

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

WEDNESDAY, JULY 7, 2010, 7:00 P.M.

Call to Order

Pledge of Allegiance Moment of Silence

Recognition/Presentation

Presentation from 2010 Census Bureau Office

Appointments

Ratify the Appointment of a Downtown Development Authority Representative to the Historic Preservation Board

Ratify Appointments to the Riverview Technology Corporation

Certificates of Appointment

To the Downtown Development Authority/Downtown Grand Junction Business Improvement District

To the Parks and Recreation Advisory Board

Council Comments

Citizen Comments

** Indicates Changed Item

*** Indicates New Item

® Requires Roll Call Vote

* * * CONSENT CALENDAR * * *

1. <u>Minutes of Previous Meeting</u>

<u>Action:</u> Approve the Minutes of the June 14, 2010 Regular Meeting

2. <u>Setting a Hearing on the Vacation of Right-of-Way in the Goose Downs</u> <u>Subdivision, Located at 359 29 ⁵/₈ Road</u> [File # PP-2008-245] <u>Attach 2</u>

A request to vacate a portion of 29 ⁵/₈ Road for the benefit of Goose Downs Subdivision, located at 359 29 ⁵/₈ Road.

Proposed Ordinance Vacating Right-of-Way for a Portion of 29 % Road, at Goose Downs Subdivision Located at 359 29 % Road

<u>Action:</u> Introduction of a Proposed Ordinance and Set a Hearing for July 19, 2010

Staff presentation: Lori V. Bowers, Senior Planner

3. <u>Setting a Hearing on Proposed Amendment to the Sales and Use Tax</u> <u>Code Exempting Aircraft Parts from Sales Tax</u> <u>Attach 3</u>

This is an amendment to the Grand Junction Municipal Code concerning the exemption from sales tax of seller installed aircraft parts. This proposed amendment is subsequent to the request being considered by the Council's Economic and Community Development Committee in May and then full City Council at a workshop on June 14th. The proposed ordinance amending the Code does have a two year sunset clause at which time City Council will evaluate the effectiveness of the ordinance and may or may not extend the exemption.

Proposed Ordinance Amending Section 3.12.070 of Chapter 3 of the Grand Junction Municipal Code Concerning the Exemption from Sales Tax of Seller Installed Aircraft Parts

<u>Action:</u> Introduction of a Proposed Ordinance and Set a Hearing for July 19, 2010

<u>Attach 1</u>

Staff presentation: John Shaver, City Attorney Laurie Kadrich, City Manager Jodi Romero, Financial Operations Manager

* * * END OF CONSENT CALENDAR * * *

*** ITEMS NEEDING INDIVIDUAL CONSIDERATION ***

4. <u>Watson Residence Expansion – 7th Street Historic District, Located at 417 N</u> <u>7th Street</u> [File #HDP-2010-069] <u>Attach 4</u>

Consideration of approving a Construction Permit (Planning Clearance) for Tom and Melinda Watson, 417 N. 7th Street in accordance with the adopted 7th Street Historic Residential District Planned Residential Development Zoning District for a proposed single-family residence building expansion.

<u>Action:</u> Approval of the Issuance of a Construction Permit (Planning Clearance) for the Proposed Watson Residence Building Expansion

Staff presentation: Scott D. Peterson, Senior Planner

5. Persigo Wastewater Treatment Plant UV Disinfection Equipment Purchase <u>Attach 5</u>

This request is for the purchase of equipment for the Ultra Violet (UV) Disinfection System at the Persigo Wastewater Treatment Plant (WWTP). Based on previous process improvement evaluation studies at the WWTP, Staff has identified the need to move from final treatment of the waste stream using chlorine gas to an ultraviolet disinfection system to improve operation safety at the WWTP. This change will eliminate handling and storage of chlorine and sulfur dioxide gases and provide a system that is more reliable and will serve the WWTP well into the future.

<u>Action:</u> Authorize the Purchasing Division to Enter into a Contract with Trojan Technologies, Inc. for the Purchase of UV Disinfection Equipment for the Persigo WWTP UV Disinfection System Project in the Amount of \$246,000

Staff presentation: Tim Moore, Public Works and Planning Director Jay Valentine, Assistant Financial Operations Manager

6. Non-Scheduled Citizens & Visitors

7. Other Business

8. <u>Adjournment</u>

Attach 1 Minutes of Previous Meeting

GRAND JUNCTION CITY COUNCIL MINUTES OF THE REGULAR MEETING

June 14, 2010

The City Council of the City of Grand Junction convened into regular session on the 14th day of June 2010 at 7:00 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Tom Kenyon, Gregg Palmer, Bill Pitts, Sam Susuras, and Council President Teresa Coons. Absent was Councilmember Bruce Hill. Also present were Deputy City Manager Rich Englehart, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Coons called the meeting to order. Councilmember Beckstein led the Pledge of Allegiance followed by an invocation by Executive Pastor Tim Roseberry, Fellowship Church.

Proclamations/Recognitions

Proclaiming June 23, 2010 as "Bike to Work Day" in the City of Grand Junction

Appointments

To the Parks and Recreation Advisory Board

Councilmember Susuras moved to reappoint Tawny Espinoza for a three year term expiring June 2013, and appoint Scott Coleman and Bart Dickson to serve three year terms to expire June 2013, all to the Parks and Recreation Advisory Board. Councilmember Kenyon seconded the motion. Motion carried with Councilmember Palmer voting NO.

Certificates of Appointments

To the Downtown Development Authority/Downtown Grand Junction Business Improvement District

Stephen Thoms was present to receive his certificate.

Council Comments

Council President Coons explained that she has a hammer for a gavel for this meeting as she participated in a Habitat Build Day Saturday, June 12th and she learned how to repair drywall. She thanked Habitat for Humanity for their good work in the community.

On early Sunday morning, Council President Coons kicked off Ride the Rockies. She thanked the participants, Mesa State College, the Visitors and Convention Bureau, and others for their help with the event.

Citizen Comments

Clark Carroll, 1240 Cannell Avenue, stated that he has lived there for almost fifty years. He echoed comments on the Ride the Rockies and congratulated folks on the JUCO tournament. His subject was streets access and government procedure. His concern was the change to streets, sidewalks, and access changes in and around their neighborhood with the construction at Mesa State College. He received a letter about the changes. He thought the process was over and any further changes would require more notification. He asked under what authority were the streets, alleys, and sidewalks removed and access changes granted to Mesa State College.

Council President Coons thanked Mr. Carroll and noted that Staff will be in contact with him.

Councilmember Palmer said he has heard other comments with the construction as to safety and access.

Darrel Miller, 1315 Houston Avenue, said relative to the same issue addressed by Mr. Carroll, that is, construction at Mesa State College, the morning of May 26, 2010, a construction crew entered his property without notice or permission and started digging. He learned they were searching for his sewer line. Finally they requested a locator, which was not done in advance. He called the City and talked to Bret Guillory, Project Engineer. On Monday June 7, the concrete alley was cut and dug up without permission or notification. It blocked their access and caused his wife to miss an appointment. He asked under whose authority the work is being performed.

Council President Coons said they would speak through Staff to find the answer to his questions.

CONSENT CALENDAR

Councilmember Kenyon read the Consent Calendar and moved that the Consent Calendar Items #1 through #3 be adopted. Councilmember Susuras seconded the motion. Motion carried by roll call vote.

1. Minutes of Previous Meeting

<u>Action:</u> Approve the Minutes of the June 2, 2010 Regular Meeting

2. Purchase of Road Oil for Chip Seal Program 2010

Request the purchase of approximately 205,000 gallons of road oil for the Streets Division Annual Chip Seal Program for 2010.

<u>Action:</u> Authorize the City Purchasing Division to Purchase Approximately 205,000 Gallons of Road Oil from Cobitco, Inc., Denver, Colorado in the Amount of Approximately \$500,200

3. <u>Purchase of Motor Control Centers for Replacement at Persigo Wastewater</u> <u>Treatment Plant</u>

Request the purchase for all equipment, supplies, and labor to replace aged and failing Motor Control Centers for the Headworks Building, Raw Sewage Pump Station Building, and Primary Sludge Pump Station Building located at the Persigo Wastewater Treatment Plant.

<u>Action:</u> Authorize the City Purchasing Division to Enter into a Contract for the Purchase and Installation of Motor Control Centers for Persigo Wastewater Treatment Plant with Specialized Automation Services, LLC, Grand Junction, Colorado in the Amount of \$115,663.43

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Main Street Marriott Hotel—City Council Economic and Community Development Committee Report and Transportation Capacity Fee Recommendation

This is a request for the City to pay the cost associated with the Transportation Capacity Payment (TCP) fees as part of an infill and economic development project. The project is the development of a 100 room Marriott Hotel at the northwest corner of 3rd and Main Streets. The request has been considered by the City Council Economic and Community Development Committee. The Committee agreed to forward a recommendation of approval of the request. The Committee recommendation is subject to consideration and approval by the full City Council.

Rich Englehart, Deputy City Manager, presented this item. He described the request and the project. The Economic and Community Development Committee considered the request and the Committee agreed to forward their recommendation to the full Council. Approval will authorize the use of reserve funds to pay the TCP fees. The applicant is available for any questions. He deferred further discussion to the Committee members.

Councilmember Beckstein explained that the Committee felt it was a unique situation with it being an infill area and the construction of the new hotel will make the downtown even more viable. Additional rooms will allow for more use at the Convention Center. It will

also create jobs. The development company has worked with the Downtown Development Authority and the City to make the Two Rivers Convention area a positive area in sharing parking and spending money on the breezeway between the hotel and the Convention Center.

Councilmember Palmer stated he dissented from the recommendation due to the financial issue. The Transportation Capacity Payment is designed for all new construction projects. He agreed there will be minimal impacts. He suggested that half of the TCP be paid. He is concerned about spending money out of the City's reserve. He was not opposed to helping out some.

Councilmember Beckstein said it will come out of the reserve account but it will not take the reserve below the minimum specified by City Council.

Councilmember Susuras said he thought the agreement was to bring the reserve fund down to \$20 million.

Assistant Financial Operation Manager Jay Valentine explained that the current reserve projected year end fund balance at the end of 2010 is \$20.8 million.

Councilmember Susuras asked what the balance is today. Assistant Financial Operations Manager Valentine said at the end of 2009 it was at \$19.3 million. The reasons are the accrual of sales tax. Typically, sales tax collected in January is moved back to December. Sales tax collected in January this year was lower than anticipated. Another factor was the early retirements which had to be counted in the year the offer was made so that was accounted for in 2009.

Councilmember Susuras asked if this sets a precedent and will it result in other requests? City Attorney Shaver advised that this does not set a precedent legally, the policy precedent is up to Council. There is no binding precedent.

Councilmember Palmer said there have been requests in the past, Cornersquare and Guytons on North Avenue, and they have been approved by the City Council.

Council President Coons noted there was an infill and redevelopment program where incentives were offered so it is not totally without precedent.

Councilmember Susuras said the Council agreed to take the reserve fund down to \$20 million but now Council finds out that it was below that amount and that was not brought before Council. He suggested maybe they receive a monthly update on where the reserve funds stand.

Councilmember Pitts concurred with Councilmember Susuras in that Council should have been made aware of the reserve funds being down.

Mr. Valentine explained that there are book adjustments that are required by government accounting principles, it does not affect appropriation; the sales tax collections were lower in January than anticipated. There is an adjustment in the books.

Councilmember Kenyon inquired if City Council approves the expenditure, can the expenditure wait until the end of the year so the reserves do not fall below the \$20 million? Mr. Valentine responded there will be no need for a re-appropriation and they will have a better idea at the end of the year where there might be some savings; right now budgets are on track.

Councilmember Kenyon asked if this is in effect a City to City distribution of money. Mr. Valentine replied it truly is and they could wait to make the transfer when the funds are actually needed

Council President Coons explained that the Council is not truly waiving the fee but rather paying for it out of another fund to keep the accounts whole. The TCP fee is intended to help build the streets and the transportation networks needed to support new development and the additional capacity. The question is whether there is a need in this area as the transportation network exists.

Councilmember Palmer said this is a great project and the developer already has two quality hotels in downtown already. His only question is the level of participation.

Council President Coons asked the Council if they would like to hear from the developer. The Council responded affirmatively.

Kevin and Steve Reimer, the developers, addressed the City Council. Mr. Kevin Reimer said this is their third infill project in that area and he read the purpose of the TCP, "in order for a development to pay its fair share". He said they are doing other off-site improvements through the development improvements agreement to the tune of \$87,000. Ten years ago they opened the Hawthorn Suites and paid \$23,000 in TCP fees. The current TCP fee is \$240,000. It is more challenging and difficult to build downtown but it is a win-win. The lower number of rooms in the two hotels has caused the City to lose some conventions. They will spend \$8 million in construction locally. The property which was publicly owned is now in private hands and will pay property tax.

Councilmember Susuras asked where the parking will be. Mr. Kevin Reimer said they will have surface parking and have acquired parking on Rood. Also, the Zellner building will come down and allow more parking. They also have some sharing agreements for other parking.

Deputy City Manager Englehart clarified the use of reserves; it could be now or the end of the year. The goal is to have more than \$20 million in that fund balance but approval of the use of reserves means it will come out of the reserves.

Council President Coons asked for clarification that if they are short in the reserve fund due to this transfer, it would not affect the remainder of the budget. Deputy City Manager Englehart said yes but if the fund balance is not being attained, the budget will be reviewed again.

Councilmember Susuras asked about the difference in property tax now that the property is in private ownership. Mr. Kevin Reimer said an estimate would be \$90,000 to \$100,000 per year. They will also collect \$350,000 to \$400,000 in sales and lodging tax annually.

Councilmember Beckstein asked, by adding the rooms, where does it put the City in ballpark for other conventions. Economic, Convention and Visitor Services Director Debbie Kovalik said there were six to eight groups that could not be accommodated with the current downtown lodging and with 100 new rooms they could easily be accommodated. That is about 200 attendees. The new hotel will double the capacity for attendees for conventions.

Council President Coons asked if Two Rivers Convention Center has the capacity for that size group. Ms. Kovalik said they can handle 500 attendees. The business that is being lost are the conventions that do not want to deal with transportation issues as a result of having to use non-downtown lodging.

Councilmember Beckstein said her concern is that she was under the impression that there was \$600,000 for these types of requests but now that is not the case. She asked if the TCP could be deferred if the cash is not there. Deputy City Manager Englehart said it can be but the projection is that there will be funds available. It is the City Council's option to not transfer the funds.

Councilmember Palmer noted the other option is not to spend as much on transportation improvements.

Deputy City Manager Englehart advised that the Council will see those adjustments when the audit is complete.

Council President Coons clarified that the question is whether the reserve should be \$20 million at the end of the fiscal year or if it needs to be at \$20 million on any given day.

Councilmember Susuras inquired if the reserve fund is actually the General Fund balance. Deputy City Manager Englehart answered it is, and there are reserves in other funds as well.

Councilmember Kenyon moved to authorize the City Manager to use reserve funds in the amount of \$240,700.00 to fund the TCP for the Project known as the Main Street Marriott Hotel noting that it is the Council's intention that the reserve General Fund excess remain at the \$20 million level and the expenditure not be taken out of the reserve fund until such

time as the City's cash is on hand for that. Councilmember Susuras seconded the motion. Motion carried by roll call vote with Councilmember Palmer and Pitts voting NO.

Public Hearing—Amendments to the 2010 Zoning and Development Code, Codified as Title 21 of the Grand Junction Municipal Code [File #TAC-2010-039]

Proposed amendments to revise the minimum lot size and width in the R4 zone district, allow an interim use with a Special Permit, and allow an offset for the cost of construction of required trail(s) against a project's Open Space Fee.

The public hearing was opened at 8:11 p.m.

Lisa Cox, Planning Manager, presented this item. She reviewed the history of the adoption of the Zoning and Development Code. At the adoption in April, these three amendments were brought forward and the Council directed Staff to take them back through the process. Those have gone back to the Planning Commission and they are being brought forward with a recommendation of approval.

The first amendment is the change to the minimum lot size and width. The request is that the minimum lot size be reduced from 8,000 square feet to 7,000 square feet and that the minimum lot width be reduced from 75 feet to 70 feet. The proposed change would amend Section 21.03.040(e).

The second proposed amendment affects property in the new Village and Neighborhood centers. Staff proposes that an interim land use be allowed with a Special Permit. The scope and duration of the interim use would be incorporated into the conditions of the Special Permit that would be approved by City Council. Allowing an interim use would permit a property owner to gain use and value from their property until the market is ready for the growth anticipated by the Comprehensive Plan. The proposed change would amend Section 21.02.120(b)(2).

The third proposed amendment would provide that if a trail(s) has been constructed in addition to the construction of required sidewalks, the owner may request an offset or credit for the cost of construction of the trail(s) against the Open Space fee in an amount not to exceed the total Open Space fee. The proposed change would amend Section 21.06.020(c).

The Zoning Code Focus Group also had positive comments on the amendments.

Council President Coons asked if the City Council is comfortable considering all three together or prefer to separate each amendment. Council was comfortable handling all three together.

Councilmember Susuras asked if the wording on amendment number one should be to allow the maximum density in R4 instead of minimum. Ms. Cox agreed that was the intention.

There were no public comments.

The public hearing was closed at 8:22 p.m.

Ordinance No. 4428—An Ordinance Amending Section 21.03.040(e), Residential Districts, R4; Section 21.03.040, Residential District Summary Table; Section 21.03.060(c)(5), Cluster Developments, Bulk Standards; Section 21.02.120(b)(2), Special Permits; Section 21.06.020(c), Private and Public Parks and Open Spaces, Trails; and Section 21.10.020, Terms Defined

Councilmember Palmer moved to adopt Ordinance No. 4428 and ordered it published. Councilmember Kenyon seconded the motion. Motion carried by roll call vote.

Public Hearing—CDBG 2010 Program Year Action Plan, a Part of the 2006 Five-Year Consolidated Plan and Action Plan Amendments to Program Years 2007 and 2009 [File #2010 CDBG]

The request is to consider final adoption of the 2010 Program Year Action Plan. This annual plan is required by the Department of Housing and Urban Development (HUD) for the use of Community Development Block Grant (CDBG) funds. The Action Plan includes the CDBG projects for the 2010 Program Year City Council approved for funding on May 17, 2010. Adoption of the 2010 Program Years 2007 and 2009 to reallocate unspent funds from previous years.

The public hearing was opened at 8:23 p.m.

Kathy Portner, Neighborhood Services Manager, presented this item. This will conclude items for the 2010 Program year. She reviewed the history of the program. This is the 5th year of the Five Year Plan. The City's total allocation for the amended 2009 and 2010 Action Plan is \$422,478.

The purpose of the hearing tonight is to approve amendments to the Action Plans for Program Years 2007 and 2009 to reallocate unspent funds from these previous years and indicated in the budget below. Primarily the amendments are to reallocate 2009 funds for the DIA Slope Stabilization project so the work can get underway as soon as possible rather than waiting for the release of 2010 funds from HUD on September 1, 2010.

Ms. Portner then reviewed the other projects as follows:

1) City of Grand Junction Program Administration	\$ 60,000
2) St Mary's Foundation Gray Gourmet Program	\$ 20,500
3) St Mary's Foundation Foster Grandparent Program	\$ 12,000
4) Western CO Conservation Corps Van Purchase	\$ 17,000
5) Counseling and Educ Center Counseling Services	\$ 6,682
DIA Slope Stabilization and Landscaping	\$ 34,471
Hawthorne Park Restroom Replacement	\$158,000
8) HomewardBound Homeless Shelter Remodel/Repair	\$ 6,000
9) Center for Independence Program Office Remodel	\$ 34,100
10)GV Catholic Outreach Soup Kitchen Remodel/Repair	\$ 73,725

The total amount being put into the CDBG is leveraging over \$800,000 in funding. They will take public comments until July 8 and then submit the Plan to HUD for final approval.

There were no public comments

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

Resolution No. 30-10—A Resolution Adopting the 2010 Program Year Action Plan as a Part of the City of Grand Junction 2006 Five-Year Consolidated Plan for the Grand Junction Community Development Block Grant (CDBG) Program

Councilmember Palmer moved to approve the amendments and Adopt Resolution No. 30-10 approving the 2010 Program Year Action Plan. 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 adjourned at 8:29 p.m.

Stephanie Tuin, MMC City Clerk



CITY COUNCIL AGENDA ITEM

Attach 2

Vacation of Right-of-Way-Goose Downs Subdivision Date: June 22, 2010

Author: <u>Lori V. Bowers</u> Title/ Phone Ext: <u>Senior Planner /</u> 4033 Proposed Schedule: <u>1st Reading</u>, July 7, 2010 2nd Reading: <u>July 19, 2010</u>

Subject: Vacation of Right-of-Way - Goose Downs Subdivision Located at 359 29 5/8 Road

File #: PP-2008-245

Presenters Name & Title: Lori V. Bowers, Senior Planner

Executive Summary:

A request to vacate a portion of 29 % Road for the benefit of Goose Downs Subdivision, located at 359 29 % Road.

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

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

By vacating the requested portion of the subject right-of-way, future development of the irregularly shaped parcel will be enhanced for a more uniformly shaped subdivision, in conformance with other plans such as the Pear Park Plan and the Grand Valley Circulation Plan.

Action Requested/Recommendation:

Introduce a Proposed Ordinance to Vacate a Portion of 29 % Road and Set a Public Hearing for July 19, 2010.

Board or Committee Recommendation:

At the June 8, 2010 meeting, the Planning Commission forwarded a conditioned recommendation of approval. The condition being that the developer shall dedicate and construct sufficient new access prior to the recording of the ordinance vacating 29 % Road. The Planning Commission felt that this item was non-controversial in nature and was placed on the Consent Agenda.

Background, Analysis and Options:

Please see the attached Staff Report.

Financial Impact/Budget:

N/A

Legal issues:

N/A

Other issues:

The applicant's request for vacation of the subject right-of-way is conditioned upon the dedication and construction of sufficient new access prior to the recording of the ordinance vacating 29 % Road.

Previously presented or discussed:

This item was discussed by the Planning Commission on June 8, 2010.

Attachments:

Site Location Map / Aerial Photo Map Comprehensive Plan Map / Existing City and County Zoning Map Blended Residential Map / Right-of-Way to be Vacated Preliminary Subdivision Plan Ordinance

BACKGROUND INFORMATION						
Location:		359 29-% Road				
Applicants:		Terry DeHerrera, owner; Ciavonne Roberts and Assoc. c/o Keith Ehlers, representative.				
Existing Land Use:		Single family residential				
Proposed Land Use:		53 lot single-family residential subdivision				
Surrounding Land Use:	North	Vacant land				
	South	Agricultural				
	East	Single-family residential on large lots over 1 acre				
	West	Beswick Drain and gravel excavation				
Existing Zoning:		R-4 (Residential, 4 units per acre)				
Proposed Zoning:		N/A				
Surrounding Zoning:	North	R-8 (Residential 8 du/ac) and County RSF-R (Residential Single Family Rural)				
	South	County RSF-R (Residential Single Family Rural)				
	East	Cour	County RSF-R (Residential Single Family Rural)			
	West	R-R (R-R (Residential Rural 1 du/ac)			
Growth Plan Designation:		Residential Medium Low (2 – 4 du/ac)				
Zoning within density range?		Х	Yes		No	

ANALYSIS

1. <u>Background</u>

The property was annexed into the City in February, 2008 as the DeHerrera Annexation. Upon annexation into the City the property was zoned R-4 (Residential – 4 units per acre). This application was reviewed under the 2000 Zoning and Development Code, which was in place at the time the application was submitted.

The proposed subdivision is bounded on the north by C $\frac{3}{4}$ Road; on the west by the Beswick Drain, which is the future alignment of 29 $\frac{1}{2}$ Road; on the south by what is the alignment for C $\frac{1}{2}$ Road; and on the east by 29 $\frac{5}{8}$ Road. It is the curved, northern most portion of 29 $\frac{5}{8}$ Road that is requested to be vacated.

Some additional improvements will be made to 29 ½ Road to ensure there is adequate asphalt width to access the primary entrance obtained from C ¾ Road, which will be constructed by the developer at the end of 29 ½ Road. Via Sydney Way and Maria Street, Karel Drive will extend eastward for future access to 29 5% Road. The existing curved road right-of-way for 29 5% Road (the subject area to be vacated), will be incorporated into Lots 1 through 12 and Tract E of the proposed Goose Downs Subdivision. A waiver and Quit Claim has been prepared and signed by the owners of the smaller parcel owned by the Downs' stating that they have no claim to the vacated

portion of 29 % Road. It is developer's intent to utilize the entire curved portion of 29 % right-of-way for the development of these future lots.

The curved portion of 29 ⁵/₈ Road was dedicated as right-of-way when Mr. DeHerrera split a small parcel off to sell to the owners of 374 29 ⁵/₈ Road (Downs). The County required the dedication to maintain access to properties to the south and east. This created a natural separation for the land split. This section of roadway does not follow the Grand Valley Circulation Plan or the Pear Park Plan. Dedicated right-of-way surrounds the triangularly shaped Downs parcel on all three sides, none of which has been constructed. By vacating this portion of 29 ⁵/₈ Road, it will improve the Downs property by not being surrounding on all three sides by dedicated (yet not constructed) right-of-way.

If approved, the vacation of this portion of right-of-way will not become effective until the Final Plat for Phase 1 of the subdivision is recorded <u>and</u> an alternative access to adjacent / nearby properties is provided by the developer. The timing of the road construction, the vacation of the 29 $\frac{5}{8}$ Road, and the recording of Phase 1 of the subdivision, is critical because several properties to the east currently utilize and rely upon this portion of 29 $\frac{5}{8}$ Road to access their property.

Section 2.11.C of the Zoning and Development Code

The vacation of a portion of 29 % Road right-of-way shall conform to the following:

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

The Comprehensive Plan's Goal 9, which is to "Develop a well-balanced transportation system that supports automobile, local transit, pedestrian, bicycle, air, and freight movement while protecting air, water and natural resources." is met, as it helps to implement the Grand Valley Circulation Plan and the Pear Park neighborhood Plan. By vacating the curved portion of 29 % Road, and dedicating new right-of-way in a more prudent location, will help bring the site into conformance with these Plans and policies of the City.

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

With the dedication and construction of additional right-of-way as required by the City and as proposed by the developer, no parcel will be landlocked as a result of the right-of-way vacation.

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

Access will not be restricted to any of the affected property owners as the developer will be required to construct sufficient new access prior to vacating 29 ⁵/₈ Road. It is conditioned within the Ordinance approving the vacation that the new right-of-way construction will be completed prior to

the recording of the Ordinance vacating that portion of 29 % Road, which will be prior to the Final Plat for Phase 1 being recorded.

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

The partial vacation of 29 % Road will not affect the health, safety and/or welfare of the community. All public facilities and services will continue to be provided to all properties.

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

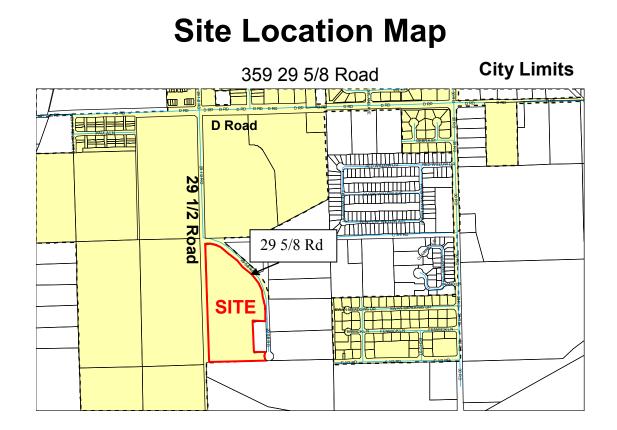
Adequate public facilities and services will not be inhibited to any property by the vacation of the right-of-way. All services should be accessible during construction of the new access to 29 % Road

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

The newly constructed right-of-way will be built to City standards, and inspected prior to the City's acceptance; therefore reducing future maintenance costs. Pedestrian circulation will be improved as sidewalks will be installed, and the new right-of-way and alignment of 29 % Road will comply with the Grand Valley Circulation Plan and the Pear Park Plan.

PLANNING COMMISSION RECOMMENDATION:

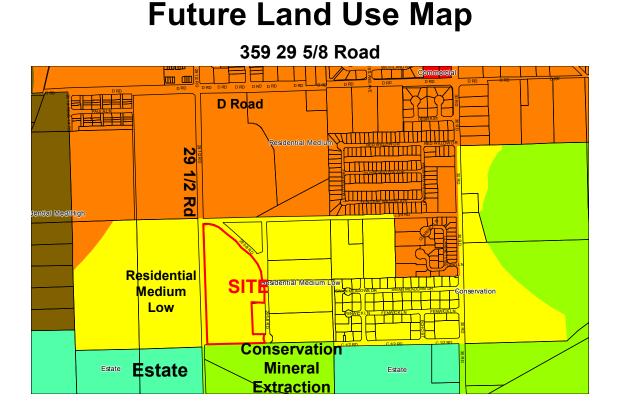
The Planning Commission forwards a recommendation of approval of the requested right-of-way vacation, conditioned upon the dedication and construction of sufficient new access prior to the recording of the ordinance vacating 29 % Road.



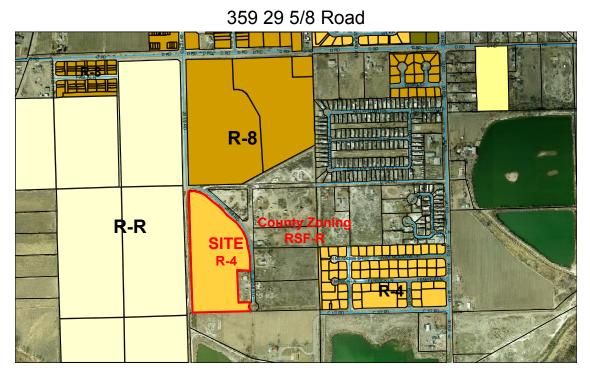
Aerial Photo Map

359 29 5/8 Road

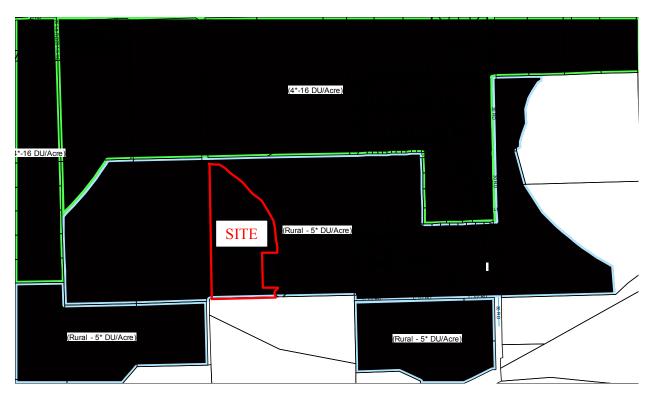




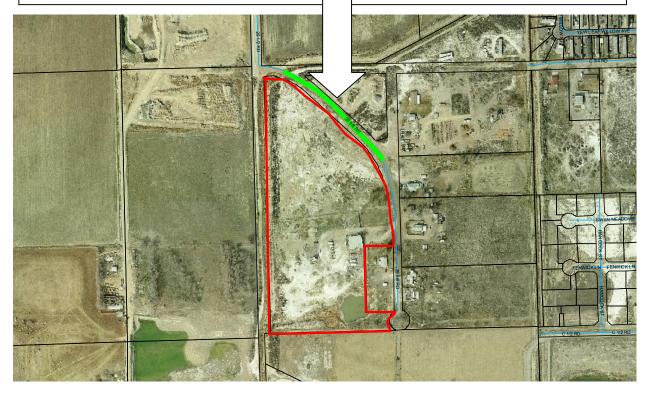
Existing City and County Zoning Map

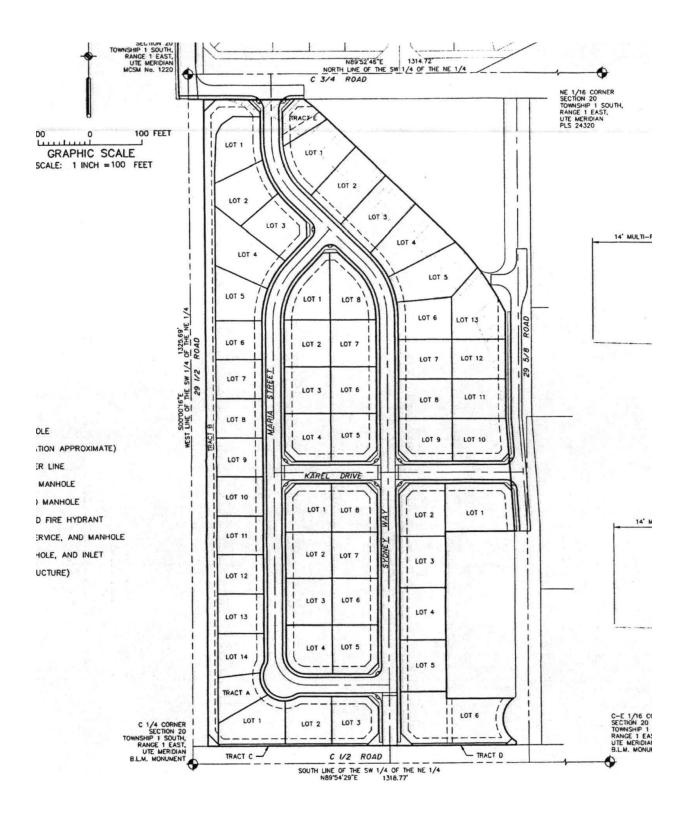


Blended Residential Map



29 5/8 Road Right-of-Way to be vacated





Goose Downs Preliminary Subdivision Plan

CITY OF GRAND JUNCTION

ORDINANCE NO.

AN ORDINANCE VACATING RIGHT-OF-WAY FOR A PORTION OF 29 5% ROAD, AT GOOSE DOWNS SUBDIVISION

LOCATED AT 359 29 5/8 ROAD

RECITALS:

A vacation of the dedicated right-of-way for Goose Downs Subdivision has been requested by the adjoining property owner.

The City Council finds that the request is consistent with the Comprehensive Plan, the Grand Valley Circulation Plan, the Pear Park Plan and Section 2.11.C 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 with the conditions as listed in the Staff report, dated June 8, 2010.

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

The following described dedicated right-of-way recorded in Book 3040, Page 111 and Book 3041, Page 984, approximately 41,467 square feet or 0.952 Acres \pm , 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.
- 2. Developer shall dedicate and construct sufficient new access prior to the recording of the ordinance vacating 29 % Road.

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

Dedicated right-of-way to be vacated:

Book 3040, Page 111 and Book 3041, Page 984, approximately 41,467 square feet or 0.952 Acres \pm

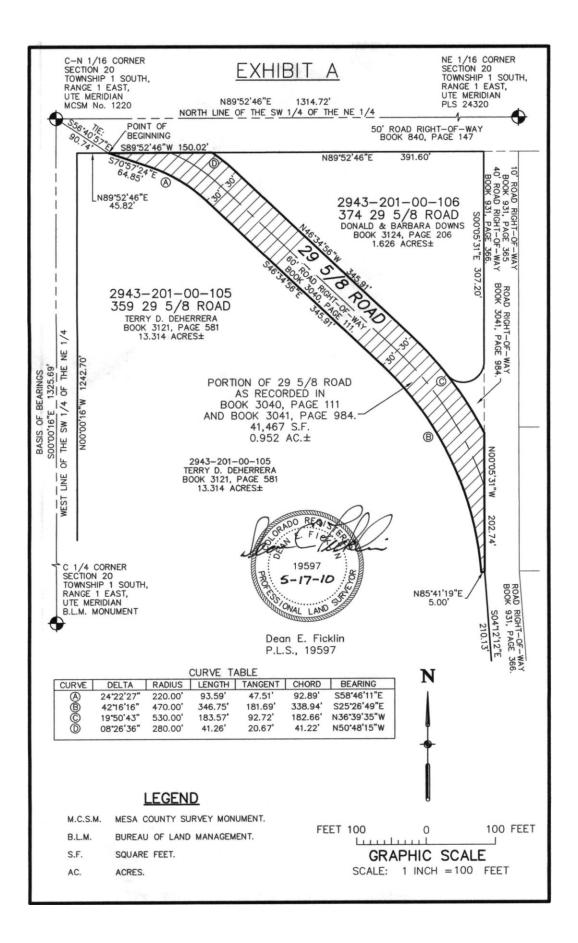
Introduced for first reading on this _____ day of _____, 2010.

PASSED and ADOPTED this _____ day of _____, 2010.

ATTEST:

President of City Council

City Clerk





CITY COUNCIL AGENDA ITEM

Attach 3

Setting a Hearing on Proposed Amendment to the Sales and Use Tax Code Exempting Aircraft Parts from Sales Tax

Subject: Amendment to the Sales and Use Tax Code Exempting Aircraft Parts from
Sales Tax
File # (if applicable):

Presenters Name & Title: John Shaver, City Attorney Laurie Kadrich, City Manager Jodi Romero, Financial Operations Manager

Executive Summary: This is an amendment to the Grand Junction Municipal Code concerning the exemption from sales tax of seller installed aircraft parts. This proposed amendment is subsequent to the request being considered by the Council's Economic and Community Development Committee in May and then full City Council at a workshop on June 14th. The proposed ordinance amending the Code does have a two year sunset clause at which time City Council will evaluate the effectiveness of the ordinance and may or may not extend the exemption.

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

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

With the intention of sustaining economic diversity and encouraging growth in Grand Junction's regional aircraft repair, restoration and refurbishment services, the exemption of seller installed aircraft parts from City sales tax is proposed.

Action Requested/Recommendation:

Introduce a Proposed Ordinance to Amend Section 3.12.070 of Chapter 3 of the Grand Junction Municipal Code Concerning the Exemption from Sales Tax of Seller Installed Aircraft Parts and Set a Hearing for July 19, 2010.

Board or Committee Recommendation:

The City Council Economic and Community Development Committee considered this request on May 27th and forwarded a recommendation of approval for consideration by the full City Council on June 14th.

Background, Analysis and Options:

The Grand Junction Regional Airport is an economic center for the community and houses local businesses engaged in varied operations of the aviation industry including aircraft repair, restoration, and refurbishment services. The airport center is located within the City limits, and under the current sales tax ordinance, aircraft parts for private aircraft are subject to City sales tax. The State of Colorado exempted aircraft parts for private aircraft from State (and County) sales tax in the early 1980's, and many states across the nation have similar exemptions.

The aircraft repair, restoration, and refurbishment services industry is unique because the customers of this industry (owners and operators of aircraft) have a high degree of mobility and flexibility in choosing where to have their aircraft maintained, serviced, and/or refurbished. The Grand Junction aviation industry is world renowned in providing these services, however recently a number of firms in other states have become more aggressive in soliciting business that may otherwise come to Grand Junction.

The City is committed to a fair and responsible tax code and the principles of economic development and local prosperity. The City, as a home rule municipality, and the City Council as the elected representatives of the citizens of Grand Junction have the authority to enact tax policy that can help sustain and grow the local economy. From time to time adjustments have been made to the sales tax code for the betterment of the community.

This exemption will result in the loss of sales tax revenues from transactions involving seller installed aircraft parts; parts can include but are not limited to instrumentation, aircraft engine components, interior (seats, fixtures, and trim) and paint. City staff in cooperation with local businesses will evaluate the financial and economic impact of this change in the sales tax law, and report this information to City Council. The proposed ordinance allows for City Council to consider the effectiveness of the ordinance in achieving its stated purpose and without additional action by City Council at that time, the ordinance will expire two years from the effective date.

Financial Impact/Budget:

Loss of sales tax revenue on seller installed aircraft parts.

Legal issues:

None

Other issues:

None.

Previously presented or discussed:

City Council considered this issue at a workshop meeting on June 14th, 2010.

Attachments:

Proposed Ordinance

ORDINANCE NO._____

AN ORDINANCE AMENDING SECTION 3.12.070 OF CHAPTER 3 OF THE GRAND JUNCTION MUNICIPAL CODE CONCERNING THE EXEMPTION FROM SALES TAX OF SELLER INSTALLED AIRCRAFT PARTS

RECITALS:

The City Council has recently considered a modification to the City's tax code. The proposed change is to exempt from City sales and use tax parts that are permanently affixed to or attached, by the seller, as a component part of an aircraft. The proposed change is contemplated as an economic development incentive. The incentive is necessary because of the ever increasing competition for aircraft work.

The proposed change has been considered by the City Council Economic and Community Development Committee. The Committee forwarded a recommendation of approval to the full City Council. The City Council favorably considered the change in a workshop meeting on June 14, 2010; however, the Committee recommendation is subject to final review and approval by the full City Council.

Because of the very mobile nature of aircraft, the owners and operators thereof have a high degree of flexibility when it comes to contracting for repair, restoration and refurbishment of their airplanes. Grand Junction has world renowned providers of aircraft services, instrumentation installation and aircraft restoration operations; however, a number of firms in other states have become more aggressive in soliciting business that may otherwise have come to Grand Junction. One of the advantages that those firms have over Grand Junction is an exemption from sales tax. In the early 1980's the State of Colorado exempted the sale of aircraft parts from taxation. This ordinance similarly exempts from the City sales tax the same parts and equipment when installed by the seller.

The City Council is committed to a fair and responsible tax code. The City Council is also committed to the principles of economic development and local prosperity. Part of that commitment is the recognition that tax policy is an effective way to sustain and grow our local economy and that from time to time adjustments must be made to it for the betterment of the community. The City Council finds that this ordinance is consistent with those purposes and is protective of the City's health and general welfare.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION: (Additions are shown in ALL CAPS)

That Section 3.12.070 of the Grand Junction Municipal Code is amended as follows:

3.12.070 Exemptions from sales tax.

The tax levied by GJMC <u>3.12.030</u>(a) shall not apply to the following: (LL) THE SALE OF TANGIBLE PERSONAL PROPERTY THAT IS TO BE PERMANENTLY AFFIXED OR ATTACHED BY THE SELLER, AS A COMPONENT PART OF AN AIRCRAFT. PARTS SOLD TO AND TO BE PERMANENTLY AFFIXED OR ATTACHED BY THE PURCHASER OR SOMEONE ON BEHALF OF THE PURCHASER, OTHER THAN THE ORIGINAL SELLER ARE NOT EXEMPT FROM TAX.

THE EXEMPTION INCLUDES BUT IS NOT LIMITED TO, PARTS FOR THE AIRCRAFT'S ENGINE(S), FUSELAGE, INSTRUMENTATION, INTERIOR (SEATS, INTERIOR FIXTURES, FINISHES AND TRIM) AND PAINT.

Sunset Clause. Within sixty days of the second anniversary of the adoption of this ordinance the City Council shall consider the effectiveness of the ordinance at achieving its stated purposes. Without further action by the City Council, the terms and provisions of this ordinance shall expire on the second anniversary of the effective date hereof.

Introduced on first reading this _____ day of _____ 2010.

Passed and adopted on second reading this ____ day of ____ 2010.

Teresa Coons President of the City Council

ATTEST:

Stephanie Tuin City Clerk City of Grand Junction



CITY COUNCIL AGENDA ITEM Attach 4

Watson Residence Expansion – 7th Street Historic District Date: June 23, 2010 Author: <u>Scott D. Peterson</u> Title/ Phone Ext: <u>Senior</u> <u>Planner/1447</u> Proposed Schedule: <u>July 7, 2010</u> 2nd Reading (if applicable): <u>N/A.</u>

Subject: Watson Residence Expansion – 7th Street Historic Residential District – Located at 417 N. 7th Street

File #: HDP-2010-069

Presenters Name & Title: Scott D. Peterson, Senior Planner

Executive Summary:

Consideration of approving a Construction Permit (Planning Clearance) for Tom and Melinda Watson, 417 N. 7th Street in accordance with the adopted 7th Street Historic Residential District Planned Residential Development Zoning District for a proposed single-family residence building expansion.

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

The proposed Construction Permit (Planning Clearance) continues to support historic housing within the 7th Street Historic Residential District and the downtown area of the City Center and encourages preservation and appropriate reuse. Thus the proposed request meets with Goals 4, 5 and 6 of the 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.

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.

Goal 6: Land use decisions will encourage preservation and appropriate reuse.

Action Requested/Recommendation:

Approval of the Issuance of a Construction Permit (Planning Clearance) for the Proposed Watson Residence Building Expansion.

Board or Committee Recommendation:

N/A

Background, Analysis and Options:

On January 15, 2010, the residence of Tom and Melinda Watson at 417 N. 7th Street suffered an interior fire. The Watsons need to make extensive repairs to the home. The fire does present an opportunity, however, for the Watson's to make a few additions to the home, particularly an addition to a bedroom on the 2nd floor and family room and dining room additions on the first floor. All proposed changes are outlined in the attached Memo prepared by the applicants. The proposed residential additions will bring the front elevation of the home back to its original historical construction; something that would be of benefit for the 7th Street Historic District and also the City (see attached pictures and drawings).

On February 17, 2010, the City Council approved a rezone for the 7th Street Historic District from PD, Planned Development to PRD, Planned Residential Development – 7th Street. The approved Ordinance for this rezone also outlined that any request for a new or different use ("a change of use") or a new or different configuration of a lot or lots ("a boundary adjustment or re-subdivision") or a new or different structure, accessory structure or fence ("a construction permit"), such as with this application, will be decided by the City Council after review and a recommendation by City Staff. Thus the request by the applicants is to approve their proposed single-family residence building expansion. All proposed building setbacks for the proposed expansion will be adhered to as defined by the PRD -7th Street zone district with a default zone of R-8, Residential – 8 du/ac.

Financial Impact/Budget:

N/A.

Legal issues:

None.

Other issues:

None.

Previously presented or discussed:

None.

Attachments:

Memo from the Watsons Pictures of Residence Floor Plans

Memo

 To:
 Scott Peterson

 From:
 Tom and Melinda Watson

 Date:
 5/21/10

 Re:
 Renovations to Home at 417 N. 7th St.

As a result of a house fire, on January 15, 2010, we have to do major repairs throughout our home. Since the extent of the repairs are great, we would like to take this opportunity to make some additions to our home. These additions will bring the front elevation of the home back to its original historical construction. An addition in the back of the house will add new square footage to the north bedroom. The changes are detailed below and supporting photos and/or sketches are provided.

Due to the damage to the home, we are living in a rental house. Therefore it is of the utmost importance to have this request approved as soon as possible.

- 1. Bump out the west wall of the north bedroom (2nd floor) to increase the square footage of this bedroom. In Photo # 1 you can see how the upper floor is bumped out for about ¾ of the length of the main body of the house. The last ¼ section is not bumped out; a chimney exits the roof in this section. Under this roof section is the north bedroom. Our intent is to remove the chimney (see Photo # 2 and Item # 4 below for info regarding this chimney), remove the roofing in this area and bump out the bedroom to match the existing bump out. Refer to sketch 1 to see how this will look after the bump out is done. Install a single double-hung window identical to the rest of the house windows in this new west wall.
- 2. Add two small ¼ bathrooms, one to the existing north bedroom, one to the existing east bedroom. These bathrooms will be back to back at a point where the two bedrooms are adjacent to one another. These will not affect anything on the outside of the house. Refer to Floorplan #3
- Add one small ¼ bathroom to the existing family room. This will not affect anything on the outside of the house. Refer to Floorplan #2
- Remove the radiator heat system and replace with forced air HVAC. Remove the hot water heater and replace with on-demand hot water. The rear chimney will not be used for these systems and therefore can be removed.
- 5. Bump out the east wall of the family room (south end of home) to be flush with the front of the house. This was originally built in this manner as shown in Photo # 3. Build a façade wall on the east side of this room with the crenellation and finial as shown in Photo # 3. Install new windows on the façade wall that are identical to the windows currently on the front of the house (bank of 3). Install identical windows on the north side of this room; bank of 3 and a large single window. Refer to Floorplan #2.
- 6. Bump out the east wall of the dining room (north end of home) to be flush with the front of the house. This was originally built in this manner as shown in Photo #3. Build a façade wall on the east side of this room with the crenellation and finial as shown in Photo # 3 and Sketch # 2. Note: The façade wall will extend 3 feet north of the north wall of the dining room in order be symmetrical with the façade wall being built in front of family room, however the north wall of the room itself will remain in its current location which is its original historical look. Note: The façade wall will not go outside of the fenced area adjacent to the exterior of this room. Install new windows on the façade

wall that are identical to the windows currently on the front of the house (bank of 3). Install identical windows on the south side of this room; bank of 3 and a large single window. Refer to Floorplan # 2.

- 7. The windows being installed on the north wall of the dining room will mirror the new windows being installed on the south wall of the family room. Refer to Floorplan # 2.
- 8. Install 2 new windows, 1 on each side of the existing door, on the west wall of the master bedroom.

Thank you for your consideration,

Tom & Melinda Watson

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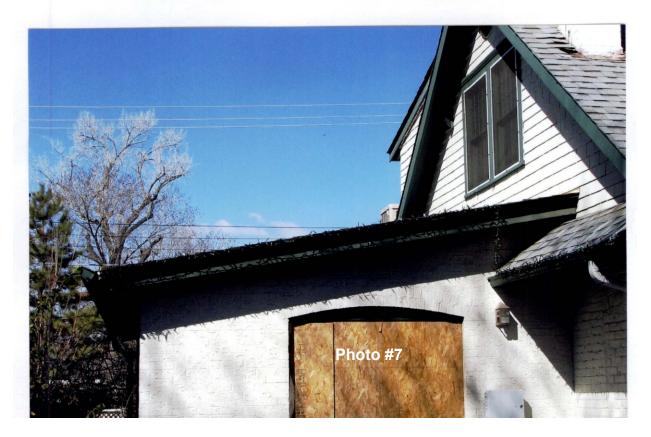




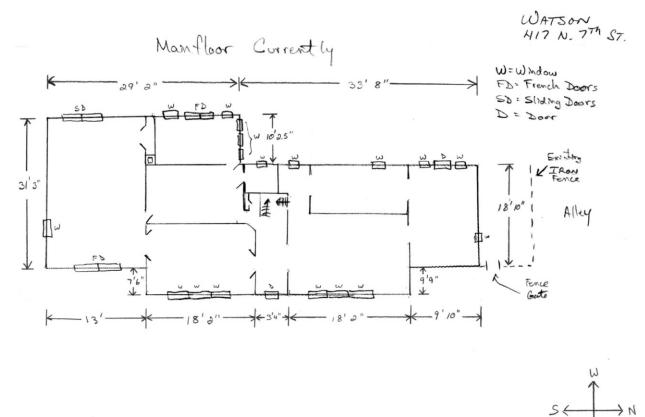


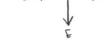




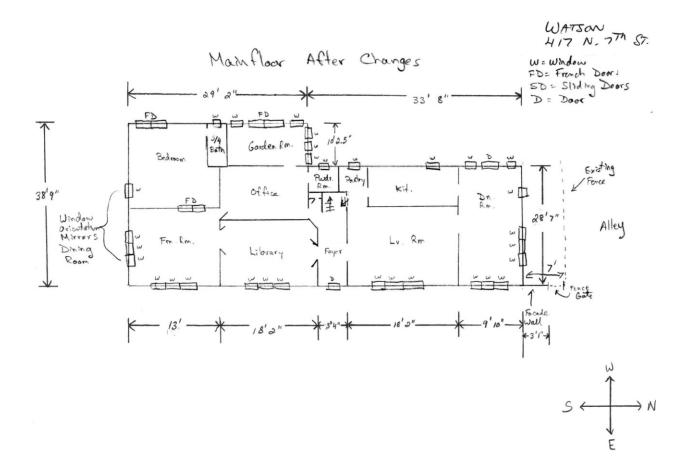




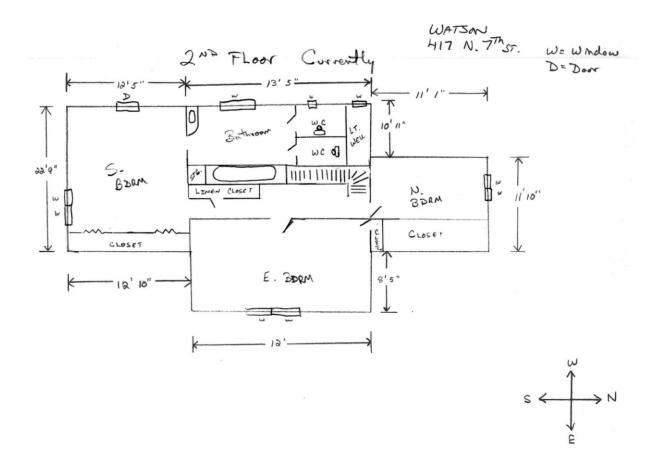




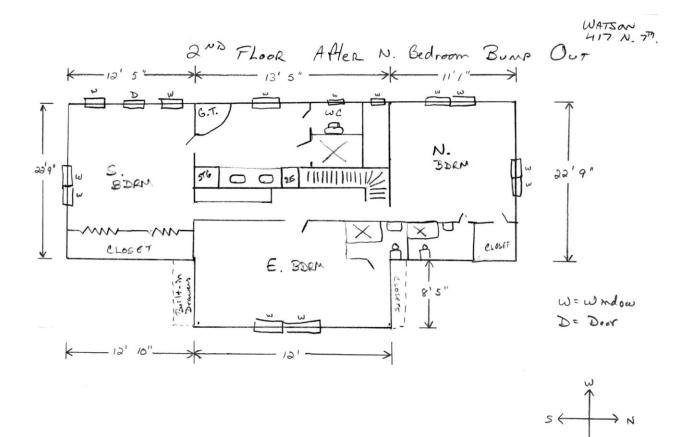
FLOOR PLAN #1



FLOOR PLAN #2



FLOOR PLAN #3



FLOOR PLAN #4

F



Sketch #1 Proposed Rear View





Proposed Front View

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CITY COUNCIL AGENDA ITEM Attach 5 Persigo Wastewater Treatment Plant UV Disinfection Equipment Purchase

Date: 6/28/10 Author: Bret Guillory Title/ Phone Ext: Utility Engineer, ext 244-1590 Proposed Schedule: 7/7/10 2nd Reading (if applicable): _____

Subject: Persigo Wastewater Treatment Plant UV Disinfection Equipment Purchase

File # (if applicable):

Presenters Name & Title: Tim Moore, Public Works and Planning Director Jay Valentine, Assistant Financial Operations Manager

Executive Summary:

This request is for the purchase of equipment for the Ultra Violet (UV) Disinfection System at the Persigo Wastewater Treatment Plant (WWTP). Based on previous process improvement evaluation studies at the WWTP, Staff has identified the need to move from final treatment of the waste stream using chlorine gas to an ultraviolet disinfection system to improve operation safety at the WWTP. This change will eliminate handling and storage of chlorine and sulfur dioxide gases and provide a system that is more reliable and will serve the WWTP well into the future.

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

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

This project will allow for the elimination of on-site storage for chlorine and sulfur dioxide gases that pose a potential health threat to areas that are downwind of the WWTP, while enabling staff to economically meet anticipated effluent standards for ammonia.

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

This process modification project will provide for safe treatment of the waste stream now, and into the future with build-out of the WWTP.

Action Requested/Recommendation:

Authorize the Purchasing Division to Enter into a Contract with Trojan Technologies, Inc. for the Purchase of UV Disinfection Equipment for the Persigo WWTP UV Disinfection System Project in the Amount of \$246,000.

Board or Committee Recommendation:

N/A

Background, Analysis and Options:

The equipment will be used to retrofit the Chlorine Contact Basin at Persigo in conjunction with the nitrification/de-nitrification project that will allow the WWTP to meet impending ammonia standards. The City anticipates that this modification will necessitate high chlorine usage at times, and anticipate that federal restrictions regarding the use of chlorine disinfection will impose additional costs to operation of the plant that could be avoided if UV disinfection is provided. The modification of the existing chlorine contact basin will eliminate effluent disinfection utilizing chlorine, allowing for the UV disinfection system that will meet predicted future wastewater flows. Stantec, Inc. was awarded the design contract on May 17, 2010. A component of that contract includes management for the purchase of equipment to be used for the UV disinfection project.

There is a long lead time for this equipment. In order to maintain the project schedule we plan to purchase the equipment in advance of the construction contract. Installation of this equipment will be included with the bid for construction of the improvements later this summer or early fall.

Due to the complexity and uniqueness of the equipment required for this project, included in the design contract with Stantec, Inc., was the delegation of purchasing authority to solicit for the procurement of the equipment. Stantec issued a formal solicitation and cost proposals were received and evaluated from the following UV disinfection equipment providers:

Equipment Supplier	Location	Equipment Cost
Trojan Technologies, Inc.	London, Ontario	\$246,000
Enaqua	Vista, CA	\$255,000
Ozonia Aquaray	Leonia, NJ	\$285,000
ITT Wedeco	Charlotte, NC	\$312,000
Severn Trent Services	Colmar,PA	\$395,000
Siemans	Allendale, NJ	\$460,182
ETS	Beaver Dam, WI	\$518,000

Stantec, Inc., and City staff, evaluated the proposals based on the manufacturer's qualifications, experience, equipment cost, life cycle cost, installation cost, ease of maintenance, and references. The result of this evaluation placed Trojan Technologies, Inc. as the company providing the best overall value for the project.

Trojan Technologies, Inc. is a recognized leader in the UV equipment industry, with one in five systems installed in North America utilizing the Trojan equipment. They are located in London Ontario, Canada. The company has technical and equipment support staff based in Fredrick, Colorado. The new WWTP installation for Clifton Sanitation utilizes Trojan UV equipment as will the new Fruita WWTP.

Financial Impact/Budget:

This project is budgeted at \$1,000,000. The total project costs are summarized below assuming approval of this equipment purchase contract with Trojan, Inc.

Project Costs:	
Total Design and Engineering services -	\$145,600.00
(approved 5/17/10)	
Equipment Purchase	\$246,000.00
Construction Project Cost (Estimate) -	\$354,000.00
City Construction Inspection & Contract Administration	<u>\$ 25,000.00</u>
Total Estimated Project Cost -	\$770,600.00

Legal issues:

N/A

Other issues:

N/A

Previously presented or discussed:

N/A

Attachments:

N/A