCTION REGIONAL COMMUNICATION CENTER BOARD THIS 29TH DAY OF JUNE 2009.



William P. Gardner
Board Chairman

BE IT SO RESOLVED BY THE ACTION AND DIRECTION OF THE GRAND JUNCTION EMERGENCY TELEPHONE SERVICES AUTHORITY BOARD THIS 29TH DAY OF JUNE 2009.



William P. Gardner
Board Chairman

This resolution may be executed in counterpart copies and shall be in full force and effect as if all signatures were appended to the same copy if counterpart copies are used.



Date: August 21, 2009
 Author: Bret Guillory
 Title/ Phone Ext: 1590
 Proposed Schedule: _____
 _____ August 31,
2009
 2nd Reading
 (if applicable): N/A

Attach 6
Purchase of Aquastar Contact Clarifier for
Kannah Creek Water Treatment Plant
CITY COUNCIL AGENDA ITEM

Subject: Purchase of Aquastar Contact Clarifier for Kannah Creek Water Treatment Plant
File # (if applicable): N/A
Presenters Name & Title: Greg Trainor, Utility and Street Systems Director Bret Guillory, Utility Engineer

Executive Summary: This project will provide for doubling the production capability of the Kannah Creek Water Treatment Plant. The direct filtration equipment proposed to be utilized for the project is produced by Filter Tech Systems, Inc., the same manufacturer that produced the current water treatment components for the plant.

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

This water treatment plant expansion meets Goal 3 of the Council’s and Commission’s Comprehensive Plan goals, providing ordered and balanced growth, spreading future growth throughout the community. This improvement will provide reliable domestic water service, now and in the future, for the more rural Purdy Mesa/Reeder Mesa service areas.

Action Requested/Recommendation: Authorize a Sole Source Purchase of a Filter Tech Systems, Inc. Aquastar Contact Clarifier, to be used for the Kannah Creek Water Treatment Plant. Filter Tech Systems Inc. is a locally owned company.

Board or Committee Recommendation:

n/a

Background, Analysis and Options: In April of 2000 the City of Grand Junction purchased the Purdy Mesa Livestock Water Company potable water system. The system was in poor condition and under scrutiny of the Colorado Department of Public Health and Environment for years prior to the purchase. The City then constructed a new water treatment facility consisting of a 100 gallon per minute direct filtration “skid”. The plant was configured so additional treatment capacity, in the form of a second identical skid, could be added as growth in the service area occurred. Growth has

occurred in the service area. It is hard for the current plant to keep up with water demands.

The proposed expansion would allow for installation of an identical skid made by the same manufacturer, thus the sole source request.

The benefit of using an identical piece of equipment is that we have good working knowledge of how the existing plant operates, experience in trouble shooting the plant, and are confident in the water treatment capabilities of this unit. The building that houses the treatment plant was configured with the idea in mind that we would install a second identical skid. The existing skid is made entirely of aluminum that is very maintenance free as there is no corrosion of the metal from exposure to water and the associated chemicals used in treating the water.

The downside of adding a second skid produced by another manufacturer is; operation of the plant as a whole will be much more costly and difficult, it would essentially require that the support systems (chemical feed and housing) be doubled, staff would need to operate and monitor two separate water treatment plants that would behave independently of one another. Other manufacturers produce skids constructed of coated steel requiring regular maintenance to prevent corrosion. Estimated cost to remodel the building and install a second chemical feed system is \$23,500. Additional monitoring equipment and coordination of communication between the two plants is estimated at \$10,000. Cost of a similar unit from other manufacturers range in price from \$120k to \$150k. Total estimated cost to install a skid from another manufacturer ranges from \$155,500 to \$183,500.

Financial Impact/Budget:

\$120,000 has been budgeted in 2009 for this project. A cost proposal has been received from Filter Tech Systems Inc. for \$114,197.00 to provide the new skid and control system. We have processed the Purchasing Department's Sole Source Justification Form (attached)

Legal issues:

N/A

Other issues:

N/A

Previously presented or discussed:

N/A

Attachments:

Filter Tech Systems, Inc. cost proposal
Aquastar Clarifier Photograph
Sole Source Routing Form



FILTER TECH  **SYSTEMS, inc.**

Designers & Manufacturers of AquaFloc Filters
2844 Chipeta Avenue Grand Junction, CO 81501
Toll Free (888) 287-8292 Local (970) 254-2855 Fax (970) 254-2858

*** * * * Proposal * * * ***

Proposal No.09-633a
20 July 2009

Kannah Creek WTP
AquaStar Contact Clarifier

We are pleased to provide a quotation for a second **100 GPM Water Filtration Plant** for the **Kannah Creek Water Treatment Plant**. We are proposing an **AquaStar** Contact Clarifier with Mixed Media Filtration.

One (1) AquaStar Contact Clarifier with Mixed Media Filtration

Fabricated of Marine Grade Aluminum
4.0' wide x 8.0' long x 8.0' high (inside)

One (1) Clarifier Filter Bed

Consisting of: 20" 2.5 mm Anthracite
10" Coarse Sand
12" Graded Support Gravel

Sch 80 PVC Header Underdrain
Sch 40 PVC Laterals with drilled orifices

One (1) Clarifier Air Scour System

PVC Distribution grid.
Brass air supply orifice fittings with protective screens.

One (1) Clarifier Level Sensor

Pressure Transmitter mounted in sidewall of tank and pre-wired to Filter Control Panel.

One (1) Clarifier Differential Pressure Sensor

Differential Pressure Sensor mounted in Filter Control Panel.
Clarifier backwashes on increasing differential pressure.

One (1) Clarifier/Filter Transfer Pipe

Sch40 PVC piping and transfer valve factory fabricated and installed.

One Lot Filter Media

Consists of:	20"	1.0 - 1.1 mm Anthracite 1.5 UC Max
	8"	0.45 - 0.55 mm Silica Sand 1.6 UC Max
	3"	0.20 - 0.30 mm High Density Garnet
	3"	1.4 - 1.7 mm Garnet Support Gravel

One (1) Filter Underdrain System

One (1) Aquair Filter Air Scour System

PVC Distribution grid.
Brass air supply orifices fittings with protective screens.

One (1) Filter Level Sensor

Pressure Transmitter mounted in sidewall of tank and pre-wired to Filter Control Panel.

One (1) Filter Differential Pressure Sensor

Differential Pressure Sensor mounted in Filter Control Panel.

One (1) Catwalk & Ladder

An aluminum ladder and access platform will be included with the filter module. Catwalk will be 30" wide and span the length of the filter on one side. Ladder on one end.

Catwalk supports will be fabricated of 6061-T6 Aluminum members. Handrail will be anodized aluminum. Grating will be aluminum I-Bar. Includes 4" aluminum kickplate.

One Lot **Process Control Valves**

Per Item List and Flow Schematic

One (1)	3"	Raw Water Rate Set	Butterfly Valve with Lever
One (1)	4"	Clarifier Transfer Valve	Butterfly Valve with Actuator
One (1)	3"	Filter Level Control Valve	Butterfly Valve with Actuator
One (1)	3"	Rinse-to-Waste Valve	Butterfly Valve with Actuator
One (1)	4"	Filter Backwash Rate Set	Butterfly Valve with Lever
One (1)	4"	Filter Backwash Supply	Butterfly Valve with Actuator
One (1)	4"	Clarifier Backwash Rate Set	Butterfly Valve with Lever
One (1)	3"	Clarifier Backwash Supply	Butterfly Valve with Actuator
One (1)	1"	Clarifier Air Scour Supply	Brass Body Solenoid Valve
One (1)	1"	Filter Air Scour Supply	Brass Body Solenoid Valve
One (1)	3/8"	Turbidimeter Sample Supply	Brass Body Solenoid Valve
Two (2)	1/2"	Air Relief Valves (For Backwash Supply to Filter & Clarifier)	
Two (2)	1/4"	Air wash Supply Line Drain Valve	

All butterfly valves to be wafer-style with NSF-Approved Trim.

All automatic butterfly valves will have 120 Volt, NEMA 4 electric motor actuators.

One (1) **Filter Control Panel**

NEMA 12 Enclosure completely assembled and wired.

Performs the following automatic functions:

Automatic Start/Stop of plant based on clearwell level
(Clearwell level Control Sensors Not by FTSi)

Automatic Backflush of clarifier based on time or head loss.

Automatic Backwash of Filter based on time, head loss or effluent high turbidity.

Manual Initiation of both clarifier and filter backwash cycles.

Automatic return to service after backwash

Automatic Rinse-to-Waste cycle at each plant start.

Plant shut down on High Turbidity after Time Delay (Not corrected by a

backwash)
Backwash abort button.

Filter will be controlled with an OPTO22 Programmable Automation Controller. Operator access to valves, timers and set points will be via a desk-top PC.

Control Panel will be fabricated to accommodate future inclusion the inclusion of the original AquaStar Filter system.

Price includes modifications to the existing control panel to tie into the new SCADA system and all programming and start up necessary to confirm integration with the existing system

One (1) Filter Effluent Turbidimeter

One Lot Start Up and Testing

Any and all necessary on-site services required will be provided by Filter Tech Systems' field services Technicians and are included with this proposal. Includes, but is not limited to calibration of instruments, operator instruction, supervision of media installation, verification of plant automatic operation.

Total Price \$ 114,197

Quotation Valid for 60 Days

Delivery 12-16 Weeks

Terms Net 30 days from date of invoice
10% Down Payment with order
15% Due upon receipt of submittals
65% Due as material is shipped
10% Upon Completion of Start Up

Freight Full freight allowed to accessible job site
Unloading by Others



Form A

CITY OF GRAND JUNCTION
SOLE SOURCE JUSTIFICATION FORM

Date: 8/25/09 Requested By: BRET GULLORY
Department: UTILITIES Division: PW&P
Vendor Name: FILTER TECH SYSTEMS Net Cost Delivered: \$ 114,197.00

SOLE SOURCE JUSTIFICATION
(INITIAL ALL ENTRIES THAT APPLY)
Material/Service Description: AQUASTAR CONTACT CLARIFIER APPROPRIATE (SEE ATTACHED PROPOSAL)

- _____ - The Vendor is the original equipment manufacturer and there are no regional distributors;
- _____ - The product, equipment or service requested is clearly superior functionally to all other similar products, equipment or service available from another manufacturer or vendor;
- SRG _____ The over-riding consideration for purchase is compatibility or conformity with City-owned equipment in which non-conformance would require the expenditure of additional funds;
- _____ - No other equipment is available that shall meet the specialized needs of the department or perform the intended function;
- _____ - Detailed justification is available which establishes beyond doubt that the Vendor is the only source practicably available to provide the item or service required;
- _____ - Detailed justification is available which proves it is economically advantageous to use the product, equipment or service.

Departmental Approval:
I recommend that competitive procurement be waived and that the service or material described herein be purchased as a sole source.

Signed: _____, _____, _____
Name Title Date

Purchasing Approval:
Based on the above and attached documents, I have determined this to be a sole source with no other vendor practicably available.

Signed: [Signature], _____, _____
Purchasing Manager Signature Date

Final Authorization
City Manager Approval Required (\$50K to \$100K) yes / no

Signed: [Signature], _____, _____
City Manager Signature Date

City Council Approval Required (over \$100K) _____ / no

Attach Justification Documentation and Forward to City Purchasing Division



Date: August 18, 2009
 Author: Senta L. Costello
 Title/ Phone Ext: Senior Planner
x1442

 Proposed Schedule: August 17,
2009

Attach 7
Public Hearing—Maverik Annexation and Zoning
CITY COUNCIL AGENDA ITEM

Subject: Maverik Annexation and Zoning - Located at 2948 F Road and 603 29 ½ Road
File # (if applicable): ANX-2009-023
Presenters Name & Title: Senta L. Costello – Senior Planner

Executive Summary:

Request to annex and zone 3.02 acres, located at 2948 F Road and 603 29 ½ Road, to C-1 (Light Commercial) and R-4 (Residential 4 du/ac). The Maverik Annexation consists of 2 parcels and contains 0.62 acres of the 29 ½ Road right-of-way.

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

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

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

The request creates the opportunity for neighborhood businesses thus reducing the amount of trips generated for shopping and decreasing vehicle miles traveled.

Action Requested/Recommendation:

Adopt Resolution Accepting the Petition for the Maverik Annexation and Hold a Public Hearing and Consider Final Passage and Publication of the Annexation and Zoning Ordinances.

Board or Committee Recommendation:

At the July 28, 2009 hearing, the Planning Commission recommended that the City Council approve a B-1 (Neighborhood Business) zone for the southern 1.48 acres and a R-4 (Residential 4 du/ac) zone for the northern 0.79 acres finding that the B-1 and R-4 zones are consistent with the Growth Plan and Sections 2.6 and 2.14 of the Zoning and Development Code.

Background, Analysis and Options:

See attached staff report

Financial Impact/Budget:

N/A

Legal issues:

N/A

Other issues:

The Planning Commission recommended denial of the requested C-1 zone for the southern 1.48 acres.

Section 2.18 F states: that all recommendations, including recommendations of denial, which the Planning Commission makes to the City Council (i.e., the Planning Commission is not the final decision-maker) shall be heard by the City Council without necessity of Appeal. The applicant may withdraw in writing an application that has been heard by the Planning Commission and recommended for denial. Such hearings shall be de novo before the Council. An affirmative vote of five (5) members of the City Council shall be required to approve rezones and Growth Plan Amendments recommended for denial by the Planning Commission. Procedural requirements provided elsewhere in this Code shall be applicable.

Therefore the City Council would need a motion and an affirmative vote of at least five members to zone the property C-1.

Previously presented or discussed:

The City Council took land use jurisdiction of these properties on June 15, 2009 and approved a Growth Plan Amendment on July 13, 2009. First reading of the zoning ordinance was on August 17, 2009.

Attachments:

Staff report/Background information
Annexation – Site Location Map / Aerial Photo Map
Future Land Use Map / Existing City and County Zoning Map
Correspondence from neighbors
Acceptance Resolution
Annexation Ordinance
Zoning Ordinance

STAFF REPORT / BACKGROUND INFORMATION

Location:	2948 F Road and 603 29 1/2 Road		
Applicants:	Owners: Tina Million, Glenn Lorton Jr., George & Verna Halstead Developer/Representative: Maverik, Inc – Don Lilyquist		
Existing Land Use:	Single Family Residential		
Proposed Land Use:	Single Family Residential / Commercial		
Surrounding Land Use:	North	Single Family Residential	
	South	Convenience store, Single Family Residential	
	East	Single Family Residential	
	West	Vacant residential	
Existing Zoning:	County RSF-4 (Residential Single Family 4 du/ac)		
Proposed Zoning:	City C-1 (Light Commercial)/R-4 (Residential 4 du/ac)		
Surrounding Zoning:	North	County RSF-4 (Residential Single Family 4 du/ac)	
	South	County RSF-4 (Residential Single Family 4 du/ac) / City B-1 (Neighborhood Business)	
	East	County RMF-5 (Residential Multi-family 5 du/ac)	
	West	County RSF-4 (Residential Single Family 4 du/ac)	
Growth Plan Designation:	Commercial / Residential Medium 4-8 du/ac		
Zoning within density range?	X	Yes	No

Staff Analysis:

ANNEXATION:

This annexation area consists of 3.02 acres of land and is comprised of 2 parcels. The property owners have requested annexation into the City to allow for development of the property. Under the 1998 Persigo Agreement all proposed development within the Persigo Wastewater Treatment boundary requires annexation and processing in the City.

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

- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;
- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;
- c) A community of interest exists between the area to be annexed and the City. This is so in part because the Central Grand Valley is essentially a single demographic and economic unit and occupants of the area can be expected to, and regularly do, use City streets, parks and other urban facilities;
- d) The area is or will be urbanized in the near future;
- e) The area is capable of being integrated with the City;

- f) No land held in identical ownership is being divided by the proposed annexation;
- g) No land held in identical ownership comprising 20 contiguous acres or more with an assessed valuation of \$200,000 or more for tax purposes is included without the owner's consent.

The following annexation and zoning schedule is being proposed.

<i>ANNEXATION SCHEDULE</i>	
June 15, 2009	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
June 23, 2009	Planning Commission considers Growth Plan Amendment
July 13, 2009	City Council decision on Growth Plan Amendment
July 28, 2009	Planning Commission considers Zone of Annexation
August 17, 2009	Introduction Of A Proposed Ordinance on Zoning by City Council
August 31, 2009	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
October 2, 2009	Effective date of Annexation and Zoning

MAVERIK ANNEXATION SUMMARY

File Number:	ANX-2009-023
Location:	2948 F Road and 603 29 1/2 Road
Tax ID Number:	2943-053-00-065 / 2943-053-00-095
# of Parcels:	2
Estimated Population:	4
# of Parcels (owner occupied):	1
# of Dwelling Units:	1
Acres land annexed:	3.02 acres
Developable Acres Remaining:	2.4 acres
Right-of-way in Annexation:	27018.55 sq ft of 29 1/2 Road right-of-way
Previous County Zoning:	RSF-4
Proposed City Zoning:	C-1/R-4
Current Land Use:	Single Family Residential
Future Land Use:	Single Family Residential / Commercial
Values:	Assessed: = \$17,790
	Actual: = \$223,520
Address Ranges:	2946-2948 F Road (even only) / 601-605 29 1/2 Road (odd only)
Special Districts:	Water: Ute Water
	Sewer: Central Grand Valley Sanitation District
	Fire: Grand Junction Rural
	Irrigation/Drainage: Palisade Irrigation / Grand Valley Drainage District
	School: Mesa County School District #51
	Pest: None

Staff Analysis:

ZONE OF ANNEXATION:

Zone of Annexation: The requested zone of annexation to the C-1 (Light Commercial), or the recommended B-1 (Neighborhood Business), and the R-4 (Residential 4 du/ac) zone districts are consistent with the Growth Plan designation of Commercial and Residential Medium 4-8 du/ac. The existing County zoning is RSF-4 (Residential Single Family 4 du/ac). Section 2.14 of the Zoning and Development Code, states that the zoning of an annexation area shall be consistent with either the Growth Plan or the existing County zoning.

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

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

Applicant's Response: Policy 1.6 of the City's Growth Plan provides that the City and County may permit the development of limited neighborhood service and retail uses within an area planned for residential land use categories. The Growth Plan also states that mixed commercial and residential will be encouraged in some areas. Maverik feels that through the permitting process, it meets all of the requirements of the City's Growth Plan and other City regulations. Since there is an existing convenience store across Patterson, we feel that our intended use is compatible with the neighborhood and with the high quality building materials, aesthetic design of the building, the erection of a privacy fence between the commercial use and residential use, and the enhanced landscaping, Maverik will beautify and improve the appearance of an otherwise blighted area of the neighborhood.

Staff's Response: Traffic volumes along F Road have steadily increased since the adoption of the current residential designation. Higher traffic volumes lower the desirability for residential uses directly abutting the high volume right-of-way. A transitional commercial use would help buffer residential uses located further north along 29 1/2 Road. While both the C-1 and B-1 zone districts conform to the Growth Plan, the staff recommended B-1 zone district furthers the compatibility with the neighborhood by reducing the hours of operation which minimizes commercial impacts (i.e. noise, light, odors) on the residential neighborhood.

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

Applicant's Response: Our engineer has confirmed that there are adequate public facilities and services available within close proximity of the property to serve the development and provide all necessary services.

Staff's Response: A 12" Ute water line, 12" sanitary sewer line, and 36" storm sewer line exists in F Road adjacent the subject property; a 4" Ute water line and an 8" sanitary sewer line are located in 29 1/2 Road.

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

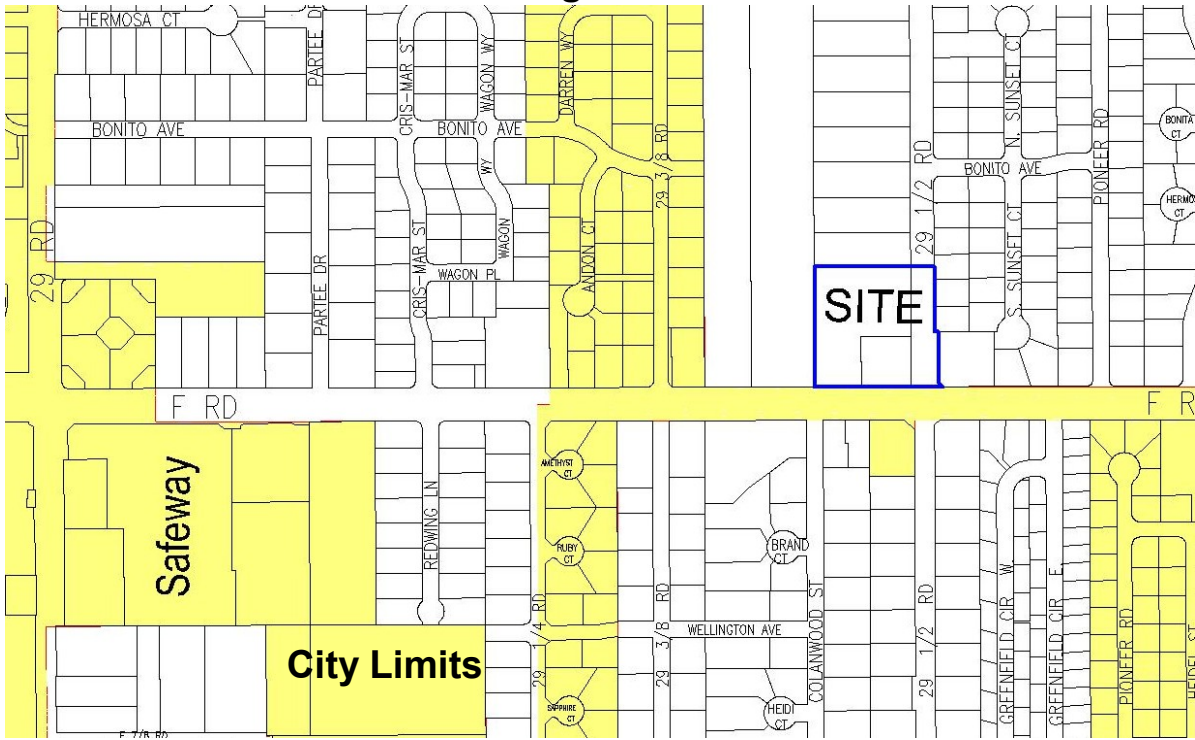
- a. R-O (Residential – Office)
- b. B-2 (Downtown Business)

c. C-2 (General Commercial)

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

Annexation/Site Location Map

Figure 1



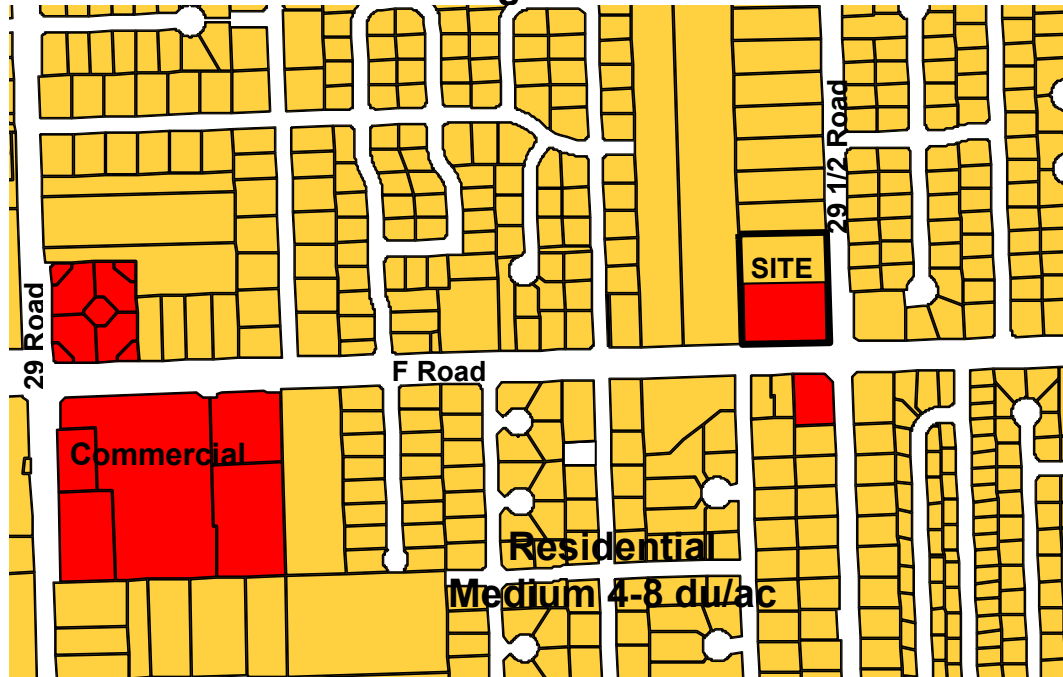
Aerial Photo Map

Figure 2



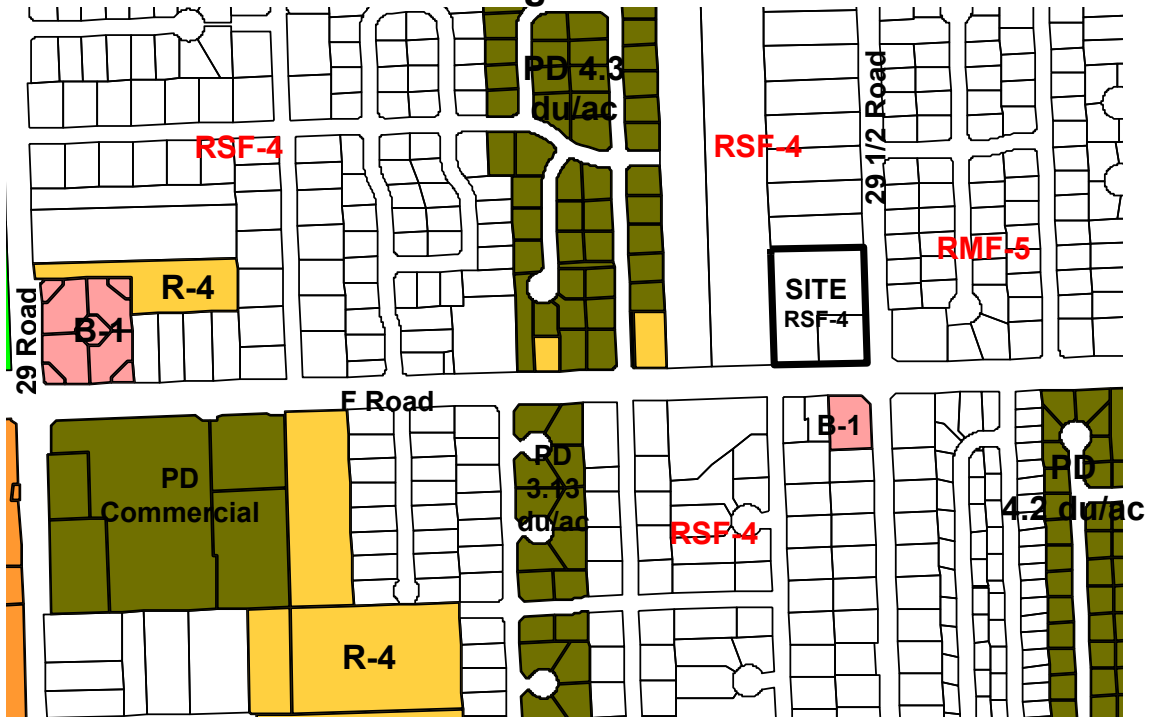
Future Land Use Map

Figure 3



Existing City and County Zoning Map

Figure 4



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

Grand Junction Planning and Zoning Dept.

Dear City of Grand Junction:

As the owners of the property at 609 29 ½ rd, we are asking that you do not re-zone the property on the corner of 29 ½ rd & Patterson to commercial. Thereby denying the proposed gas station/convenient store commercial establishment from being built at this location. As our home and at least six other homes within 400 feet of the proposed gas/convenient store, not to mention all the homes within a thousand feet, will lose a great number of potential buyers for our homes, if we ever decide to sell. The proprietors of the proposed establishment will probably tell you that their establishment will not affect the real estate market in the area. But you have to ask yourself, would you want to purchase a home that close to a convenient store?

There will also be an increased number of traffic accidents in the area; because of the volume of traffic, and the increased number of vehicles pulling in and out of the proposed gas station. Not only that, but the amount of crime in the area will also increase. If you ask any employee who works the graveyard shift at a 24 hour convenient store, they will all tell you that the majority of customers visiting a convenient store during the odd hours of the night are generally not outstanding citizens in the community. And if the proposed convenient store was built there would be people like that, loitering around our homes at all hours of the night.

This proposed convenient store is not needed. This is a residential area of Patterson, and there are already three gas station/convenient stores within a half mile of the proposed location, not to mention a Grocery Store. There is nowhere else in the city of Grand Junction, that these kinds of establishments are clustered in such close proximity. Therefore, there really is no good reason for building another gas station/convenient store in this area. And the consequences of building another one far outweigh the benefits.

We ask that you put yourselves in our shoes, and see it from our perspective. If the property is re-zoned to commercial; our home values will drop, we will have to deal with the noise, lights, gas smells, loiterers, and a whole wave of other issues that would come about if the establishment was built within this residential area.

Dean Rogers
Kim Rogers

Grand Junction Planning and Zoning Dept.

Dear Sir:

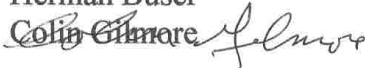
Please be advised that Mr. Herman Buser and Mr. Colin Gilmore, owners of the property and home at 610 29 ½ Road, Parcel Number 2924-054-36-005, are against the rezoning of the residential property at the corner of 29 ½ Road and Patterson Road for commercial use.

Over the years the traffic on 29 ½ Road has increased as has the traffic on Patterson Road, especially during the evening and night times to such extent that there is continual noise at all hours.

Having a fueling station and food market will surely increase the traffic and noise and decrease home values. We see little justification for adding this facility at this location as the same services are available just across the street.

Thank you in advance for your consideration


Herman Buser


Colin Gilmore

City of Grand Junction
Public Works & Planning Department
Planning Division
250 North 5th Street
Grand Junction, CO 81501

BACKGROUND:

Maverik County Stores, INC. has submitted a development application to the City of Grand Junction to construct a 24- hour convenience store and 24-hour gas station on the Northwest corner of Patterson Road and 29 ½ Road and rezone the property from R-4 (Residential 4 du/ac) to C-1 (Light Commercial).

PETITION:

We want the City of Grand Junction to deny the application and protect the residential uses, our property values and the safety of our neighborhood because:

1. The project expands an already busy commercial use area by adding a 4th Convenience Store/Gasoline Station within a 1075 foot radius and staying open 24 hours a day.
2. A convenience store will not serve the residents of the area but rather "The motoring public".
3. A 24 hour facility will increase the possibility of crime in the area.
4. The business would increase the noise, lighting and traffic into the bedtime hours and potentially create a public nuisance.
5. The residents of the area and public are already well served by 3 gasoline stations and 3 convenience/grocery stores. And are all located within a half mile of the site.
6. Adding a convenience store/gasoline station at an intersection where one already exists encourages loiters, unsafe activity and litter.
7. The business will decrease the residential property values in the immediate area.
8. Restore public confidence that government is for the people and by the people.

SIGN THE PETITION

Name	Address	Date
Jim ROGERS	609 29 1/2 RD.	2-21-09
Bladyn Beals	2953 Bonito Ln	2-21-09
Yates Steen	2954 Bonito Ln	2-21-09
Nehosh Steen	2954 Bonito Ln.	2-21-09
Naomi(K) Bauckard	621 N. Sunset Ct -	2-21-09
Ed & Tamara Shadrin	624 N. Sunset Ct.	2-21-09
G. Ig	622 N. Sunset Ct.	2-21-09
Mrs Miller	619 1/2 N. Sunset Ct -	2-21-09
Reganna Alba	618 1/2 N Sunset Ct	2-21-09

City of Grand Junction
Public Works & Planning Department
Planning Division
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SIGN THE PETITION

Name	Address	Date
<u>William D. Charles</u>	<u>618 N. Sunset</u>	<u>2/21/09</u>
<u>Eleanor Martin</u>	<u>2956 Bonito Ln.</u>	<u>2/21/09</u>
<u>Gordon Weaver</u>	<u>2957 Bonito Ln</u>	<u>2/21/09</u>
<u>Edward Markuson</u>	<u>611, 29 ½ Rd</u>	<u>2/21/09</u>
<u>Dean Rogers</u>	<u>609 29 ½ Rd</u>	<u>2/28/09</u>
<u>Miguel Estrella</u>	<u>608 29 ½ Rd</u>	<u>2/28/09</u>
<u>J. Charbonneau</u>	<u>605 S. Sunset</u>	<u>2/28/09</u>
<u>Diana S Nikkari</u>	<u>603 S Sunset Ct</u>	<u>2-28-09</u>
<u>Darrell Christensen</u>	<u>601 S. SUNSET CT</u>	<u>2-28-09</u>

City of Grand Junction
Public Works & Planning Department
Planning Division
250 North 5th Street
Grand Junction, CO 81501

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SIGN THE PETITION

Name	Address	Date
David Vigil	606 29 1/2	2/20/09
Christine Angello	604 29 1/2	2/20/09
Tim Richardson	602 29 1/2	2/20/09
Paula Peterson	613 29 1/2	2-20-09
John Lutz	619 29 1/2	2/20/09
Steve Dibble	624 29 1/2	2/20/09
Wayne Sumner	622 29 1/2	2-20-09
Jane Atkinson	630 29 1/2 Rd	2-20-09
[Signature]	2963 cedar pl	2-20-09

City of Grand Junction
Public Works & Planning Department
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250 North 5th Street
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3. A 24 hour facility will increase the possibility of crime in the area.
4. The business would increase the noise, lighting and traffic into the bedtime hours and potentially create a public nuisance.
5. The residents of the area and public are already well served by 3 gasoline stations and 3 convenience/grocery stores. And are all located within a half mile of the site.
6. Adding a convenience store/gasoline station at an intersection where one already exists encourages loiters, unsafe activity and litter.
7. The business will decrease the residential property values in the immediate area.
8. Restore public confidence that government is for the people and by the people.

SIGN THE PETITION

Name	Address	Date
<u>Dan Waddell</u>	<u>602 S. Sunset Ct</u>	<u>2-28-09</u>
<u>Laurel Waddell</u>	<u>602 S. Sunset Ct.</u>	<u>2-28-09</u>
<u>Daniel Booth</u>	<u>604 S. Sunset Ct.</u>	<u>2/28/09</u>
<u>Ron O'Hare</u>	<u>610 S Sunset Ct</u>	<u>2/28/09</u>
<u>Karen O'Hare</u>	<u>610 S sunset ct</u>	<u>2/28/09</u>
<u>Greg Waddell</u>	<u>612 S. sunset Ct</u>	<u>2-22-09</u>

To: Grand Junction Planning Commission

Re: GPA-2009-023 Maverick Growth Plan Amendment

Hi, my name is Joni McKelvey. I have lived at 615 29½ Rd. since 1985. I have also lived at 603 29½ Rd. (previously known as 2944 F Rd.), where I grew up living with my dad and siblings, until my dad passed away in 1975. After his death, the Hortons (Glenn & Audrey) along with the Millions (Linda (Audrey) & Robert) purchased the land from my grandparents, Elton & Lona Taylor. By a twist of fate, Linda & Bob Million also became the guardians and parents of my sister Toni and I. After the Hortons passed, the land was left to Linda, and her brother Glenn, who then sold it to my sister, Tina Million. Although I love the shabby little corner of F & 29½ Rd. because it holds so many memories, I also know that change is imminent and also very needed for the safety of this neighborhood. The little white house, that has become a shack for parties and homeless people (previously owned by Jean & Earl Hoover), at 2948 F Rd., is unsafe and an eyesore. The overgrowth of the field at 603 F Rd. could also be better served as the light commercial and partially residential area that is proposed.

As stated previously, I am, and plan to continue to be a long time resident of this neighborhood.

In spite of my relationship with Linda, Bob, & Tina, I feel the development proposed would benefit the neighborhood. Tina will move to a more suitable residence to raise her family regardless of the pending sale of the property, which would only open up a larger area for potential undesirable activity. I apologize for the late admission of this letter, but in my attempt to remain neutral, I have also neglected my right to voice an opinion. Therefore please consider the absence of my signature on the petition against the development, as a proponent for the development approval.

Sincerely,

Joni McKehey 6-24-09
615 29 1/2 Rd
970-260-2885

Joni McKehey 6-24-09
615 29 1/2 Rd
970-260-2885

I would like to voice my opposition to the C-1 zoning change for the Maverik annexation on the corner of 29 1/2 & F Rd. My concerns are the increased amount of traffic in our residential neighborhood as well as the increased crime possibilities and the lowering of the property values with 24 hour convenience business due to the traffic and lighting. At this time there is a convenience store across the street from the proposed location and one on the corner of 29 & F Rd. That is two within a half of a mile. I feel that it would be a better fit to have as low of an impact zoning as possible. We do not need F Road to be another Colfax Ave with that type of convenience business on every corner.

I appreciate the fact that everybody has the right to do what they want with their property, but this is going to impact a lot of people.

Sincerely,

Marilyn Laisle
2958 Bonito Lane
Grand Junction, CO 81504

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. _____

**A RESOLUTION ACCEPTING A
PETITION FOR ANNEXATION, MAKING CERTAIN
FINDINGS, DETERMINING THAT PROPERTY KNOWN AS THE**

MAVERIK ANNEXATION

**LOCATED AT 2948 F ROAD AND 603 29 1/2 ROAD INCLUDING A PORTION OF
THE 29 1/2 ROAD RIGHT-OF-WAY**

IS ELIGIBLE FOR ANNEXATION

WHEREAS, on the 15th day of June, 2009, a petition was submitted to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

MAVERIK ANNEXATION

A certain parcel of land located in the Southwest Quarter (SW 1/4) and the Southeast Quarter (SE 1/4) of Section 5, Township One South, Range One East of the Ute Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

Commencing at the Southeast corner of the Southeast Quarter of the Southwest Quarter (SE 1/4 SW 1/4) of said Section 5 and assuming the West line of the SE 1/4 SW 1/4 of said Section 5 to bear N00°12'20"W with all bearings contained herein relative thereto; thence N00°12'20"W a distance of 50.00 feet along the West line of the SE 1/4 SW 1/4 of said Section 5 to a point on the North line of Darla Jean Annexation No. 1 and No. 2, Ordinance No. 2774, City of Grand Junction, said point also being the Point of Beginning; thence S89°58'50"W a distance of 330.40 feet along a line being 50.00 feet North of and parallel with the South line of the SE 1/4 SW 1/4 of said Section 5, said line also being the North line of said Darla Jean Annexation No. 1 and No. 2; thence N00°11'40"W a distance of 360.66 feet; thence N89°58'50"E a distance of 360.36 feet to a point on the West line of Ox-Bow West Subdivision, as same is recorded in Plat Book 12, Pages 140 through 141, public records of Mesa County, Colorado; thence S00°12'20"E a distance of 195.65 feet along a line being 30.00 feet East of and parallel with the West line of the SE 1/4 SW 1/4 of said Section 5, said line also being the West line of said Ox-Bow West Subdivision; thence N89°59'40"E a distance of 10.00 feet along the Southerly line of said Ox-Bow West Subdivision; thence S00°12'20"E a distance of 149.98 feet along a line being 40.00 feet East of and parallel with the West line of the SE 1/4 SW 1/4 of said Section 5; thence S45°12'10"E a distance of 21.33 feet to a point on the North line of said Darla Jean Annexation No. 1 and No. 2; thence S89°59'30"W a distance of 55.09 feet along a line being 50.00 feet North of and parallel with the South line of the SW 1/4 SE 1/4 of said

Section 5, said line also being the North line of Darla Jean Annexation No. 1 and No. 2 to the Point of Beginning.

Said parcel contains 3.02 acres (131,739.05 sq. ft.), more or less, as described.

WHEREAS, a hearing on the petition was duly held after proper notice on the 31st day of August, 2009 and

WHEREAS, the Council has found and determined and does hereby find and determine that said petition is in substantial compliance with statutory requirements therefore, that one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; that a community of interest exists between the territory and the City; that the territory proposed to be annexed is urban or will be urbanized in the near future; that the said territory is integrated or is capable of being integrated with said City; that no land held in identical ownership has been divided without the consent of the landowner; that no land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; and that no election is required under the Municipal Annexation Act of 1965.

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

The said territory is eligible for annexation to the City of Grand Junction, Colorado, and should be so annexed by Ordinance.

ADOPTED this _____ day of _____, 2009.

Attest:

President of the Council

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

MAVERIK ANNEXATION

APPROXIMATELY 3.02 ACRES

**LOCATED AT 2948 F ROAD AND 603 29 1/2 ROAD INCLUDING A PORTION OF
THE 29 1/2 ROAD RIGHT-OF-WAY**

WHEREAS, on the 15th day of June, 2009, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 31st day of August, 2009; and

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

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

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

MAVERIK ANNEXATION

A certain parcel of land located in the Southwest Quarter (SW 1/4) and the Southeast Quarter (SE 1/4) of Section 5, Township One South, Range One East of the Ute Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

Commencing at the Southeast corner of the Southeast Quarter of the Southwest Quarter (SE 1/4 SW 1/4) of said Section 5 and assuming the West line of the SE 1/4 SW 1/4 of said Section 5 to bear N00°12'20"W with all bearings contained herein relative thereto; thence N00°12'20"W a distance of 50.00 feet along the West line of the SE 1/4 SW 1/4 of said Section 5 to a point on the North line of Darla Jean Annexation No. 1 and No. 2, Ordinance No. 2774, City of Grand Junction, said point also being the Point of Beginning; thence S89°58'50"W a distance of 330.40 feet along a line being 50.00 feet North of and parallel with the South line of the SE 1/4 SW 1/4 of said Section 5, said line also being the North line of said Darla Jean Annexation No. 1

and No. 2; thence N00°11'40"W a distance of 360.66 feet; thence N89°58'50"E a distance of 360.36 feet to a point on the West line of Ox-Bow West Subdivision, as same is recorded in Plat Book 12, Pages 140 through 141, public records of Mesa County, Colorado; thence S00°12'20"E a distance of 195.65 feet along a line being 30.00 feet East of and parallel with the West line of the SE 1/4 SW 1/4 of said Section 5, said line also being the West line of said Ox-Bow West Subdivision; thence N89°59'40"E a distance of 10.00 feet along the Southerly line of said Ox-Bow West Subdivision; thence S00°12'20"E a distance of 149.98 feet along a line being 40.00 feet East of and parallel with the West line of the SE 1/4 SW 1/4 of said Section 5; thence S45°12'10"E a distance of 21.33 feet to a point on the North line of said Darla Jean Annexation No. 1 and No. 2; thence S89°59'30"W a distance of 55.09 feet along a line being 50.00 feet North of and parallel with the South line of the SW 1/4 SE 1/4 of said Section 5, said line also being the North line of Darla Jean Annexation No. 1 and No. 2 to the Point of Beginning.

Said parcel contains 3.02 acres (131,739.05 sq. ft.), more or less, as described.

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

INTRODUCED on first reading on the 15th day of June, 2009 and ordered published.

ADOPTED on second reading the ____ day of _____, 2009.

Attest:

President of the Council

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ZONING THE MAVERIK ANNEXATION
TO C-1 (LIGHT COMMERCIAL) AND R-4 (RESIDENTIAL 4 DU/AC)**

LOCATED AT 2948 F ROAD AND 603 29 1/2 ROAD

Recitals

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of zoning the Maverik Annexation to the C-1 (Light Commercial) and R-4 (Residential 4 du/ac) zone districts finding that it conforms with the recommended land use category as shown on the future land use map of the Growth Plan and the Growth Plan's goals and policies and is generally compatible with land uses located in the surrounding area. The zone district meets the criteria found in Section 2.6 of the Zoning and Development Code.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the C-1 (Light Commercial) and R-4 (Residential 4 du/ac) zone districts are in conformance with the stated criteria of Section 2.6 of the Grand Junction Zoning and Development Code.

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

MAVERIK ANNEXATION

The following property be zoned C-1 (Light Commercial):

A certain parcel of land lying in the Southeast Quarter of the Southwest Quarter (SE 1/4 SW 1/4) of Section 5, Township 1 South, Range 1 East of the Ute Principal Meridian, being more particularly described as follows:

COMMENCING at the Southeast corner of the SE 1/4 SW 1/4 of said Section 5 and assuming the East line of the SE 1/4 SW 1/4 of said Section 5 bears N 00°12'26" W with all other bearings contained herein being referenced thereto; thence from said Point of Commencement, S 89°58'56" W along the South line of the SE 1/4 SW 1/4 of said Section 5, a distance of 40.00 feet; thence N 00°12'26" W along a line 40.00 feet West of and parallel to the East line of the SE 1/4 SW 1/4 of said Section 5, a distance of 50.00 feet to the POINT OF BEGINNING; thence from said Point of Beginning, S 89°58'56" W along a line 50.00 feet North of and parallel to the South line of the SE 1/4 SW 1/4 of said Section 5, a distance of 290.40 feet; thence N 00°11'39" W a distance of 221.04 feet; thence S 89°47'35" W a distance of 290.35 feet; thence S 00°12'26" E along a line 40.00 feet West of and parallel to, the East line of the SE 1/4 SW 1/4, a

distance of 222.00 feet, more or less, to the Point of Beginning. Also known as Lot 1, Maverik 2 Subdivision.

CONTAINING 64,323 Square Feet or 1.48 Acres, more or less, as described.

The following property be zoned R-4 (Residential 4 du/ac):

A certain parcel of land lying in the Southeast Quarter of the Southwest Quarter (SE 1/4 SW 1/4) of Section 5, Township 1 South, Range 1 East of the Ute Principal Meridian, being more particularly described as follows:

COMMENCING at the Southeast corner of the SE 1/4 SW 1/4 of said Section 5 and assuming the East line of the SE 1/4 SW 1/4 of said Section 5 bears N 00°12'26" W with all other bearings contained herein being referenced thereto; thence from said Point of Commencement, S 89°58'56" W along the South line of the SE 1/4 SW 1/4 of said Section 5, a distance of 40.00 feet; thence N 00°12'26" W along a line 40.00 feet West of and parallel to the East line of the SE 1/4 SW 1/4 of said Section 5, a distance of 272.00 feet to the POINT OF BEGINNING; thence from said Point of Beginning, S 89°47'35" W a distance of 290.35 feet; thence N 00°11'39" W a distance of 119.62 feet; thence N 89°58'56" E a distance of 290.32 feet; thence S 00°12'26" E along a line 40.00 feet West of and parallel to, the East line of the SE 1/4 SW 1/4, a distance of 118.66 feet, more or less, to the Point of Beginning. Also known as Lot 2, Maverik 2 Subdivision.

CONTAINING 34,591 Square Feet or 0.79 Acres, more or less, as described.

INTRODUCED on first reading the 17th day of August, 2009 and ordered published.

ADOPTED on second reading the ____ day of _____, 2009.

ATTEST:

President of the Council

City Clerk



Attach 8
Downtown Uplift Budget and Timeline
CITY COUNCIL AGENDA ITEM

Date: 8/27/2009
Author: Heidi Hoffman Ham
Title/ Phone Ext: DDA Exec Dir; 256-4134
Proposed Schedule: 9/2/09
2nd Reading: N/A

Subject: Downtown Uplift Budget and Timeline
File # (if applicable): N/A
Presenters' Name & Title: Heidi Hoffman Ham, DDA Executive Director

Executive Summary:

The Project Team will present the revised estimated budget and recommended schedule for the Downtown Uplift (Main Street) Project as approved by the DDA. The Council has already approved the design concept and asked for more information on costs and timing of the project.

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

The Downtown Uplift Project supports the following Goals from the draft Comprehensive Plan:

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

Reinvestment in the infrastructure of Main Street is an essential component of continued development in the downtown area. The design has specifically addressed the varying economic and social needs for the core of the City by incorporating greater accessibility for all community members, family-friendly features, high-quality amenities, and intentional focus on the needs and desires of merchants and property owners.

Goal 8: *Create attractive public spaces and enhance the visual appeal of the community through quality development.*

The award-winning design of Main Street from the 1960's has served the community well and garnered national attention for its vision. Nearly 50 years later, many components of the design are worn out, dated, or broken. The iconic urban forest, serpentine street, and Art on the Corner elements have withstood the test of time and are included in the design. The less functional elements will be replaced or redesigned to enhance the comfortable and familiar atmosphere of the street.

Action Requested/Recommendation:

- 1) Approval of project schedule separating the project into two phases; and authorization for staff to proceed with the construction schedule and final bid documents for Phase I.
- 2) Approval for DDA to repay in 2009 to the City \$3,021,099 of the \$7,889,256 outstanding loan; and authorize the City Manager to execute an agreement with DDA for the City to carry the remaining balance of \$4,868,157 to bear interest at the City's internal rate of return with payment in full, at the latest, December 31, 2012.

Board or Committee Recommendation:

Based on a thorough technical evaluation of the project, the desire of Main Street businesses for a limited impact on retail sales during construction time, and the available resources for this project, the DDA Board recommends that it be built in two phases:

Phase 1 - Main Street from 1st to 4th St. January-mid June 2010

Phase 2 - Main Street from 4th to 7th St. January-mid June 2011 (tentative)

The DDA board recommends and requests that the City accept partial payment of the loan made to DDA for capital projects completed during the last 2 years. The DDA board also recommends and requests that the balance be carried by the City bearing interest at the City's internal rate of return to be paid off by the end of 2012. The DDA would bond against the "new" TIF for funds to pay the City debt in full.

Background, Analysis and Options:**Scope of Project:**

Main Street is probably the most complex corridor in the City in terms of density of commercial space, landscaping, fountains, trees, lighting, vendor circuits, storm drainage, fiber optics and of course water. All of the planter walls, pavement, irrigation facilities, street lighting, tree lighting, traffic signals, vendor electrical circuits, benches, kiosks, shelters are proposed for replacement. In revamping Main Street, the design calls for adding in play spaces, fountains, more power for vendor circuits, banner poles, wi-fi network, as well as security systems. In order to accomplish all of that, the existing infrastructure must be removed and in the case of the art, removed, stored and then reset all while being painstakingly careful to preserve most of the trees that provide the character and ambiance that makes Main Street special. Further complicating the work is the contention with mill tailings placed in the late 50's and early 60's as well as the 100- year-old trolley tracks.

Funding:

The funds for the project will come from the DDA's tax increment financing, which is to be used exclusively for removal of blight and investment in infrastructure. Such investment helps to maintain property values within the District, consistent with the legal purposes of the District.

The DDA Board is sensitive to the wishes of businesses along Main Street who desire the shortest possible construction period, early in the year, for this project. The goal is to finish construction by mid-June to allow for the best possible access and appearance during the main tourism season. As the complexity of the Uplift has become more apparent through engineering evaluation and on-site surveying, it has also become clear that completing the entire corridor (1st Street to 7th Street) is not realistic within one abbreviated construction year.

Furthermore, as technical evaluation of the infrastructure continued, it became clear that starting the replacement of water and storm sewer systems at the west end of the corridor was much more efficient and cost-effective.

Given both of these challenges and the expectations for a high-quality project, the DDA Board has deliberated at length and is recommending to Council that the best way to accomplish all of these goals is to split the project into two parts, thus ensuring a timely finish to support merchants throughout the summer months and to build the infrastructure in the most realistic and effective process. At this time, the first year of the project (100 to 300 blocks) is estimated to cost approximately \$2,775,000; and the second half of the project (400 to 600 blocks) is estimated at \$5,225,000. After the first phase is bid out, staff will be able to further refine the cost estimates. When initially exploring this project, the budget was estimated based on a level of finish comparable to that of Colorado Avenue, optimistically anticipating that some features would remain unchanged or would require minor rehabilitation. However, on refinement of the scope of the project it was determined these costs would increase.

Financial Impact/Budget:

Similar to most projects in the downtown area, the Main Street project is a partnership between the DDA and the City. The project has three sources of funding with the majority being paid for by the DDA. The City’s participation in the project is in the form of in-kind engineering, inspection, and project management costs; and the replacement of the water main line and service line connections to the properties. The in-kind costs are funded out of the General Fund and the Water Fund will pay for the replacement of the water main and service lines.

Funding Source	Description	Total	2009	2010	2011
DDA-Tax Increment Fund	Reinvestment into and improvement of infrastructure	\$ 8,050,000	\$ 50,000	\$ 2,775,000	\$ 5,225,000
City- Water Fund	Replacement of main water line and service line connections to properties	900,000	-	400,000	500,000
City- General Fund	Engineering, Inspection, Project Management-In Kind Services	470,000	100,000	230,000	140,000
TOTAL PROJECT		\$ 9,420,000	\$ 150,000	\$ 3,405,000	\$ 5,865,000

Legal issues: Negotiation and award of a contract and financing agreement with the DDA.

Other issues/information:

The primary goals of the Uplift remain to:

- Improve and standardize lighting fixtures and light levels on all blocks
- Replace aging water and storm sewer infrastructure
- Replace asphalt surface with concrete to decrease temperatures and improve maintenance
- Enhance urban forest health by replacing and adding trees
- Reconstruct planter walls with foundations

- Enhance pedestrian spaces for customer comfort and merchant marketing uses
- Improve pedestrian safety and handicap accessibility
- Enhance public spaces including play and multi-use performance areas
- Reduce maintenance costs through thoughtful design
- Enhance Art on the Corner displays and security
- Attract new customers by adding WiFi, webcams, and other technology
- Improve public information efforts with new signage and kiosks
- Increase availability of power for vendors and events, particularly in the 600 block
- Improve directional wayfinding into and around the downtown corridor

Parking:

City Council has requested an update on parking impacts as a result of the last few years of capital projects in the downtown area. The Parking Advisory Management Group (PMAG) met on August 20th and discussed the overall operations of the parking system as well as the impacts of recent projects. The attached schematic shows the net impact of the Rood Avenue Parking Garage, the re-striping of 5th Street, the completed reconstruction of 7th Street and Colorado Avenue, as well as the proposed Main Street project. The net impact to parking in the downtown area is an additional 100 spaces available for public parking between 3rd and 7th, Ute to Grand Avenue. PMAG believes that the capital projects have to-date and will continue to result in a positive impact to the overall parking system in providing safe, convenient, and affordable parking in the downtown area.

Previously presented or discussed:

On July 1, the DDA Board met with City Council to discuss the preferred concept, which was unanimously approved to move forward for further public comment.

At their meeting on July 23, the DDA Board considered the public comments and reviewed the conceptual design of the 100-200 blocks of Main Street. Revisions were requested based on feedback and budget estimates; timing and phasing of the project was discussed, particularly in light of the continued economic downturn facing many merchants on Main Street. The Board met again on July 28 to finalize their recommendation to City Council for this project.

On August 3 the City Council approved the final design concept for the project as recommended by the DDA and authorized the City Manager and staff to proceed with development of cost projections/allocations and timelines for project.

On August 27 the DDA Board recommend/requested that the City Council accept the repayment of the loan owed to the City in two payments. The first in the amount of \$3,021,099 in 2009, and the remaining balance of \$4,868,157 to bear interest and the total to be paid in full in 2012.

Attachments:

1. PMAG parking analysis
2. Design concept drawings

Parking Management Advisory Group

Analysis of Impact to Downtown Parking 2007 through proposed Main Street Uplift

August 26th, 2009

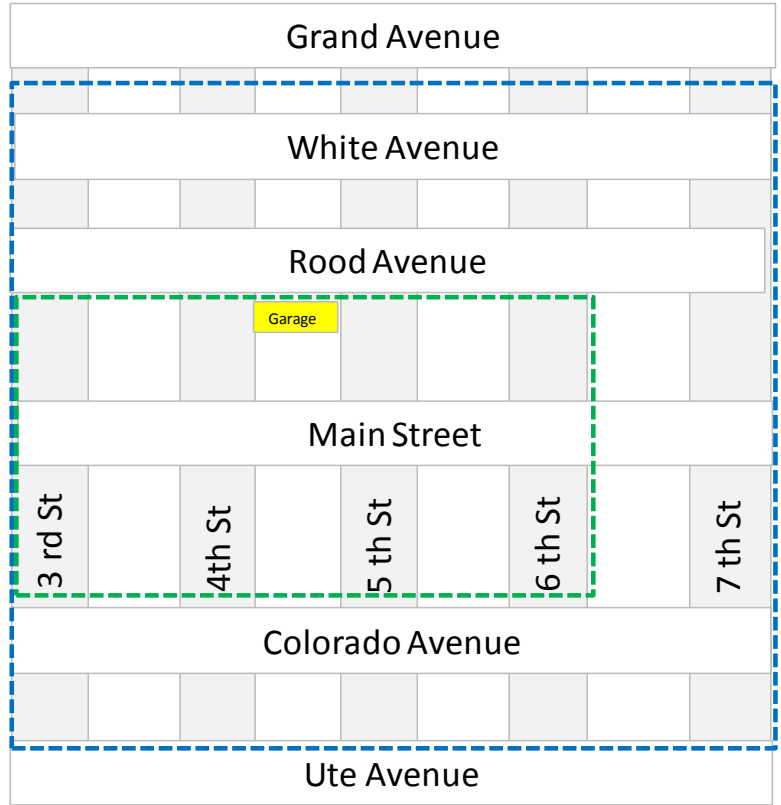
Impact Inside "Core" Downtown:

Garage	+110	
5th Street Re-Stripe Colo to Rood	+5	
Main Street Uplift (proposed)*	-25	} -17
Re-Stripe N/S streets w/in 1 block of Main	+9	
Total Space Impact to Core	+99	

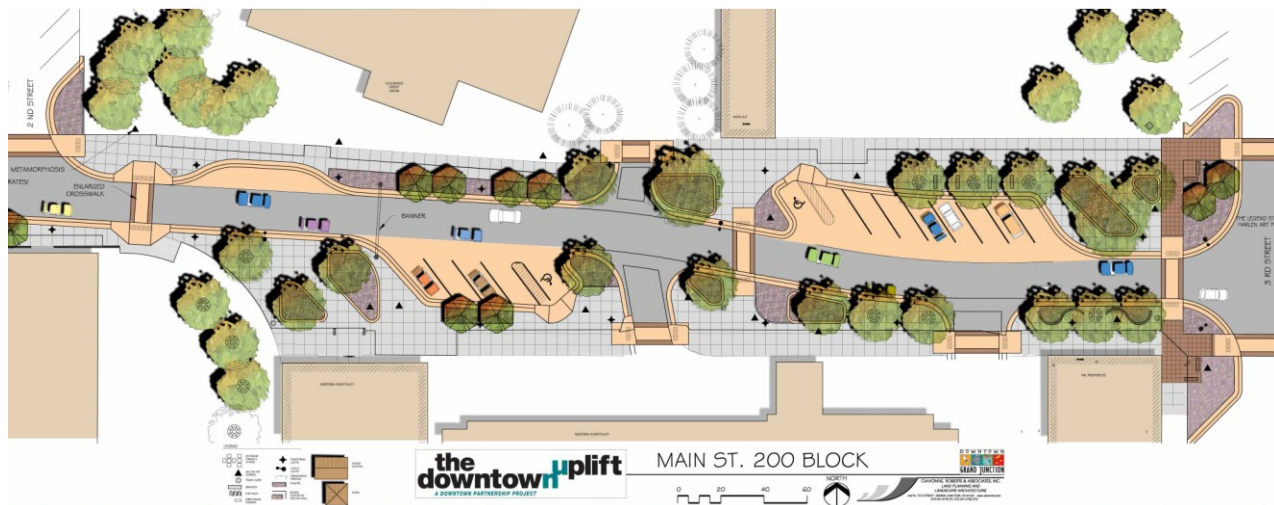
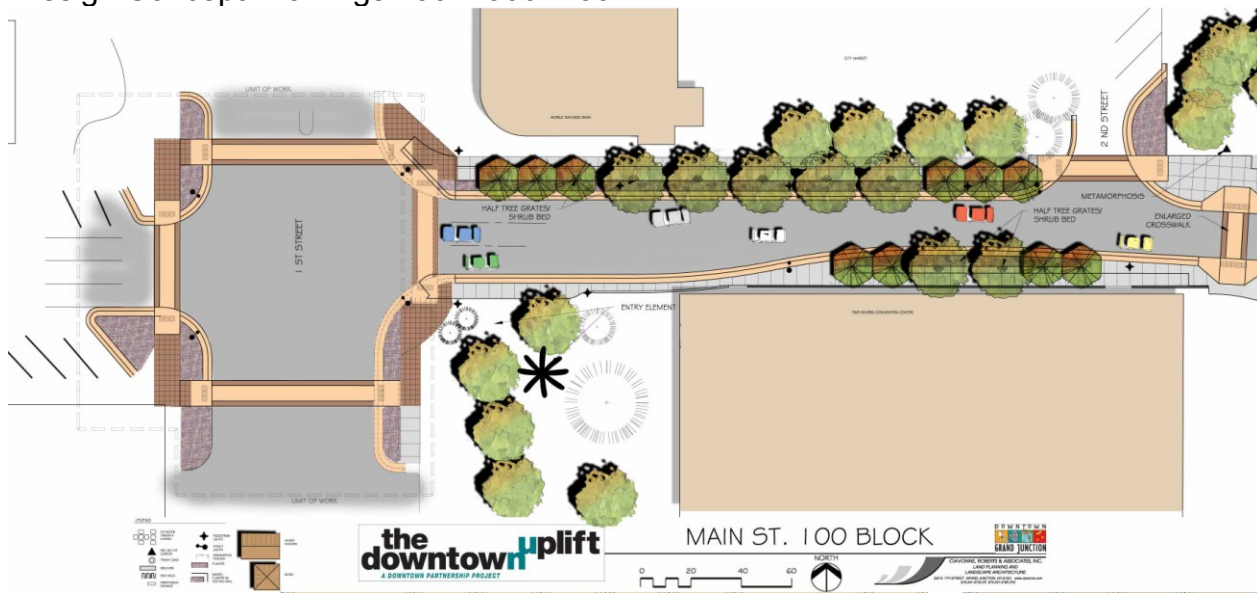
* (includes use of spaces to develop more handicap parking spaces)

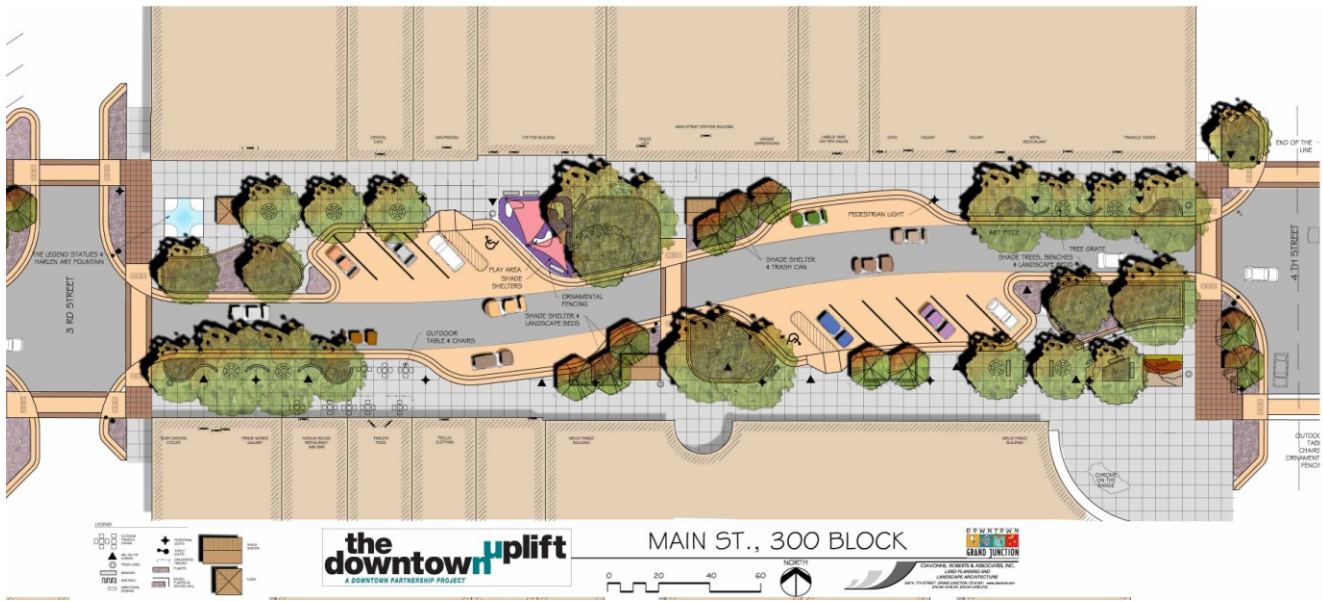
Impact Including all Downtown Projects:

Total Space Impact to Core	+99	
5th Street Re-Stripe Rood to Grand	+7	
5th Street Re-Stripe Ute to Colorado	+2	
Colorado Project-Street Parking	-18	} -8
Colorado Project-Lot Parking	+10	
Total Space Impact to Downtown	+100	



Design Concept Drawings 100 – 300 Block





Design Concept Drawings 400 – 600 Block

