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

**WEDNESDAY, JANUARY 5, 2011, 7:00 P.M.**

**Call to Order**

Pledge of Allegiance

Invocation – Joseph Alaimo, Western Colorado Atheists and Free Thinkers

[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.]

**Proclamations/Recognitions**

Proclaiming January 17, 2011 as "Martin Luther King, Jr. Day" in the City of Grand Junction

**Certificates of Appointment**

To the Historic Preservation Board

**Council Comments**

**Citizen Comments**

*\*\* Indicates Changed Item*

*\*\*\* Indicates New Item*

*® Requires Roll Call Vote*

**\*\*\* CONSENT CALENDAR \*\*\*®****1. Minutes of Previous Meetings [Attach 1](#)**

Action: Approve the Minutes of the December 13, 2010 and the December 15, 2010 Regular Meetings and the Minutes of the December 15, 2010 Special Session

**2. 2011 Meeting Schedule and Posting of Notices [Attach 2](#)**

State Law requires an annual designation of the City's official location for the posting of meeting notices. The City's Code of Ordinances, Sec. 2.04.010, requires the meeting schedule and the procedure for calling special meetings be determined annually by resolution.

Resolution No. 01-11—A Resolution of the City of Grand Junction Designating the Location for the Posting of the Notice of Meetings, Establishing the 2011 City Council Meeting Schedule, and Establishing the Procedure for Calling of Special Meetings for the City Council

®Action: Adopt Resolution No. 01-11

Staff presentation: Stephanie Tuin, City Clerk

**3. Setting a Hearing on Zoning the GJ Regional Airport Annexation, Located at 2828 Walker Field Drive [File #ANX-2010-290] [Attach 3](#)**

Request to zone the 614.3 acre GJ Regional Airport Annexation, located at 2828 Walker Field Drive, to a PAD (Planned Airport Development) and amend Ordinance No. 3679, the existing Planned Development Ordinance, for the Airport to add the additional property for future expansion. The request is in compliance with the Grand Junction Municipal Code and the Comprehensive Plan.

Proposed Ordinance Amending Ordinance No. 3679 to Include Newly Annexed Lands and Zoning the GJ Regional Airport Annexation to PAD (Planned Airport Development), Located at 2828 Walker Field Drive

Action: Introduction of a Proposed Ordinance and Set a Hearing for January 19, 2011

Staff presentation: Lori V. Bowers, Senior Planner

4. **Setting a Hearing on the Housing Authority Annexation, Located at 2910 Bunting Avenue** [File #ANX-2010-364] [Attach 4](#)

Request to annex 1.52 acres, located at 2910 Bunting Avenue. The Housing Authority Annexation consists of one (1) parcel. There is 0.18 acres of public right-of-way contained within this annexation area.

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

Resolution No. 02-11—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, Housing Authority Annexation, Located at 2910 Bunting Avenue and Includes a Portion of the 29 Road and Bunting Avenue Rights-of-Way

®Action: *Adopt Resolution No. 02-11*

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Housing Authority Annexation, Approximately 1.52 Acres, Located at 2910 Bunting Avenue and Includes a Portion of the 29 Road and Bunting Avenue Rights-of-Way

Action: *Introduction of a Proposed Ordinance and Set a Hearing for February 14, 2011*

Staff presentation: Brian Rusche, Senior Planner

5. **Riverfront Trail Operations and Maintenance Agreement** [Attach 5](#)

Mesa County is proposing to construct sections of trail in the next few years to ultimately connect Loma to Palisade. This intergovernmental agreement is intended to confirm that each of the local jurisdictions will take over operations and maintenance of their portion of the trail after construction is complete.

Resolution No. 03-11—A Resolution Authorizing the Mayor to Sign an Intergovernmental Agreement Between Mesa County and the City of Grand Junction Regarding Operations and Maintenance of Future Riverfront Trails Constructed Within City Jurisdiction

®Action: *Adopt Resolution No. 03-11*

Staff presentation: Tim Moore, Public Works and Planning Director  
Rob Schoeber, Parks and Recreation Director

6. **Golf Car Purchase**

[Attach 6](#)

This request is for the purchase of 90 new golf cars for Tiara Rado and Lincoln Park Golf Courses.

Action: *Authorize the Purchasing Division to Award a Contract to E-Z-GO Division of Textron, Inc. of Augusta, Georgia in the Amount of \$198,000 for Ninety (90) E-Z-GO Golf Cars*

Staff presentation: Rob Schoeber, Parks and Recreation Director  
Jay Valentine, Assistant Financial Operations Manager

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

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

7. **Contract for Restaurant and Beverage Services for Tiara Rado and Lincoln Park Golf Courses**

[Attach 7](#)

This request is for the contract award for the Restaurant and Beverage Services at Tiara Rado and Lincoln Park Golf Courses. The Contractor will have the exclusive right to provide food and beverage (alcoholic and non-alcoholic) banquet, catering, concession and vending sales and services at Tiara Rado and Lincoln Park Golf Courses.

Action: *Authorize the Parks and Recreation Director to Contract with Two Rivers Convention Center for the Restaurant and Beverage Services at Tiara Rado and Lincoln Park Golf Courses*

Staff presentation: Rob Schoeber, Parks and Recreation Director  
Jay Valentine, Assistant Financial Operations Manager

8. **Public Hearing – Amending the Municipal Tax Code to Exempt Coins, Bullion, and Other Numismatic Collectibles from Sales Tax** [Attach 8](#)

It is proposed to amend the City's tax code to include an exemption from sales tax for the sale of coins, precious metal bullion, and other numismatic collectibles.

Ordinance No. 4449—An Ordinance Amending Section 3.12.070 of Chapter 3 of the Grand Junction Municipal Code Concerning the Exemption from Sales Tax of Coins, Precious Metal Bullion, and Other Numismatic Collectibles

*®Action: Hold a Public Hearing and Consider Final Passage and Final Publication in Pamphlet Form of Ordinance No. 4449*

Staff presentation: John Shaver, City Attorney

9. **Transportation Capacity Payment (TCP) for University Village** [Attach 9](#)

The applicant requests that they not be required to pay the Transportation Capacity Payment (TCP) which totals \$106,140 for the University Village project. University Village is a 60 unit apartment complex located at 17<sup>th</sup> Street and Bookcliff Avenue. The Economic and Community Development Committee recommends the total fee be paid by the City provided that a planning clearance is obtained on or before July 31, 2011 for construction of the project. The basis for the recommendation is due to the jobs that could be created with the construction of this project and the value of community reinvestment dollars associated with the construction.

*Action: Approve the Request for the City to Pay the Transportation Capacity Payment for this Project in the Amount of \$106,140*

Staff presentation: Laurie Kadrich, City Manager

10. **Setting a Ballot Title in Response to a Protest against Ordinance No. 4437, An Ordinance Prohibiting the Operation of Medical Marijuana Businesses in the City Limits and Amending the Grand Junction Municipal Code Prohibiting Certain Uses Relating to Marijuana** [Attach 10](#)

Ordinance No. 4437 was adopted by the City Council on October 4, 2010. The Ordinance prohibits the operation of medical marijuana businesses in the City limits and amends the Grand Junction Municipal Code by the addition of a new section prohibiting certain uses relating to marijuana. In November, a petition was circulated seeking repeal of Ordinance No. 4437. The petition was found to be

sufficient by the City Clerk on November 15, 2010. No protest against the petition was filed as allowed by law so the petition was submitted to the City Council on December 15, 2010 for reconsideration. The City Council directed Staff to draft a ballot question for its review and if approved, placement on the ballot.

Resolution No. 04-11—A Resolution Setting a Ballot Title and Submitting to the Electorate on April 5, 2011 a Measure Regarding Medical Marijuana in the City of Grand Junction, Colorado

®Action: *Adopt Resolution No. 04-11*

Staff presentation: John Shaver, City Attorney

11. **Construction Contract for Persigo Wastewater Treatment Plant Ultra Violet Disinfection System** [Attach 11](#)

This request is for the contract award for the construction of an Ultra Violet 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 treatment plant. 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 treatment plant well into the future. The recommended award is to Stanek Constructors, Inc. in the amount of \$249,000.

Action: *Authorize the Purchasing Division to Enter into a Contract with Stanek Constructors, Inc. for the Construction of the Persigo WWTP Ultra Violet Disinfection System in the Amount of \$249,000*

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

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

13. **Other Business**

14. **Adjournment**

## **Attach 1**

### **Minutes of Previous Meetings**

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

**December 13, 2010**

The City Council of the City of Grand Junction convened into regular session on the 13<sup>th</sup> day of December, 2010 at 7:02 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Bruce Hill, Tom Kenyon, Gregg Palmer, Bill Pitts, Sam Susuras, and President of the Council Teresa Coons. Also present were City Manager Laurie Kadrach, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Coons called the meeting to order. Councilmember Hill led in the Pledge of Allegiance followed by an invocation by Vaughn Park, Heritage Church.

#### **Proclamations**

Proclaiming December 15, 2010 as "Bill of Rights Day" in the City of Grand Junction

Proclaiming December 18, 2010 as "International Day of the Migrant" in the City of Grand Junction

#### **Appointments**

Council President Coons thanked those who step up to serve on volunteer boards.

Councilmember Susuras moved to re-appoint Michael Menard and appoint David Bailey and Chris Endreson for four year terms expiring December 2014 to the Historic Preservation Board. Councilmember Hill seconded the motion. Motion carried by roll call vote.

Councilmember Hill moved to re-appoint John Gormley to the Public Finance Corporation for a three year term expiring January 2014. Councilmember Kenyon seconded the motion. Motion carried by roll call vote.

#### **Council Comments**

There were none.

#### **Citizen Comments**

There were none.

## CONSENT CALENDAR

Councilmember Kenyon read the Consent Calendar and then moved to approve the Consent Calendar Items #1 through #7. Councilmember Beckstein seconded the motion. Motion carried by roll call vote.

1. **Minutes of Previous Meeting**

*Action: Approve the Minutes of the November 29, 2010 Regular Meeting*

2. **Conduct of the Regular Municipal Election on April 5, 2011**

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

Resolution No. 49-10—A Resolution Authorizing a Mail Ballot Election in the City of Grand Junction Regular Municipal Election on April 5, 2011, Authorizing the City Clerk to Sign the Intergovernmental Agreement with Mesa County Clerk and Recorder and Approving the Written Plan for the Conduct of a Mail Ballot Election

*Action: Adopt Resolution No. 49-10*

3. **Property Tax Mill Levies for the Year 2010**

The resolutions set the mill levies of the City of Grand Junction (City), Ridges Metropolitan District, and the Downtown Development Authority (DDA). The City and DDA mill levies are for operations; the Ridges levy is for debt service only.

Resolution No. 50-10—A Resolution Levying Taxes for the Year 2010 in the City of Grand Junction, Colorado

Resolution No. 51-10—A Resolution Levying Taxes for the Year 2010 in the Downtown Development Authority

Resolution No. 52-10—A Resolution Levying Taxes for the Year 2010 in the Ridges Metropolitan District

*Action: Adopt Resolution Nos. 50-10, 51-10, and 52-10*



4. **Rates and Fees for the Year 2011**

Proposed 2011 rate/fee increases for Lincoln Park and Tiara Rado Golf Courses, Cemetery, Lincoln Park Barn, Persigo plant investment fee, Two Rivers Convention Center, Police Services and Parking as presented and discussed during City Council budget workshops.

Resolution No. 53-10—A Resolution Adopting Fees and Charges for Tiara Rado and Lincoln Park Golf Courses, Cemetery, Lincoln Park Barn, Plant Investment Fees for the Persigo Wastewater Treatment Plant, Two Rivers Convention Center, Police Services and Parking Violations

*Action: Adopt Resolution No. 53-10*

5. **School Land Dedication Fee for 2011-2012**

A resolution is proposed continuing the School Land Dedication (SLD) fee at a level of \$460.00 per lot based upon an average per acre cost of \$40,000 (established in 2004), a student generation fee factor of 0.023 (established in 1996), and an estimated average of 2 lots per acre. This fee does not represent an increase or a decrease; it has been at this level since 2004.

Resolution No. 54-10—A Resolution Establishing the 2011-2012 School Land Dedication Fee

*Action: Adopt Resolution No. 54-10*

6. **Reallocation of 700 MHz "D Block" to Public Safety**

The City Council Legislative Committee met on December 8 to discuss the upcoming Colorado legislative session. Councilmember Kenyon, who chairs the Colorado Municipal League policy committee, introduced to the City Council Committee various matters that the CML policy committee had recently considered. One of those was the national issue involving the allocation of Block D of the 700 MHz radio spectrum. Following discussion the Committee directed the City Attorney to prepare a resolution and forward the same to City Council.

Resolution No. 55-10—A Resolution Concerning the Allocation of the 700 MHz "D Block" of the Radio Spectrum for a Nationwide Public Safety Radio and Broadband Network

*Action: Adopt Resolution No. 55-10*

7. **Setting a Hearing Amending the Grand Junction Municipal Code Exempting Coins and Precious Metal Bullion from Sales Tax**

It is proposed to amend the City's tax code to include an exemption from sales tax for the sale of coins and precious metal bullion.

Proposed Ordinance Amending Section 3.12.070 of Title 3 of the Grand Junction Municipal Code Concerning the Exemption from Sales Tax of Coins and Precious Metal Bullion

*Action: Introduction of a Proposed Ordinance and Set a Hearing for January 3, 2011*

**ITEMS NEEDING INDIVIDUAL CONSIDERATION**

**Appeal of the Planning Commission's Decision Regarding the Schooley-Weaver Partnership Conditional Use Permit for a Gravel Extraction Facility** [File #CUP-2010-008]

An appeal has been filed regarding the Planning Commission's decision on September 14, 2010 to approve a Conditional Use Permit for a Gravel Extraction Facility, located at 104 29 ¾ Road.

The Conditional Use Permit was considered under the provision of the 2000 Zoning and Development Code; therefore, the appeal was filed in accordance with Section 2.18.E of the 2000 Zoning and Development Code, which specifies that the City Council is the appellate body of the Planning Commission.

According to Section 2.18.E.4.h, no new evidence or testimony may be presented, except City Staff may be asked to interpret materials contained in the record.

Council President Coons asked City Attorney John Shaver to explain the process before them.

City Attorney Shaver explained that this is an appeal on the approval of the Planning Commission for the gravel extraction facility. It is an appeal on the record and no new testimony will be introduced. The charge of the City Council as the appellant board is to review the consideration of the Planning Commission to determine that the decision was not arbitrary or capricious and to determine the merit of the appeal.

Brian Rusche, Senior Planner, then presented this item. The appeal was filed under the previous Zoning and Development Code. The Planning Commission did approve the Conditional Use Permit to allow the facility with one condition that a bus turnaround be provided by the applicant at the terminus of 29 ¾ Road.

Councilmember Kenyon inquired about the safety of the roadway with dump trucks using the road when there are no sidewalks; where will pedestrians go when there is traffic on the road? Mr. Rusche agreed there are currently no sidewalks but stated the road width is sufficient and the surface can handle the truck traffic.

Councilmember Kenyon again inquired where the pedestrians will go when there is truck traffic on the roadway. He felt it is an inappropriate impact to the neighborhood.

Councilmember Palmer asked if there is other access to the extraction facility. Mr. Rusche said three access points have been discussed. He indicated the location of the three. The one alternate access that used to access the landfill has been closed by Mesa County. The other alternate access is 30 Road and there is not sufficient right-of-way for access and the slope of the road would be 11% if it were to be constructed.

Councilmember Palmer asked why this was reviewed by both the City and County. Mr. Rusche said the subject property is within the City limits but the road is under both City and County jurisdiction. The County is also an adjoining neighbor as they own the landfill.

Councilmember Palmer asked if the County had asked that the facility not be approved. Mr. Rusche noted there are review comments and findings from Mesa County. He then read the County's comments: the County stated the road is not annexed into the City and there is no maintenance agreement with the applicant; also that the use is not compatible with the neighborhood. In another letter dated May 11, 2010, the County expressed concerns relative to the use of 29 ¾ Road.

Councilmember Susuras said he shares the same concerns raised by Councilmember Kenyon. He asked the location of the bus stops. Mr. Rusche advised there are two bus stops and they are not marked.

Councilmember Susuras asked about the adequacy of water for the project. Mr. Rusche said the only requirement for water is to keep the dust down and maintain the landscaping. The applicant proposes to truck that water in.

Councilmember Susuras asked how many trucks will be passing on that road in a given day. Mr. Rusche responded 300 trips (150 round trips) was the number used in the traffic study.

Councilmember Beckstein said the School District opposes the project due to safety of the children. The shoulder is less than standard and the road width is substandard. She asked how calling it safe can be substantiated. Mr. Rusche said the applicant proposes the bus stops be relocated off of 29 ¾ Road. The School District requires any such request come from the neighborhood. Mr. Rusche noted this used to be the road to the landfill and had heavy truck traffic in the past. Since that is no longer the access

to the landfill, this new use does not raise the level of impact. The road has sufficient width and sufficient road base.

Councilmember Beckstein asked if there is sufficient width when there is a pedestrian or cyclist on the road. Mr. Rusche deferred to the City Attorney.

City Attorney Shaver advised that Mr. Rusche's opinion could be considered new evidence. If Councilmember Beckstein would like to know what was said at Planning Commission, he could restate the question for her. City Attorney Shaver asked Mr. Rusche to state if that question was asked at the Planning Commission and what was the response.

Mr. Rusche stated that in discussions regarding modifications to the road, there were discussions on how to get from the front door out onto 29 ¾ Road and to the proposed new bus stops and what that might entail. Mr. Rusche said there were several items relative to improving safety discussed but no motion was formed to require those changes.

Councilmember Beckstein asked how the developers were going to address the safety concerns. Mr. Rusche replied that the discussion was centered around not having to use 29 ¾ Road for the bus stops and to do that would necessitate a turnaround, a request to move the bus stops and then one or two properties would get some physical improvements. Mr. Rusche reviewed the various motions raised. The motions posed by Planning Commissioner Benoit died due to lack of a second motion.

Councilmember Pitts asked why the matter was remanded back to Planning Commission the first time. Council President Coons advised that the matter came to the City Council in the form of a denial based on safety concerns. The City Council remanded it back to Planning Commission as they felt the record regarding safety issues had not been fully developed.

Councilmember Kenyon added that the matter came to them as a denial with safety concerns but the City Council wanted to know more specifics.

Councilmember Kenyon moved to rescind the decision of the Planning Commission as he does not feel they adequately considered the road width or the safety of pedestrians. Councilmember Susuras seconded.

Gary Parrott in the audience rose to raise a point of order. He stated it is improper for the Council to take action based on the fact that the action is based on minutes that have not been approved. City Attorney Shaver said the action to approve the minutes will not change the decision; it is reflected properly in the record and adoption of the minutes is a formality.

City Attorney Shaver explained the three options to the City Council. A reversal or rescission ends the matter. A remand will continue the jurisdiction over the matter and send it back to the Planning Commission.

Councilmember Kenyon amended his motion to remand the matter back to the Planning Commission as they did not adequately consider the roadway width and safety concerns. The motion died for lack of a second.

Councilmember Kenyon moved to reverse the Planning Commission's decision regarding the appeal of Schooley-Weaver Partnership's Conditional Use Permit based on that they inadequately addressed the safety issues in regards to pedestrians on this roadway. Councilmember Susuras seconded the motion.

Councilmember Palmer asked for clarification on the reversal, if the applicant can reapply. City Attorney Shaver said they can reapply but it will be a new application.

Councilmember Hill clarified that the reversal does deny the application for the facility. Voting to deny the application was not really the question before the City Council. The matter before the City Council was to determine how the Planning Commission did their job. The first time the record was less than adequate. This time the record was adequate so he is supportive of their decision even though he may not agree with it.

Councilmember Susuras does not believe they made the right decision based on the evidence before them. He feels the truck traffic will be a danger to the community.

Councilmember Pitts said he has not heard anything indicating that the safety issues were addressed.

Councilmember Palmer agreed. He expected the Planning Commissioners to discuss the safety issues in more detail.

Councilmember Kenyon said much of his decision is based on letters in the record from the School District and the County. The road is not adequate. He did not feel the Planning Commission considered that evidence sufficiently.

Councilmember Beckstein agreed noting it is a very narrow road. She believes that not enough things were put into place to make it a safer environment. She will support Councilmember Kenyon's motion.

Council President Coons noted that these appeals are difficult and it is important that the Council not interject their own opinions. When remanded back the first time, the reason was to fully develop the case for the decision. They did a better job this time for the first decision, not for their second decision. It surprised her that they came to that decision so she will support the motion.

Roll was called on the motion to reverse the decision of the Planning Commission. The motion passed with Councilmember Hill voting NO.

**Update on Referendum Petition for Ordinance No. 4437, An Ordinance Prohibiting the Operation of Medical Marijuana Businesses**

This item serves to update the City Council on the status of the referendum petition circulated in November requesting the repeal of Ordinance No. 4437. Ordinance No. 4437 was adopted by the City Council on October 4, 2010. The Ordinance prohibits the operation of medical marijuana businesses in the City limits and amends the Grand Junction Municipal Code with the addition of a new section prohibiting certain uses relating to marijuana.

John Shaver, City Attorney, introduced this item. He explained the process for protesting the adoption of an ordinance, the status of the protest process, and the options for the next steps to be considered after the protest period ends on December 14<sup>th</sup>.

Stephanie Tuin, City Clerk, then reviewed the referendum petition results: 278 petition sections submitted containing 5,446 names; two petitions were rejected; the names on the remaining petitions sections were checked against the voter registration list provided by the County. By Charter, 1,860 signatures were required for a sufficient petition and 2,073 of the signatures were verified making the petition sufficient. (Examination Certificate attached). The protest period runs forty days after that determination and such period ends on December 14<sup>th</sup>. If the City Council decides to place the matter on a ballot, the City's regular municipal election does fall within the 150 days required for setting an election.

Councilmember Palmer expressed his appreciation for the work of the City Clerk's Office in completing their inspection within the required time frame.

There were no other questions. The matter will be taken up by the City Council at the December 15, 2010 meeting.

**Public Hearing – Consideration of a Proposed Ordinance to Extend the Medical Marijuana Moratorium (Ordinance No. 4392) and Declare an Emergency**

This ordinance proposes to extend the moratorium on commercial medical marijuana centers and facilities imposed by Ordinance No. 4392. Ordinance No. 4392 was duly considered and adopted by the City Council on November 16, 2009 and became effective December 18, 2009. Ordinance No. 4392 instituted a 12 month moratorium on new commercial medical marijuana centers and facilities in the City of Grand Junction.

The City Manager and the City Attorney recommend that the moratorium be extended until April 5, 2011.

The public hearing was opened at 8:17 p.m.

John Shaver, City Attorney, presented this item. He explained why this is coming before Council as an emergency. If approved as an emergency, the ordinance will become effective immediately. He noted that the ordinance proposes the moratorium extend to the date of the election, April 5, 2011. However, the State has a moratorium until July 1, 2011 so no licenses could be issued. The ordinance could be extended to that date if that is Council's preference.

Councilmember Kenyon asked if the ordinance has to be adopted as written or if it can be changed. City Attorney Shaver said the substance of the ordinance should remain due to the notice.

Cristen Groves, 699 Tranquil Trail, thanked the City Council for the opportunity to address the Council. The Mesa County Constitution Advocates (MCCA) is staying ahead of the regulations and they wanted to speak to the moratorium. They are in support of extending the moratorium until July 1, 2011. The new regulations have willowed the number of centers down to 13 in the County. The moratorium will allow the existing shops to be well regulated. The patients will be able to get consistent care.

There were no other public comments.

The public hearing was closed at 8:25 p.m.

**Ordinance No. 4446—An Ordinance to Extend the Moratorium on Commercial Medical Marijuana Centers and Facilities Imposed by Ordinance No. 4392 and Declaring an Emergency**

Councilmember Hill moved to approve Ordinance No. 4446, amending the date of the moratorium until July 1, 2011, declaring an emergency exists making the Ordinance effective immediately and ordered this Ordinance published. Councilmember Kenyon seconded the motion.

Councilmember Hill noted that the change to July 1, 2011 for the moratorium is consistent with the HB-1084 and stays consistent with the State.

Councilmember Susuras agreed with Councilmember Hill and will support 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 8:26 p.m.

Stephanie Tuin, MMC  
City Clerk



## EXAMINATION CERTIFICATE

Re: Referendum petitions filed on November 4, 2010 regarding Ordinance No. 4437, an ordinance prohibiting the operation of medical marijuana businesses and amending the Grand Junction Municipal Code by the addition of a new section prohibiting certain uses relating to marijuana adopted by the City Council on October 4, 2010.

I, Stephanie Tuin, City Clerk for the City of Grand Junction, Colorado, have, with the assistance of the City Clerk staff, examined the foregoing petitions of which there were 278 sections and make the following findings:

1. That the petitions were timely filed.
2. That there was 1 petition section (#111) on which the circulator failed to include either the County or the State of the circulators residence. Although a defect under the strict reading of 31-11-106(e)(I)(A), C.R.S., the omission of county or state on the circulator's affidavit is deemed insubstantial. Because the City Charter is silent regarding the content of the affidavit, I requested an opinion from the City Attorney. In reading *Fabec v Beck*, 922 P.2d 330 (Colo. 1996), the City Attorney advised me that it is his opinion that the omission is insubstantial and that the petition need not be disqualified solely on this omission. Inclusion of the circulator's city and zip code, does allow the reviewer enough information to determine the circulator meets the requirements of the statute. I adopt the City Attorney's advice and recommendation and am not disqualifying the petition due to the defect in the circulator's affidavit.
3. One petition section (#112) was rejected as the circulator did not include the date he or she signed the affidavit. There were 25 signatures on that petition.
4. One petition section (#282) was rejected as the affidavit was signed prior to the petition being signed. There were 5 signatures on that petition.
5. There are 2,073 signatures on the petition sections that are accepted.
6. 1,860 signatures are required for presenting the petition to the City Council for reconsideration or placing a referendum on a municipal election ballot.

In witness whereof, I affixed my hand and official seal of the City of Grand Junction this 15th day of November 2010.



*Stephanie Tuin*

Stephanie Tuin, City Clerk  
City of Grand Junction, Colorado  
250 N. 5th Street  
Grand Junction, Co. 81501

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

**December 15, 2010**

The City Council of the City of Grand Junction convened into regular session on the 15<sup>th</sup> day of December, 2010 at 7:02 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Bruce Hill, Tom Kenyon, Gregg Palmer, Bill Pitts, Sam Susuras and President of the Council Teresa Coons. Also present were City Manager Laurie Kadrich, City Attorney John Shaver, and Deputy City Clerk Debbie Kemp.

Council President Coons called the meeting to order. Councilmember Pitts led the Pledge of Allegiance.

**Certificates of Appointment**

Michael Menard and Chris Endreson were present to receive their Certificates of Appointment to the Historic Preservation Board.

**Citizen Comments**

There were none.

**CONSENT CALENDAR**

There were no items on the Consent Calendar.

**ITEMS NEEDING INDIVIDUAL CONSIDERATION**

**Winter Storm Response Plan**

The Winter Storm Response Plan is to provide all personnel who are involved in snow and ice removal and communicating to the public a single source of information which clearly defines the City of Grand Junction's policies and procedures in all snow and ice operations.

Ken Watkins, Fire Chief, presented this item. He said that Terry Franklin, Deputy Director, Facilities, Utilities & Streets Systems and himself are part of a group of cross departmental members that are working on different types of emergency plans and have completed this plan to better coordinate what actually happens during a storm. There has been a snow and ice control plan in place for years but there wasn't much coordination across departments. It creates storm classifications and how they affect snow routes and traffic restrictions. It provides messages to the public in the case of a

weather emergency advising what road closures there may be, etc. The most important piece is that it allows the City Manager to declare a winter storm emergency to keep safe and efficient service going for the public.

Terry Franklin, Deputy Director, Facilities, Utilities & Streets Systems, said that the Plan will help to prioritize the major streets that need to be plowed in the event of a Class 3 storm (more than 6 inches of snow); they will prioritize the 150 miles of streets in order to get the traffic going that needs to get going and school buses going so that kids can get to and from school.

Councilmember Kenyon asked if this has been coordinated with the School District. Mr. Franklin said that they have not, but in the day to day operations he feels that they have taken care of that. Councilmember Kenyon asked if there is a definition for the City Manager to declare an emergency. Chief Watkins said that there is a definition based on the 3 storm classes but in the event of an actual winter storm emergency, it would be a judgment call from the snow desk (utilities and streets) and they would get with the City Manager to declare it a winter storm emergency. Councilmember Kenyon said that he doesn't see much reference to ice storms. Mr. Franklin said they didn't directly reference ice storms because typically Grand Junction has not seen ice storms where they affect the power lines or causes utility problems.

Councilmember Palmer asked if there were a non-work snow day notice, would that be with or without pay. Mr. Franklin said that it would be the same as the Pandemic Plan; employees would be required to use paid time off.

Resolution No. 56-10—A Resolution Adopting the City Winter Storm Response Plan

Councilmember Beckstein moved to adopt Resolution No. 56-10. Councilmember Pitts seconded the motion. Motion carried by roll call vote.

### **Public Hearing – 2010 Supplemental Appropriation Ordinance and the 2011 Budget Appropriation Ordinance**

This request is to appropriate certain sums of money to defray the necessary expenses and liabilities of the accounting funds of the City of Grand Junction based on the 2010 amended and 2011 proposed budgets.

The public hearing was opened at 7:15 p.m.

Laurie Kadrich, City Manager, presented this item. She said that the total 2011 budget that is being requested is \$147.2 million. Nearly \$92 million is in operating expenses, \$13.4 million is in debt services, which is 9% of the total budget overall, with the primary source of that being the Parkway project. It also includes water and sewer debt, payments on the Public Safety project and the Stadium project. Almost \$42 million are

for capital projects. The budget will continue to maintain the \$20 million reserve fund balance. She reported that the reserve will actually be \$200,000 greater and it will be left in fund balance. If revenues come in above the amount anticipated, it will be carried over to the 2011 budget and used to offset any kind of shortfall that may occur. Some of the operational expenses for services that the City provides are \$2.9 million in traffic management, \$833,000 in swimming pools, \$12.2 million in emergency fire and medical, \$4 million in water services, \$9.8 million in police patrol, and \$5.3 million in the 911 communication center.

Councilmember Beckstein asked if the \$9.8 million for the Communications Center is just the City's portion. City Manager Kadrach replied that it is the overall cost. There are approximately 21 other agencies that the City assists with communications, but 70% of the costs to operate are funded by the City because City police and fire have the largest call volumes.

City Manager Kadrach explained a chart showing revenues by classification and trends of various categories and said that 2010 shows a high level of revenues because of the Certificates of Participation coming in this year. In 2008 the "other" category showed quite larger than what is being requested for 2011. The "other" category is mostly made up of interest earnings and the City's investment portfolio is not earning as much in value in 2009 or 2010, nor is it expected to next year.

Councilmember Susuras asked City Manager Kadrach to explain the capital proceeds in 2010 and why it is such a huge difference between adopted and amended budget. City Manager Kadrach said the difference is the \$40 million approved for the Certificates of Participation issued after the adopted budget. She indicated from the chart where the trend for "charges for services" has remained about the same since 2008 and that is because the City has not lost the customer base for water, sewer, and trash services.

Council President Coons asked if the City is the only water provider not increasing rates. City Manager Kadrach confirmed that to be correct.

City Manager Kadrach showed a pie chart indicating total budget by type and said that the labor and benefits portion is relatively small when one considers the amount of services that the City provides to the community which is heavily dependent on City employees to provide, particularly in public safety.

City Manager Kadrach described a chart which indicated what the total operating budget has done from 2008 to the requested 2011 and that the operating requests mostly have continued to be lower. The actual operating costs in 2009 were higher because of the contract with Johnson Controls for energy efficiency which the City will be paying over time. She explained another pie chart which showed the operation percentages by department. Police and Fire have the largest portion. Internal Service Funds are higher because of what it has in it: equipment, information technology, risk management,

workers compensation, property insurance, health insurance, etc. In 2010, there were labor cost reductions which will carry over into 2011. There has been a hiring freeze in place since 2009. Labor cost reductions have been difficult to track due to the number of variables.

Council President Coons asked City Manager Kadrach to explain more about the hiring freeze because it is her understanding that some hiring has occurred. City Manager Kadrach said that since 2009, a few telecommunication operators were hired and they are about to hire a few police officers because of a reduced amount of personnel. When positions have opened up due to an employee resigning or retiring, those positions are advertised internally and when filled, the vacant position has not been backfilled. In 2011, it is asked that the current wage (reduced in 2010) now be considered the base wage and not the suspended wage. Overtime has been reduced. The Police and Fire departments have asked for more in the overtime line item in cases of emergency. It is not expected that those monies will be spent. The workforce to date is down 12% or 82 positions reduced. The labor cost reductions were put in place in 2009 and seen in 2010's actual budget. \$1.1 million in increased costs were seen in 2010 because of health and worker's compensation. She showed, by department, the percentages of workforce reductions. She showed a service area and city employee per capita chart that she has shared with community groups to help people understand the change in the service area in relation to the reduction in the number of employees. Since 1973 the service area for the City has grown very large and the staffing level has gotten smaller in number per 1,000 in population.

Fee and rate changes are being requested with the largest increase being in golf. Increases to cemetery fees are being requested due to the requirements and cost of in-ground vaults. An increase in rates for the Lincoln Park Barn facility is also being requested as well as an increase in sewer plant investment fees which is the 5<sup>th</sup> year increase of a five year plan.

Councilmember Palmer asked if there is a system in place to review all of the City's fees on a regular basis. City Manager Kadrach said there are two operational division staff members looking at fee and rates every two years.

Councilmember Susuras asked when these fees have been revised. City Manager Kadrach said that this will be a first time fee increase for the cemetery. Last year there was a minimal fee increase for golf.

City Manager Kadrach said there are also fee increases proposed for Two Rivers Convention Center, police services, parking, and traffic fines. These increases are being requested because a comparison was done using other agencies and the City's fees were lower than the market. In some cases, the City was not charging fees at all for services that other agencies were.

Revenues have seemed to have stabilized this year which is a positive for the budget model #1 being presented. Revenues should end up being exactly what was hoped for at the end of this year. There are concerns about 2011 because there are fewer applications for commercial development than what there has been in a long time and it is unclear how that may affect sales and use tax. Budget Model #2 was put together to implement in the event the budget needs to be reduced further because of loss of sales and use tax and/or State shared revenues. There is over \$3 million in next year's budget that is expected in State shared revenues. If the General Assembly or the Governor makes adjustments to State shared revenues, the City may have to make some reductions in spending.

Councilmember Susuras asked if it is realistic that the 2011 budget shows an increase in revenue for Two Rivers Convention Center because with the new facility at Mesa State College which will be competition for Two Rivers Convention Center; the City may not see an increase in revenues. City Manager Kadrach said no, it is not realistic and there are steps in place to reduce that number. The numbers came in late and it was difficult to adjust the appropriation at this time but internal corrections can be made to that. It is not expected that the revenue numbers will be met in 2010 or 2011.

Councilmember Pitts questioned why the salaries for the 2011 budget show an increase when there is a wage freeze in place. City Manager Kadrach said it has everything to do with what the actual budget amount is compared to spending. Actual spending for wages will be less than what is being requested because all positions have to be budgeted at full funding. However, there will be vacancies, turnovers, etc. The year has not closed yet and the actual number will be lower than the amended budget. It is a difficult area to show and explain because budget numbers are not the actual numbers.

Dennis Simpson, 2306 E. Piazza, addressed the Council and stated that he has addressed the Council several times over the past few years and feels that he has been ignored. He has concerns with the recent decision for the debt for the Public Safety facility. His specific concerns were about the selection process and the compensation of the underwriter. He asked several questions regarding the underwriter. He said he provided some documents to the City Clerk via email that he assumes will be shared with the Council.

City Attorney Shaver said that they can specifically or generally respond to Mr. Simpson's questions, however Council prefers. He stated that the information he provided to Mr. Simpson advising him that there was there was no written contract or specific agreement for those issuances is correct; the City has had a long standing relationship with the particular underwriting firm.

City Manager Kadrach said that none of the comments made by Mr. Simpson has anything to do with the authorization of the 2011 budget. There are things that were done in 2010 and she would be glad to answer any questions regarding expenses in 2010.

Actions had already been made and the dollars are accounted for referencing the questions he asked.

Council President Coons said that it would be good to have access to the information and address Mr. Simpson's concerns separately.

There were no other public comments.

The public hearing was closed at 7:52 p.m.

**Ordinance No. 4447—An Ordinance Making Supplemental Appropriations to the 2010 Budget of the City of Grand Junction**

Councilmember Beckstein moved to adopt Ordinance No. 4447 and ordered it published. Councilmember Pitts seconded the motion.

Councilmember Palmer said that he has sat through a number of City budgets over the years and they are complex and difficult. Several years ago he expressed concerns which he expressed again regarding his observation of compensation for some City employees and it disturbs him. There are compensations given to City employees which he believes exceed the private sector comparable compensations. Some of the 100% paid insurance for the department heads and some of the matching retirement could probably be looked at.

The vote was called.

Motion carried by roll call vote.

**Ordinance No. 4448—An Ordinance Appropriating Certain Sums of Money to Defray the Necessary Expenses and Liabilities of the City of Grand Junction, Colorado, the Downtown Development Authority, and the Ridges Metropolitan District for the Year Beginning January 1, 2011 and Ending December 31, 2011**

Councilmember Beckstein moved to adopt Ordinance No. 4448 and ordered it published. Councilmember Hill seconded the motion.

Councilmember Hill said that he has been consistently appreciative for Staff every year with the quality of employees and their efficiency and effectiveness in the budget process. He is appreciative of the fact that work force has been reduced but service has not been reduced and the employees still create a positive environment. He knows that valuable employees could be lost to the private sector if they are not compensated appropriately. He thinks a challenge will be seen in the next few years with spending and accountability. He is extremely appreciative and supportive to City employees who helped to put this budget together.

Council President Coons said that this is a very difficult time to put the budget together and balance the risks and benefits to cutting Staff and services. She thanked Staff for all their efforts and said that this year was one of the easiest years that she had the privilege to participate in.

Councilmember Susuras advised the viewing audience that the presentation that the City Manager gave was not near as large as the book each Councilmember was provided. He reviewed thoroughly each line item and every question he had was answered by the City Manager. He agrees with Councilmember Hill that the City has a high quality of Staff, well educated, trained, experienced, and they know their jobs thoroughly. He has the utmost respect for them. He does have similar concerns like Councilmember Palmer, but he really does respect the Staff.

Councilmember Palmer stated that it is important that the City is a good employer. He agrees that the Staff is great. The City has an obligation to the citizens and that is where sometimes the difficulty of balancing the budget comes in.

The vote was called.

Motion carried by roll call vote.

### **City Council Deliberations Regarding the Protest Petition of City Ordinance No. 4437**

Ordinance No. 4437 was duly adopted by the City Council on October 4, 2010.

On November 15, 2010 the City Clerk and her staff completed an inspection of 278 petition sections filed in her office on November 4, 2010. Those petition sections, which were timely filed, protested the passage of Ordinance No. 4437, an ordinance prohibiting the operation of medical marijuana businesses and amending the Grand Junction Municipal Code by the addition of a new section prohibiting certain uses relating to marijuana in the City of Grand Junction.

Following examination of the petitions the City Clerk found and determined that the petition proponents submitted sufficient signatures in accordance with City Charter 136 to present a protest to the City Council. Given the sufficiency of signatures, Ordinance No. 4437 is suspended and of no effect until further consideration by the City Council. According to Colorado law (31-11-110 (1) C.R.S.) a forty day period in which the Clerk's findings may be challenged must elapse before the City Council may review the protest to the ordinance. That forty day period ends December 14, 2010.

Pursuant to the City Charter the City Council must now reconsider the ordinance. Reconsideration in this context means that the Council may act to either repeal



Ordinance No. 4437 in its entirety or it may refer the Ordinance to a vote of the registered electors of the City.

On or after December 15, 2010 the Council will direct Staff to either prepare the ballot title and question or prepare an ordinance repealing Ordinance No. 4437.

Council President Coons explained that this item is not a public hearing and she appreciates that the public present has a great concern about this issue. City Council has a very straight forward decision to make on this issue and regardless of what their decision is, Council will have a great deal more deliberation on this issue in January.

John Shaver, City Attorney, presented this item. He said that it is Council's decision to make on this issue. Paragraph 136 of the City Charter references the mode of protesting City Ordinances. The City Clerk found the petitions to be sufficient, meaning there were enough signatures to trigger the process under the City Charter, specifically paragraph 136. There has been no protest filed to her findings of the sufficiency. It is now up to City Council to consider the two options under paragraph 136 of the Charter, which is either to repeal Ordinance No. 4437 that was adopted on October 4<sup>th</sup> or to refer that ordinance as written to the ballot. If Council decides to refer it to the ballot based on the timing of the next regular municipal election, April 5, 2011, it would be a ballot question on that particular ballot. After deliberation, Council would give specific direction to Staff one way or the other. Either Staff will come back with a ballot question and ballot title which have to be completed generally by the end of January of next year or if Council decides to repeal the ordinance, another ordinance would need to be written to repeal Ordinance No. 4437.

Council President Coons asked City Attorney Shaver if direction were given to repeal the ordinance, what would be the next step. City Attorney Shaver said that Council can develop a process to create another ordinance which could defer to State legislation and those rules or create another ordinance regulating medical marijuana in the community that would limit the number of establishments or a variation of Ordinance No. 4437 relative to banning medical marijuana in the community. Staff would recommend that if Council is contemplating another ordinance, that the ordinance would go down the regulatory route or address specific items in such an ordinance like limitations on the number of establishments, or the availability of licenses, etc.

Councilmember Beckstein asked if Council decides to send the ordinance to the ballot and it is voted down, then would the process be the same with either going with the State and their regulations or developing another ordinance. City Attorney Shaver answered affirmatively and added that a defeat at the ballot does not end Council's options. Councilmember Beckstein asked if it is voted down in April or if they decide to repeal the ordinance and choose not to create a new ordinance, would there be complications because of grandfathering. City Attorney Shaver said that no, because all the businesses that are in business to date have complied with the State regulations.

The State law allows municipalities to put a regulatory ordinance in place and businesses would have to comply with both regulatory structures. House Bill 1284 gives specific authority on what municipalities can do so an ordinance would be drafted to be consistent with what the State law has done.

Councilmember Kenyon asked if Mesa County's prohibition is only relative to areas outside of the City limits. City Attorney Shaver said that is correct; it only applies to unincorporated areas of Mesa County.

Councilmember Pitts asked that if they decide to refer the ordinance to the ballot, would the current restrictions remain in place until after the election. City Attorney Shaver said yes, because of Council's action on the moratorium, there would be no new licenses in the City of Grand Junction until July 1, 2011.

Councilmember Susuras asked, if Ordinance No. 4437 is repealed, would it allow existing medical marijuana centers to continue to operate using the State's regulations until the City came up with regulations? City Attorney Shaver said yes, that is correct.

Councilmember Hill stated that he would support moving forward on a ballot question in April. Some of the reasons he feels this way are that it is not a special election, therefore it would not cost any additional monies creating a financial burden on the City and secondly, there is a moratorium in place that coincides with the State regulations. Also, there is possibly new legislation in the next legislative session. Timing-wise, he said it just feels right; it is an interesting question for the community.

Councilmember Susuras and Councilmember Pitts both concurred with Councilmember Hill.

Councilmember Palmer said that all citizens have a right to challenge any City ordinance. He still stands with his original reasoning for supporting the adoption of Ordinance No. 4437 to begin with, but he does think it is an important opportunity for the community as a whole to weigh in as to what they want their community to look like. He agrees with letting the community decide.

Councilmember Susuras echoed Councilmember Palmer's comment and said it would be good for the people to decide.

Councilmember Beckstein said that she also agrees and recommended that it should go on a ballot and see what the public decides.

Council President Coons said that early on, she was not in favor of putting this issue on the ballot, Council made a decision and Ordinance No. 4437 was adopted. Her preference would be to regulate and to make the process work and work with the State, however, the citizens have come forward with the petition and asking to allow their

voices to be heard and she will support this ordinance to be placed on the ballot in April.

Councilmember Kenyon moved to direct Staff, the City Attorney, and the City Manager to draft language that refers Ordinance No. 4437 to the voters to consider whether to repeal the ordinance or to support it for the April 2011 election. Councilmember Palmer 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 8:19 p.m.

Debbie Kemp, MMC  
Deputy City Clerk

**GRAND JUNCTION CITY COUNCIL**

**SPECIAL SESSION MINUTES**

**DECEMBER 15, 2010**

The City Council of the City of Grand Junction, Colorado met in Special Session on Wednesday, December 15, 2010 at 6:19 p.m. in the Planning Division Conference Room, 1<sup>st</sup> Floor, City Hall, 250 N. 5<sup>th</sup> Street. Those present were Councilmembers Bonnie Beckstein, Bruce Hill, Tom Kenyon, Gregg Palmer, Bill Pitts, Sam Sursuras, and President of the Council Teresa Coons.

Council President Coons called the meeting to order.

Councilmember Beckstein moved to go into Executive Session for discussion of personnel matters under Section 402 (4)(f)(I) of the Open Meetings Law Relative to City Council Employees Specifically the City Manager the City Attorney and they will not be returning to open session. Councilmember Hill seconded the motion. The motion carried.

The City Council convened into executive session at 6:20 p.m.

Stephanie Tuin, MMC  
City Clerk



Date: November 30, 2010  
 Author: Stephanie Tuin,  
 Title/ Phone Ext: City Clerk, x1511  
 Proposed Schedule:  
January 5, 2011  
 2nd Reading  
 (if applicable): NA

**CITY COUNCIL AGENDA ITEM**

**Attach 2  
 2011 Meeting Schedule and Posting of Notices**

<b>Subject:</b> 2011 Meeting Schedule and Posting of Notices
<b>File # (if applicable):</b>
<b>Presenters Name &amp; Title:</b> Stephanie Tuin, City Clerk

**Executive Summary:**

State Law requires an annual designation of the City’s official location for the posting of meeting notices. The City’s Code of Ordinances, Sec. 2.04.010, requires the meeting schedule and the procedure for calling special meetings be determined annually by resolution.

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

Complying with State and local law in order to be able to conduct lawful City Council meetings will allow the City Council to continue to pursue the Comprehensive Goals and Policies.

**Action Requested/Recommendation:**

Adopt Resolution Designating the Posting Location for Notices and Setting the Meeting Schedule for City Council Meetings in 2011

**Board or Committee Recommendation:**

Not applicable

**Background, Analysis and Options:**

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

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

In 2007, Resolution No. 137-07 adopted the new meeting schedule that regular meetings are the first and third Wednesday of each month, at the hour of 7:00 p.m., and the Monday preceding those Wednesdays, also at the hour of 7:00 p.m. which the exception of Mondays which are holidays.

In 2011, there are several Monday meetings affected by holidays. The City Council will not meet on Monday, January 17; Monday, May 30; Monday, July 4; or Monday, September 5. Since there will not be a meeting prior to the first holiday in 2012, this shall also serve as notice that the meeting of Monday, January 2, 2012 will also be canceled.

There may be other meetings cancelled throughout the year depending on the number of items to be addressed by the City Council. The City Council will make that determination on an as needed basis and proper notice of such cancellations will be provided.

**Financial Impact/Budget:**

There is no financial impact or budget implications.

**Legal issues:**

Compliance with State and local law is required.

**Other issues:**

There are no other issues to consider.

**Previously presented or discussed:**

This has not been presented previously.

**Attachments:**

The proposed resolution

**CITY OF GRAND JUNCTION**

**RESOLUTION NO. \_\_-11**

**A RESOLUTION OF THE CITY OF GRAND JUNCTION  
DESIGNATING THE LOCATION FOR THE POSTING OF THE NOTICE OF MEETINGS,  
ESTABLISHING THE 2011 CITY COUNCIL MEETING SCHEDULE, AND  
ESTABLISHING THE PROCEDURE FOR CALLING OF SPECIAL MEETINGS  
FOR THE CITY COUNCIL**

**Recitals.**

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

The City Council holds meetings to discuss public business.

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

The Grand Junction Code of Ordinances, Section 2.04.010, provides that the meeting schedule and the procedure for calling of special meetings of the City Council shall be established by resolution annually.

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

1. The Notice of Meetings for the local public body shall be posted on the glassed-in exterior notice board at 250 N. 5<sup>th</sup> Street, City Hall.
2. The meeting schedule for the regular meetings of the City Council is the first and third Wednesday of each month, at the hour of 7:00 p.m. and the Monday preceding those Wednesdays, also at the hour of 7:00 p.m. which the exception of Mondays which are City holidays. In 2011, there are three City observed holidays that will affect City Council meetings, Monday, May 30; Monday, July 4; and Monday, September 5 so no meeting will be held on those days. The City Council has also canceled the City Council meeting the evening of Monday, January 17, 2010, due to it being Martin Luther King, Jr. Day.
3. There will not be a City Council meeting in 2012 prior to the first holiday in 2012, so this shall also serve as notice that the meeting of Monday, January 2, 2012 will not take place.

4. Additional meetings may be cancelled dependent on the number of items coming before the City Council. The City Council will determine that on a case by case basis. Proper notification for any cancellations will be provided.

5. Additional special meetings may be called by the President of the City Council for any purpose and notification of such meeting shall be posted twenty-four hours prior to the meeting. Each and every member of City Council shall be notified of any special meeting at least twenty-four hours in advance.

Read and approved this \_\_\_\_ day of \_\_\_\_\_, 2011.

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President of the Council

ATTEST:

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City Clerk





Date: Wed., Dec 22, 2010  
 Author: Lori V. Bowers  
 Title/ Phone Ext: Senior Planner / 4033  
 Proposed Schedule: 1<sup>st</sup>  
 Reading: Wed., January 5, 2011  
 2nd Reading  
 (if applicable): Wed, Jan 19, 2011

**CITY COUNCIL AGENDA ITEM**

**Attach 3  
 Setting a Hearing on Zoning the GJ Regional  
 Airport Annexation**

<b>Subject:</b> Zoning the GJ Regional Airport Annexation, Located at 2828 Walker Field Drive
<b>File #:</b> ANX-2010-290
<b>Presenters Name &amp; Title:</b> Lori V. Bowers, Senior Planner

**Executive Summary:** Request to zone the 614.3 acre GJ Regional Airport Annexation, located at 2828 Walker Field Drive, to a PAD (Planned Airport Development) and amend Ordinance No. 3679, the existing Planned Development Ordinance, for the Airport to add the additional property for future expansion. The request is in compliance with the Grand Junction Municipal Code and the Comprehensive Plan.

**How this item relates to the 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.

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

The proposed annexation meets goals 9 and 12 by allowing area for expansion of the airport, which in turn helps keep our economy diverse and allows our region to provide more access to goods, services and visitors to the area.

**Action Requested/Recommendation:** Introduce a Proposed Ordinance and Set a Public Hearing for January 19, 2011.

**Board or Committee Recommendation:** Planning Commission forwarded a recommendation of approval of the PAD (Planned Airport Development) zoning.

**Background, Analysis and Options:** See attached Staff Report/Background Information

**Financial Impact/Budget:** N/A

**Legal issues:** There are none.

**Other issues:** The Airport has submitted for review an Institutional Civic Master Plan. The proposed annexations and zoning are necessary for the future expansion of the Airport as proposed in their Master Plan, providing consistency in that all lands owned by the Airport will be under the City's development policies and guidelines.

**Previously presented or discussed:** Referral of the Petition for Annexation was presented on November 29, 2010.

**Attachments:**

1. Staff report/Background information
2. Annexation / Site Location Map; Aerial Photo Map West End
3. Aerial Photo Map East End; Comprehensive Plan Map
4. Existing City and County Zoning Map
5. Zoning Ordinance

**STAFF REPORT / BACKGROUND INFORMATION**

<b>Location:</b>		2828 Walker Field Drive		
<b>Applicants:</b>		Grand Junction Regional Airport Authority		
<b>Existing Land Use:</b>		Vacant land		
<b>Proposed Land Use:</b>		Airport expansion		
Surrounding Land Use:	<b>North</b>	Vacant land		
	<b>South</b>	Airport operations		
	<b>East</b>	Vacant land		
	<b>West</b>	Vacant land		
<b>Existing Zoning:</b>		County AFT		
<b>Proposed Zoning:</b>		PAD (Planned Airport Development)		
Surrounding Zoning:	<b>North</b>	County AFT		
	<b>South</b>	R-4 (Residential – 4 units); PAD (Planned Airport Development)		
	<b>East</b>	County AFT		
	<b>West</b>	County AFT		
<b>Future Land Use Designation:</b>		Airport		
<b>Zoning within density range?</b>		X	<b>Yes</b>	<b>No</b>

**ANALYSIS:**

1. Background:

On October 20, 2004, City Council approved the Master Plan for Walker Field Airport, now known as the Grand Junction Regional Airport. On the same date City Council approved the plan for the Planned Development zone, referred to as the Planned Airport Development zone.

The Grand Junction Regional Airport Authority (“Authority”) has applied to the City to update the Master Plan. Additional lands are included within the updated Master Plan and the Authority has requested that the City annex the additional lands and include the lands within the Planned Airport Development (“PAD”).

The 614.3 acre GJ Regional Airport Annexation consists of seven (7) parcels located adjacent to the existing airport, which is addressed as 2828 Walker Field Drive. The request to amend Ordinance No. 3679, the existing Planned Development Ordinance for the Airport to add the additional property for future expansion is in compliance with the Grand Junction Municipal Code and the Comprehensive Plan. Under the 1998 Persigo Agreement all proposed development within the Persigo Wastewater Treatment boundary requires annexation and processing in the City.

Under the 1998 Persigo Agreement with Mesa County, the City shall zone newly annexed areas with a zone that is either identical to current County zoning or conforms to the City's Comprehensive Plan Future Land Use Map. The proposed zoning of PAD (Planned Airport Development) conforms to the Future Land Use Map, which has designated the properties as Airport.

Pursuant to Section 21.02.150, the Director has reviewed the addition of these parcels of land into the development plan. The development plan terms have not changed and the lands can and will be required to develop in accordance with the plan. In reviewing the criteria for amending the development, the Director determined that the criteria have been met.

Amending the original Planned Development Ordinance No. 3679 to include the additional parcels is consistent with the Master Plan and the plan development.

2. Section 21.02.160 and Section 21.02.140 of the Grand Junction Municipal Code:

Section 21.02.160 of the Grand Junction Municipal Code, states that the zoning of an annexation area shall be consistent with the adopted Comprehensive Plan and the criteria set forth. The requested zone of annexation to the PAD (Planned Airport Development) zone district is consistent with the Comprehensive Plan designation of Airport.

Section 21.02.140 of the Grand Junction Municipal Code, states that to maintain internal consistency between the Code and the Zoning Map, amendments are only allowed if:

- (1) Subsequent events have invalidated the original premises and findings; and/or

**Response:** This is an annexation of land currently owned by Grand Junction Regional Airport but has not yet been annexed into the City. The Airport is expanding to meet increased regional demand for air services.

- (2) The character and/or condition of the area has changed such that the amendment is consistent with the Plan; and/or

**Response:** The Grand Junction Regional Airport is in the process of expanding. It is in the City's best interest to annex the lands adjacent to and owned by the airport to allow for consistency in the review of the airport expansion.

- (3) Public and community facilities are adequate to serve the type and scope of land use proposed; and/or

**Response:** All lands proposed to be annexed are located adjacent to the existing airport and within the City's 201 Boundary. Public facilities are available and can be extended into these areas that currently are vacant and undeveloped.

(4) An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use; and/or

**Response:** Because the area to be annexed and zoned is adjacent to the airport, the land will accommodate the future expansion of the airport in a way that no other land in the City can.

(5) The community or area, as defined by the presiding body, will derive benefits from the proposed amendment.

**Response:** The addition of land to the airport will provide continued growth for the area which in turn will bring more access, services and visitors to the area.

Alternatives: There are no other zones that are applicable to the airport designation supported by the City's Future Land Use Map of the Comprehensive Plan. The Grand Junction Municipal Code allows Airports as a Conditional Use in C-2 (General Commercial); CSR (Community Service Recreation); I-O (Industrial/Office Park); I-1 (Light Industrial) and I-2 (General Industrial) zoning districts.

#### PLANNING COMMISSION RECOMMENDATION:

After reviewing the GJ Regional Airport Annexation, ANX-2010-290, for a Zone of Annexation, the Planning Commission made the following findings of fact and conclusions:

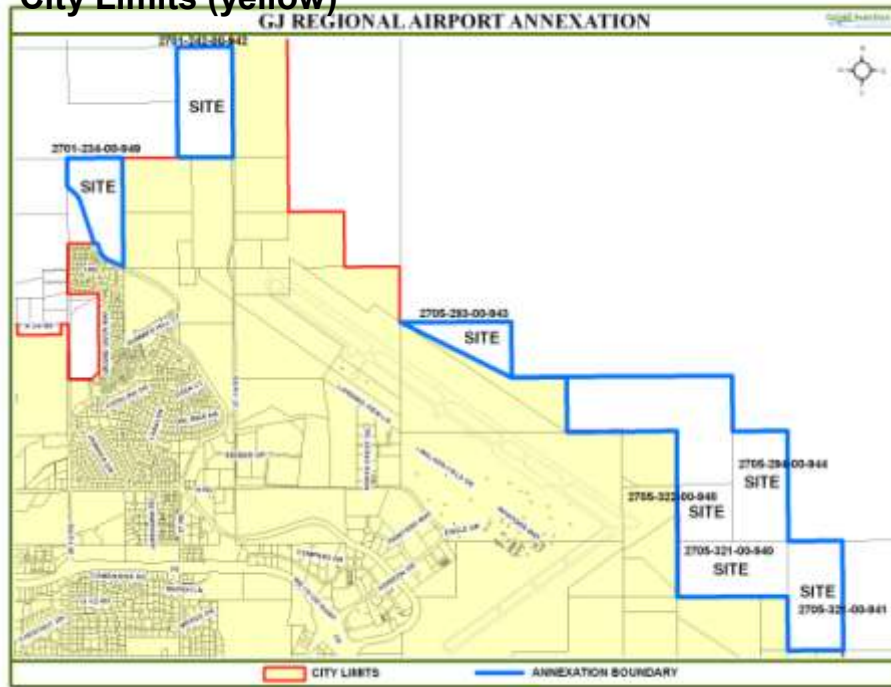
1. The requested zone is consistent with the goals and policies of the Comprehensive Plan.
2. The review criteria in Section 21.02.140 and Section 21.02.160 of the Grand Junction Municipal Code have been met.

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

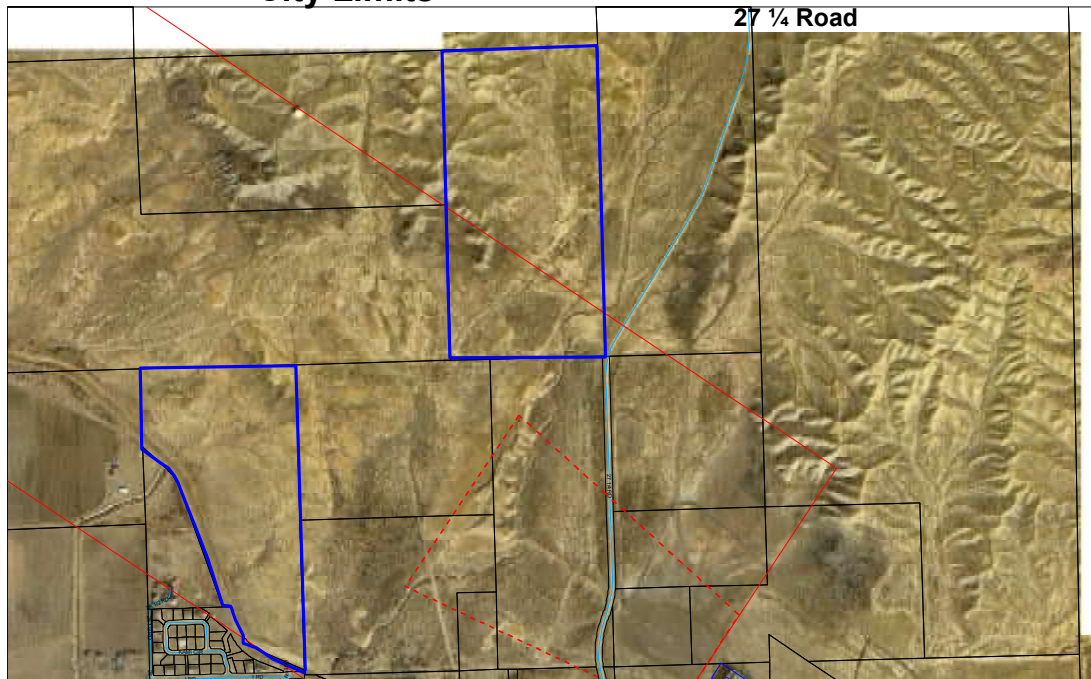
City Limits (yellow)



# Aerial Photo Map West End

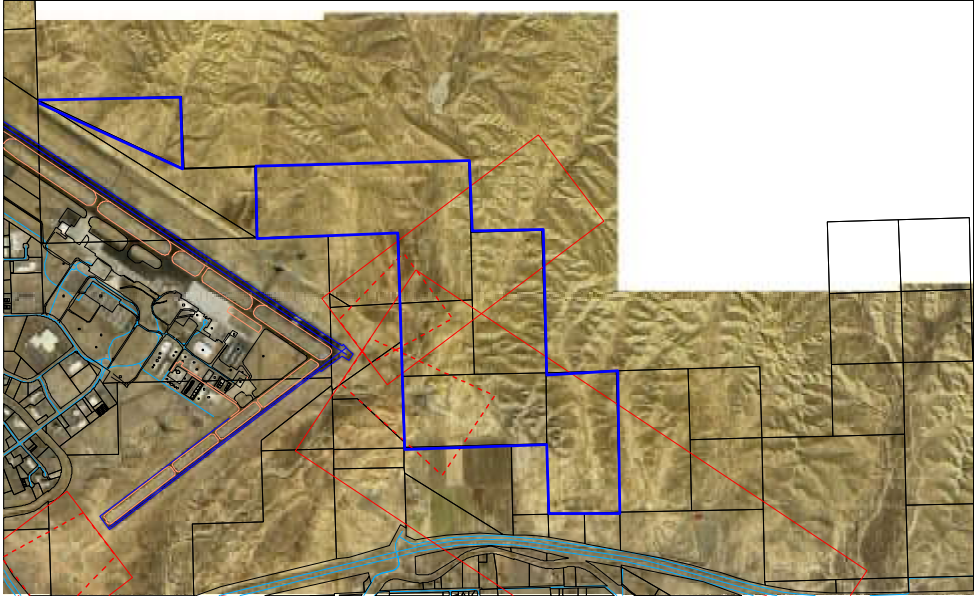
Figure 2

City Limits



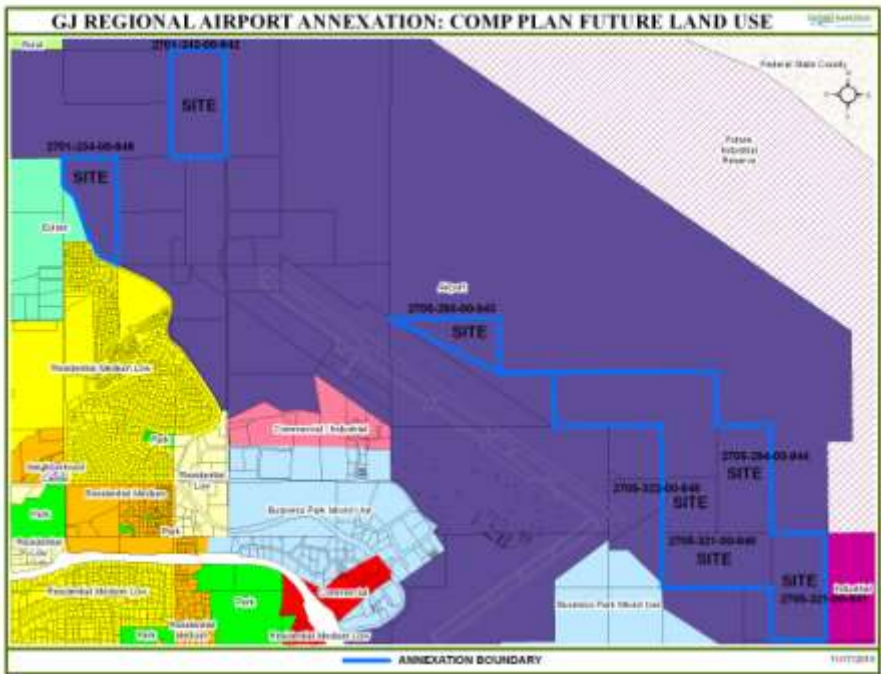
# Aerial Photo Map East End

Figure 3



# Comprehensive Plan Map

Figure 4









**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE AMENDING ORDINANCE NO. 3679 TO INCLUDE NEWLY  
ANNEXED LANDS AND ZONING THE GJ REGIONAL AIRPORT ANNEXATION  
TO PAD (PLANNED AIRPORT DEVELOPMENT)  
LOCATED AT 2828 WALKER FIELD DRIVE**

Recitals:

The Grand Junction Regional Airport Authority (“Authority”) has requested the City of Grand Junction (“City”) to annex property into its limits and approve the land being included within the Planned Development zone previously approved by the City and known as the Planned Airport Development zone (“PAD”).

The Director of Public Works and Planning has determined in accordance with Section 21.02.150 of the Grand Junction Municipal Code (“Code”) that an amendment to the development plan for inclusion of the land being annexed into the City into the PAD is appropriate and consistent with the development plan adopted in Ordinance No. 3679.

After public notice and public hearing as required by the Code, the Grand Junction Planning Commission recommended approval of zoning the GJ Regional Airport Annexation to the PAD (Planned Airport Development) zone district finding that it conforms with the recommended land use category as shown on the future land use map of the Comprehensive Plan and the Comprehensive 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 Sections 21.02.140 and Section 21.02.160 of the Grand Junction Municipal Code.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the PAD (Planned Airport Development) zone district is in conformance with the stated criteria of Sections 21.02.140 and Section 22.02.160 and Ordinance No. 3679 shall be amended to include the annexed lands and be zoned PAD.

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

That Ordinance No. 3679 is hereby amended to include the following property which is hereby zoned PAD (Planned Airport Development).

## GJ AIRPORT ANNEXATION

A certain parcel of land lying in the West-half of the Southeast Quarter (W 1/2 of the SE 1/4) of Section 23, Township 1 North, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

ALL of the W 1/2 of the SE 1/4 of said Section 23 lying North and East of the centerline of the Highline Canal easement, as same is recorded in Book 2841, Page 804, Public Records of Mesa County, Colorado.

CONTAINING 52.35 Acres or 2,280,404 Square Feet, more or less, as described

### **-TOGETHER WITH-**

A certain parcel of land lying in the West-half of the Northwest Quarter (W 1/2 of the NW 1/4) of Section 24, Township 1 North, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

ALL of the W 1/2 of the NW 1/4 of said Section 24.

CONTAINING 79.82 Acres or 3,476,929 Square Feet, more or less, as described

### **-TOGETHER WITH-**

A certain parcel of land lying in the South-half (S 1/2) of Section 29, the Northwest Quarter (NW 1/4), Southwest Quarter (SW 1/4) and the Southeast Quarter (SE 1/4) of Section 30 and the East-three quarters (E 3/4) of Section 32, all in Township 1 North, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

BEGINNING at the Northwest corner of the Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4) of said Section 30 and assuming the North line of the South-half of the NW 1/4 of said Section 30 bears S 89°49'11" E with all other bearings contained herein relative thereto; thence from said Point of Beginning, S 89°49'11" E along the North line of the South-half of the NW 1/4 of said Section 30, a distance of 2646.70 feet to a point being the Northeast corner of the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of said Section 30; thence S 00°09'32" W along the East line of the SE 1/4 NW 1/4 of said Section 30, a distance of 1322.96 feet to a point being the Southeast corner of the SE 1/4 NW 1/4 of said Section 30; thence S 89°46'00" E along the North line of the Southeast Quarter (SE 1/4) of said Section 30, a distance of 2643.81 feet to a point being the Northeast corner of the SE 1/4 of said Section 30; thence N 89°34'41" E along the North line of the Southwest Quarter (SW 1/4) of said Section 29, a distance of 2643.14 feet to a point being the Northeast corner of the SW 1/4 of said Section 29; thence S 00°16'19" W along the East line of the Northeast Quarter of the Southwest Quarter (NE 1/4 SW 1/4) of said Section 29, a distance of 1317.67 feet to a point being the Northeast corner of the Southeast Quarter of the Southwest Quarter (SE 1/4 SW 1/4) of said Section 29; thence N 89°37'46" E along the North line of the Southwest Quarter of the Southeast Quarter (SW 1/4 SE 1/4) of said Section 29, a distance of 1322.97 feet to a point being the Northeast corner

of the SW 1/4 SE 1/4 of said Section 29; thence S 00°05'59" W along the East line of the SW 1/4 SE 1/4 of said Section 29, a distance of 1319.65 feet to a point being the Southeast corner of the SW 1/4 SE 1/4 of said Section 29; thence S 00°05'59" W along the West line of the Northeast Quarter of the Northeast Quarter (NE 1/4 NE 1/4) of said Section 32, a distance of 1323.49 feet to a point being the Northwest corner of the Southeast Quarter of the Northeast Quarter (SE 1/4 NE 1/4) of said Section 32; thence N 89°44'14" E along the North line of the SE 1/4 NE 1/4 of said Section 32, a distance of 1316.36 feet to a point being the Northeast corner of the SE 1/4 NE 1/4 of said Section 32; thence S 00°20'13" W along the East line of said Section 32, a distance of 1325.68 feet to a point being the Southeast corner of the SE 1/4 NE 1/4 of said Section 32; thence S 00°20'12" W along the East line of said Section 32, a distance of 1322.59 feet to a point being the Northeast corner of the Southeast Quarter of the Southeast Quarter (SE 1/4 SE 1/4) of said Section 32; thence S 00°20'12" W along the East line of said Section 32, a distance of 20.00 feet; thence S 89°51'51" W along a line 20.00 feet South of and parallel with, the North line of the SE 1/4 SE 1/4 of said Section 32, a distance of 1321.31 feet to a point on the West line of the SE 1/4 SE 1/4 of said Section 32; thence N 90°00'00" W along a line 20.00 feet South of and parallel with the South line of the Northwest Quarter of the Southeast Quarter (NW 1/4 SE 1/4) of said Section 32, a distance of 20.00 feet; thence N 00°18'53" E along a line 20.00 feet West of and parallel with the West line of the SE 1/4 SE 1/4 of said Section 32, a distance of 20.00 feet to a point on the South line of the NW 1/4 SE 1/4 of said Section 32; thence N 00°17'41" E along a line 20.00 feet West of and parallel with the West line of the Northeast Quarter of the Southeast Quarter (NE 1/4 SE 1/4) of said Section 32, a distance of 1321.21 feet to a point on the South line of the Southwest Quarter of the Northeast Quarter (SW 1/4 NE 1/4) of said Section 32; thence S 89°52'38" W along the South line of the SW 1/4 NE 1/4 of said Section 32, a distance of 1302.26 feet to a point being the Southwest corner of the SW 1/4 NE 1/4 of said Section 32; thence S 89°52'38" W along the South line of the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of said Section 32, a distance of 1302.26 feet to a point 20.00 feet East of the Southwest corner of the SE 1/4 NW 1/4 of said Section 32; thence N 00°14'23" E along a line 20.00 feet East of and parallel with the West line of the SE 1/4 NW 1/4 of said Section 32, a distance of 1317.64 feet to a point on the North line of the SE 1/4 NW 1/4 of said Section 32; thence N 00°14'23" E along a line 20.00 feet East of and parallel with the West line of the Northeast Quarter of the Northwest Quarter (NE 1/4 NW 1/4) of said Section 32, a distance of 1319.24 feet to a point on the North line of said Section 32; thence S 89°38'38" W along the North line of said Section 32, a distance of 20.00 feet to a point being the Southeast corner of the Southwest Quarter of the Southwest Quarter (SW 1/4 SW 1/4) of said Section 29; thence N 00°07'41" E along the East line of the SW 1/4 SW 1/4 of said Section 29, a distance of 1318.98 feet to a point being the Northeast corner of the SW 1/4 SW 1/4 of said Section 29; thence S 89°37'46" W along the North line of the SW 1/4 SW 1/4 of said Section 29, a distance of 1300.00 feet to a point 20.00 feet East of the Northeast corner of the Southeast Quarter of the Southeast Quarter (SE 1/4 SE 1/4) of said Section 30; thence N 00°23'44" E along a line 20.00 feet East of and parallel with the West line of said Section 29, a distance of 20.00 feet; thence S 89°37'46" W along a line 20.00 feet North of and parallel with the North line of the SW 1/4 SW 1/4 of said Section 29, a distance of 20.00 feet to a point on the East line of said Section 30; thence N 89°48'56" W along a line 20.00 feet North of and parallel with the North line of the Southeast Quarter of the Southeast Quarter (SE 1/4 SE 1/4) of said Section 30, a distance of

1321.87 feet to a point on the East line of the Northwest Quarter of the Southeast Quarter (NW 1/4 SE 1/4) of said Section 30; thence N 00°18'19" E along the East line of the NW 1/4 SE 1/4 of said Section 30, a distance of 1276.27 feet to a point 20.00 feet South of the North line of the Southeast Quarter (SE 1/4) of said Section 30; thence N 89°46'00" W along a line 20.00 feet South of and parallel with the North line of the SE 1/4 of said Section 30, a distance of 1321.87 feet to a point on the West line of the NW 1/4 SE 1/4 of said Section 30; thence N 89°45'03" W along a line 20.00 feet South of and parallel with the North line of the Southwest Quarter (SW 1/4) of said Section 30, a distance of 20.00 feet; thence N 62°44'42" W, a distance of 2950.52 feet, more or less, to the Point of Beginning.

CONTAINING 482.13 Acres or 21,001,385 Square Feet, more or less, as described.

The property is to develop in accordance with the development plan in Ordinance No. 3679 and any amendments thereto.

**INTRODUCED** on first reading the \_\_\_\_ day of \_\_\_\_\_, 2011 and ordered published in pamphlet form.

**PASSED and ADOPTED** on second reading the \_\_\_\_ day of \_\_\_\_\_, 2011 and ordered published in pamphlet form.

ATTEST:

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

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



Date: December 21, 2010  
 Author: Brian Rusche  
 Title/ Phone Ext: Sr. Planner/4058  
 Proposed Schedule:  
Resolution Referring  
Petition January 5, 2011  
 2nd Reading  
 (if applicable): February 14, 2011

**CITY COUNCIL AGENDA ITEM**

**Attach 4  
 Setting a Hearing on the Housing Authority  
 Annexation**

<b>Subject:</b> Housing Authority Annexation - Located at 2910 Bunting Avenue
<b>File #:</b> ANX-2010-364
<b>Presenters Name &amp; Title:</b> Brian Rusche, Senior Planner

**Executive Summary:** Request to annex 1.52 acres, located at 2910 Bunting Avenue. The Housing Authority Annexation consists of one (1) parcel. There is 0.18 acres of public right-of-way contained within this annexation area.

**How this item relates to the 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.

The proposed annexation meets Goal 5 by providing the opportunity to upgrade an existing apartment complex with Community Development Block Grants (CDBG) through the Grand Junction Housing Authority.

**Action Requested/Recommendation:** Adopt a Resolution Referring the Petition for the Housing Authority Annexation, Introduce the Proposed Ordinance and Set a Hearing for February 14, 2011.

**Board or Committee Recommendation:** The Planning Commission will consider the Zone of Annexation on January 11, 2011. Their recommendation will be forwarded in the 1<sup>st</sup> reading of the Zoning Ordinance on January 31, 2011.

**Background, Analysis and Options:** See attached Staff Report/Background Information

**Financial Impact/Budget:** The Housing Authority anticipates applying for CDBG funding to upgrade the apartment complex. These monies are a “pass-through” from the federal government through the local jurisdiction and on to grant recipients.

**Legal issues:** There are none.

**Other issues:** There are none.

**Previously presented or discussed:** A Neighborhood Meeting took place on December 2, 2010.

**Attachments:**

1. Staff report/Background information
2. Annexation / Site Location Map; Aerial Photo Map
3. Comprehensive Plan Map; Blended Residential Map
4. Existing City and County Zoning Map
5. Resolution Referring Petition
6. Annexation Ordinance

STAFF REPORT / BACKGROUND INFORMATION				
<b>Location:</b>		2910 Bunting Avenue		
<b>Applicants:</b>		Grand Junction Housing Authority		
<b>Existing Land Use:</b>		Multi-family Residential		
<b>Proposed Land Use:</b>		Multi-family Residential		
<b>Surrounding Land Use:</b>	<b>North</b>	Single-family and Two-family Residential		
	<b>South</b>	Vacant land and Multi-family Residential		
	<b>East</b>	Single-family Residential		
	<b>West</b>	Single-family Residential		
<b>Existing Zoning:</b>		County RMF-8 (Residential Multi-family 8 du/ac)		
<b>Proposed Zoning:</b>		R-24 (Residential 24 + du/ac)		
<b>Surrounding Zoning:</b>	<b>North</b>	County RMF-8 (Residential Multi-family 8 du/ac)		
	<b>South</b>	County RMF-8 (Residential Multi-family 8 du/ac)		
	<b>East</b>	County RMF-8 (Residential Multi-family 8 du/ac)		
	<b>West</b>	County RMF-8 (Residential Multi-family 8 du/ac)		
<b>Future Land Use Designation:</b>		Residential Medium High (8-16 du/ac) Adjacent to Village Center – Mixed Use		
<b>Zoning within density range?</b>		<b>X</b>	<b>Yes – Adjacency rule would permit rezone</b>	<b>No</b>

**Staff Analysis:**

**ANNEXATION:**

This annexation area consists of 1.52 acres of land and is comprised of one (1) parcel. The property owners have requested annexation into the City to allow for development of the property. Under the 1998 Persigo Agreement all proposed development within the Persigo Wastewater Treatment boundary requires annexation and processing in the City.

It is staff's opinion, based on review of the petition and knowledge of applicable state law, including the Municipal Annexation Act Pursuant to C.R.S. 31-12-104, that the Housing Authority 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:

<b><u>ANNEXATION SCHEDULE</u></b>	
<b>Jan. 5, 2011</b>	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
<b>Jan. 11, 2011</b>	Planning Commission considers Zone of Annexation
<b>Jan. 31, 2011</b>	Introduction Of A Proposed Ordinance on Zoning by City Council
<b>Feb. 14, 2011</b>	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
<b>March 16, 2011</b>	Effective date of Annexation and Zoning

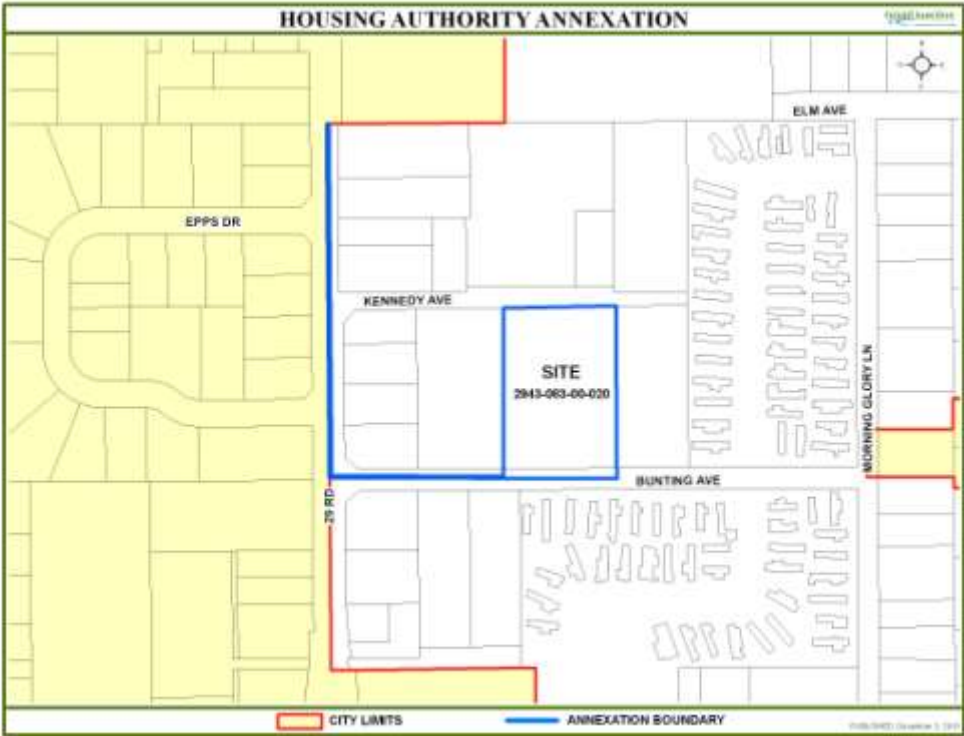


**HOUSING AUTHORITY ANNEXATION SUMMARY**

<b>File Number:</b>		ANX-2010-364
<b>Location:</b>		2910 Bunting Avenue
<b>Tax ID Numbers:</b>		2943-083-00-020
<b># of Parcels:</b>		1
<b>Estimated Population:</b>		60
<b># of Parcels (owner occupied):</b>		0
<b># of Dwelling Units:</b>		27
<b>Acres land annexed:</b>		1.52 acres
<b>Developable Acres Remaining:</b>		1.34 acres
<b>Right-of-way in Annexation:</b>		0.18 acres
<b>Previous County Zoning:</b>		RMF-8
<b>Proposed City Zoning:</b>		R-24
<b>Current Land Use:</b>		Multi-family Residential
<b>Future Land Use:</b>		Multi-family Residential
<b>Values:</b>	<b>Assessed:</b>	\$75,970
	<b>Actual:</b>	\$954,420
<b>Address Ranges:</b>		2910 Bunting
<b>Special Districts:</b>	<b>Water:</b>	Ute Water Conservancy District
	<b>Sewer:</b>	Persigo 201
	<b>Fire:</b>	GJ Rural Fire District
	<b>Irrigation/ Drainage:</b>	Grand Valley Irrigation Company Grand Valley Drainage District
	<b>School:</b>	District #51
	<b>Pest:</b>	N/A

# Annexation / Site Location Map

Figure 1



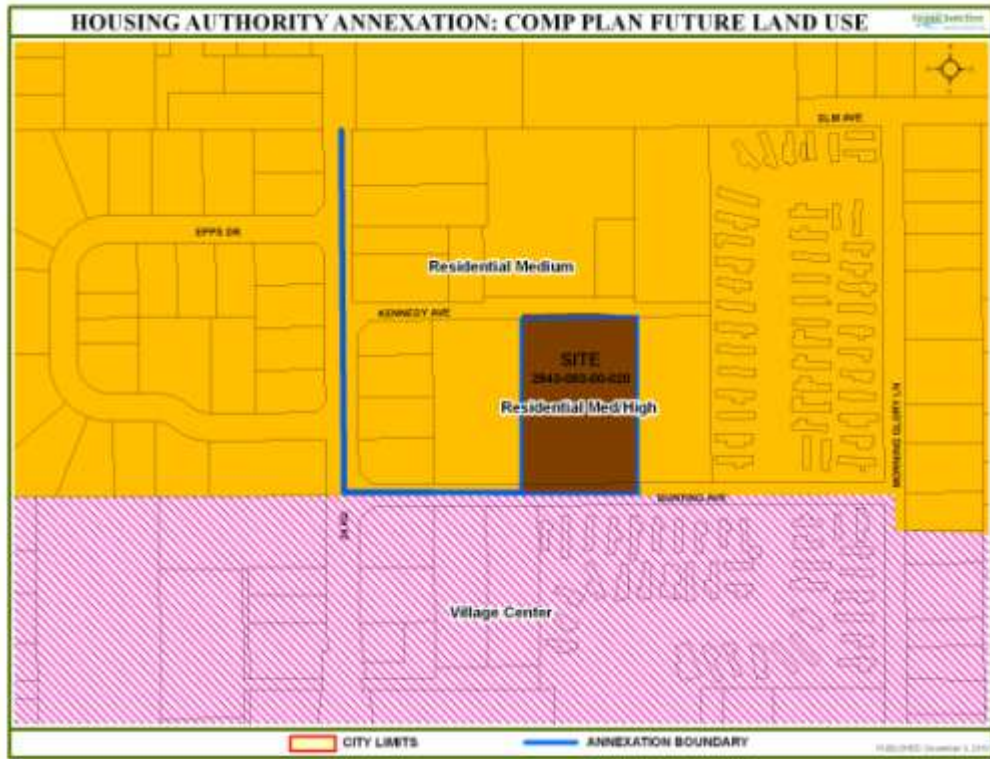
# Aerial Photo Map

Figure 2



# Comprehensive Plan Map

Figure 3



# Blended Residential Map

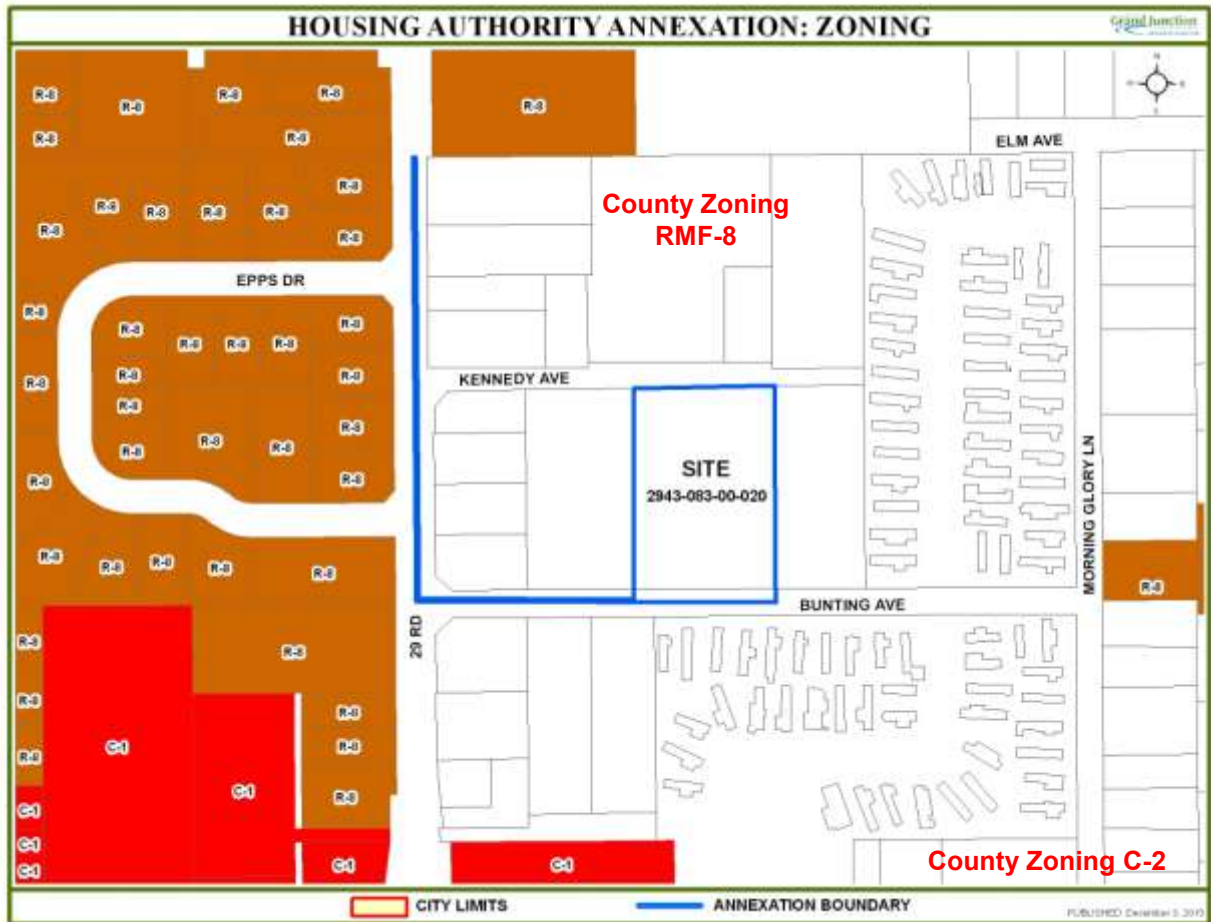
Figure 4



Residential Medium Density (4-16 du/ac)

# Existing City and County Zoning Map

Figure 5



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

**NOTICE IS HEREBY GIVEN** that at a regular meeting of the City Council of the City of Grand Junction, Colorado, held on the 5<sup>th</sup> day of January, 2011, the following Resolution was adopted:

**CITY OF GRAND JUNCTION, COLORADO**

**RESOLUTION NO. \_\_\_\_-11**

**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**

**HOUSING AUTHORITY ANNEXATION**

**LOCATED AT 2910 BUNTING AVENUE AND INCLUDES A PORTION OF THE 29  
ROAD AND BUNTING AVENUE RIGHTS-OF-WAY**

WHEREAS, on the 5<sup>th</sup> day of January, 2011, a petition was referred to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

**HOUSING AUTHORITY ANNEXATION**

A certain parcel of land lying in the Southwest Quarter of the Southwest Quarter (SW 1/4 SW 1/4) of Section 8, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

BEGINNING at the Northwest corner of the SW 1/4 SW 1/4 of said Section 8 and assuming the West line of the SW 1/4 SW 1/4 of said Section 8 bears N 00°03'58" W with all other bearings mentioned herein being relative thereto; thence, from said Point of Beginning, N 89°57'49" E along the North line of the SW 1/4 SW 1/4 of said Section 8, a distance of 4.00 feet; thence S 00°03'58" E along a line 4.00 feet East of and parallel with the West line of the SW 1/4 SW 1/4 of said Section 8, a distance of 655.25 feet; thence S 89°59'48" E, a distance of 326.98 feet; thence N 00°03'30" W, a distance of 310.73 feet to a point on the South line of Kennedy Avenue, per Book 1368, Page 467, Public Records of Mesa County, Colorado; thence N 89°58'58" E along the South line of said Kennedy Avenue, a distance of 198.00 feet; thence S 00°03'30" E, a distance of 314.80 feet; thence N 89°59'48" W along a line 20.00 feet South of and parallel with, the North line of Bunting Avenue, per Book 1368, Page 467, Public Records of Mesa County, Colorado, a distance of 528.98 feet to a point on the West line of the SW 1/4 SW 1/4 of said Section 8; thence N 00°03'58" W along the West line of the SW 1/4 SW 1/4 of said Section 8, also being the East line of the Central Fruitvale Annexation, per City of Grand Junction Ordinance No. 1133, a distance of 659.25 feet, more or less, to the Point of Beginning.

Containing 66,268 Square Feet or 1.52 Acres, more or less, as described.

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

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

1. That a hearing will be held on the 14<sup>th</sup> day of February, 2011, in the City Hall auditorium, located at 250 North 5<sup>th</sup> Street, City of Grand Junction, Colorado, at 7:00 PM to determine whether one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; whether a community of interest exists between the territory and the city; whether the territory proposed to be annexed is urban or will be urbanized in the near future; whether the territory is integrated or is capable of being integrated with said City; whether any land in single ownership has been divided by the proposed annexation without the consent of the landowner; whether any land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; whether any of the land is now subject to other annexation proceedings; and whether an election is required under the Municipal Annexation Act of 1965.
2. Pursuant to the State's Annexation Act, the City Council determines that the City may now, and hereby does, exercise jurisdiction over land use issues in the said territory. Requests for building permits, subdivision approvals and zoning approvals shall, as of this date, be submitted to the Public Works and Planning Department of the City.

ADOPTED the \_\_\_\_\_ day of \_\_\_\_\_, 2011.

Attest:

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

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

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

---

City Clerk

<i><b>DATES PUBLISHED</b></i>
<b>January 7, 2011</b>
<b>January 14, 2011</b>
<b>January 21, 2011</b>
<b>January 28, 2011</b>



**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

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

**HOUSING AUTHORITY ANNEXATION**

**APPROXIMATELY 1.52 ACRES**

**LOCATED AT 2910 BUNTING AVENUE AND INCLUDES A PORTION OF THE 29  
ROAD AND BUNTING AVENUE RIGHTS-OF-WAY**

**WHEREAS**, on the 5<sup>th</sup> day of January, 2011, 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 14<sup>th</sup> day of February, 2011; 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:

**HOUSING AUTHORITY ANNEXATION**

A certain parcel of land lying in the Southwest Quarter of the Southwest Quarter (SW 1/4 SW 1/4) of Section 8, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

BEGINNING at the Northwest corner of the SW 1/4 SW 1/4 of said Section 8 and assuming the West line of the SW 1/4 SW 1/4 of said Section 8 bears N 00°03'58" W with all other bearings mentioned herein being relative thereto; thence, from said Point of Beginning, N 89°57'49" E along the North line of the SW 1/4 SW 1/4 of said Section 8, a distance of 4.00 feet; thence S 00°03'58" E along a line 4.00 feet East of and parallel with the West line of the SW 1/4 SW 1/4 of said Section 8, a distance of 655.25 feet; thence S 89°59'48" E, a distance of 326.98 feet; thence N 00°03'30" W, a distance of 310.73 feet to a point on the South line of Kennedy Avenue, per Book 1368, Page 467, Public Records of Mesa County, Colorado; thence N 89°58'58" E along the South line of said Kennedy Avenue, a distance of 198.00 feet; thence S 00°03'30" E, a

distance of 314.80 feet; thence N 89°59'48" W along a line 20.00 feet South of and parallel with, the North line of Bunting Avenue, per Book 1368, Page 467, Public Records of Mesa County, Colorado, a distance of 528.98 feet to a point on the West line of the SW 1/4 SW 1/4 of said Section 8; thence N 00°03'58" W along the West line of the SW 1/4 SW 1/4 of said Section 8, also being the East line of the Central Fruitvale Annexation, per City of Grand Junction Ordinance No. 1133, a distance of 659.25 feet, more or less, to the Point of Beginning.

Containing 66,268 Square Feet or 1.52 Acres, more or less, as described.

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

**INTRODUCED** on first reading the \_\_\_\_ day of \_\_\_\_\_, 2011 and ordered published in pamphlet form.

**PASSED and ADOPTED** on second reading the \_\_\_\_ day of \_\_\_\_\_, 2011 and ordered published in pamphlet form.

Attest:

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President of the Council

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City Clerk



Date: December 15, 2010  
 Author: Trent Prall  
 Title/ Phone Ext: Engineering  
Manager, (256-4047)  
 Proposed Schedule: Wednesday,  
January 5, 2011  
 2nd Reading  
 (if applicable): n/a

**CITY COUNCIL AGENDA ITEM**

**Attach 5  
 Riverfront Trail Operations and Maintenance  
 Agreement**

<b>Subject:</b> Riverfront Trail Operations and Maintenance Agreement
<b>File # (if applicable):</b> N/A
<b>Presenters Name &amp; Title:</b> Tim Moore, Public Works and Planning Director Rob Schoeber, Parks and Recreation Director

**Executive Summary:**

Mesa County is proposing to construct sections of trail in the next few years to ultimately connect Loma to Palisade. This intergovernmental agreement is intended to confirm that each of the local jurisdictions will take over operations and maintenance of their portion of the trail after construction is complete.

**How this item relates to the 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 trail proposed by Mesa County and Riverfront Commission is envisioned as a major bike and pedestrian commuter corridor.

**Goal 10:** *Develop a system of regional, neighborhood and community parks protecting open space corridors for recreation, transportation and environmental purposes.*

As well as a commuter route, the proposed trail will serve as a “linear” park for recreation purposes.

**Action Requested/Recommendation:**

Adopt Proposed Resolution which Authorizes the Mayor to Sign an Intergovernmental Agreement between the City of Grand Junction and Mesa County for the Riverfront Trail Operations and Maintenance

**Board or Committee Recommendation:**

N/A

## **Background, Analysis and Options:**

Mesa County and its Riverfront Partners are undertaking ROW acquisition, design and construction of the Riverfront Trail from the I 70, Exit 15 (Loma) through the Town of Palisade.

Historically, Mesa County or the municipality within whose boundaries a portion of the trail system has been located has informally accepted responsibility for operation, maintenance, law enforcement and liability for portions of the trail system within their geographic boundaries, other than in facilities such as the Colorado State Parks along the trail system being maintained by other Riverfront Partners.

It is expected that the municipalities of Fruita, Grand Junction or Palisade will accept responsibility for operation, maintenance, law enforcement, and liability for new sections of the Riverfront Trail located within their legal limits as new sections of the trail system are completed, and Mesa County will accept responsibility for operation, maintenance, law enforcement and liability for the new sections of the Riverfront Trail located within the unincorporated portions of Mesa County.

Mesa County wants to formalize the responsibilities of the various parties through the attached agreement.

## **Financial Impact/Budget:**

Mesa County is funding the capital construction of the trail. This agreement contemplates the ongoing operations and maintenance of the trail.

The increased trail mileage would increase the amount of maintenance work to be completed by the City's Parks and Recreation Department. The trail will be constructed in concrete which should provide a surface with a long service life and minimize maintenance costs.

## **Legal issues:**

The City Attorney's office has reviewed the attached intergovernmental agreement.

## **Other issues:**

N/A

## **Previously presented or discussed:**

N/A

## **Attachments:**

- Resolution
- Intergovernmental Agreement

**RESOLUTION NO. \_\_\_\_\_ -11**

**A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN INTERGOVERNMENTAL AGREEMENT BETWEEN MESA COUNTY AND THE CITY OF GRAND JUNCTION REGARDING OPERATIONS AND MAINTENANCE OF FUTURE RIVERFRONT TRAILS CONSTRUCTED WITHIN CITY JURISDICTION**

**Recitals:**

WHEREAS, Mesa County and its Riverfront Partners are undertaking ROW acquisition, design and construction of the Riverfront Trail from the I-70, Exit 15 (Loma) through the Town of Palisade; and,

WHEREAS, historically, Mesa County or the municipality within whose boundaries a portion of the trail system has been located, has informally accepted responsibility for operation, maintenance, law enforcement and liability for portions of the trail system within their geographic boundaries, other than in facilities such as the Colorado State Parks along the trail system being maintained by other Riverfront Partners; and

WHEREAS, it is current practice that the City of Grand Junction will accept responsibility for operation, maintenance, law enforcement, and liability for new sections of the Riverfront Trail located within their legal limits as new sections of the trail system are completed, and Mesa County will accept responsibility for operation, maintenance, law enforcement and liability for the new sections of the Riverfront Trail located within the unincorporated portions of Mesa County; and,

WHEREAS, the Parties desire to formalize their responsibilities with regard to the Riverfront Trail, as hereafter stated; and

WHEREAS, this inter-governmental agreement does not preclude any informal agreements between governmental entities and their staffs for the purpose of operations and maintenance, but only establishes primary responsibility for such provisions of service; and

WHEREAS, the Parties desire to review the agreement on a regular basis to renew understanding of the provisions.

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

1. Mesa County and the Riverfront partners are working toward locating, designing and constructing the Riverfront Trail and within the incorporated limits of Fruita, Grand Junction, Palisade and the unincorporated portions of Mesa County from the I 70, Exit 15 (Loma) through the Town of Palisade near the Colorado River in accordance with plans to be developed by the Riverfront Partners.

2. Upon construction and completion of the Riverfront Trail by Mesa County and the Riverfront Partners and acceptance by Grand Junction of the sections of the trail system within its incorporated limits, Grand Junction shall own operate, maintain, police, and accept liability for the sections of the Riverfront Trail located within its legal limits.
3. Upon annexation of an unincorporated portion of Mesa County containing a section of the Riverfront Trail by the City of Grand Junction, the City of Grand Junction shall assume ownership, operation, maintenance, law enforcement and accept liability for the section of the Riverfront Trail being annexed, subject to limitations on transfer contained in agreements or by law.
4. For those sections of trail built after January 1, 2011 on property owned by the state of Colorado and outside of the boundaries of a Colorado State Park, operations, maintenance, and policing will be the responsibility of the local government whose political boundaries the section lays.
5. This agreement will be in force for five (5) years from the date of signed agreement by both parties. Just prior to the end of five years, the elected boards of each entity will review the agreement for purposes of considering any necessary changes but with a view toward renewal.

PASSED AND APPROVED this \_\_\_\_ of \_\_\_\_\_, 2011.

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

ATTEST:

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

**An Intergovernmental Agreement**  
**Between Mesa County and the City of Grand Junction**

THIS AGREEMENT by and between the County of Mesa (hereafter, "Mesa County"), Colorado, a local government of the State of Colorado and the City of Grand Junction of the State of Colorado.

WITNESSETH:

WHEREAS, the parties have full authority to enter into this Agreement pursuant to §29-1-203, C.R.S. (2008); and,

WHEREAS, Mesa County and its Riverfront Partners are undertaking ROW acquisition, design and construction of the Riverfront Trail from the I-70, Exit 15 (Loma) through the Town of Palisade; and,

WHEREAS, historically, Mesa County or the municipality within whose boundaries a portion of the trail system has been located, has informally accepted responsibility for operation, maintenance, law enforcement and liability for portions of the trail system within their geographic boundaries, other than in facilities such as the Colorado State Parks along the trail system being maintained by other Riverfront Partners; and

WHEREAS, it is current practice that the City of Grand Junction will accept responsibility for operation, maintenance, law enforcement, and liability for new sections of the Riverfront Trail located within their legal limits as new sections of the trail system are completed, and Mesa County will accept responsibility for operation, maintenance, law enforcement and liability for the new sections of the Riverfront Trail located within the unincorporated portions of Mesa County; and,

WHEREAS, the Parties desire to formalize their responsibilities with regard to the Riverfront Trail, as hereafter stated; and

WHEREAS, this inter-governmental agreement does not preclude any informal agreements between governmental entities and their staffs for the purpose of operations and maintenance, but only establishes primary responsibility for such provisions of service; and

WHEREAS, the Parties desire to review the agreement on a regular basis to renew understanding of the provisions.

NOW, THEREFORE, the Parties hereby agree as follows:

1. Mesa County and the Riverfront partners are working toward locating, designing and constructing the Riverfront Trail and within the incorporated limits of Fruita, Grand Junction, Palisade and the unincorporated portions of Mesa County from the I 70, Exit 15 (Loma) through the Town of Palisade near the Colorado River in accordance with plans to be developed by the Riverfront Partners.

2. Upon construction and completion of the Riverfront Trail by Mesa County and the Riverfront Partners and acceptance by Grand Junction of the sections of the trail system within its incorporated limits, Grand Junction shall own operate, maintain, police, and accept liability for the sections of the Riverfront Trail located within its legal limits. The trail segments contemplated under this agreement are identified on Exhibit 1 (20 Road to Grand Ave) and Exhibit 2 (Grand Avenue to 29 Road).
  
3. Upon annexation of an unincorporated portion of Mesa County containing a section of the Riverfront Trail by the City of Grand Junction, the City of Grand Junction shall assume ownership, operation, maintenance, law enforcement and accept liability for the section of the Riverfront Trail being annexed, subject to limitations on transfer contained in agreements or by law.
  
4. For those sections of trail built after January 1, 2011, on property owned by the state of Colorado and outside of the boundaries of a Colorado State Park, operations, maintenance, and policing will be the responsibility of the local government whose political boundaries the section lays.
  
5. This agreement will be in force for five (5) years from the date of signed agreement by both parties. Just prior to the end of five years, the elected boards of each entity will review the agreement for purposes of considering any necessary changes but with a view toward renewal.

The Mesa County Board of Commissioners

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Craig J. Meis, Chairman

ATTEST:

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Clerk and Recorder                      Date

City of Grand Junction Council

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Teresa Coons, Mayor

ATTEST:

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City Clerk                                      Date



Exhibit 1









Date: December 22,2010  
 Author: Susan J. Hyatt  
 Title/ Phone Ext: Senior Buyer/  
1513  
 Proposed Schedule: January  
5, 2011  
 2nd Reading  
 (if applicable): \_\_\_\_\_

**CITY COUNCIL AGENDA ITEM**

**Attach 6  
 Golf Car Purchase**

<b>Subject:</b> Golf Car Purchase
<b>File # (if applicable):</b>
<b>Presenters Name &amp; Title:</b> Rob Schoeber, Parks and Recreation Director Jay Valentine, Assistant Financial Operations Manager

**Executive Summary:**

This request is for the purchase of 90 new golf cars for Tiara Rado and Lincoln Park Golf Courses.

**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.*

This award will contribute to the continued use and support of both city-owned golf courses by ensuring a safe and updated fleet of golf cars, continuing the City’s reputation as a regional center of recreation and tourism for both the local community and outside visitors.

**Action Requested/Recommendation:**

Authorize the Purchasing Division to Award a Contract to E-Z-GO Division of Textron, Inc. of Augusta, Georgia in the Amount of \$198,000 for Ninety (90) E-Z-GO Golf Cars.

**Board or Committee Recommendation:**

N/A

**Background, Analysis and Options:**

Due to age and condition, the current electric golf car fleet will be out of warranty in three months and is scheduled to be replaced.

A formal solicitation was issued, advertised in the Daily Sentinel and sent to a source list of vendors. The following responses were received:

<b>Company/Location</b>	<b>Brand</b>	<b>Fee Proposal</b>	<b>Trade-in</b>	<b>Net Total</b>
E-Z-Go Div of Textron Inc Augusta, Georgia	E-Z-Go TXT48	\$324,000.00	\$126,000.00	<b>\$198,000.00</b>
Masek Golf Car Company Commerce City, Colorado	Yamaha Drive 48V	\$350,640.00	\$103,500.00	<b>\$247,140.00</b>
Colorado Golf & Turf Littleton, Colorado	Club Car DSIQ	\$366,155.70	\$112,500.00	<b>\$253,655.70</b>
Fair Play Electric Cars Grand Junction, Colorado	Fair Play Legacy	\$413,910.00	\$ 76,500.00	<b>\$337,410.00</b>

After demonstrations, the E-Z-Go car met all necessary specifications at the lowest cost.

Delivery will correspond with the expiration of the warranty on the current fleet.

**Financial Impact/Budget:**

A budget amount of \$261,000 exists in the Fleet Replacement fund to pay for this purchase.

**Legal issues:**

N/A

**Other issues:**

N/A

**Previously presented or discussed:**

N/A

**Attachments:**

N/A



Date: 12/21/2010  
 Author: Scott Hockins  
 Title/ Phone Ext: Purchasing  
Supervisor, ext 244-1484  
 Proposed Schedule:  
1/5/2011  
 2nd Reading  
 (if applicable): \_\_\_\_\_

**CITY COUNCIL AGENDA ITEM**

**Attach 7  
 Contract for Restaurant and Beverage Services  
 for Tiara Rado and Lincoln Park Golf Courses**

<b>Subject:</b> Contract for Restaurant and Beverage Services for Tiara Rado and Lincoln Park Golf Courses
<b>File # (if applicable):</b>
<b>Presenters Name &amp; Title:</b> Rob Schoeber, Parks and Recreation Director Jay Valentine, Assistant Financial Operations Manager

**Executive Summary:**

This request is for the contract award for the Restaurant and Beverage Services at Tiara Rado and Lincoln Park Golf Courses. The Contractor will have the exclusive right to provide food and beverage (alcoholic and non-alcoholic), banquet, catering, concession and vending sales and services at Tiara Rado and Lincoln Park Golf Courses.

**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.*

This award will add to the continued use and support of both city-owned golf courses by offering an improved restaurant, beverage and catering service, and continuing the City's reputation as a regional center of recreation and tourism for both the local community and outside visitors.

**Action Requested/Recommendation:**

Authorize the Parks and Recreation Director to Contract with Two Rivers Convention Center for the Restaurant and Beverage Services at Tiara Rado and Lincoln Park Golf Courses

**Board or Committee Recommendation:**

N/A

## Background, Analysis and Options:

The selected Contractor will have the exclusive right to provide food and beverage (alcoholic and non-alcoholic) banquet, catering, concession and vending sales and services at Tiara Rado and Lincoln Park Golf Courses as well as the operation of certain areas of the facilities designated by the City (kitchen, storage space, bars, fixed and mobile concessions). Tiara Rado will be operated as a full-service food and beverage facility; Lincoln Park will be operated as a limited service food and beverage facility. The current contract with Pinon Grill expires in February 2011.

A formal solicitation was advertised in the Daily Sentinel, and sent to a source list of local companies. Three proposals were received and evaluated:

Firm	Location	Evaluation Points
Two Rivers Convention Center	Grand Junction	473
Venema	Grand Junction	408
Pinon Grill	Grand Junction	357

Selection committee members consisted of staff from Golf, Parks Administration, Finance, Purchasing, board members from the Parks and Recreation Advisory Board, and a private business owner. Proposers were asked to participate in a three-part selection process consisting of their written proposal, an oral interview, and food tasting. There were 520 possible evaluation points.

Written Proposals were evaluated on responsiveness, understand of the project and objectives, necessary resources, business plan, required skills and demonstrated capability.

Oral interviews were evaluated based on qualifications of key personnel, past experience, marketing plan, sample menu, customer service, general approach, and presentation quality.

Food tasting was evaluated on appearance, taste, quality, service, value and overall impression.

After thorough review and discussion, the selection committee members have unanimously recommended award to Two Rivers Convention Center (TRCC). The committee was impressed by TRCC's emphasis on customer service, food quality and variety, catering abilities and experience, and proven success. In addition, TRCC proposed a much needed expansion of the food and beverage services at Lincoln Park Golf Course to further cater to the customer.

## Financial Impact/Budget:

The Contractor will pay the City \$800 per month in rent, and 5% gross sales of the food and beverage service. The contract is for two (2) years with an option to renew three (3) additional years annually upon review and recommendation of the Parks and

Recreation Director, the satisfactory negotiation of terms, and the annual availability of budget appropriation.

**Legal issues:**

N/A

**Other issues:**

N/A

**Previously presented or discussed:**

N/A

**Attachments:**

N/A



Date: Dec. 23, 2010  
 Author: Shelly Dackonish and John Shaver  
 Title/ Phone Ext: 4042  
 Proposed Schedule: Dec. 13, 2010  
 2nd Reading (if applicable): Jan. 5, 2011

**CITY COUNCIL AGENDA ITEM**

**Attach 8  
 Public Hearing—Amending the Municipal Tax Code to Exempt Coins, Bullion, and Other Numismatic Collectibles from Sales Tax**

<b>Subject:</b> Amending the Municipal Tax Code to Exempt Coins, Bullion, and Other Numismatic Collectibles from Sales Tax
<b>File # (if applicable):</b>
<b>Presenters Name &amp; Title:</b> John Shaver, City Attorney

**Executive Summary:**

It is proposed to amend the City’s tax code to include an exemption from sales tax for the sale of coins, precious metal bullion, and other numismatic collectibles.

**How this action item meets City Council Comprehensive Plan Goals and Policies:**

The Comprehensive Plan Goals and Policies are not applicable to this proposed amendment of the City’s tax code.

**Action Requested/Recommendation:**

Hold a Public Hearing and Consider Final Passage and Final Publication of the Proposed Ordinance.

**Board or Committee Recommendation:**

The Legislative Committee has reviewed this matter and recommends approval of the sales tax exemption for coins, bullion and other numismatic collectibles.

**Background, Analysis and Options:**

Presently the sale of coins, precious metal bullion and other numismatic collectibles are subject to sales tax under the City tax code, but merchants of these commodities have been subjected to inconsistent requirements between the City and the State with respect to sales tax application. In order to minimize the effects of such inconsistencies, this amendment is proposed to exempt the sale of coins, precious metal bullion (as those are defined in the State tax code) and numismatic collectibles (as those are defined in the City tax code) from City sales tax.



**Financial Impact/Budget:**

The City's Financial Operations Manager has reviewed the fiscal impact of implementing this exemption and found it to be negligible.

**Legal issues:**

The City is not legally required to maintain consistency between its sales taxes and those of the State or any other taxing jurisdiction.

**Other issues:**

N/A

**Previously presented or discussed:**

N/A

**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 COINS, PRECIOUS METAL BULLION, AND OTHER NUMISMATIC COLLECTIBLES**

**RECITALS:**

The City Council has recently considered a modification to the City's tax code. The proposed change is to exempt from City sales tax the sale of coins, precious metal bullion and other numismatic collectibles. The proposed change is contemplated to create consistency between the Grand Junction Municipal Code and the Colorado Revised Statutes.

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 is committed to a fair and responsible tax code, which often but not always means that the terms thereof are consistent with the terms of the State tax code.

The City Council finds that achieving consistency with the State law by exempting coins, precious metal bullion and other numismatic collectibles from City sales tax is protective of the interests of the citizens of the City of Grand Junction.

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

That Section 3.12.020 of the Grand Junction Municipal Code is amended to include a definition of "numismatic collectibles," as follows: (Additions are shown in ALL CAPS)

NUMISMATIC COLLECTIBLES INCLUDES PAPER MONEY, SUCH AS BANK NOTES, COIN-LIKE METALS AND ITEMS USED IN PLACE OF CURRENCY AND SECURITIES AND/OR STOCKS, BONDS AND CERTIFICATES WHEN THE SAME ARE HELD, SOLD OR TRANSFERRED AS COLLECTIBLES.

and

That Section 3.12.070 of the Grand Junction Municipal Code is amended as follows: (Additions are shown in ALL CAPS)

**3.12.070 Exemptions from sales tax.**

The tax levied by GJMC [3.12.030](#)(a) shall not apply to the following:

(MM) THE SALE OF COINS AND PRECIOUS METAL BULLION, AS DEFINED BY 39-26-102(2.6) C.R.S., AND OF OTHER NUMISMATIC COLLECTIBLES.

Introduced on first reading this 13<sup>th</sup> day of December, 2010.

**PASSED and ADOPTED** on second reading the \_\_\_\_ day of \_\_\_\_\_, 2011 and ordered published in pamphlet form.

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

ATTEST:

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



Date: 12-22-10  
 Author: Tim Moore  
 Title/ Phone Ext: PW&P, X1557  
 Proposed Schedule:  
January 5, 2011  
 2nd Reading (if applicable):  
 \_\_\_\_\_

**CITY COUNCIL AGENDA ITEM**

**Attach 9  
 Transportation Capacity Payment (TCP) for  
 University Village**

<b>Subject:</b> Transportation Capacity Payment (TCP) for University Village
<b>File # (if applicable):</b>
<b>Presenters Name &amp; Title:</b> Laurie Kadrich, City Manager

**Executive Summary:**

The applicant requests that they not be required to pay the Transportation Capacity Payment (TCP) which totals \$106,140.00 for the University Village project. University Village is a 60 unit apartment complex located at 17<sup>th</sup> Street and Bookcliff Avenue. The Economic and Community Development Committee recommends the total fee be paid by the City provided that a planning clearance is obtained on or before July 31, 2011 for construction of the project. The basis for the recommendation is due to the jobs that could be created with the construction of this project and the value of community reinvestment dollars associated with the construction.

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

**Paragraph 2 of the Vision Statement** – *“redevelopment of existing urban areas is often difficult but needed...we face more intense development and redevelopment of the urban core”.*

This project is within the City Center area as identified in the Comprehensive Plan.

**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*

University Village is an ideal location for young families with elementary school age children. Orchard Avenue Elementary is one block away. It is ideal for young medical professionals working at one of the three hospitals located with one mile. Likewise it is ideal for college students as Mesa State College is six blocks away.

**Goal 7** *New development adjacent to existing development of a different density/unit type/land use type should transition itself by incorporating appropriate buffering.*

University Village has been designed with multifaceted buffering. To the north, the GVIC Canal, adjacent to which a trail easement is being dedicated. To the east, a landscaped pond and outdoor recreational area is designed as a buffer. To the south, a similarly zoned property is owned by the GJ Housing Authority and is separated by

trees, shrubs and an ornamental wall. To the west, a berm and double density of trees is buffering the project from the street and existing neighborhood.

**Action Requested/Recommendation:**

Approve the Request for the City to Pay the Transportation Capacity Payment for this Project in the Amount of \$106,140

**Board or Committee Recommendation:**

The Economic and Community Development Committee met to consider this request on December 20, 2010. Ultimately the Committee agreed to bring the issue before City Council with the recommendation that the total fee be paid by the City provided that a planning clearance is obtained on or before July 31, 2011 for construction of the project.

**Background, Analysis and Options:**

The applicant requests that it not be required to pay the TCP fee for this project. Attachment #1 includes the supporting analysis. The total cost of the project is estimated to be \$5,975,000.

The Economic and Community Development Committee's discussion included deferring the fee to a date in the future to reduce the upfront costs to the project or for the City to pay the fee. Although the Committee's recommendation was to bring the request forward, the Committee was split: two members supported the request and two members opposed the request.

**Financial Impact/Budget:**

If the request is granted consistent with Council's past practice of reimbursing the TCP fund with a transfer from another fund (paying the fee not waiving it) then the impact is \$106,140.00.

**Legal issues:**

If the request is granted then all legal issues can be addressed via written agreements with the Applicant.

**Other issues:**

The applicant will need to complete the development review process. If the TCP request is approved there are still other development requirements that must be satisfied.

**Previously presented or discussed:**

City Council has not considered or discussed this issue previously.

**Attachments:**

Attachment #1, Supporting Analysis and additional justification for the request were prepared by the Developer. Staff has reviewed and generally concurs with the Applicant's review.

## Attachment #1

### Supporting Analysis:

- 1) This is an Infill and Redevelopment project and the impacts are easily handled by existing streets;
- 2) Over two dozen businesses are located within ½ mile walking distance;
- 3) Significant TCP Fees have been paid by the owner previously;
- 4) The owner is paying other development fees which total over \$200,000;
- 5) Dedicating land to the city for streets which was recently valued at \$9231;
- 6) The owner is improving existing streets by building, curb, gutter, sidewalk, as well as improving asphalt paving. The DIA for these improvements is \$164,645;
- 7) The project includes significant off-site landscaping to an existing City ROW;
- 8) The owner is providing 2 separate trails totaling 1100 feet in length;
- 9) The Project will produce long term increases in tax revenues to the community; and
- 10) The TCP fee will not directly benefit this project, but will be spent away from the project area.

This property has previously been vacant and this Project, University Village, puts the land into its highest and best use. It directly benefits the important economic drivers of Mesa State College and the hospitals, which are but a few blocks away. University Village will provide new moderately priced housing to the community.

University Village will provide significant economic stimulus to the community in the forms of:

### **JOBS**

According to IMPLAN Economic Modeling 103 jobs would be created from this project (18 jobs per \$1M)

[www.implan.com](http://www.implan.com)

According to the Bureau of Labor Statistics 137 jobs would be created (24 jobs per \$1M) [www.cirt.com/resources](http://www.cirt.com/resources)

### Construction Impacts to the Community

Companies supported by construction of this project:

Two dozen contractors  
Engineers  
Surveyors  
Architect  
Interior Designer  
Title companies  
Appraisers  
Building materials companies

Fire alarm companies  
Landscapers  
Trash removal companies

## **Infill and Redevelopment**

The Project is consistent with the economic development of the community as well as infill and redevelopment guidelines:

- makes more efficient use of existing infrastructure including streets, water and sewer lines and other public facilities and services;
- provides opportunities to reduce commuting distance and automobile dependency;
- may help to provide affordable housing within the city; and
- reduces the demand for and impact of suburban sprawl.

Source: [www.gjcity.org/communitydevelopment](http://www.gjcity.org/communitydevelopment)

## **Nearby retail business likely impacted by the Project**

Within 1/2 mile walking distance are the following businesses:

American National Bank  
Blockbuster Video  
Breckenridge Ale House  
4 Winds Coffeehouse  
Adam's Quickprint  
Kannah Creek Brewery  
City Laundromat  
Loco Convenience Store  
True Value Hardware  
Rite Aid Drug Store  
Albertson's Grocery  
Subway Sandwich Shop  
Little Caesar's Pizza  
Community Hospital  
Dentists Offices  
Doctors Offices  
GJ Chiropractic Offices

## **TCP Fees already paid by Owner**

The Owner is requesting relief because this is the 10<sup>th</sup> project in which TCP Fees are being required.

A. Westland Estates Filing 4	\$ 34,958.00
B. Skyler Subdivision	\$ 27,807.00



C. Indian Road Industrial Park	\$ 39,270.00
D. Autumn Glenn	\$ 86,916.00
E. Autumn Glenn Filing Two	\$ 7,662.00
F. Mesa Estates	\$ 61,347.00
G. Garfield Estates	\$ 30,648.00
H. Cimarron Mesa	\$ 42,903.00
I. Coronado Villas(MC)	\$ 83,120.00
J. Several Custom Homes	\$ 7,321.00
TCP Fees paid to date	\$421,952.00

**TCP FEES Paid to Date \$421,952**

### **Other Fees that are a part of this Project**

#### Public Works & Planning Fees

Planning Dept. Fees	\$ 255.00
USGS Fee	\$ 700.00
Plat recording fees	\$ 97.00
Inspection Fees	\$ 1,230.00
Water Tap	\$ 29,050.00
Sewer Tap	\$ 86,400.00
City Parks	\$ 13,500.00
Open Space	\$ 30,000.00
School Impact	\$ 27,600.00
<b>Total Planning Fees</b>	<b>\$ 188,832.00</b>

#### **Use Fees (est.)**

Water Annually	\$ 5,760.00
Sewer Annually	\$ 7,764.00
Trash Annually	\$ 5,880.00

Total Use Fees \$19,404.00

**Total Other Fees: \$208,236.00**

## **Community Reinvestment Calculations**

### **Land**

17<sup>th</sup> Street right-of-way land dedication valued at \$9231.

### **Street Improvements**

- The Owner is constructing curb, gutter and sidewalks along the dedicated 17<sup>th</sup> Street right-of-way.
- It is commonly agreed that for each \$1 in infrastructure investment an economic benefit of \$1.75 is realized by the community. University Village's DIA is \$164,645.30 times 1.75 equals a \$288,129.28 return.
- The Owner has agreed to make improvements to adjacent right-of-way that is not a part of this project.

### **Trails**

- The project owner is providing two separate walking trails totaling 1100 feet in length.
- One trail is along the canal and one connects to 19<sup>th</sup> Street to help with pedestrian circulation. The cost of constructing these trails is estimated at \$10,200.

### **Taxes**

- Sales Tax generated from the approximate \$5M in building materials and furnishings is estimated at \$382,500.
- A Property Tax increase on the property after full build-out would result in an estimated \$43,500 yr.

### **Community Reinvestment**

Land	\$ 9,231.00
Street Improvements	\$164,645.00
Trails	\$ 10,200.00
Sales Tax	\$ 382,500.00
Property Taxes	\$ 43,500.00
Total	\$ 610,076.00

**Community Reinvestment: \$610,076**

## Summary

The University Village Project is consistent with the City's overall Comprehensive Plan Goals and helps to diversify housing options within the City of Grand Junction.

The Project saves long term maintenance costs to the City by utilizing existing streets and infrastructure. Being an infill Project, University Village uses infrastructure already in place. For example: there are no more streets created that will need lifetime maintenance. This results in no additional costs to the City's Streets Department for maintenance. Yet, there are increased revenues to the City.

The construction of University Village will provide needed housing for several demographic groups including: married couples without children, men living alone, women living alone, and empty nesters. These groups represent 55% of the population, and their percentage is growing.

The construction of University village also fulfills the vision defined by the 2009 Grand Valley Housing Strategies Report by supplying some of the estimated 690 multifamily units per year needed in the Grand Valley to provide for the growing diversity in population.

Within ½ mile of the Project are two dozen businesses. This provides opportunity for low impact travel by foot or bike to obtain everyday services. This **reduces transportation capacity needs** as overall miles driven will be less than on an outlying project. The project is equipped with bicycle racks.

Mesa State College enrollment is up 16% for Fall 2010. Where will these Freshman choose to live in a year-and-a-half? Off campus housing is already a problem. We are proposing "set aside units" for Mesa State College students. Details are still being worked out.

We are submitting a proposal to the Grand Junction Housing Authority for the Veteran Affairs Supportive Housing Project. Through this program eligible veterans and their families gain the benefit of quality affordable housing near the shopping, work and the VA. Due Jan 5<sup>th</sup> 2011.

St. Mary's Hospital and Community Hospital have Traveling Medical Professionals that need short term housing for 1 person. Also families in town to support loved ones for several weeks need short term housing. We are discussing providing overflow housing for the Rose Hill Hospitality House.

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What's the bottom line? Why does it make sense for the City to consider paying the TCP for this project?

TCP Fees already paid to date	\$ 421,952.00
Other fees also being required for this Project	\$ 208,236.00
Financial Return to the Community	<u>\$ 610,076.00</u>
<b>Total</b>	<b>\$1,240,264.00</b>

Jobs created by this Project: Between 103-137

This \$5,700,000 project is likely to have a total stimulus to the local economy of \$9,975,000 based on IMPLAN Economic Modeling numbers. [www.implan.com](http://www.implan.com)



Date: December 22, 2010

Author: Stephanie Tuin

Title/ Phone Ext: City Clerk,  
X1511

Proposed Schedule: January 5,  
2011

2nd Reading

(if applicable): NA

## CITY COUNCIL AGENDA ITEM

### Attach 10

### **Setting a Ballot Title in Response to a Protest against Ordinance No. 4437, An Ordinance Prohibiting the Operation of Medical Marijuana Businesses in the City Limits and Amending the Grand Junction Municipal Code Prohibiting Certain Uses relating to Marijuana**

**Subject:** Setting a Ballot Title in Response to a Protest against Ordinance No. 4437, An Ordinance Prohibiting the Operation of Medical Marijuana Businesses in the City Limits and Amending the Grand Junction Municipal Code Prohibiting Certain Uses relating to Marijuana

**File # (if applicable):**

**Presenters Name & Title:** John Shaver, City Attorney

### **Executive Summary:**

Ordinance No. 4437 was adopted by the City Council on October 4, 2010. The Ordinance prohibits the operation of medical marijuana businesses in the City limits and amends the Grand Junction Municipal Code by the addition of a new section prohibiting certain uses relating to marijuana. In November, a petition was circulated seeking repeal of Ordinance No. 4437. The petition was found to be sufficient by the City Clerk on November 15, 2010. No protest against the petition was filed as allowed by law so the petition was submitted to the City Council on December 15, 2010 for reconsideration. The City Council directed Staff to draft a ballot question for its review and if approved, placement on the ballot.

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

The Comprehensive Plan/consideration of the Plan is not applicable to this action.

### **Action Requested/Recommendation:**

Adopt the Proposed Resolution Setting the Ballot Title for the April 5, 2011 Municipal Election

**Board or Committee Recommendation:**

None.

**Background, Analysis and Options:**

The City Council, after three public input sessions on medical marijuana retail sales, adopted an ordinance on October 4, 2010 prohibiting the operation of medical marijuana businesses. The effective date of the ordinance was to be November 5, 2010 with enforcement beginning January 1, 2011.

On November 4, 2010, a petition containing 5,446 signatures was filed with the City Clerk. That filing protested the passage and suspended the effective date of the ordinance.

On November 15, 2010 the City Clerk and her staff completed an inspection of the 278 petition sections. The City Clerk determined that of the 5,446 signatures submitted, 2,073 were valid City voters. The City Charter §136 states “a petition signed by registered electors of the city equal in number to at least ten per centum of the last preceding vote cast in the city for all candidates for Governor of the State of Colorado, be presented to the council, protesting against such ordinance taking effect, the same shall thereupon and thereby be suspended from taking effect, the council shall immediately reconsider such ordinance, and if the same be not entirely repealed, the council shall submit it, by the method provided in this article, to a vote of the registered electors of the city, either at the next general municipal election, or at a special election, which may, in their discretion, be called by them for that purpose, and such ordinance shall not take effect unless a majority of the registered electors voting on the same at such election, shall vote in favor thereof.” The number of City voters who voted in the last gubernatorial election (2006) was 18,599 so 1,860 signatures were required for a valid referendum petition.

According to Colorado law (31-11-110 (1) C.R.S.) a forty day period in which the Clerk’s findings may be challenged must elapse before the City Council may review the protest to the ordinance. That forty day period ended December 14, 2010.

Pursuant to the City Charter the City Council shall reconsider the ordinance. Reconsideration in this context means that the Council may act to either repeal Ordinance No. 4437 in its entirety or it may refer the Ordinance to a vote of the registered electors of the City.

At the December 15, 2010 City Council Meeting, the City Council directed the City Attorney to draft a ballot title to place the matter on the April 5, 2011 Municipal Election ballot.

**Financial Impact/Budget:**

There is a regular municipal election scheduled for April 5, 2011. To add a question to the ballot would have no financial impact.

**Legal issues:**

The City Charter states that the Council shall immediately reconsider such ordinance or if not repealed, the Council shall submit it to a vote of the registered electors of the City. State Law, §31-11-111 (1) C.R.S. provides that after an election has been ordered, the legislative body of the municipality shall fix a ballot title for the referendum.

**Other issues:**

None.

**Previously presented or discussed:**

An update was presented to the City Council on December 13, 2010 and the matter was discussed by the City Council on December 15, 2010 with direction given to City staff at that time.

**Attachments:**

Proposed Resolution

## RESOLUTION NO. \_\_-11

### A RESOLUTION SETTING A BALLOT TITLE AND SUBMITTING TO THE ELECTORATE ON APRIL 5, 2011 A MEASURE REGARDING MEDICAL MARIJUANA IN THE CITY OF GRAND JUNCTION, COLORADO

#### RECITALS.

On October 4, 2010 the City Council by a majority vote adopted Ordinance No. 4437. That Ordinance prohibits the operation of medical marijuana businesses in the City limits and amends the Grand Junction Municipal Code by the addition of a new section prohibiting certain uses relating to marijuana. Ordinance No. 4437 is incorporated by this reference as if fully set forth.

On November 4, 2010, a petition containing 5,446 signatures was filed with the City Clerk. That filing protested the passage and suspended the effective date of Ordinance No. 4437.

On November 15, 2010 the City Clerk and her staff completed an inspection of the 278 petition sections. The City Clerk determined that of the 5,446 signatures submitted, 2,073 were valid City voters.

The City Charter §136 states

“a petition signed by registered electors of the city equal in number to at least ten per centum of the last preceding vote cast in the city for all candidates for Governor of the State of Colorado, be presented to the council, protesting against such ordinance taking effect, the same shall thereupon and thereby be suspended from taking effect, the council shall immediately reconsider such ordinance, and if the same be not entirely repealed, the council shall submit it, by the method provided in this article, to a vote of the registered electors of the city, either at the next general municipal election, or at a special election, which may, in their discretion, be called by them for that purpose, and such ordinance shall not take effect unless a majority of the registered electors voting on the same at such election, shall vote in favor thereof.”

The number of City voters who voted in the last gubernatorial election (2006) was 18,599 so 1,860 signatures were required for a valid petition.

On December 15, 2010 the City Council directed staff to prepare a ballot question placing Ordinance No. 4437 concerning medical marijuana on the regular municipal election scheduled for April 5, 2011.



**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE FOLLOWING QUESTION BE PLACED ON THE APRIL 5, 2011 BALLOT:**

**CITY OF GRAND JUNCTION REFERRED MEASURE A**

Shall the City of Grand Junction prohibit the operation of medical marijuana businesses and amend the Grand Junction Municipal Code by the addition of a new section prohibiting certain uses relating to marijuana by Ordinance No. 4437, the title to which shall read:

*AN ORDINANCE PROHIBITING THE OPERATION OF MEDICAL MARIJUANA BUSINESSES AND AMENDING THE GRAND JUNCTION MUNICIPAL CODE BY THE ADDITION OF A NEW SECTION PROHIBITING CERTAIN USES RELATING TO MARIJUANA*

FOR THE ORDINANCE \_\_\_\_\_

AGAINST THE ORDINANCE \_\_\_\_\_

\_\_\_\_\_

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

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

ATTEST:

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



Date: 10/4/2010  
 Author: Scott Hockins  
 Title/ Phone Ext: Purchasing  
Supervisor, ext 244-1484  
 Proposed Schedule:  
January 5, 2011  
 2nd Reading  
 (if applicable): \_\_\_\_\_

**CITY COUNCIL AGENDA ITEM**

**Attach 11  
 Construction Contract for Persigo Wastewater  
 Treatment Plant Ultra Violet Disinfection System**

<b>Subject:</b> Construction Contract for Persigo Wastewater Treatment Plant Ultra Violet Disinfection System
<b>File # (if applicable):</b>
<b>Presenters Name &amp; Title:</b> Tim Moore, Public Works and Planning Director Jay Valentine, Assistant Financial Operations Manager

**Executive Summary:**

This request is for the contract award for the construction of an 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 treatment plant. 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 treatment plant well into the future. The recommended award is to Stanek Constructors, Inc. in the amount of \$249,000.

**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 Stanek Constructors, Inc. for the Construction of the Persigo WWTP Ultra Violet Disinfection System in the Amount of \$249,000

**Board or Committee Recommendation:**

N/A

**Background, Analysis and Options:**

This project will retrofit the Chlorine Contact Basin at the Persigo Waste Water Treatment Plant to provide disinfection of the plant effluent without the use of Chlorine gas. Managers of the Persigo system anticipate that upcoming modifications to plant processes 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 installation of a UV disinfection system in the existing chlorine contact basin will eliminate effluent disinfection utilizing chlorine. The UV disinfection system is designed to meet predicted future wastewater flows through 2035.

Other Benefits:

- Reduction in chemical cost outweighs increase electrical usage by \$10,000/year.
- Future capacity needs can easily be addressed by adding additional UV lights.
- Eliminate all hazards associated with chlorine and sulfur dioxide gas.

A formal solicitation was advertised in the Daily Sentinel, and sent to the Western Colorado Contractors Association (WCCA). Two bids were received and from the following firms:

<b>Firm</b>	<b>Location</b>	<b>Amount</b>
Stanek Constructors, Inc.	Golden, CO	\$249,000
Triad Western, Inc.	Cortez, CO	\$295,300

**Financial Impact/Budget:**

This project is budgeted at \$800,000. The total project costs are summarized below:

**Project Costs:**

Total Design and Construction services -	\$145,600
Equipment Cost	\$295,000
<b>Construction Project Cost -</b>	<b>\$249,000</b>
City Construction Inspection & Contract Admin. -	<u>\$ 25,000</u>
<b>Total Estimated Project Cost -</b>	<b>\$714,600</b>

**Legal issues:**

N/A

**Other issues:**

N/A

**Previously presented or discussed:**

The Design Services contract was approved by City Council on March 15, 2010. The equipment purchase was approved by City Council on July 7, 2010.

**Attachments:**

N/A