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**CITY COUNCIL AGENDA
WEDNESDAY, OCTOBER 19, 2016
250 NORTH 5TH STREET
6:15 P.M. – PRE-MEETING – ADMINISTRATION CONFERENCE ROOM
7:00 P.M. – REGULAR MEETING – CITY HALL AUDITORIUM**

To become the most livable community west of the Rockies by 2025

Call to Order, Pledge of Allegiance, Invocation

Pastor Alan Espinoza, Living Stone Christian Church

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

Citizen Comments

[Supplemental Documents](#)

Council Reports

Consent Agenda

1. Approval of Minutes

- a. [Summary of the October 3, 2016 Workshop](#)
- b. [Minutes of the October 5, 2016 Regular Meeting](#)

2. Resolutions

- a. [Resolution No. 41-16 – A Resolution Authorizing the Visitor and Convention Bureau \(VCB\) to Enter into Contracts for its Marketing Services to Lodging Properties Outside the City Limits](#)
- b. [Resolution No. 42-16 – A Resolution Vacating a Public Access Easement, Located at 735 Horizon Drive](#)
- c. [Resolution No. 43-16 – A Resolution Directing Compliance with Charter Statute, and Ordinance as they Relate to the Grand Junction Municipal Court](#)

Revised October 20, 2016 4:11 PM

** Indicates Changed Item

*** Indicates New Item

3. Contracts

- a. [2016 Community Development Block Grant Program Year Subrecipient Contracts](#)

4. Set Public Hearings

- a. Quasi-judicial
 - i. [Proposed Ordinance Amending Sections of the Zoning and Development Code \(Title 21 of the Grand Junction Municipal Code\) Regarding Signage \(Set Hearing for November 16, 2016\)](#)
 - ii. [Resolution No. 44-16 – 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, Connor Annexation, Located at 2839 Riverside Parkway and Introduce Proposed Annexation Ordinance Annexing Territory to the City of Grand Junction, Colorado, Connor Annexation, Located at 2839 Riverside Parkway, Consisting of One Parcel of Land and No Dedicated Right-of-Way \(Set Hearing for December 7, 2016\)](#)

Regular Agenda

If any item is removed from the Consent Agenda it will be heard here

5. Contracts/Other Action Items

- a. [North Avenue Catalyst Grant Request in the Amount of \\$8,723.50 from Grand Mesa Medical Supply, Located at 1708 North Avenue](#)
- b. [Construction Contract for the Water Treatment Plant Filter Upgrade Project](#)
- c. [Exclusive Negotiation Agreement with Nokia/SiFi to Determine Whether a Citywide Broadband Project will be Commercially Viable](#)

6. Public Hearings

- a. Legislative
 - i. [Ordinance No. 4722 – An Ordinance Amending Ordinance No. 4599 and Section 21.04.010 of the Municipal Code to Allow Marijuana Testing Facilities in the City of Grand Junction](#)
 - ii. [Ordinance No. 4723 – An Ordinance Amending the Grand Junction Municipal Code, Greater Downtown Residential Standards, by Deleting Section 24.12.130\(b\) Residential Standards and Guidelines, Accessory Structures](#)

- 7. Non-Scheduled Citizens & Visitors**
- 8. Other Business**
- 9. Adjournment**

**GRAND JUNCTION CITY COUNCIL WORKSHOP SUMMARY
October 3, 2016 – Noticed Agenda Attached**

Meeting Convened: 5:30 p.m. in the City Hall Auditorium

Meeting Adjourned: 8:42 p.m.

City Council Members present: All except Council President Phyllis Norris.

Staff present: Caton, Moore, Shaver, McInnis, Watkins, Hazelhurst, Romero, Camper, Lanning, Schoeber, Ranguet, Prall, Valentine, Williams (John), Ferguson, Roth, Kovalik, Carruth, and Harrell

Also: Kalie Greenberg (KKCO), Amy Hamilton (Daily Sentinel), Julie Mamo, Dennis Simpson, Bruce Lohmiller, and Richard Swingle.

Mayor Pro Tem Chazen called the meeting to order.

Agenda Topic 1. Budget Overview and Departmental Presentations

Budget Overview

City Manager Greg Caton introduced the topic, handed out 2017 budget information books to City Council, listed the contents (non-city agency funding applications, City Manager's transmittal letter, and detailed budget spreadsheets), and asked Council to review the information before the October 17th Workshop when it will be reviewed in detail. He then presented an overview of the 2017 Recommended Budget explaining the budget timeline and themes. He highlighted the City's fiscal responsibility and said the budget was built around Council's top three priorities: Public Safety; Infrastructure; and Economic Development (ED). He noted reductions to labor, internal support services including capital replacement, and operating expenses accounted for most of the 3.7% reduction (\$5.4 million) from the 2016 adopted budget.

City Manager Caton said he was proud to maintain or improve resources within Council's priorities areas. Some improvements within Public Safety are three new dispatcher and emergency medical technician (EMT) positions. He explained how the addition of all of these positions was essentially cost neutral because of the amount of overtime (OT) they reduced and noted the addition of the three dispatcher positions still does not meet the call volume need. More recommended additions are two sworn Police Officer positions, one new and one reclassification. Also for 2017, \$3.5 million is the recommended allocation (up from \$2.8 million, a 25% increase) for Infrastructure/Pavement Management and under ED (\$2.76 million recommended), all requests will be fully funded at the 2016 level with the exception of HopeWest and HomewardBound of the Grand Valley which will be funded but at a lower level than requested; additional funding is also recommended for three ED initiatives: Foreign Trade Zone (\$100,000); Broadband (\$50,000), and North Star Marketing Implementation (\$30,000).

City Manager Caton said a memo on Revenue Indicators will be sent to Council prior to the next workshop. He then briefly reviewed three areas impacting revenues: new residential developments; Lodging Tax; and the decrease in energy related jobs.

City Manager Caton went on to Labor and Benefit costs and the recommended reductions noting City Employee Health Insurance will remain with Rocky Mountain Health Plans and the rates will be flat; savings may be realized due to the introduction of a new plan. He then outlined the Voluntary Labor Reduction Program, the labor savings needed (\$1 million), and the 2016 savings (\$500,000) gained from natural position vacations. He explained how City Divisions/Positions funded through Enterprise Funds are charged for their related business expenses and that the charged rate will increase to 7.5%. An internal support functions review will be conducted soon so that required levels of service will continue to be provided. He then gave a brief overview of the continued decrease in Sales and Use Tax Revenues from 2006 through 2017 projections which is the major revenue source for the General Fund which supports the City's major operations (Police, Fire, Parks, and Public Works).

City Manager Caton finished with a comparison of the 2016 Adopted Budget to the 2017 Recommended Budget of all funds and debt services. He noted the 2017 Recommended Budget is balanced, has a \$81,000 surplus, and will continue to deliver high quality services to residents (no major service modifications are planned).

Councilmember McArthur asked if any adjustments to the 2017 Budget Requests could save City jobs. City Manager Caton said he recommends a \$1 million labor reduction and the details will be worked out by the November budget adoption.

Councilmember Boeschstein suggested developing regional funding solutions to public safety and infrastructure. City Manager Caton said this is a complex issue and suggested starting discussions in the early part of 2017. He felt there is regional support, but no regional funding mechanism which should be put in place. The Grand Junction Regional Communications Center (GJRCC) and Grand Valley Transit are good examples of regional partnerships with shared expenses. He added there are discussions about moving forward with a November 2017 county wide ballot question to provide funding for the GJRCC.

Mayor Pro Tem Chazen asked if the Enterprise Fund charge back increase will be a cost shifting or pass through measure. City Manager Caton said there will not be any rate increases to citizens; Department budgets will be modified to absorb the increase. Mayor Pro Tem Chazen asked for clarification that even with the 2016 labor savings there will still be a \$1 million placeholder for labor reductions. City Manager Caton said yes. Mayor Pro Tem Chazen then asked what infrastructure projects were delayed due to decreased 2016 revenues. City Manager Caton the 1st Street Project was delayed and is not as far along as was anticipated. The Project is now budgeted for completion in 2017.

Councilmember Boeschstein commended staff for getting grant funding for various projects.

Police Department (PD) Presentation

Police Chief John Camper then presented the budget overview for his department. He reviewed the PD's mission statement and said the PD has just reached full strength (fully trained) with their sworn officers since the recession decline in 2009. He gave an overview of the services and programs the PD offers including those the PD provides with other partners.

Councilmember McArthur asked how many members are in each team. Chief Camper said team numbers depend on the type of team it is, but a sergeant and commander are either on duty or on call.

Chief Camper then reviewed the PD's workload indicators, crime statistics, how calls are prioritized, and the average response times for the different priority call levels. He noted priority 3 and 4 calls are increasing along with their response times which is a huge frustration for citizens. Chief Camper

provided an overview of the GJRCC and PD's budget highlighting the operating reductions, external service cost increases, and the labor changes.

Councilmember McArthur asked Chief Camper what he would add if the budget allowed. Chief Camper said a Traffic Team would be beneficial.

City Manager Caton added that a Traffic Team was considered during budget development, but after projecting expenses and revenues it was deemed not appropriate at this time.

Councilmember Taggart asked if the GJRCC is funded through an Enterprise Fund. Financial Operations Director Jodi Romero said it is more of a hybrid, funded both through Enterprise and Operating Funds.

Chief Camper then listed specific expenses included in the 2017 budget for the PD that are needed to provide essential services. He also listed essential items and upgrades for the GJRCC that will be funded through the 911 Fund.

Councilmember Taggart asked if Chief Camper felt body worn cameras may become mandated. Chief Camper said he felt they would and he too would like to go to this technology, but, at this time, the video storage is cost prohibitive.

Councilmember McArthur asked if there are opportunities for Colorado Mesa University (CMU) Criminal Justice students to volunteer in the PD. Chief Camper said there is and they are usually used in the Parks Patrol.

Chief Camper concluded with Services and Operations Division highlights and service modifications that are under consideration and gave examples. He noted his biggest concerns are increased violence and/or mental health issue calls and officers running call to call with no down time for patrol duties and/or reports which increases OT.

Councilmember Kennedy asked if the PD had any programs in place to proactively address the violence and mental health issues being encountered. Chief Camper said in 2015 65% of street level officers received CIT (crisis intervention training) and they just received a grant that will allow more officers to attend. They are also working with St. Mary's Hospital to create new protocols for these calls as well as establish more services through Mind Springs Health.

Councilmember Boeschenstein asked if services could be improved through a metropolitan law enforcement agency. Chief Camper said he felt coordinated services are already handled well here unlike the Denver Metro area.

Mayor Pro Tem Chazen asked if the CMU Professional Services Revenue line item is for their contract with the PD. Chief Camper said yes and it generally reflects base salary, but may also include equipment and OT.

Mayor Pro Tem Chazen then asked where the almost \$2.3 million Interfund Revenue came from. Ms. Romero said these are proceeds from the cost share charges designated for Police and Fire.

Mayor Pro Tem Chazen then asked Chief Camper if the statistics for 2016 crime are trending higher than 2015. Chief Camper said yes.

BREAK

Fire Department (FD) Presentation

Fire Chief Ken Watkins began the presentation with the FD's Purpose and Mission statements and explained how they pertain to the type of calls they receive. He then reviewed the FD's budget, noted areas of savings, explained the duties of two administrative positions that were vacated and not filled, described next steps for the North Area Fire Station, explained why a Peer Support Program is being added in 2017, and described the Outreach/Prevention Program and how it is being revamped to meet the community's needs. Chief Watkins also noted a Fire Prevention Officer position was vacated and replaced with a Hazard Materials Specialist, Kay Yeager; he reviewed her credentials. He then went over changes to the general and fire permits, how each will affect revenues, and then explained the Company Inspection Program saying it was being negatively affected by the FD's increased call volume; this Program and how services are delivered will be reviewed in 2017 for improvements and noted changes to this Program could affect the FD's Insurance Service Office Rating (ISO). Chief Watkins then reviewed FD training location changes, use of the new Colorado Law Enforcement Training Center, explained the types of training and certifications staff is required to have and how they plan to provide required training without incurring as much travel and OT costs, and how they are partnering with CMU for EMT and paramedic field training. He expressed concern that live fire training continues to be difficult to provide.

Chief Watkins reviewed the FD's Operations and said the total number of staff is 125; 14 in administration and 111 in the field which includes the three additional EMT positions. He hoped by adding the new positions it will help with daily staffing, and reduce OT and burnout.

Councilmember Kennedy asked how much OT was budgeted for 2016 and if that amount has been exceeded. City Manager Caton said the primary OT departments are those that operate 24/7 and when staffing is down OT goes up. In order to better balance this, staffing was added. Some individuals were paid up to 30-40% of their salary in OT.

Mayor Pro Tem Chazen asked if the 2017 budgeted OT is achievable. Chief Watkins said the OT policy will also be updated to help keep these costs within budget.

Chief Watkins noted with the added EMT positions, the FD is now one position away from moving four all hazard firefighter positions to EMS positions which provides more appropriate services and cost savings. He then talked about the various areas affected by the increased service calls and that they review this to ensure appropriate charge backs from the County and patients are being billed. Call volume increased by 11% in 2015 and through August 2016 it has increased 6% from 2015 which is equal to a large metro area. Due to this increased volume, a mandatory station rotation will be implemented in 2017 to help reduce fatigue. He described proposed changes to Behavior Health Team transports for improved care and secondary transports (the same program referenced by Chief Camper).

Chief Watkins reviewed the FD's call map and added they respond to about 140 structural fires annually. He explained that an ambulance was able to be moved up on the replacement schedule for 2017 (due to wear and tear they have had to borrow ambulances when theirs has been out for major repairs) and they are looking into purchasing a mobile fire pump testing vehicle because they are expensive to rent and they would be able to rent it to other local departments. Chief Watkins explained the reimbursement for wildland fires and said that Brush 4 truck has a higher reimbursement rate than other vehicles and those funds go back to the FD.

Chief Watkins concluded by saying how proud he is of the FD and how they continue to build community trust and highlighted how the FD regularly seeks efficiencies in programs and operations.

Councilmember Boeschenstein asked how the Orchard Mesa Fire Station is doing since it's opening earlier this year. Chief Watkins said he did not have their numbers, but said the Station is doing well and the location is beneficial. He added there is still an agreement with the Clifton Fire Department regarding the Pear Park area and that this will be reevaluated. City Manager Caton said the financial arrangement is based on the Persigo 201 Agreement and is meant to keep the Clifton Fire Department whole. He added that City Attorney Shaver is working on modifications so that the City FD can take over this coverage.

Councilmember Taggart expressed concern that the ambulance fees are not keeping up with the Consumer Price Index (CPI), but being kept flat. Chief Watkins explained that by State Statute the County is tasked with setting an annual rate ceiling for transport fees using medical CPIs; the City is notified of the new rates in February and the City charges the maximum. He also said Medicare is recognizing the need for service fees in addition to transport fees, but these are not in place yet.

Mayor Pro Tem Chazen asked Chief Watkins if the FD had all the equipment needed. Chief Watkins said with the 2017 ambulance replacement, they do. He said the FD's biggest needs are the new North Area Fire Station, which is in process., and capital for the new training site.

Public Works Infrastructure

Greg Lanning, Public Works Director, presented information on the Public Works Infrastructure saying the major projects for 2017 are the 1st Street Reconstruction, the Lewis Wash Bridge, and the North Avenue Storm Drain.

Councilmember Kennedy asked if the increased Chip Seal/Crackfill budget would get the City ahead of the maintenance schedule. Mr. Lanning said the City has 12 maintenance zones and this amount will move the City to the next zone. City Manager Caton said about \$30 million is needed to get the City from the current PCI (pavement condition index) of 69 to the desired 73. Once this is achieved, it is estimated \$4 million will be needed annually for maintenance.

Councilmember Boeschenstein said the County should be involved in some projects and the City should take credit for completion of the North Avenue and Horizon Drive projects.

Councilmember Taggart asked what is the total cost of the 1st Street Reconstruction. City Manager Caton said it is \$2.9 million.

Councilmember Boeschenstein asked where the Safe Routes to School projects are budgeted. City Manager said those projects are either funded by Community Development Block Grants or will be completed in 2016 and therefore are not listed in the budget information.

City Manager Caton explained how he planned funding for road maintenance and reconstruction projects based on the different type of funds available, in particular TCP funds.

City Manager Caton then reviewed the budget topics for the next workshop scheduled on October 17th.

Councilmember Taggart asked if the Grand Junction Economic Partnership (GJEP) and the Grand Junction Chamber of Commerce (COC) have decided how they would like to proceed with a local Vendor Fee. City Manager Caton said GJEP would like to move forward with the fee and the COC said they have some concerns and would like to take more time for member outreach in the first quarter of 2017.

Councilmember Boeschenstein asked if a letter of support for the Train Depot had been approved. City Manager Caton said it had and it will be sent.

With no further business the meeting was adjourned.

**GRAND JUNCTION CITY COUNCIL
MONDAY, OCTOBER 3, 2016**

**PRE-MEETING (DINNER) 5:00 P.M. ADMINISTRATION CONFERENCE ROOM
WORKSHOP, 5:30 P.M.
CITY HALL AUDITORIUM
250 N. 5TH STREET**

To become the most livable community west of the Rockies by 2025

- 1. Budget Overview and Departmental Presentations**
- 2. Next Workshop Topics**
- 3. Other Business**

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

October 5, 2016

The City Council of the City of Grand Junction convened into regular session on the 5th day of October, 2016 at 7:00 p.m. Those present were Councilmembers Bennett Boeschstein, Chris Kennedy, Rick Taggart, Barbara Traylor Smith, and Mayor Pro Tem Martin Chazen. Council President Phyllis Norris and Councilmember Duncan McArthur were absent. Also present were City Manager Greg Caton, City Attorney John Shaver, and Acting Deputy City Clerk Janet Harrell.

Mayor Pro Tem Chazen called the meeting to order. Councilmember Taggart led the Pledge of Allegiance which was followed by an invocation by Pastor Doug Sikes, Grace Point Church.

Mayor Pro Tem Chazen recognized Colorado Mesa University (CMU) students in attendance.

Presentation

Mayor Pro Tem Chazen said the Smart Yard Award would not be presented but will be scheduled for a future date.

Proclamations

Proclaiming October 17 - 21, 2016 as Irlen Syndrome Awareness Week in the City of Grand Junction

Councilmember Traylor Smith read the proclamation. Jeannie Dunn, Irlen Clinic Director at Learning Associates of the Grand Valley, and Dylan Ceasar, a victim of Irlen Syndrome, were present to accept the proclamation. Ms. Dunn thanked the City Council and provided a packet of information about Irlen Syndrome and upcoming activities. Mr. Ceasar also thanked the City Council and added details of his personal experience, diagnosis, and treatment of Irlen Syndrome.

Proclaiming October 9 - 15, 2016 as Fire Prevention Week in the City of Grand Junction

Councilmember Kennedy read the proclamation. Fire Chief Ken Watkins and Community Outreach Specialists Dirk Clingman and Ellis Thompson-Ellis were present

to accept the proclamation. Chief Watkins thanked the City for its support of the Fire Department. Chief Watkins said, due to efficient alert systems and smoke detectors, fire calls have decreased. Mr. Clingman said the theme for this year's Fire Prevention Week is "Don't Wait-Check the Date!" which encourages the public to monitor the expiration date of smoke detectors. Ms. Thompson-Ellis provided various activities related to Fire Prevention Week.

Citizens Comments

Bruce Lohmiller, 536 29 Road #4, spoke regarding overnight camping at Whitman Park and Night Patrols. Mr. Lohmiller said his church newsletter recognized City Attorney Shaver for his help and then Mr. Lohmiller spoke on the importance of OWL (Our Whole Lives) sexual education classes.

Council Reports

Councilmember Taggart had no comments.

Councilmember Traylor Smith attended the annual volunteer celebration on September 29th, for the Grand Junction Visitor and Convention Bureau (GJVCB) and commented that 8,808 volunteer hours were donated through the GJVCB which is a substantial savings to the City. On September 27th, Fields of Faith held an event at Stocker Stadium and she thanked them for praying for City Council. During the past week Councilmember Traylor Smith attended a meeting with Grand Junction Economic Partners (GJEP) and lauded the jobs that will be created out of the Jump Start Program.

Councilmember Kennedy asked everyone to consider sending donations to Florida to aid its recovery from the destruction of Hurricane Matthew.

Councilmember Boeschstein attended the following meetings between September 22nd and October 5th: the Downtown Development Authority (DDA) meeting which reaffirmed its support for the Las Colonias Amphitheater; the Air Quality Forum organized by Citizens for Clean Air; the Avalon Theatre Foundation (ATF) Board meeting; the Arts and Culture Commission meeting; and the Business Incubator

meeting. Councilmember Boeschstein thanked City Attorney Shaver for helping with some property boundary issues with the Business Incubator.

Mayor Pro Tem Chazen attended the following meetings between September 22nd and October 5th: the DDA meeting where they welcomed the new DDA Director Brandon Stam who will start this week. He commended City Manager Caton for his presentation at that meeting; a ribbon cutting ceremony at the Horizon Drive Wendy's which was recently remodeled; a phone meeting with Associated Governments of Northwest Colorado (AGNC) discussing the Sage Grouse Project that has Department of Local Affairs (DOLA) funding for sage grouse habitat research; the Vagrancy and Homelessness Committee meeting where next steps were discussed based on Council's Workshop recommendation; a CMU Public Affairs class discussion with City Manager Caton and City Public Information Manager Sam Rainguet; and the Rotary Club of Grand Junction meeting with City Manager Caton.

Consent Agenda

Councilmember Kennedy asked to move Item #5 to the Consent Agenda and moved to adopt the Consent Agenda items #1 through #3 and Continue Item #5 to October 10th at 6 p.m. Mayor Pro Tem Chazen clarified the motion. Councilmember Boeschstein seconded the motion. Motion carried by roll call vote.

1. Approval of Minutes

- a. Summary of the September 19, 2016 Workshop
- b. Minutes of the September 21, 2016 Regular Meeting

2. Set Public Hearings

- a. Legislative
 - i. An Ordinance Amending the Grand Junction Municipal Code, Greater Downtown Residential Standards, by Deleting Section 24.12.130(b) Residential Standards and Guidelines, Accessory Structures (Set Hearing for October 19, 2016)
 - ii. An Ordinance Adopting Amendments to the 2012 Edition of the International Fire Code and Prescribing Regulations Governing Outdoor Burning, Restricted and Unrestricted Burning; Providing for the Issuance of Permits for Certain Burning Activities and Defining Extinguishment Authority (Set Hearing for November 2, 2016)

3. Continue Public Hearing

a. Legislative

- i. An Ordinance Amending Ordinance No. 4599 and Section 21.04.010 of the Municipal Code to Allow Marijuana Testing Facilities in the City of Grand Junction (Continue Hearing to October 19, 2016)

5. Continue Contracts to October 10, 2016

- a. Three contracts for the construction of the Las Colonias Amphitheater to include: slough excavation, trail work and access, and site, building, and civil work.

Regular Agenda

Public Hearing - Ordinance No. 4720 – An Ordinance Vacating Portions of Alley Rights-of-Way Located Between Elm and Kennedy and Mesa and Texas Avenues and a Portion of Texas Avenue Right-of-Way Subject to a Utility Easement and Maintenance Agreement, Located in the Colorado Mesa University Area

The applicant, Colorado Mesa University (CMU), requests the City vacate portions of public alley right-of-way between Elm and Kennedy and Mesa and Texas Avenues along with a portion of public street right-of-way of Texas Avenue. These right-of-ways are adjacent to properties owned by CMU with the exception of one property which CMU is negotiating to purchase. The vacations will facilitate the construction of a new engineering building on campus and add additional parking.

The public hearing was opened at 7:33 p.m.

Scott D. Peterson, Senior Planner, presented this item. Mr. Peterson described the site, location, request, and explained why these easements are no longer needed and the relationship with the Utility Easement and Maintenance Agreement. Mr. Peterson presented maps, diagrams, and sketches with overviews of the CMU expansion area, he indicated CMU owned properties, the requested vacation areas, and parcels not owned by CMU but in close proximity.

CMU President Tim Foster presented a diagram of this property and the plans for the new engineering building which will accommodate CMU's expanding engineering program. President Foster showed the City's financial contributions to CMU since 2007, thanked the City for participating in CMU's continuing growth, and concluded his presentation with a diagram featuring the evolution of CMU's campus from past to future.

Councilmember Traylor Smith thanked Mr. Peterson for the detailed presentations and President Foster for the continued growth of CMU.

Councilmember Kennedy thanked Mr. Peterson and Development Services Manager Greg Moberg for the provided comprehensive staff reports. Councilmember Kennedy asked Mr. Peterson for clarification of the report regarding fiscal impact, why the fees were waived for the vacated rights-of-way, and what the value of these rights-of-way are.

Senior Planner Peterson explained in the past the City has not asked to be compensated for vacated property due to the economic stimulus and development potential.

Councilmember Kennedy said that a reevaluation into the waiving of compensation for the City's rights-of-way should be a topic for a future workshop discussion.

City Manager Caton said the past value was estimated at one dollar per square foot, but a more current estimation of value is higher. City Manager Caton said he would provide the history and details if there were to be a Council Workshop discussion of this policy and include the current estimate value for rights-of-way.

Councilmember Boeschstein asked if any remaining private properties will be cut off from street or utility access due to this development.

Mr. Peterson said no private properties would be without street access.

Councilmember Boeschstein thanked President Foster for his vision and the asset of an urban university campus within the City.

John McConnell, 338 Quail Drive, thanked Council for the opportunity to expand the Math and Science Center on the CMU campus.

Jennifer Moore, Director of the Math and Science Center, said the Center is looking forward to being a part of the campus at CMU. Ms. Moore said that the Center employs CMU students who work with youth from Mesa County and expressed what a great opportunity this is to give back to the community.

There were no other public comments.

The public hearing was closed at 7:57 p.m.

Councilmember Traylor Smith moved to approve Ordinance No. 4720, An Ordinance Vacating Portions of Alley Rights-of-Way, Located between Elm and Kennedy and Mesa and Texas Avenues and a Portion of Texas Avenue Right-of-Way Subject to a Utility Easement and Maintenance Agreement, Located in the Colorado Mesa University

Area on final passage and ordered final publication in pamphlet form. Councilmember Boeschstein seconded the motion. Motion carried by roll call vote.

Ordinance No. 4721 – An Ordinance Vacating Right-of-Way for Noland Avenue, Located West of S. 7th Street

A request to vacate a portion of public right-of-way, also known as Noland Avenue, which is no longer needed, adjacent to 1111 S. 7th Street in a C-2 (General Commercial) zone district.

The public hearing was opened at 7:59 p.m.

Brian Rusche, Senior Planner, presented this item. He described the site, location, request, and explained how the adjacent landowner plans to develop the site. Mr. Rusche presented maps, diagrams, a property overview, and a list of benefits to the City provided by the vacation.

Louie Valare, co-owner of Alasta Solar Store, said the vacation is needed for the expansion of the business to provide additional parking and the relocation of the company's carport.

Councilmember Traylor Smith said it is exciting to hear of their expansion and asked if they would also be hiring additional staff.

Mr. Valare said that they currently have two interns from the CMU Engineering Program with future plans to add more.

Councilmember Boeschstein thanked Mr. Valare for expanding his solar energy company.

Councilmember Kennedy referred to his previous comments regarding rights-of-way compensation and again asked that this be a future topic of discussion.

Councilmember Taggart said he supports both of these expansions but would also like to review the criteria for payment regarding rights-of-way vacations.

There were no public comments.

The public hearing was closed at 8:07 p.m.

Councilmember Boeschstein moved to approve Ordinance No. 4721 – An Ordinance Vacating Right-of-Way for Noland Avenue, located west of S. 7th Street, on final passage and ordered final publication in pamphlet form. Councilmember Traylor Smith seconded the motion. Motion carried by roll call vote.

Non-Scheduled Citizens & Visitors

Kristin Winn, 713 Ivanhoe Way, representing Citizens for Clean Air, thanked City Council for all the work going into the Open Burning Ordinance. Ms. Winn expressed concern regarding backyard fire pits and recreational burning causing smoke throughout City neighborhoods.

Mayor Pro Tem Chazen suggested Ms. Winn contact City Manager Caton regarding her concerns.

Other Business

There was none.

Adjournment

The meeting was adjourned at 8:11 p.m.

Janet Harrell
Acting Deputy City Clerk



Grand Junction City Council

Regular Session

Item #2 a

Meeting Date: October 19, 2016

Presented by: Debbie Kovalik,
Executive Director

Submitted by: Barbara Bowman, Division
Director

Department: Convention and Visitor
Services – Visitor and
Convention Bureau

Information

SUBJECT:

Resolution Authorizing the Visitor and Convention Bureau (VCB) to Enter into Contracts for its Marketing Services to Lodging Properties Outside the City Limits

RECOMMENDATION:

The VCB Board of Directors and Staff recommends the adoption of this resolution.

EXECUTIVE SUMMARY:

On October 16, 1996, Council adopted Resolution No. 101-96 authorizing for a five-year term the Visitor and Convention Bureau's (VCB's) to expand its marketing programs to include lodging properties outside the Grand Junction City limits but inside Mesa County. The program was reviewed annually and was re-authorized for three additional five year periods (Resolution No. 101-01, Resolution No. 118-06, and Resolution No. 44-11). This program continues to be successful and at the July 12, 2016 VCB Board of Directors meeting the VCB Board recommended that it continue permanently.

BACKGROUND OR DETAILED INFORMATION:

This marketing services program began in 1996 when the then VCB Board of Directors recommended that Mesa County hotels, motels, bed and breakfasts, and RV parks/campgrounds located outside of the Grand Junction City limits be given the opportunity to participate in the VCB's marketing programs. Properties that choose to participate in the program pay 3% of their gross room revenues to the VCB. This percentage was chosen because it matches the 3% lodging tax that is collected within the City limits. Benefits of participating in the program include: a listing on the

visitgrandjunction.com website, a listing in the Official Grand Junction Visitor Guide, access to sales leads, participation in sales missions, brochure display in the Visitor Center, referrals to visitors, and access to marketing experts.

The following properties are currently participating in the program:

- The Chateau at Two Rivers Winery – Grand Junction
- Wagon Wheel Motel – Mesa
- Vistas and Vineyards Bed and Breakfast – Palisade
- Perfectly Palisade – Vacation Rental – Palisade
- Mirror Pond LLC dba The Camp – Grand Junction

The number of properties that participate in the program fluctuate each year. Through ongoing sales efforts, the VCB Staff actively reaches out to new and existing properties to take advantage of the benefits of this program.

FISCAL IMPACT:

Projected revenue for 2016 is \$7,500. The same amount is projected for 2017. The highest annual revenue achieved during the history of the program was \$52,000 in 2007.

There are no associated expenses.

SUGGESTED MOTION:

I MOVE (to approve or deny) Resolution No. 41-16 – A Resolution Authorizing the Visitor and Convention Bureau (VCB) to Enter into Contracts for its Marketing Services to Lodging Properties Outside the City Limits.

Attachments

ATTACHMENT 1 – Proposed Resolution

RESOLUTION NO. ____-16

**A RESOLUTION AUTHORIZING THE VISITOR AND CONVENTION BUREAU (VCB)
TO ENTER INTO CONTRACTS FOR ITS MARKETING SERVICES TO LODGING
PROPERTIES OUTSIDE THE CITY LIMITS**

Recitals.

On October 16, 1996, the City Council adopted 101-96, authorizing the expansion of the Visitor & Convention Bureau's (VCB) marketing programs to include lodging properties outside the Grand Junction City limits. The expansion has been reauthorized three times since the initial resolution

At each five-year review of the program, the VCB Board of Directors recommended that the program be continued. The VCB reported to the Council that a variety of lodging properties outside the City limits have participated in the program for many years and that those participants were pleased with the response to the VCB's marketing effort on their behalf. Based on the positive response from the participants, the Board recommended to the City Council that the program be continued.

The Board and the Council have concluded that marketing lodging properties, and making marketing available to lodging properties not within the City limits on a voluntary basis, is in the best interest of the VCB and the City. Consequently, the City Council determines that the expanded marketing effort, including authorizing the VCB to contract for its services, shall be continued in accordance with and pursuant to this Resolution.

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

That the Director of the Visitor & Convention Bureau, or her designee, is authorized to contract with person(s)/entity(ies) owning lodging property(ies) as that term is defined by the City, outside the City's limits, to voluntarily exchange the efforts of the VCB in return for three percent (3%) of gross revenues received from lodging sales. The fee shall not be represented as a tax.

Such contract(s) shall be subject to the following terms and conditions:

1. All lodging properties in Mesa County may contract with the VCB for its services; the services offered or provided to any or all owners so contracting shall be determined by the VCB in its sole and absolute discretion and shall be generally equivalent to those provided other lodging properties.

2. The VCB shall be authorized to provide its services for a term and on exact conditions determined by mutual negotiations and agreement by and between the VCB and the lodging property(ies).

3. The Board shall evaluate the in September of each year of its existence. The success of the program shall be determined by the Board in its sole discretion. Factors that may be considered and influence the Board's determination of success and/or whether to continue the program include but are not limited to:

- a. sales, room nights, group business or other measure(s) of increased occupancy attributable to VCB sales leads;
- b. the impact of occupancy (economic multiplier) of lodging business growth in the City and if feasible Mesa County; and,
- c. consumer response, if any, to the addition of additional/outside the City lodging properties in the visitor guide.

3. Because the fee is not a tax the VCB shall require a non-refundable deposit of no less than \$500.00 for each contracting owner of a hotel, motel and bed and breakfast and other lodging property not a short-term vacation rental property. A deposit of \$250.00 will be required of each contracting owner of a short-term, vacation rental property.

4. Failure to comply with the terms of any contract may result in the VCB discontinuing its effort and/or denying to enter a contract with a lodging property in a subsequent year(s). A lodging property may request marketing being subject to application by the owner and approval by a majority of the VCB Board to renew or reinstate marketing if/when a contract is terminated for non-compliance.

5. The contract shall, as drafted by the City Attorney, contain provisions allowing the City to audit the lodging property(ies) books and records to otherwise ensure compliance with the contract and all applicable law(s).

6. Notwithstanding any provision to the contrary, the Director or her designee may, without cause or reason being stated, decline to enter into any contract authorized by this resolution.

7. If the VCB Board or the Director determines, at any time the VCB is authorized to contract its services to lodging properties outside the City, based on the foregoing criteria or others developed by the Director and/or the Board, that the continuation of expanded marketing efforts is not in the best interest of the VCB, the City of Grand Junction and/or the lodging properties located within the then existing City limits, the Board and/or the Director shall request that the City Council reconsider and rescind the authorization in this resolution.

8. The authorization provided for herein shall not expire, unless terminated, amended or otherwise rendered of no effect by law.

PASSED and ADOPTED this _____ day of _____, 2016.

Phyllis Norris
President of the City Council

ATTEST:

Stephanie Tuin
City Clerk



Grand Junction City Council

Regular Session

Item #2 b

Meeting Date: October 19, 2016

Presented by: Senta Costello, Senior Planner **Submitted by:** Senta Costello, Senior Planner

Department: Admin. – Com. Dev.

Information

SUBJECT:

Resolution Vacating a Public Access Easement, Located at 735 Horizon Drive

RECOMMENDATION:

Planning Commission recommended approval at their October 11, 2016 meeting.

EXECUTIVE SUMMARY:

The request is to vacate the existing access easement, located on the Quality Inn property at 735 Horizon Drive, that provided access to a lot located behind 737 Horizon Drive that had no street frontage. The landlocked parcel and 737 Horizon Drive were recently replatted into one lot for the construction of the proposed Freddy's Steakburgers. With the replat, a new shared access easement was dedicated between 735 and 737 Horizon Drive to accommodate the access control required for the newly constructed roundabout at the I-70 interchange.

BACKGROUND OR DETAILED INFORMATION:

The existing access easement across 735 Horizon Drive was platted with the Homestead Subdivision in 1980 to provide access to a lot located behind 737 Horizon Drive that had no street frontage. The property located at 737 Horizon Drive and the landlocked parcel were recently replatted into one lot for the construction of the proposed Freddy's Steakburgers. With the replat, a new shared access easement was dedicated between 735 and 737 Horizon Drive to accommodate the access control required for the newly constructed roundabout at the I-70 interchange.

With the recordation of the plat and the new access easement, all existing parcels have legal access and the previously dedicated easement is no longer needed for access, but will be retained as a utility easement.

FISCAL IMPACT:

There is not a financial impact to the City.

SUGGESTED MOTION:

I MOVE to (approve or deny) Resolution No. 42-16 – A Resolution Vacating a Public Access Easement, Located at 735 Horizon Drive.

Attachments

ATTACHMENT 1 - Planning Commission Staff Report

ATTACHMENT 2 - Proposed Resolution



Date: September 6, 2016
 Author: Senta Costello
 Title/ Phone Ext: Senior Planner/x1442
 Proposed Schedule:
Planning Commission: October 11, 2016
City Council: October 19, 2016
 File # (if applicable): VAC-2016-433

PLANNING COMMISSION AGENDA ITEM

Subject: Public Access Easement Vacation
Action Requested/Recommendation: Request a recommendation of approval to City Council for vacation of a public access easement
Presenter(s) Name & Title: Senta Costello – Senior Planner

Executive Summary:

Request to vacate a public access easement. A new access easement has been created and the existing easement is no longer needed.

Background, Analysis and Options:

In 1980, the Homestead Subdivision created a common access easement across Lot 2 benefitting Lot 3, as Lot 3 was a landlocked parcel. In 1993, Lots 2 and 3 were reconfigured (creating a larger Lot 2) and a new common access easement created across Lot 2 to the newly created Lot B (what remained of Lot 3).

In August 2016, the City approved Horizon Subdivision which combined Lot 1 of the Homestead Subdivision and Lot B of the 1993 Replat. A new private access easement was conveyed to Lot 1 of the Horizon Subdivision. The new easement is located just west of Lot 1 at the southwest corner of the property and was necessary as Lot 1 no longer has direct Horizon Drive access after the construction of the new round-a-bouts at the I-70 interchange.

With the recordation of the Horizon Subdivision and the new access easement, all existing parcels have legal access and the previous common access easements are no longer necessary.

The location of the common access easements is also encumbered with a utility easement. This easement will remain in place to protect existing utilities.

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

The request is consistent with the goals and policies of the Comprehensive Plan. The request does not conflict with the Comprehensive Plan because a new easement has been granted by separate document.

How this item relates to the Economic Development Plan:

The purpose of the adopted Economic Development Plan by City Council is to present a clear plan of action for improving business conditions and attracting and retaining employees. Vacation and relocation of an existing easement in a commercial area does not specifically further the goals of the Economic Development Plan, but it does eliminate an unnecessary encumbrance on the property that could complicate use of the property in the future.

Other issues:

No other issues have been identified.

Previously presented or discussed:

The request has not been previously presented or discussed.

Attachments:

Staff Report/Background Information

Site Location Map

Aerial Photo Map

Comprehensive Plan Map

Existing City Zoning Map

Resolution

BACKGROUND INFORMATION			
Location:		735/737 Horizon Drive	
Applicants:		Applicant: N3 Real Estate – Debbie Hanley Representative: River City Consultants – Tracy States	
Existing Land Use:		Vacant office and parking lot for adjacent hotel	
Proposed Land Use:		Freddy’s Steakburgers; parking will remain	
Surrounding Land Use:	North	Restaurant w/ drive-thru	
	South	Hotel	
	East	Retail; Hotel	
	West	Golf course	
Existing Zoning:		C-1 (Light Commercial)	
Proposed Zoning:		No change proposed	
Surrounding Zoning:	North	C-1 (Light Commercial)	
	South	C-1 (Light Commercial)	
	East	C-1 (Light Commercial)	
	West	CSR (Community Services and Recreation)	
Future Land Use Designation:		Commercial	
Zoning within density range?	X	Yes	No

The proposed request falls under Section 21.02.100 – Vacation of public right-of-way or easement. The purpose of this section is to permit the vacation of surplus rights-of-way and/or easements. This type of request is available for vacation of any street, alley, easement or other public reservation subject to the criteria contained within the section.

Section 21.02.100 (c) of the Grand Junction Zoning and Development Municipal Code

The vacation of an easement shall conform to the following:

- (1) *The Comprehensive Plan, Grand Valley Circulation Plan, and other adopted plans and policies of the City.*

The request to vacate does not conflict with the Comprehensive Plan, the Grand Valley Circulation Plan or other adopted plans and policies of the City. The existing utility easement will remain to protect existing infrastructure (City storm sewer).

Therefore, this criterion has been met.

- (2) *No parcel shall be landlocked as a result of the vacation.*

No parcel will be landlocked as a result of the vacation. A new private access easement has been conveyed to Lot 1 of the Horizon Subdivision, eliminating the need for the existing common access easement.

Therefore, this criterion has been met.

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

Access to all parcels is not affected by the vacation of this common access easement. A new access easement has been conveyed to Lot 1 of the Horizon Subdivision, eliminating the need for the existing common access easement.

Therefore, this criterion has been met.

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

There will not be any adverse impacts on the health, safety, and/or welfare of the community, nor shall the quality of public facilities and services to any parcel be reduced. The existing public utilities will remain protected in the utility easement that is being retained and access for to Lot 1 has been relocated and improved creating a less circuitous route.

Therefore, this criterion has been met.

- (5) *The provision of adequate public facilities and services shall not be inhibited to any property as required in Chapter 21.06 of the Grand Junction Municipal Code.*

Adequate public facilities and services are not inhibited. The existing public utilities will remain protected in the existing utility easement.

Therefore, this criterion has been met.

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

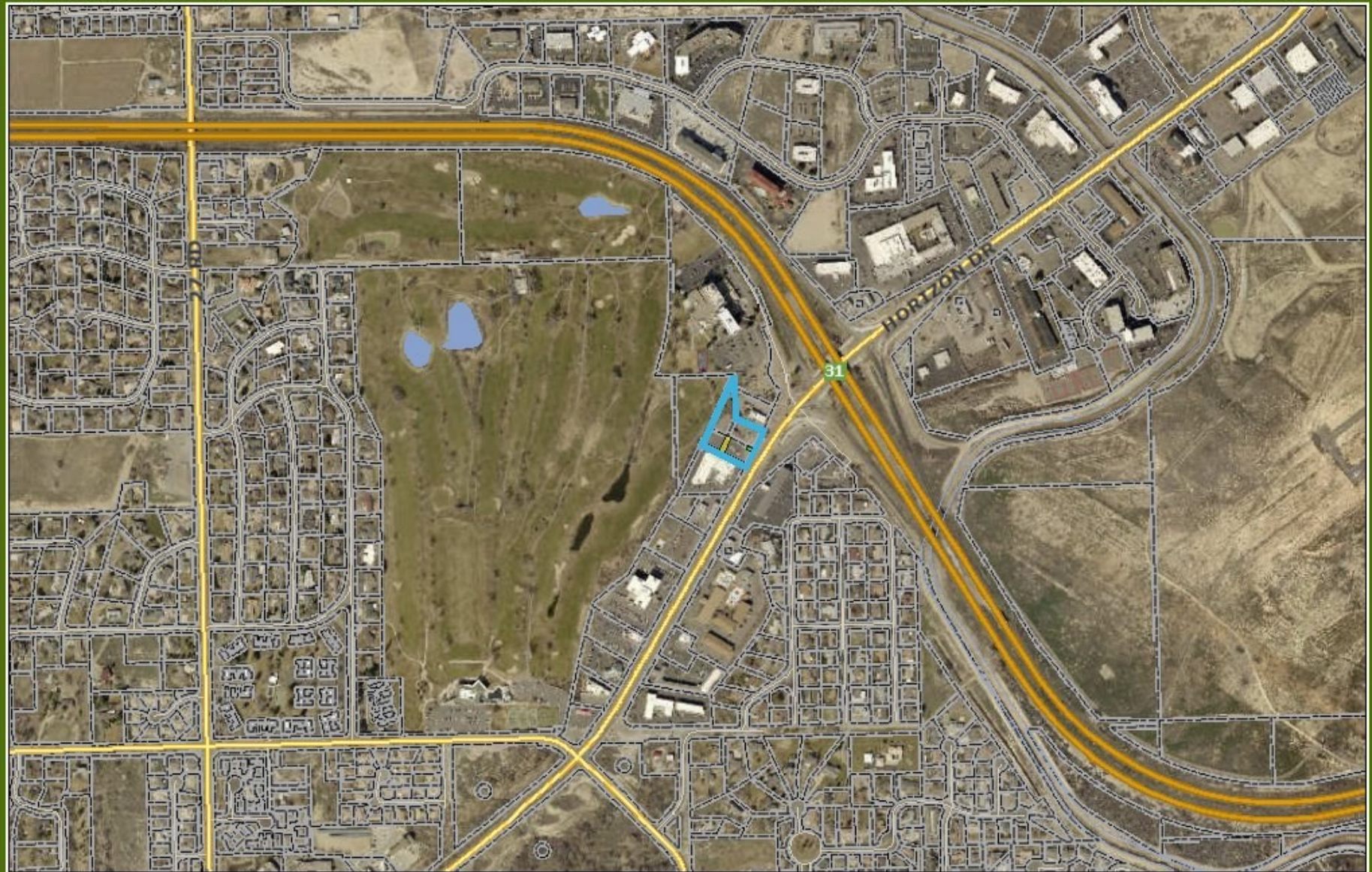
The vacation eliminates an unnecessary easement allowing for better use of the property by the owner and a new private access easement has been created that facilitates access to Lot 1 of Horizon Subdivision, overall improving traffic circulation for both properties.

FINDINGS OF FACT/CONCLUSIONS AND CONDITIONS:

After reviewing the public access easement vacation application, VAC-2016-433 for the vacation of a public access easement, the following findings of fact, conclusions and condition have been determined:

1. The requested easement vacation is consistent with the Comprehensive Plan.
2. The review criteria in Section 21.02.100 of the Grand Junction Municipal Code have all been met.
3. The existing utility easement is retained for protection of public utilities.

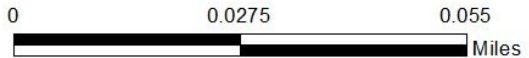
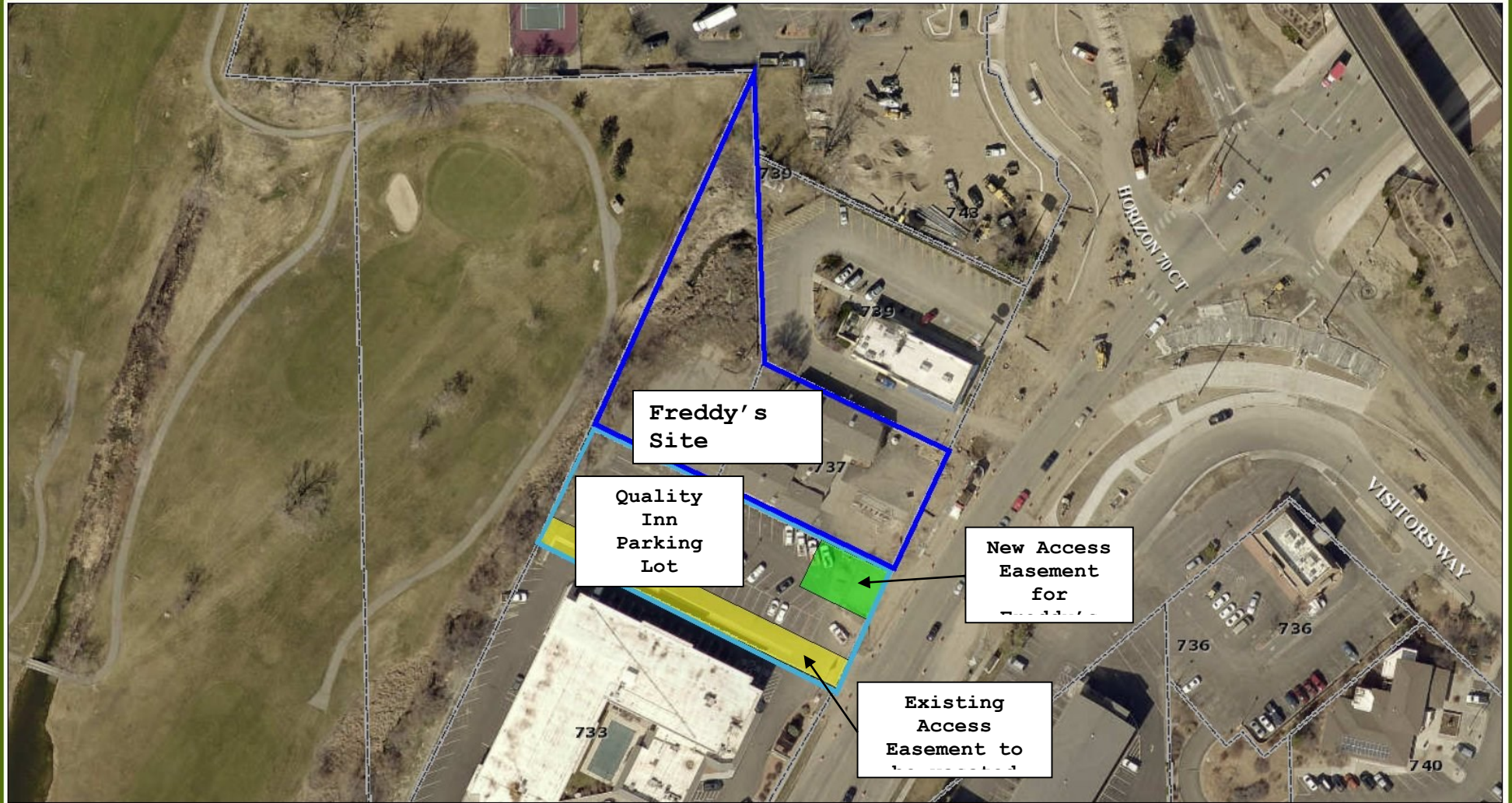
Access Easement Vacation Location Map



Printed: 9/29/2016

1 inch = 716 feet

Access Easement Vacation

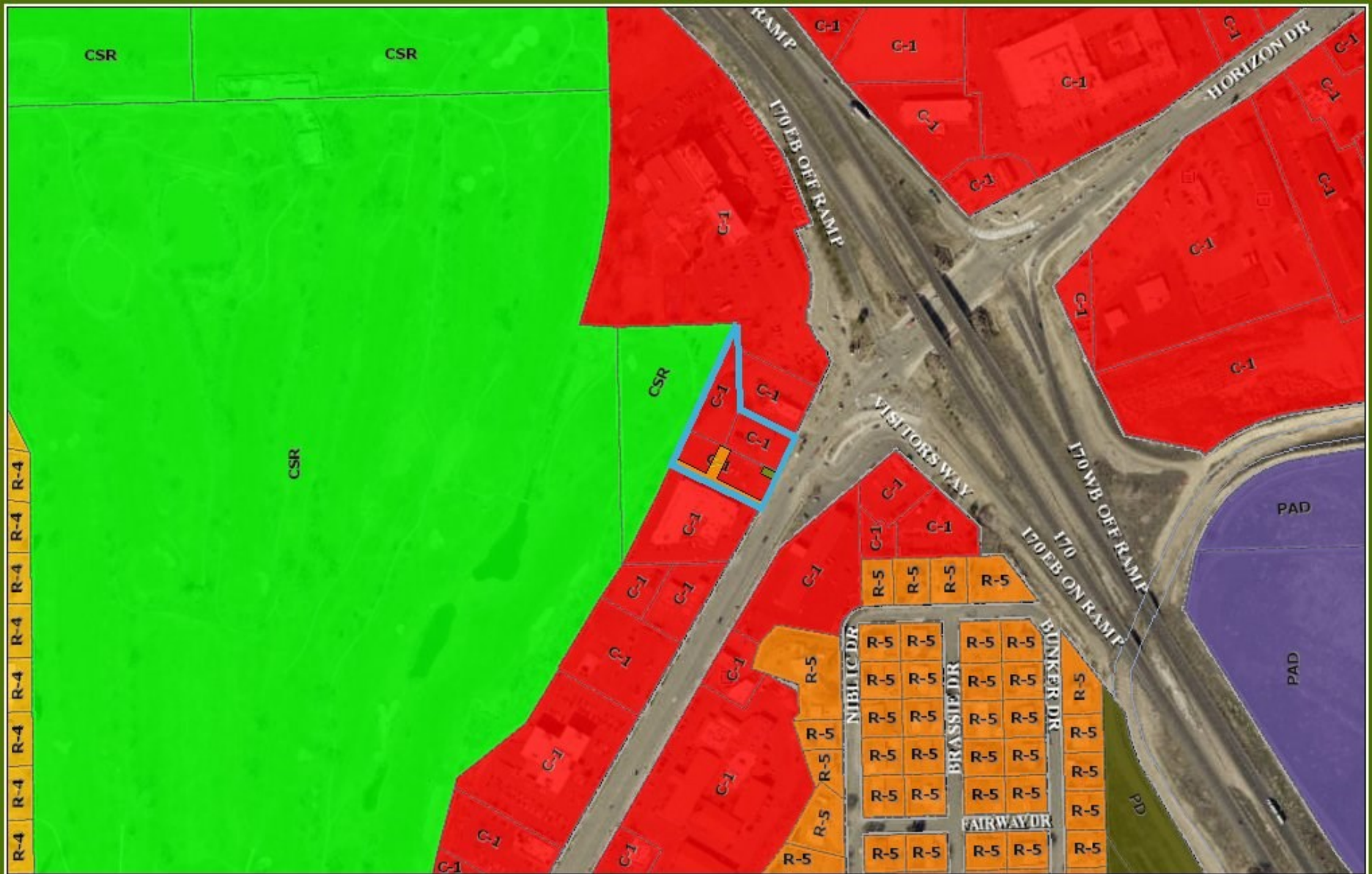


Date: 10/3/2016

1 inch = 75 feet



Access Easement Vacation Zoning Map



Printed: 9/29/2016

1 inch = 358 feet



CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. _____ -16

**A RESOLUTION VACATING A PUBLIC ACCESS EASEMENT
LOCATED AT 735 HORIZON DRIVE**

RECITALS:

A vacation of a dedicated public access easement has been requested by the owner of the property utilizing the easement to access property otherwise previously landlocked. The proposal is to vacate the encumbered area where the existing access easement is located, retaining the existing utility easement in the same location; a new access easement has been dedicated.

The City Council finds that the request is consistent with the Comprehensive Plan, the Grand Valley Circulation Plan and Section 21.02.100 of the Grand Junction Zoning and Development Code.

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

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

The following described dedicated access easement is hereby vacated subject to the listed conditions:

1. Applicant shall pay all recording/documentary fees for the Vacation Resolution, any easement documents and/or dedication documents.
2. The existing utility easement in the same location is retained to cover existing utilities.

Dedicated access easement to be vacated:

25.0' Common Access Easements Vacation

That real property for a 25.0' wide Common Access and Utility Easement located in the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 36, Township 1 North, Range 1 West of the Ute Meridian, in the City of Grand Junction, Mesa County, Colorado, as originally shown on the plat of Homestead Subdivision as recorded in Plat Book 12, Page 274 and that plat of the Replat of Lot 2 Except the Northerly 2.56 feet, and Lot 3, as described in Plat Book 14, Page 90, Mesa County records being more particularly described as follows:

COMMENCING at the Southwest corner of said NW¼ SE¼, Section 36 whence the Northwest corner of said NW¼ SE¼, Section 36 bears North 00°03'32" East, a distance of 1316.99 feet, for a basis of bearings, with all bearings contained herein relative thereto; thence North 26°40'32" East, a distance of 312.68 feet, along the rear property line of said Homestead Subdivision, to the POINT OF BEGINNING; thence North 26°40'32" East, a distance of 25.00 feet; thence South 62°22'36" East, a distance of 78.70 feet; thence North 27°37'24" East, a distance of 79.94 feet; thence South 62°22'36" East, a distance of 50.00 feet; thence South 27°37'24" West, a distance of 79.94 feet; thence South 62°22'36" East, a distance of 144.78 feet; thence South 27°37'24" West, a distance of 25.00 feet; thence North 62°22'36" West, a distance of 273.07 feet to the POINT OF BEGINNING.

Said parcel containing an area of 0.25 Acres, as herein described.

PASSED and ADOPTED this _____ day of _____, 2016

President of City Council

ATTEST:

City Clerk

EXHIBIT B EASEMENT VACATION

NW Corner
NW¼, SE¼
Section 36
T1N, R1W, UM
BLM Marker
3½" Aluminum Cap

LEAKS FARMY LIMITED
2701-364-00

No 5 Rebar No Cap
in Concrete

West Line of the NW¼, SE¼ Section 36
N00°03'32"E 1316.99' Basis of Bearings



Bookcliff Country Club
2701-364-00-037

N26°40'32"E
25.00'
POINT OF BEGINNING

80D Spike
S04°50'05"E 2.60'

N26°19'47"E 313.84' (R-M)
N26°24'16"E 312.36' (R-R)
N26°40'32"E 312.68' (R-R)

15.0' Drainage Easement

Homestead Subdivision
Plat Book 12, Page 274
Reception Number 1227311

Lot 4

25.0' Common Access
and Utility Easement
Plat Book 12, Page 274
25.0' Access Easements
To Be Abandoned
10829 sf

10.0' Utility Easement

25.0' Common Access
Easement

25.0' Common Access
Easement

Lot A
Lake Creek Management Inc.
2701-364-33-010

North 2.58 feet of Lot 2
Book 1789, Page 7

N39°27'58"E 15.58'
20.0' Drainage Easement

S62°22'36"E 144.78'
S27°37'24"W 273.07'

S27°37'24"W
25.00'

20.0' Drainage Easement
N18°33'35"E 184.26'

10.0' Utility Easement

Variable Width Right-of-Way
Book 830, Page 581

SE Corner
NW¼, SE¼
Section 36
T1N, R1W, UM
MCSM #162-1/4

15.0' Utility and Drainage Easement

South Line of the NW¼, SE¼ Section 36
N89°54'06"W 1320.16'

POINT OF COMMENCEMENT

SW Corner
NW¼, SE¼
Section 36
T1N, R1W, UM
3¼" Aluminum Cap
PLS 24331

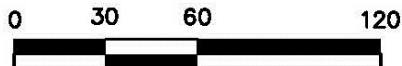
High Desert Surveying, LLC

1673 Highway 50 Unit C

Grand Junction, Colorado 81503

Tele: 970-254-8649 Fax: 970-241-0451

SCALE: 1" = 60'



PROJ. NO. 16-15	Drawn	APP'D	SHEET	OF
DATE: July, 2016	knr	jcf	1	1



Grand Junction City Council

Regular Session

Item #2 c

Meeting Date: October 19, 2016

Presented by: Care' McInnis,
Municipal Judge

Submitted by: Care' McInnis,
Municipal Judge

Department: Admin. – Muni. Court

Information

SUBJECT:

Resolution Directing Compliance with Charter, Statute, and Ordinance as they Relate to the Grand Junction Municipal Court

RECOMMENDATION:

Adoption of the resolution confirming compliance with the Charter, ordinances and State law regarding Municipal Court.

EXECUTIVE SUMMARY:

Council and the Municipal Judge have been discussing the structure, operations, and staffing of the Municipal Court for approximately two years. The requested clerk and judicial staffing from 2015, were tabled until the structure of the court could be resolved

BACKGROUND OR DETAILED INFORMATION:

City staff and the Municipal Judge have been discussing roles, responsibilities and duties of the staff associated with the operation and administration of the Court. Council dedicated a workshop to review the law. The laws being referenced are on the Judge and Jurisdiction of the Municipal Court (Charter §70), the creation, jurisdiction, powers and procedures, issuance of warrants, and rules of conduct (Chapter 2.28 of the Grand Junction Municipal Code), and Title 13, Article 10 of the Colorado Revised Statutes regarding Municipal Court.

The discussion at the workshop on September 19, 2016 also included the structure, operations, and administration of the Court.

FISCAL IMPACT:

There is no fiscal impact.

SUGGESTED MOTION:

I move to adopt Resolution No. 43-16, Directing Compliance with Charter, Statute, and Ordinance as they Relate to the Grand Junction Municipal Court.

Attachments

ATTACHMENT 1 – Proposed Resolution

RESOLUTION NO. _____ -16

A RESOLUTION DIRECTING COMPLIANCE WITH CHARTER, STATUTE, AND ORDINANCE AS THEY RELATE TO THE GRAND JUNCTION MUNICIPAL COURT

RECITALS:

The City of Grand Junction has by Charter and Ordinance established a Municipal Court. The Charter provides the City Manager shall see to the faithful execution of the laws and ordinances of the State and City and that the City Council shall appoint a Judge of the Municipal Court. Charter provides the judge of the municipal court of the city shall have all the jurisdiction, powers, duties and limitations as provided for a municipal court by state law or by ordinance, except as otherwise provided by this Charter, and shall have exclusive original jurisdiction to hear, try and determine all charges of misdemeanor as declared by this Charter, and all causes arising under this Charter or any of the ordinances, regulations or other rules of the city for a violation thereof. The Grand Junction Municipal Code (GJMC) provides the Municipal Court shall have original jurisdiction of all cases arising under the Charter, the code of ordinances, resolutions, rules and regulations of the City, with full power to assess and collect penalties, punish violators, abate nuisances, enforce orders of the Court by remedial or punitive contempt, and to otherwise effect the responsibilities prescribed by ordinance, Charter, resolution, regulation or Court rule. GJMC provides the Municipal Court is a qualified Court of record, other than cases arising under GJMC Title 10 (traffic), and shall comply with requirements of State law for courts of record. GJMC adopts by reference Title 13, Article 10 of the Colorado Revised Statutes (C.R.S.). Section 13-10-108 C.R.S. provides that City Council shall establish the position of clerk of the municipal court, and shall provide for the salary of the clerk of the municipal court. Section 13-10-110 C.R.S. provides that City Council shall furnish the municipal court with suitable courtroom facilities and sufficient funds for the acquisition of all necessary books, supplies, and furniture for the proper conduct of the business of court. Section 13-10-112 C.R.S. provides that the municipal judge of any municipal court has all judicial powers relating to the operation of his court, and the municipal judge has authority to issue local rules of procedure consistent with any rules of procedure adopted by the Colorado supreme court. Section 13-1-114 C.R.S. provides that the court has power to compel obedience to its lawful judgments, orders, and process and to the lawful orders of its judge out of court in action or proceeding pending therein; and the power to control, in furtherance of justice, the conduct of its ministerial officers.

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

The Municipal Court Judge shall exercise direct supervision over supervisory, professional, technical, and clerical staff of the court; Assume management responsibility consistent with the City Attorney, and Directors of all departments; and Govern the operations of the Municipal Court.

PASSED and ADOPTED this ____ day of _____, 2016.

ATTEST:

President of the City Council

City Clerk



Grand Junction City Council

Regular Session

Item #3 a

Meeting Date: October 19, 2016

Presented by: Kristen Ashbeck,
Senior Planner/CDBG
Administrator

Submitted by: Kristen Ashbeck,
Senior Planner/CDBG
Administrator

Department: Admin. – Com. Dev.

Information

SUBJECT:

2016 Community Development Block Grant (CDBG) Program Year Subrecipient Contracts

RECOMMENDATION:

Approval

EXECUTIVE SUMMARY:

The Subrecipient Contracts formalize the City's award of CDBG funds to the following entities, allocated from the City's 2016 CDBG Program Year as approved by City Council at its May 18, 2016 meeting.

- HopeWest - \$10,000 for PACE Center Therapy Equipment
- HopeWest - \$28,000 for PACE Center Kitchen Equipment
- Marillac Clinic - \$19,832 to Replace Two Dental Operatories
- St. Mary's Foundation - \$8,000 for Senior Companion Program
- St. Mary's Foundation - \$8,000 for Foster Grandparent Program
- Center for Independence - \$18,750 to Construct an Accessible Riser
- Housing Resources of Western Colorado - \$7,750 to Rehabilitate Two Housing Units
- Grand Junction Housing Authority - \$75,000 for Nellie Bechtel Housing Rehabilitation
- Karis, Inc. - \$50,000 for Acquisition of the Zoe House

BACKGROUND OR DETAILED INFORMATION:

CDBG funds are a Department of Housing and Urban Development (HUD) entitlement grant to the City of Grand Junction which became eligible for the funding in 1996. The City has received \$384,713 for the 2016 Program Year and Council approved amendments to Action Plans of previous program years to utilize a total of \$117,866 remaining funds to be allocated with the 2016 funds for a total allocation of \$502,579. The final funding decision of 15 projects was made by the City Council at its hearing on May 18, 2016. The City's 2016 Program Year began on September 1, 2016 therefore, contracts between the City and the agencies may now be executed.

HopeWest PACE Center Therapy Equipment

HopeWest is launching a Program of All-Inclusive Care for the Elderly (PACE) to provide care to the frail elderly. The program goal is to meet the healthcare needs of this population so they can stay in their own homes and will include in-home care as well as services at the PACE Center. The grant in the amount of \$10,000 will be used to purchase therapy equipment for the program. The grant amount requested is based on the estimated 200 participants in the program that live in the City limits. Additional funding in the amount of \$11,100 has been leveraged from other sources for this program.

HopeWest PACE Center Kitchen Equipment

As stated above, HopeWest is launching a Program of All-Inclusive Care for the Elderly (PACE) to provide care to the frail elderly. This CDBG grant of \$28,000 will be used to purchase commercial appliances for a kitchen to be used for the program. The grant amount requested is based on the estimated 200 participants in the program that live in the City limits. Additional funding in the amount of \$27,700 has been leveraged from other sources for this project.

Marillac Clinic Replace Two Dental Operatories (chairs)

Marillac Clinic, Inc. recently attained a designation as a Federally Qualified Community Health Center and, thus, are undergoing many changes and significant increase in services. The main clinic has 13 dental operatories which have all been recently inspected and all must be replaced as the patient volume increases. The two operatories identified to be replaced with this \$19,832 grant are the highest priority. Additional funds in the amount of \$29,747 have been leveraged from other sources for this project.

St. Mary's Senior Companion Program

The Senior Companion Program enables low to moderate income active seniors to assist other low income frail, elderly persons so they can continue to live at home rather than in an assisted living facility. CDBG funds in the amount of \$8,000 will be used to reimburse 2 new volunteers that live within the City limits for mileage expenses that support 10 more clients within the City limits. Additional funding in the amount of \$223,617 has been leveraged from other sources for the overall program.

St. Mary's Foster Grandparent Program

This program places low income senior volunteers in school, day care, Head Start, preschool, and safe house facilities to help children with special needs. CDBG funding of \$8,000 will allow for the addition of 6 volunteers to serve 66 more students.

Additional funding in the amount of \$343,371 has been leveraged from other sources for this program.

Center for Independence Accessible Riser

The Center for Independence promotes community solutions and empowers individuals with disabilities to live independently. The agency owns and operates the building at 740 Gunnison Avenue for its programs and leases space on the second floor to a variety of other organizations including Volunteers of America, Grand Valley Peace and Justice, National Alliance on Mental Health, Housing Resources of Western Colorado, Western Colorado Suicide Prevention; Firefly Autism West, Bill Hurd and Western Writers Forum. The building has three stairwells but no elevator or other means for accessibility to the second floor. The CDBG grant of \$18,750 will be used to purchase and install an inclined platform riser on one of the stairways. The lift/riser will eliminate architectural barriers and provide an increased number of agency consumers access to the second floor. Additional funding in the amount of \$850 has been leveraged from other sources for this project.

Housing Resources of Western Colorado Rehabilitate Two Units at the Phoenix Project

In partnership with HomewardBound, Housing Resources provides affordable, transitional housing for homeless veterans at the multifamily Phoenix Project building. Six of the eight apartment units have been remodeled since the building was acquired in 2004. Housing Resources will utilize the CDBG grant of \$7,750 to rehabilitate the remaining two units, including remodel of the kitchens and bathrooms. Additional funding in the amount of \$2,550 has been leveraged from other sources for this project.

Grand Junction Housing Authority Nellie Bechtel Housing Rehabilitation

The Housing Authority recently acquired Nellie Bechtel Apartments and will upgrade/rehabilitate the 96 units and community room. CDBG funds in the amount of \$75,000 will be used to begin the first phase of rehabilitation to include replacement of evaporative coolers on all buildings and ranges in each unit. Additional funding in the amount of \$5,556,327 has been leveraged from other sources for this project.

Karis, Inc. Acquisition of the Zoe House

Karis, Inc. provides housing and services to homeless adults, teens and youth who are looking to move aggressively towards self-sufficiency. It currently leases the Zoe House which provides 6-month to two-year housing and a transitional program for youth recovering from sexual assault, domestic violence or date stalking. The CDBG grant of \$50,000 will be used towards Karis' purchase of the Zoe House. Karis has additional funding in the amount of \$182,543 to match the CDBG funds.

The agencies listed above are considered “subrecipients” to the City. The City will “pass through” portions of its 2016 Program Year CDBG funds to them but the City remains responsible for the use of these funds. The contracts outline the duties and responsibilities of the agencies and ensure that the subrecipients comply with all Federal rules and regulations governing the use of these funds. The contract must be approved before the subrecipient may obligate or spend any of these Federal funds. Exhibit A of each of the contracts (Attachments 1 through 9) contain the specifics of the projects and how the money will be used by the subrecipients.

FISCAL IMPACT:

Previously approved 2016 CDBG Program Year Budget:

2016 CDBG Allocation:	\$384,713
Remainder Previous Years:	<u>\$117,866</u>
Total Funding Allocated:	\$502,579

Total allocation includes \$43,000 for program administrative costs including approximately 40 percent of staff time and salary, fair housing activities, public participation, legal requirements, and staff training.

SUGGESTED MOTION:

I MOVE to (authorize or deny) the City Manager to Sign the Subrecipient Contracts between the City of Grand Junction and various local entities as listed on the Staff Report for Funding through the City’s 2016 Community Development Block Grant (CDBG) Program Year.

Attachments

- ATTACHMENT 1 - Exhibit A, Subrecipient Contract – HopeWest PACE Center Therapy Equipment
- ATTACHMENT 2 - Exhibit A, Subrecipient Contract – HopeWest PACE Center Kitchen Equipment
- ATTACHMENT 3 - Exhibit A, Subrecipient Contract – Marillac Clinic Replace Dental Operatories
- ATTACHMENT 4 - Exhibit A, Subrecipient Contract – St. Mary’s Senior Companion Program
- ATTACHMENT 5 - Exhibit A, Subrecipient Contract – St. Mary’s Foster Grandparent Program
- ATTACHMENT 6 - Exhibit A, Subrecipient Contract – Center for Independence Accessible Riser
- ATTACHMENT 7 - Exhibit A, Subrecipient Contract – Housing Resources of Western Colorado Phoenix Project -Rehabilitate Two Housing Units
- ATTACHMENT 8 - Exhibit A, Subrecipient Contract – Grand Junction Housing Authority Nellie Bechtel Housing Rehabilitation
- ATTACHMENT 9 - Exhibit A, Subrecipient Contract – Karis, Inc. Zoe House Acquisition

ATTACHMENT 1

2016 SUBRECIPIENT CONTRACT FOR CITY OF GRAND JUNCTION COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS EXHIBIT A SCOPE OF SERVICES

Date Approved: _____

Amount of Grant: \$10,000

Subrecipient: HopeWest

Completion Date: December 31, 2017

1. The City agrees to pay the Subrecipient, subject to the subrecipient agreement, this Exhibit and attachment to it, \$10,000 from its 2016 Program Year CDBG Entitlement Funds to purchase therapy equipment for the PACE center to be located at 2754 Compass Drive, Grand Junction, Colorado ("Property"). Subrecipient provides services that supports the needs of elderly individuals.

2. The Subrecipient certifies that it will meet the CDBG National Objective of low/moderate income benefit (570.208(a)2.). It shall meet this objective by completing the above-referenced purchase of therapy equipment for the PACE center to be used by elderly persons in Grand Junction, Colorado.

3. HopeWest is launching a Program of All-Inclusive Care for the Elderly (PACE) to provide care to the frail elderly. The program goal is to meet the healthcare needs of this population so they can stay in their own homes and will include in-home care as well as services at the PACE Center. CDBG funds will be used to purchase therapy equipment for the program. The Property will be owned and operated by Subrecipient which will continue to operate the services facility. It is understood that \$10,000 of City CDBG funds shall be used only for the improvements described in this agreement. Costs associated with any other elements of the project shall be paid for by other funding sources obtained by the Subrecipient.

4. This project shall commence upon the full and proper execution of the 2016 Subrecipient Agreement and the completion of all necessary and appropriate state and local licensing, environmental permit review, approval and compliance. The project shall be completed on or before the Completion Date.

5. The total budget for the project is estimated to be \$21,100 as follows:

CDBG Funds: \$ 10,000

Other Funds: \$ 11,100

6. This project will provide therapy services for an estimated 200 elderly individuals.

_____ Subrecipient

_____ City of Grand Junction

7. The City shall monitor and evaluate the progress and performance of the Subrecipient to assure that the terms of this agreement are met in accordance with City and other applicable monitoring and evaluating criteria and standards. The Subrecipient shall cooperate with the City relating to monitoring, evaluation and inspection and compliance.

8. The Subrecipient shall provide quarterly financial and performance reports to the City. Reports shall describe the progress of the project, what activities have occurred, what activities are still planned, financial status, compliance with National Objectives and other information as may be required by the City. A final report shall also be submitted when the project is completed.

9. During a period of five (5) years following the Completion Date the use of the Properties improved may not change unless: A) the City determines the new use meets one of the National Objectives of the CDBG Program, and B) the Subrecipient provides affected citizens with reasonable notice and an opportunity to comment on any proposed changes. If the Subrecipient decides, after consultation with affected citizens that it is appropriate to change the use of the Properties to a use which the City determines does not qualify in meeting a CDBG National Objective, the Subrecipient must reimburse the City a prorated share of the Amount of the Grant the City makes to the project. At the end of the five-year period following the project closeout date and thereafter, no City restrictions under this agreement on use of the Properties shall be in effect.

10. The Subrecipient understands that the funds described in the Agreement are received by the City from the U.S. Department of Housing and Urban Development under the Community Development Block Grant Program. The Subrecipient shall meet all City and federal requirements for receiving Community Development Block Grant funds, whether or not such requirements are specifically listed in this Agreement. The Subrecipient shall provide the City with documentation establishing that all local and federal CDBG requirements have been met.

11. A blanket fidelity bond equal to cash advances as referenced in Paragraph V. (E) will not be required as long as no cash advances are made and payment is on a reimbursement basis.

12. A formal project notice will be sent to the Subrecipient once all funds are expended and a final report is received.

_____ Subrecipient

_____ City of Grand Junction

1) Output Measures

- A. Total Number of unduplicated clients anticipated to be served during the contract: 200
- B. Number of unduplicated LMI City residents to be served during the contract: 200
- C. Of the City residents to be served, how many will: i) have new or continued access to the service/benefit: 200; ii) have improved access to the service or benefit____; and iii) receive the service or benefit that is improved/no longer substandard_____.

2) Schedule of Performance

Estimate the number of unduplicated City residents to be served per quarter of the contract:
Q1____Q2____Q3 100 Q4 100

3) Payment Schedule

During the contract, funds will be drawn Q1____Q2____Q3 \$5000 Q4 \$5000

4) Outcome Measures

Activity (select one) Senior Service ___ Youth Service ___ Homeless Service
___ Disabled Service ___ LMI Service ___ Fair Housing Service ___ Housing ___ Other

Primary Objective (select one) Create a suitable living environment ___ Provide decent, affordable housing ___ Create economic opportunity(ies)

Primary Outcome Measurement (select one) ___ Availability/Accessibility ___ Affordability
 Sustainability

Summarize the means by which outcomes will be tracked, measured and reported

The majority of patients served by PACE will be dually eligible for Medicare and Medicaid, and thus will inherently be low income. Patients' eligibility will be verified at the time of admission by querying Medicare and Medicaid databases. City residency will also be verified at this time.

_____ Subrecipient

_____ City of Grand Junction

ATTACHMENT 2
2016 SUBRECIPIENT CONTRACT FOR
CITY OF GRAND JUNCTION
COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS
EXHIBIT A
SCOPE OF SERVICES

Date Approved: _____
Amount of Grant: \$28,000
Subrecipient: HopeWest
Completion Date: December 31, 2017

1. The City agrees to pay the Subrecipient, subject to the subrecipient agreement, this Exhibit and attachment to it, \$28,000 from its 2016 Program Year CDBG Entitlement Funds to purchase commercial appliances for a kitchen to be used for the PACE center to be located at 2754 Compass Drive, Grand Junction, Colorado ("Property"). Subrecipient provides services that supports the needs of elderly individuals.
2. The Subrecipient certifies that it will meet the CDBG National Objective of low/moderate income benefit (570.208(a)(2)). It shall meet this objective by completing the above-referenced purchase of kitchen appliances for the PACE center to be used by elderly persons in Grand Junction, Colorado.
3. HopeWest is launching a Program of All-Inclusive Care for the Elderly (PACE) to provide care to the frail elderly. The program goal is to meet the healthcare needs of this population so they can stay in their own homes and will include in-home care as well as services at the PACE Center. CDBG funds will be used to purchase commercial appliances for a kitchen to be used for the program. The Property will be owned and operated by Subrecipient which will continue to operate the services facility. It is understood that \$28,000 of City CDBG funds shall be used only for the improvements described in this agreement. Costs associated with any other elements of the project shall be paid for by other funding sources obtained by the Subrecipient.
4. This project shall commence upon the full and proper execution of the 2016 Subrecipient Agreement and the completion of all necessary and appropriate state and local licensing, environmental permit review, approval and compliance. The project shall be completed on or before the Completion Date.
5. The total budget for the project is estimated to be \$55,700 as follows:

CDBG Funds: \$ 28,000
Other Funds: \$ 27,700
6. The overall PACE project will provide therapy services as well as kitchen equipment to provide breakfast, lunch and take home dinners for an estimated 200 elderly clients.

_____ Subrecipient
_____ City of Grand Junction

7. The City shall monitor and evaluate the progress and performance of the Subrecipient to assure that the terms of this agreement are met in accordance with City and other applicable monitoring and evaluating criteria and standards. The Subrecipient shall cooperate with the City relating to monitoring, evaluation and inspection and compliance.

8. The Subrecipient shall provide quarterly financial and performance reports to the City. Reports shall describe the progress of the project, what activities have occurred, what activities are still planned, financial status, compliance with National Objectives and other information as may be required by the City. A final report shall also be submitted when the project is completed.

9. During a period of five (5) years following the Completion Date the use of the Properties improved may not change unless: A) the City determines the new use meets one of the National Objectives of the CDBG Program, and B) the Subrecipient provides affected citizens with reasonable notice and an opportunity to comment on any proposed changes. If the Subrecipient decides, after consultation with affected citizens that it is appropriate to change the use of the Properties to a use which the City determines does not qualify in meeting a CDBG National Objective, the Subrecipient must reimburse the City a prorated share of the Amount of the Grant the City makes to the project. At the end of the five-year period following the project closeout date and thereafter, no City restrictions under this agreement on use of the Properties shall be in effect.

10. The Subrecipient understands that the funds described in the Agreement are received by the City from the U.S. Department of Housing and Urban Development under the Community Development Block Grant Program. The Subrecipient shall meet all City and federal requirements for receiving Community Development Block Grant funds, whether or not such requirements are specifically listed in this Agreement. The Subrecipient shall provide the City with documentation establishing that all local and federal CDBG requirements have been met.

11. A blanket fidelity bond equal to cash advances as referenced in Paragraph V. (E) will not be required as long as no cash advances are made and payment is on a reimbursement basis.

12. A formal project notice will be sent to the Subrecipient once all funds are expended and a final report is received.

_____ Subrecipient

_____ City of Grand Junction

1) Output Measures

- A. Total Number of unduplicated clients anticipated to be served during the contract: 200
- B. Number of unduplicated LMI City residents to be served during the contract: 200
- C. Of the City residents to be served, how many will: i) have new or continued access to the service/benefit: 200; ii) have improved access to the service or benefit____; and iii) receive the service or benefit that is improved/no longer substandard_____.

2) Schedule of Performance

Estimate the number of unduplicated City residents to be served per quarter of the contract:
Q1____Q2____Q3 100 Q4 100

3) Payment Schedule

During the contract, funds will be drawn Q1____Q2____Q3 \$14000 Q4 \$14000

4) Outcome Measures

Activity (select one) Senior Service ___ Youth Service ___ Homeless Service
___ Disabled Service ___ LMI Service ___ Fair Housing Service ___ Housing Other
(rehabilitation of public facility to be used as senior center)

Primary Objective (select one) Create a suitable living environment ___ Provide decent, affordable housing ___ Create economic opportunity(ies)

Primary Outcome Measurement (select one) ___ Availability/Accessibility ___ Affordability
 Sustainability

Summarize the means by which outcomes will be tracked, measured and reported

The majority of patients served by PACE will be dually eligible for Medicare and Medicaid, and thus will inherently be low income. Patients' eligibility will be verified at the time of admission by querying Medicare and Medicaid databases. City residency will also be verified at this time.

_____ Subrecipient

_____ City of Grand Junction

ATTACHMENT 3
2016 SUBRECIPIENT CONTRACT FOR
CITY OF GRAND JUNCTION
COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS
EXHIBIT A
SCOPE OF SERVICES

Date Approved: _____

Amount of Grant: \$19,832

Subrecipient: **Marillac Clinic, Inc.**

Completion Date: **December 31, 2017**

1. The City agrees to pay the Subrecipient, subject to the subrecipient agreement, this Exhibit and attachment to it, the Amount of the Grant from its 2016 Program Year CDBG Entitlement Funds to replace two dental operatories in the clinic located at 2333 N 6th Street, Grand Junction, Colorado ("Property"). Subrecipient offers low-to-middle income uninsured and under-insured residents affordable health care including medical, dental, mental health, optical care and discounted medication assistance.
2. The Subrecipient certifies that it will meet the CDBG National Objective of low/moderate income benefit (570.201(e)). It shall meet this objective by completing the above-referenced services in Grand Junction, Colorado.
3. The project consists of replacement of a total of thirteen dental operatories located at 2333 N 6th Street. CDBG funds will be used to replace two of the thirteen operatories in the clinic. The Property is currently owned and operated by Subrecipient which will continue to operate the clinic. It is understood that the Amount of the Grant of City CDBG funds shall be used only for the improvements described in this agreement. Costs associated with any other elements of the project shall be paid for by other funding sources obtained by the Subrecipient.
4. This project shall commence upon the full and proper execution of the 2016 Subrecipient Agreement and the completion of all necessary and appropriate state and local licensing, environmental permit review, approval and compliance. The project shall be completed on or before the Completion Date.
5. The total budget for the project is estimated to be \$49,579.00 as follows: CDBG - \$19,832, Other - \$29,747.
6. This project will improve the safety and efficiency of the dental operations of the clinic.
7. The City shall monitor and evaluate the progress and performance of the Subrecipient to assure that the terms of this agreement are met in accordance with City and other applicable monitoring and evaluating criteria and standards. The Subrecipient shall cooperate with the City relating to monitoring, evaluation and inspection and compliance.

_____ Subrecipient

_____ City of Grand Junction

8. The Subrecipient shall provide quarterly financial and performance reports to the City. Reports shall describe the progress of the project, what activities have occurred, what activities are still planned, financial status, compliance with National Objectives and other information as may be required by the City. A final report shall also be submitted when the project is completed.

9. During a period of five (5) years following the Completion Date the use of the Properties improved may not change unless: A) the City determines the new use meets one of the National Objectives of the CDBG Program, and B) the Subrecipient provides affected citizens with reasonable notice and an opportunity to comment on any proposed changes. If the Subrecipient decides, after consultation with affected citizens that it is appropriate to change the use of the Properties to a use which the City determines does not qualify in meeting a CDBG National Objective, the Subrecipient must reimburse the City a prorated share of the Amount of the Grant the City makes to the project. At the end of the five-year period following the project closeout date and thereafter, no City restrictions under this agreement on use of the Properties shall be in effect.

10. The Subrecipient understands that the funds described in the Agreement are received by the City from the U.S. Department of Housing and Urban Development under the Community Development Block Grant Program. The Subrecipient shall meet all City and federal requirements for receiving Community Development Block Grant funds, whether or not such requirements are specifically listed in this Agreement. The Subrecipient shall provide the City with documentation establishing that all local and federal CDBG requirements have been met.

11. A blanket fidelity bond equal to cash advances as referenced in Paragraph V. (E) will not be required as long as no cash advances are made and payment is on a reimbursement basis.

12. A formal project notice will be sent to the Subrecipient once all funds are expended and a final report is received.

_____ Subrecipient

_____ City of Grand Junction

Attachment 1 – Performance Measures

1) Output Measures

- A. Total Number of unduplicated clients anticipated to be served by the project during the 12 mo. FY contract 4,640 (dental only)
- B. Number of unduplicated LMI City residents to be served with grant funds during the 12 mo. FY contract 1,856 (dental only in city limits)
- C. Of the City residents to be served:
 - i) how many will have new or continued access to the service/benefit 100% will have access to the dental clinic, approximately 15% or 278 will access 2 of the 13 operatories newly equipped.
 - ii) how many will have improved access to the service or benefit 100% (same as above)
 - iii) how many will receive the service or benefit that is improved/no longer substandard 100% (same as above)

2) Schedule of Performance

Estimate the number of unduplicated City resident to be served per calendar quarter of the 12 mo. FY contract Q1 1,160 Q2 1,160 Q3 1,160 Q4 1,160

3) Payment Schedule

During the 12 mo. FY contract funds will be drawn Q1 100% Q2 Q3 Q4

4) Outcome Measures

Activity (select one) Senior Service Youth Service Homeless Service
 Disabled Service X LMI Service Fair Housing Service

Primary Objective (select one) X Create a suitable living environment (Non-Housing)
Provide decent, affordable housing Create economic opportunity (ies)

Primary Outcome Measurement (select one) Availability/Accessibility Affordability
X Sustainability

Summarize the means by which outcomes will be tracked, measured and reported

Marillac Clinic captures demographic data on new patients and updates the data for established patients at the time of each appointment. The electronic health record is used to schedule, prepare, execute, bill, collect and report all patient services. Quality outcomes and patient satisfaction are managed by our Chief Operations Officer/Quality Manager. The purchase and installation of new dental equipment will result in invoices from the selected vendor, for which we can provide copies.

 Subrecipient

 City of Grand Junction

ATTACHMENT 4
2016 SUBRECIPIENT CONTRACT FOR
CITY OF GRAND JUNCTION
COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS
EXHIBIT A
SCOPE OF SERVICES

Date Approved: _____
Amount of Grant: \$8,000.00
Subrecipient: St Mary's Senior Companion Program
Completion Date: December 31, 2017

1. The City agrees to pay the Subrecipient, subject to the subrecipient agreement, this Exhibit and attachment to it, \$8,000.00 from its 2016 Program Year CDBG Entitlement Funds to provide the program's low-income, senior volunteers with mileage reimbursement inside Grand Junction City limits. Subrecipient provides companionship services for low/moderate income senior citizens in the community.
2. The Subrecipient certifies that it will meet the CDBG National Objective of low/moderate income benefit (570.208(a)(2)). It shall meet this objective by completing the above-referenced low-moderate limited clientele, senior services in Grand Junction, Colorado.
3. The program provides their low-income, senior volunteers with mileage reimbursement inside Grand Junction City limits. It is understood that \$8,000.00 of City CDBG funds shall be used only for the improvements described in this agreement. Costs associated with any other elements of the project shall be paid for by other funding sources obtained by the Subrecipient.
4. This project shall commence upon the full and proper execution of the 2016 Subrecipient Agreement and the completion of all necessary and appropriate state and local licensing, environmental permit review, approval and compliance. The project shall be completed on or before the Completion Date.
5. The total budget for the project is estimated to be \$ 229,617.00 as follows:

CDBG Funds: \$ 8,000.00 Other Funds: \$ 221,617.00
6. The project will allow for 25 of the 41 total volunteers to serve 250 senior, homebound City of Grand Junction residents. The program serves a total of 308 seniors.
7. The City shall monitor and evaluate the progress and performance of the Subrecipient to assure that the terms of this agreement are met in accordance with City and other applicable monitoring and evaluating criteria and standards. The Subrecipient shall cooperate with the City relating to monitoring, evaluation and inspection and compliance.

_____ Subrecipient
_____ City of Grand Junction

8. The Subrecipient shall provide quarterly financial and performance reports to the City. Reports shall describe the progress of the project, what activities have occurred, what activities are still planned, financial status, compliance with National Objectives and other information as may be required by the City. A final report shall also be submitted when the project is completed.

9. During a period of five (5) years following the Completion Date the use of the Properties improved may not change unless: A) the City determines the new use meets one of the National Objectives of the CDBG Program, and B) the Subrecipient provides affected citizens with reasonable notice and an opportunity to comment on any proposed changes. If the Subrecipient decides, after consultation with affected citizens that it is appropriate to change the use of the Properties to a use which the City determines does not qualify in meeting a CDBG National Objective, the Subrecipient must reimburse the City a prorated share of the Amount of the Grant the City makes to the project. At the end of the five-year period following the project closeout date and thereafter, no City restrictions under this agreement on use of the Properties shall be in effect.

10. The Subrecipient understands that the funds described in the Agreement are received by the City from the U.S. Department of Housing and Urban Development under the Community Development Block Grant Program. The Subrecipient shall meet all City and federal requirements for receiving Community Development Block Grant funds, whether or not such requirements are specifically listed in this Agreement. The Subrecipient shall provide the City with documentation establishing that all local and federal CDBG requirements have been met.

11. A blanket fidelity bond equal to cash advances as referenced in Paragraph V. (E) will not be required as long as no cash advances are made and payment is on a reimbursement basis.

12. A formal project notice will be sent to the Subrecipient once all funds are expended and a final report is received.

_____ Subrecipient

_____ City of Grand Junction

Attachment 1 – Performance Measures

1. Output Measures

A. Total Number of unduplicated clients anticipated to be served during the contract 308

B. Number of unduplicated LMI City residents to be served during the contract 250

C. Of the City residents to be served, how many will: i) have new or continued access to the service/benefit: 100%; ii) have improved access to the service or benefit____ ; and iii) receive the service or benefit that is improved/no longer substandard_____.

2.) Schedule of Performance

Estimate the number of unduplicated City residents to be served per quarter of the contract:

Q1: 60 Q2: 60 Q3: 65 Q4: 65

3) Payment Schedule

During the contract, funds will be drawn Q: 25% Q2: 25% Q3: 25% Q4: 25%

4) Outcome Measures

Activity (select one) Senior Service ___ Youth Service ___ Homeless Service
___ Disabled Service ___ LMI Service ___ Fair Housing Service ___ Housing ___ Other
(insert specify)

Primary Objective (select one) Create a suitable living environment ___ Provide decent, affordable housing ___ Create economic opportunity(ies)

Primary Outcome Measurement (select one) ___ Availability/Accessibility ___ Affordability
 Sustainability

Summarize the means by which outcomes will be tracked, measured and reported

The income of each household/person receiving assistance will be individually verified as well as City residency for eligibility.

_____ Subrecipient
_____ City of Grand Junction

ATTACHMENT 5

**2016 SUBRECIPIENT CONTRACT FOR
CITY OF GRAND JUNCTION
COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS
EXHIBIT A
SCOPE OF SERVICES**

Date Approved: _____

Amount of Grant: **\$8,000.00**

Subrecipient: **St Mary's Foster Grandparent Program**

Completion Date: **December 31, 2017**

1. The City agrees to pay the Subrecipient, subject to the subrecipient agreement, this Exhibit and attachment to it, \$8,000.00 from its 2016 Program Year CDBG Entitlement Funds to provide the programs low-income, senior volunteers with mileage reimbursement inside Grand Junction City limits. Subrecipient enables low income persons aged 55 and over to remain physically and mentally active and to enhance their lives through continued participation in needed community service, helping local youth in non-profit daycares, Head Start centers, schools, the Division of Youth Corrections and St. Mary's PEDS/NICU units.

2. The Subrecipient certifies that it will meet the CDBG National Objective of low/moderate income benefit (570.208(a)(2)). It shall meet this objective by completing the above-referenced low-moderate limited clientele, seniors and youth in Grand Junction, Colorado.

3. The program provides their low-income, senior volunteers with mileage reimbursement inside Grand Junction City limits. It is understood that \$8,000.00 of City CDBG funds shall be used only for the improvements described in this agreement. Costs associated with any other elements of the project shall be paid for by other funding sources obtained by the Subrecipient.

4. This project shall commence upon the full and proper execution of the 2016 Subrecipient Agreement and the completion of all necessary and appropriate state and local licensing, environmental permit review, approval and compliance. The project shall be completed on or before the Completion Date.

5. The total budget for the project is estimated to be \$349,371.00 as follows:

CDBG Funds: \$ 8,000.00 Other Funds: \$ 341,371.00

6. The project will allow for 58 of the 80 total volunteers to serve 1,054 children within the City of Grand Junction. The program serves a total of 1,700 children.

_____ Subrecipient

_____ City of Grand Junction

7. The City shall monitor and evaluate the progress and performance of the Subrecipient to assure that the terms of this agreement are met in accordance with City and other applicable monitoring and evaluating criteria and standards. The Subrecipient shall cooperate with the City relating to monitoring, evaluation and inspection and compliance.

8. The Subrecipient shall provide quarterly financial and performance reports to the City. Reports shall describe the progress of the project, what activities have occurred, what activities are still planned, financial status, compliance with National Objectives and other information as may be required by the City. A final report shall also be submitted when the project is completed.

9. During a period of five (5) years following the Completion Date the use of the Properties improved may not change unless: A) the City determines the new use meets one of the National Objectives of the CDBG Program, and B) the Subrecipient provides affected citizens with reasonable notice and an opportunity to comment on any proposed changes. If the Subrecipient decides, after consultation with affected citizens that it is appropriate to change the use of the Properties to a use which the City determines does not qualify in meeting a CDBG National Objective, the Subrecipient must reimburse the City a prorated share of the Amount of the Grant the City makes to the project. At the end of the five-year period following the project closeout date and thereafter, no City restrictions under this agreement on use of the Properties shall be in effect.

10. The Subrecipient understands that the funds described in the Agreement are received by the City from the U.S. Department of Housing and Urban Development under the Community Development Block Grant Program. The Subrecipient shall meet all City and federal requirements for receiving Community Development Block Grant funds, whether or not such requirements are specifically listed in this Agreement. The Subrecipient shall provide the City with documentation establishing that all local and federal CDBG requirements have been met.

11. A blanket fidelity bond equal to cash advances as referenced in Paragraph V. (E) will not be required as long as no cash advances are made and payment is on a reimbursement basis.

12. A formal project notice will be sent to the Subrecipient once all funds are expended and a final report is received.

_____ Subrecipient

_____ City of Grand Junction

Attachment 1 – Performance Measures

1) Output Measures

A. Total Number of unduplicated clients anticipated to be served during the contract 1,700

B. Number of unduplicated LMI City residents to be served during the contract 1,054

C. Of the City residents to be served, how many will: i) have new or continued access to the service/benefit 100%; ii) have improved access to the service or benefit____ ; and iii) receive the service or benefit that is improved/no longer substandard____.

2) Schedule of Performance

Estimate the number of unduplicated City residents to be served per quarter of the contract:

Q1: 260 Q2: 260 Q3: 267 Q4: 267

3) Payment Schedule

During the contract, funds will be drawn Q1: 25% Q2: 25% Q3: 25% Q4: 25%

4) Outcome Measures

Activity (select one) Senior Service ___ Youth Service ___ Homeless Service
___ Disabled Service ___ LMI Service ___ Fair Housing Service ___ Housing ___ Other
(insert specify)

Primary Objective (select one) Create a suitable living environment ___ Provide decent, affordable housing ___ Create economic opportunity(ies)

Primary Outcome Measurement (select one) ___ Availability/Accessibility ___ Affordability
 Sustainability

Summarize the means by which outcomes will be tracked, measured and reported

The income of each household/person receiving assistance will be individually verified as well as City residency for eligibility.

_____ Subrecipient

_____ City of Grand Junction

ATTACHMENT 6

**2016 SUBRECIPIENT CONTRACT FOR
CITY OF GRAND JUNCTION
COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS
EXHIBIT A
SCOPE OF SERVICES**

Date Approved: _____

Amount of Grant: \$18,750

Subrecipient: Center for Independence

Completion Date: December 31, 2017

1. The City agrees to pay the Subrecipient, subject to the subrecipient agreement, this Exhibit and attachment to it, \$18,750 from its 2016 Program Year CDBG Entitlement Funds to purchase and install an accessible riser in the main program office of the Center for Independence located at 740 Gunnison Avenue, Grand Junction, Colorado ("Property"). The purpose of the project is to remove architectural barriers from the building for disabled clients and persons visiting the building.
2. The Subrecipient certifies that it will meet the CDBG National Objective of low/moderate income limited clientele benefit and to eliminate architectural barriers (570.202(b)). It shall meet this objective by completing the above-referenced building rehabilitation in Grand Junction, Colorado.
3. The project consists of purchase and installation of a platform accessible riser in the main program office of the Center for Independence located at 740 Gunnison Avenue using CDBG funds. The Property is currently owned and operated by Subrecipient which will continue to operate the service facility. It is understood that the Amount of the Grant of City CDBG funds shall be used only for the improvements described in this agreement. Costs associated with any other elements of the project shall be paid for by other funding sources obtained by the Subrecipient.
4. This project shall commence upon the full and proper execution of the 2016 Subrecipient Agreement and the completion of all necessary and appropriate state and local licensing, environmental permit review, approval and compliance. The project shall be completed on or before the Completion Date.
5. The total budget for the project is estimated as follows:

CDBG	\$18,750
Other Funds	\$ 850
6. This project will improve the accessibility in this building for an estimated 500 persons.
7. The City shall monitor and evaluate the progress and performance of the Subrecipient to assure that the terms of this agreement are met in accordance with City and other applicable monitoring and evaluating criteria and standards. The Subrecipient shall cooperate with the City relating to monitoring, evaluation and inspection and compliance.

_____ Subrecipient

_____ City of Grand Junction

8. The Subrecipient shall provide quarterly financial and performance reports to the City. Reports shall describe the progress of the project, what activities have occurred, what activities are still planned, financial status, compliance with National Objectives and other information as may be required by the City. A final report shall also be submitted when the project is completed.

9. During a period of five (5) years following the Completion Date the use of the Properties improved may not change unless: A) the City determines the new use meets one of the National Objectives of the CDBG Program, and B) the Subrecipient provides affected citizens with reasonable notice and an opportunity to comment on any proposed changes. If the Subrecipient decides, after consultation with affected citizens that it is appropriate to change the use of the Properties to a use which the City determines does not qualify in meeting a CDBG National Objective, the Subrecipient must reimburse the City a prorated share of the Amount of the Grant the City makes to the project. At the end of the five-year period following the project closeout date and thereafter, no City restrictions under this agreement on use of the Properties shall be in effect.

10. The Subrecipient understands that the funds described in the Agreement are received by the City from the U.S. Department of Housing and Urban Development under the Community Development Block Grant Program. The Subrecipient shall meet all City and federal requirements for receiving Community Development Block Grant funds, whether or not such requirements are specifically listed in this Agreement. The Subrecipient shall provide the City with documentation establishing that all local and federal CDBG requirements have been met.

11. A blanket fidelity bond equal to cash advances as referenced in Paragraph V. (E) will not be required as long as no cash advances are made and payment is on a reimbursement basis.

12. A formal project notice will be sent to the Subrecipient once all funds are expended and a final report is received.

_____ Subrecipient

_____ City of Grand Junction

Attachment 1 – Performance Measures

1. Output Measures

A. Total Number of unduplicated clients anticipated to be served by the project during the 12-month FY contract: 500

B. Number of unduplicated LMI City residents to be served with grant funds during the 12-month FY contract: 225

C. Of the City residents to be served how many will: i) have new or continued access to the service/benefit: 0; ii) have improved access to the service or benefit: 225; and iii) receive the service or benefit that is improved/no longer substandard 0.

2.) Schedule of Performance

Estimate the number of unduplicated City resident to be served per calendar quarter of the 12-month FY contract Q1: 55 Q2: 60 Q3: 60 Q4: 50

3) Payment Schedule

During the 12-month FY contract funds will be drawn: Q1___Q2___Q3: 100% Q4___

4) Outcome Measures

Activity (select one) ___ Senior Service ___ Youth Service ___ Homeless Service
___ X Disabled Service ___ LMI Service ___ Fair Housing Service

Primary Objective (select one) X Create a suitable living environment ___ Provide decent, affordable housing ___ Create economic opportunity (ies)

Primary Outcome Measurement (select one) ___ Availability/Accessibility ___ Affordability
X Sustainability

Summarize the means by which outcomes will be tracked, measured and reported:

The types of households or persons served are of special need (presumed benefit). CFI services is sole based on evidence of a disability. CFI does not means-test, so anyone with a disability may receive services. Income data is collected for reporting purposes.

_____ Subrecipient

_____ City of Grand Junction

ATTACHMENT 7

**2016 SUBRECIPIENT CONTRACT FOR
CITY OF GRAND JUNCTION
COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS
EXHIBIT A
SCOPE OF SERVICES**

Date Approved: _____

Amount of Grant: \$7,750

Subrecipient: Housing Resources of Western Colorado

Completion Date: December 31, 2017

1. The City agrees to pay the Subrecipient, subject to the subrecipient agreement, this Exhibit and attachment to it, \$7,750 from its 2016 Program Year CDBG Entitlement Funds to rehabilitate two apartment units at the Phoenix Apartments located at 1333 North 13th Street, Grand Junction, Colorado ("Property") with kitchen and bath upgrades, new plumbing and sewer clean out. Subrecipient provides housing for low and moderate income veterans at this facility.

2. The Subrecipient certifies that it will meet the CDBG National Objective of low/moderate income benefit (570.202(a)). It shall meet this objective by completing the above-referenced housing rehabilitation for low/moderate income veterans in Grand Junction, Colorado.

3. The project consists of rehabilitation of two of the existing residential apartment units located at 1333 North 13th Street. CDBG funds will be used to upgrade the kitchens and baths, replace plumbing and clean out/provide new sewer service connection. The Property is currently owned and operated by Subrecipient which will continue to operate the housing facility. It is understood that the \$7,750 grant of City CDBG funds shall be used only for the improvements described in this agreement. Costs associated with any other elements of the project shall be paid for by other funding sources obtained by the Subrecipient.

4. This project shall commence upon the full and proper execution of the 2016 Subrecipient Agreement and the completion of all necessary and appropriate state and local licensing, environmental permit review, approval and compliance. The project shall be completed on or before the Completion Date.

5. The total budget for the project is estimated to be \$10,030 as follows:

CDBG Funds \$7,750

Other HRWC Funds \$2,280

6. This project will improve the comfort in these housing units and update them for ongoing use.

_____ Subrecipient

_____ City of Grand Junction

7. The City shall monitor and evaluate the progress and performance of the Subrecipient to assure that the terms of this agreement are met in accordance with City and other applicable monitoring and evaluating criteria and standards. The Subrecipient shall cooperate with the City relating to monitoring, evaluation and inspection and compliance.

8. The Subrecipient shall provide quarterly financial and performance reports to the City. Reports shall describe the progress of the project, what activities have occurred, what activities are still planned, financial status, compliance with National Objectives and other information as may be required by the City. A final report shall also be submitted when the project is completed.

9. During a period of five (5) years following the Completion Date the use of the Properties improved may not change unless: A) the City determines the new use meets one of the National Objectives of the CDBG Program, and B) the Subrecipient provides affected citizens with reasonable notice and an opportunity to comment on any proposed changes. If the Subrecipient decides, after consultation with affected citizens that it is appropriate to change the use of the Properties to a use which the City determines does not qualify in meeting a CDBG National Objective, the Subrecipient must reimburse the City a prorated share of the Amount of the Grant the City makes to the project. At the end of the five-year period following the project closeout date and thereafter, no City restrictions under this agreement on use of the Properties shall be in effect.

10. The Subrecipient understands that the funds described in the Agreement are received by the City from the U.S. Department of Housing and Urban Development under the Community Development Block Grant Program. The Subrecipient shall meet all City and federal requirements for receiving Community Development Block Grant funds, whether or not such requirements are specifically listed in this Agreement. The Subrecipient shall provide the City with documentation establishing that all local and federal CDBG requirements have been met.

11. A blanket fidelity bond equal to cash advances as referenced in Paragraph V. (E) will not be required as long as no cash advances are made and payment is on a reimbursement basis.

12. A formal project notice will be sent to the Subrecipient once all funds are expended and a final report is received.

_____ Subrecipient

_____ City of Grand Junction

Attachment 1 – Performance Measures

1) Output Measures

A. Total Number of unduplicated clients anticipated served by the project during the contract: 8

B. Number of unduplicated LMI City residents served with grant funds during the contract: 8

C. Of the City residents to be served, how many will: i) have new or continued access to the service/benefit: 0; ii) have improved access to the service or benefit: 8; and iii) receive the service or benefit that is improved/no longer substandard: 8

2) Schedule of Performance

Estimate the number of unduplicated City resident to be served per quarter of the contract

Q1: 6 Q2: 6 Q3: 8 Q4: 8

3) Payment Schedule

During the contract funds will be drawn Q1: 0 Q2: 0 Q3: 50% Q4: 50%

4) Outcome Measures

Activity (select one) Senior Service Youth Service Homeless Service
 Disabled Service LMI Service Fair Housing Service Housing

Primary Objective (select one) Create a suitable living environment Provide decent, affordable housing Create economic opportunity (ies)

Primary Outcome Measurement (select one) Availability/Accessibility Affordability
 Sustainability

Summarize the means by which outcomes will be tracked, measured and reported:

All applicants for the Phoenix property must be qualified to live at the property. Homeless status, income, and assets are 3rd party verified to determine eligibility. The case manager performs the intake interview to determine what services will benefit the applicant. Clients that will benefit from this contract will be reported via the required Subrecipient Drawdown form.

Subrecipient

City of Grand Junction

ATTACHMENT 8

**2016 SUBRECIPIENT CONTRACT FOR
CITY OF GRAND JUNCTION
COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS
EXHIBIT A
SCOPE OF SERVICES**

Date Approved: _____

Amount of Grant: \$75,000

Subrecipient: Grand Junction Housing Authority

Completion Date: August 31, 2017

1. The City agrees to pay the Subrecipient, subject to the subrecipient agreement, this Exhibit and attachment to it, \$75,000 from its 2016 Program Year CDBG Entitlement Funds to rehabilitate 96 apartment units at the Nellie Bechtel property located at 3032 North 15th Street, Grand Junction, Colorado ("Property") with new evaporative cooling equipment. Subrecipient provides housing for low and moderate income and elderly individuals and families.
2. The Subrecipient certifies that it will meet the CDBG National Objective of low/moderate income benefit (570.202(a)). It shall meet this objective by completing the above-referenced housing rehabilitation for low/moderate income, elderly persons in Grand Junction, Colorado.
3. The project consists of rehabilitation of the 96 existing residential apartment units located in twelve buildings at 3032 North 15th Street. CDBG funds will be used to replace the rooftop evaporative coolers for each of the 96 units in the complex as well as those in the common building. The Property is currently owned and operated by Subrecipient which will continue to operate the housing facility. It is understood that the \$75,000 grant of City CDBG funds shall be used only for the improvements described in this agreement. Costs associated with any other elements of the project shall be paid for by other funding sources obtained by the Subrecipient.
4. This project shall commence upon the full and proper execution of the 2016 Subrecipient Agreement and the completion of all necessary and appropriate state and local licensing, environmental permit review, approval and compliance. The project shall be completed on or before the Completion Date.
5. The total budget for the project is estimated to be \$112,700 as follows:

CDBG Funds	\$75,000
Other GJHA Funds	\$37,700
6. This project will improve the environmental comfort in these housing units for Subrecipient's 96 clients that reside in the buildings.

_____ Subrecipient

_____ City of Grand Junction

7. The City shall monitor and evaluate the progress and performance of the Subrecipient to assure that the terms of this agreement are met in accordance with City and other applicable monitoring and evaluating criteria and standards. The Subrecipient shall cooperate with the City relating to monitoring, evaluation and inspection and compliance.

8. The Subrecipient shall provide quarterly financial and performance reports to the City. Reports shall describe the progress of the project, what activities have occurred, what activities are still planned, financial status, compliance with National Objectives and other information as may be required by the City. A final report shall also be submitted when the project is completed.

9. During a period of five (5) years following the Completion Date the use of the Properties improved may not change unless: A) the City determines the new use meets one of the National Objectives of the CDBG Program, and B) the Subrecipient provides affected citizens with reasonable notice and an opportunity to comment on any proposed changes. If the Subrecipient decides, after consultation with affected citizens that it is appropriate to change the use of the Properties to a use which the City determines does not qualify in meeting a CDBG National Objective, the Subrecipient must reimburse the City a prorated share of the Amount of the Grant the City makes to the project. At the end of the five-year period following the project closeout date and thereafter, no City restrictions under this agreement on use of the Properties shall be in effect.

10. The Subrecipient understands that the funds described in the Agreement are received by the City from the U.S. Department of Housing and Urban Development under the Community Development Block Grant Program. The Subrecipient shall meet all City and federal requirements for receiving Community Development Block Grant funds, whether or not such requirements are specifically listed in this Agreement. The Subrecipient shall provide the City with documentation establishing that all local and federal CDBG requirements have been met.

11. A blanket fidelity bond equal to cash advances as referenced in Paragraph V. (E) will not be required as long as no cash advances are made and payment is on a reimbursement basis.

12. A formal project notice will be sent to the Subrecipient once all funds are expended and a final report is received.

_____ Subrecipient

_____ City of Grand Junction

Attachment 1 – Performance Measures

1) Output Measures

A. Total Number of unduplicated clients anticipated served by project during the contract: 96

B. Number of unduplicated LMI City residents served with grant funds during the contract: 91 households, 97 individuals

C. Of the City residents to be served, how many will: i) have new or continued access to the service/benefit: 0; ii) have improved access to the service or benefit: 96; and iii) receive the service or benefit that is improved/no longer substandard: 0

2) Schedule of Performance

Estimate the number of unduplicated City resident to be served per quarter of the contract

Q1: 96 Q2: 0 Q3: 0 Q4: 0

3) Payment Schedule

During the contract funds will be drawn Q1: 100% Q2: 0 Q3: 0 Q4: 0

4) Outcome Measures

Activity (select one) ___ Senior Service ___ Youth Service ___ Homeless Service
___ Disabled Service ___ LMI Service ___ Fair Housing Service X Housing

Primary Objective (select one) ___ Create a suitable living environment X Provide decent, affordable housing ___ Create economic opportunity (ies)

Primary Outcome Measurement (select one) ___ Availability/Accessibility ___ Affordability
 X Sustainability

Summarize the means by which outcomes will be tracked, measured and reported:

GJHA requires third party verification of all income sources and also accept Social Security award letters and VA benefit letters. A household's eligibility is determined by the current HUD income guidelines based on the household size and area median income (AMI). Clients that will benefit from this contract will be reported via the required Subrecipient Drawdown form.

_____ Subrecipient

_____ City of Grand Junction

ATTACHMENT 9
2016 SUBRECIPIENT CONTRACT FOR
CITY OF GRAND JUNCTION
COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS
EXHIBIT A
SCOPE OF SERVICES

Date Approved: _____
Amount of Grant: \$50,000
Subrecipient: Karis, Inc.
Completion Date: August 31, 2017

1. The City agrees to pay the Subrecipient, subject to the subrecipient agreement, this Exhibit and attachment to it, \$50,000 from its 2016 Program Year CDBG Entitlement Funds to purchase a home known as the Zoe House (located confidential), Grand Junction, Colorado ("Property"). Subrecipient provides transitional housing that supports the needs of homeless persons.

2. The Subrecipient certifies that it will meet the CDBG National Objective of low/moderate income benefit (570.201(a)). It shall meet this objective by completing the above-referenced transitional housing acquisition in Grand Junction, Colorado.

3. The project consists of acquisition of an existing residence that is already being used by Karis, Inc. as transitional housing. CDBG funds will be used towards the purchase of the property. It is understood that \$50,000 of City CDBG funds shall be used only for the property acquisition described in this agreement. Costs associated with any other elements of the project shall be paid for by other funding sources obtained by the Subrecipient.

4. This project shall commence upon the full and proper execution of the 2016 Subrecipient Agreement and the completion of all necessary and appropriate state and local licensing, environmental permit review, approval and compliance. The project shall be completed on or before the Completion Date.

5. The total budget for the project is estimated to be \$232,543 as follows:

CDBG Funds: \$50,000
Other Funds: \$ 182,543

6. Karis, Inc. provides housing and services to homeless adults, teens and youth who are looking to move aggressively towards self-sufficiency. It currently leases the Zoe House which provides 6-month to two-year housing and transitional program for youth recovering from sexual assault, domestic violence or date stalking. This project is to acquire the Zoe House which has up to 5 rooms available to house clients.

____ Subrecipient
____ City of Grand Junction

7. The City shall monitor and evaluate the progress and performance of the Subrecipient to assure that the terms of this agreement are met in accordance with City and other applicable monitoring and evaluating criteria and standards. The Subrecipient shall cooperate with the City relating to monitoring, evaluation and inspection and compliance.

8. The Subrecipient shall provide quarterly financial and performance reports to the City. Reports shall describe the progress of the project, what activities have occurred, what activities are still planned, financial status, compliance with National Objectives and other information as may be required by the City. A final report shall also be submitted when the project is completed.

9. During a period of five (5) years following the Completion Date the use of the Properties improved may not change unless: A) the City determines the new use meets one of the National Objectives of the CDBG Program, and B) the Subrecipient provides affected citizens with reasonable notice and an opportunity to comment on any proposed changes. If the Subrecipient decides, after consultation with affected citizens that it is appropriate to change the use of the Properties to a use which the City determines does not qualify in meeting a CDBG National Objective, the Subrecipient must reimburse the City a prorated share of the Amount of the Grant the City makes to the project. At the end of the five-year period following the project closeout date and thereafter, no City restrictions under this agreement on use of the Properties shall be in effect.

10. The Subrecipient understands that the funds described in the Agreement are received by the City from the U.S. Department of Housing and Urban Development under the Community Development Block Grant Program. The Subrecipient shall meet all City and federal requirements for receiving Community Development Block Grant funds, whether or not such requirements are specifically listed in this Agreement. The Subrecipient shall provide the City with documentation establishing that all local and federal CDBG requirements have been met.

11. A blanket fidelity bond equal to cash advances as referenced in Paragraph V. (E) will not be required as long as no cash advances are made and payment is on a reimbursement basis.

12. A formal project notice will be sent to the Subrecipient once all funds are expended and a final report is received.

_____ Subrecipient

_____ City of Grand Junction

1) Output Measures

A. Total Number of unduplicated clients anticipated to be served during the contract: 8

B. Number of unduplicated LMI City residents to be served during the contract: 8

C. Of the City residents to be served, how many will: i) have new or continued access to the service/benefit: 8; ii) have improved access to the service or benefit____; and iii) receive the service or benefit that is improved/no longer substandard_____.

2) Schedule of Performance

Estimate the number of unduplicated City residents to be served per quarter of the contract:

Q1 8 Q2____ Q3____ Q4____

3) Payment Schedule

During the contract, funds will be drawn Q1 100% Q2____ Q3____ Q4____

4) Outcome Measures

Activity (select one) __ Senior Service __ Youth Service __ Homeless Service
__ Disabled Service __ LMI Service __ Fair Housing Service ____ Housing X Other

Primary Objective (select one) ____ Create a suitable living environment X Provide decent, affordable housing __ Create economic opportunity(ies)

Primary Outcome Measurement (select one) ____ Availability/Accessibility ____ Affordability
X Sustainability

Summarize the means by which outcomes will be tracked, measured and reported

The income of each household/person receiving assistance will be individually verified for eligibility. The types of households of persons served are of special need (homeless). Karis, Inc. uses a standard income verification form for all of its programs.

_____ Subrecipient

_____ City of Grand Junction



Grand Junction City Council

Regular Session

Item #4 a i

Meeting Date: October 19, 2016

Presented by: David Thornton,
Principal Planner

Submitted by: David Thornton, Principal
Planner, and
Lori V. Bowers, Senior
Planner

Department: Admin. – Com. Dev.

Information

SUBJECT:

Ordinance Amending Sections of the Zoning and Development Code (Title 21 of the Grand Junction Municipal Code) Regarding Signage

RECOMMENDATION:

The Planning Commission recommended approval at their October 11, 2016 hearing.

EXECUTIVE SUMMARY:

The proposed ordinance amends the existing sign code regulations to be content neutral by clarifying and defining sign types, number of signs, location and height of signs allowed by zone district and establishing four categories of signs: (1) signs that do not require a permit, (2) signs that do require a permit, (3) temporary wind driven/banner signs and (4) governmental exempt signs.

The proposed ordinance also establishes standards for brightness, animation and changeable copy for digital and electronic signs to mitigate impacts to surrounding properties and traffic safety.

BACKGROUND OR DETAILED INFORMATION:

Content Neutral Sign Regulations

Sign regulations are restrictions on speech and therefore must conform to the First Amendment to the United States Constitution. A government may impose reasonable time, place and manner restrictions on speech so long as they are content neutral and there is a rational basis for the restriction. In June of 2015, the United States Supreme Court expanded in "*Reed vs Gilbert*" what constitutes a content-based regulation while striking down the sign code for the Town of Gilbert, Arizona. Now, if one needs to read the sign to determine whether or how the restrictions apply, the regulation is content-based and, therefore, presumptively unconstitutional.

Following *Reed*, several sections of the City's sign code have been identified as content-based, including the provisions relating to temporary signs, exempt signs, and off-premise signs. The proposed amendments comply with *Reed*.

Commercial Speech and Off-Premise Advertising

In order to determine whether a sign is an "off-premise" sign, one must refer to the content of the sign. This means that following *Reed* an "off-premise" regulatory distinction is content based and presumptively unconstitutional. If regulation of "off-premise" signs could be limited to commercial speech, special regulations for such signs could *possibly* survive a First Amendment challenge; however, enforcement of such regulations would be impractical. Even prior to *Reed*, the City had lost the practical ability to make on- and off-premise advertising distinctions for signs. Once a sign is erected, the message on a sign face can be easily changed. The advent of changeable copy (electronic) signs, in which the messages can change from one minute to the next, has made it practically impossible to strictly enforce the "off-premise" distinction for some time. Moreover, it makes little sense to force removal of a sign based on a change in the message it carries when the primary goal of sign regulation is to mitigate the visual impact of the signs in the community or in a particular corridor or area.

The current Sign Code regulates off-premise signs (billboards) separately from on-premise signs. Since we can no longer regulate based on content, the proposed amendments would eliminate the special provisions for off-premise signs and establish sign allowance based on zoning and parcel size, regardless of sign content. The 31 off-premise signs (billboards) that would be made non-conforming by the proposed amendments would be allowed to upgrade the sign structure and face, including incorporating new technologies.

In addition, the proposed amendments would allow for one additional freestanding sign meeting sign size and location regulations of the Code, on parcels with greater than 600 linear feet of frontage in the C-2, I-1 and I-2 Zone Districts and not located within any of the three overlay districts (Riverside Parkway/29 Road, 24 Road, Greater Downtown,

see Figures A, B and C). There are 69 parcels of land that could be affected by this provision.

First Amendment and “Temporary/Exempt” Signage

The current Zoning and Development Code lists a number of “Exempt” and Temporary Signs that are all content based, in that the message determines whether it’s allowed. Examples include signs for charitable or religious institution, nameplates, a drive thru menu, private warning or instructional signage like “beware of dog”, temporary signs describing sale or lease of property or goods, or political signs. These existing provisions in the Code are all regulating verbiage describing specific content and therefore are illegal under “*Reed*”. The proposed amendments delete all reference to sign content and instead specify the number and size of signs allowed on a property.

Digital and Electronic Sign Regulations

At a July 21, 2016 Joint Workshop, staff was directed by Council and Planning Commission to proceed with amendments for digital and electronic signs consistent with the Colorado Department of Transportation (CDOT) regulations as a baseline. Many of the complaints and concerns about digital signs have to do with brightness and distraction to motorists. The proposed ordinance establishes standards for brightness, animation and changeable copy for digital and electronic signs to mitigate impacts to surrounding properties and traffic safety. Since the vast majority of electronic and digital signs are along corridors under (CDOT’s) jurisdiction, HWY 6/50, I-70 B, HWY 50 and North Avenue, the proposed amendments are consistent with their standards.

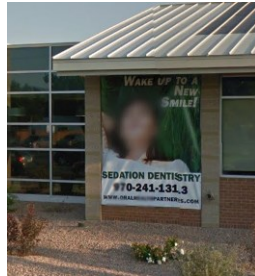
Overall summary of Proposed Amendments to the Sign Code

1. Eliminate all existing Code language that is content specific.
2. Add definitions for a Digital Sign, Illuminated Sign and Interactive Sign.
3. Add standards for regulation of electronic/digital signs.
4. Delete or modify the following terminology: Billboard Sign, Institutional Sign, Identification Sign, and Integral Sign.
5. Establish that all signs placed by a governmental agency (including schools) are exempt.
6. Eliminate Street Banners from the Code since they will fall under the new proposed Governmental Signs and be Exempt.

7. Eliminate content specific categories such as real estate signs, political signs, No Trespassing signs, etc. and replace with the following sign categories:
 - a. Signs that do not require a permit;
 - b. Wind Driven Signs and Banners;
 - c. Signs that require a permit; and
 - d. Governmental (Exempt) Signs.



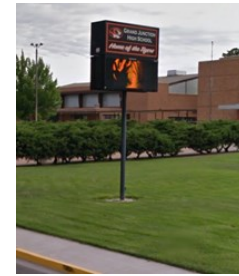
a



b



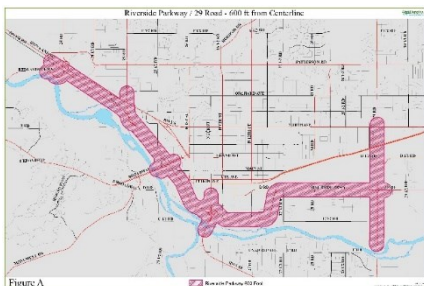
c



d

8. Prohibit Interactive Signs due to potential safety risks. An interactive sign is one that suggests a person photograph a sign or an element of the sign to redeem a reward at the business.
9. Allow the following signs in any zone district without a sign permit:
 - a. One sign that is integral to or flush-mounted on a building or structure that is no greater than four (4) square feet in area.
 - b. A sign that is not illuminated, not digital or electronic, and not permanent in nature, for example, one that is planted into the ground or affixed to an object or structure by temporary means, does not have a foundation, is made of lightweight and thin materials such as a single sheet of plastic, thin metal, plywood or paper, except for wind driven signs and banners which are regulated separately and except for prohibited signs, with the following limitation:
 - (i) On a parcel of less than one acre, up to six such signs are allowed, so long as each sign is not greater than 6 square feet in area, except in that one of these signs may be up to 32 square feet in area when construction is occurring on a parcel or a subdivision of land is being developed.
 - (ii) On a parcel of one acre or larger, up to six such signs per acre are allowed, so long as each sign is not greater than 6 square feet in area, except that one sign per acre can be up to 32 square feet in area.

10. Make the following changes, clarifying or consolidating existing language in the Code:
- Exclude the base of monument signs from the sign size calculation in all zone districts.
 - Limit signs in residential zones to external illumination only similar to the RO Zone District, and limit the hours of illumination to between 5 am and 11 pm.
 - Define double face signs, to include those that are constructed at angles of 60 degrees or less.
 - Redefine “Abandoned Sign” and extend the timeframe requiring removal from 3 months to 12 months after the sign has been determined to be abandoned.
 - Incorporate sign regulations for MXG, MXS and MXR Form Based Zone Districts to be the same as found in the MXOC Form District.
11. Establish the number, type and lighting requirements for signs requiring a permit in Residential Zone Districts as follows:
- one 6 square feet sign per parcel;
 - one 32 square feet sign at multi-family apartment/condominium building/complexes and on each common area parcel that abuts a public right-of-way; and
 - one 24 square feet sign per street frontage for nonresidential land uses in Residential Zone Districts.
 - sign lighting to be external illumination only, no projected illumination and turned off between 11 pm and 5 am.
12. Eliminate the Off-Premise sign section of the Code. Under a content neutral sign code, any sign can advertise an “on premise” business or “off premise” business or other content.
- Allow for one additional freestanding sign in C-2, I-1 and I-2 zone districts under specific circumstances; except in the Riverside Parkway/29 Road, 24 Road, and Greater Downtown overlay districts.



Riverside Parkway/29 Rd
Figure A



24 Road
Figure B



Greater Downtown
Figure C

- b. Provide for existing conforming billboard signs to upgrade to new technologies.
 - c. Define existing off-premise, non-conforming signs.
13. Amend the Code as it pertains to Digital/Electronic Signage (proposed amendments follow current CDOT signage regulations):
- a. Signs shall not contain animation, flashing, scrolling or traveling messages, or intermittent or full-motion video.
 - b. Signs shall not change intensity or expose its message for less than four (4) seconds.
 - c. Transitions between messages shall be less than one second.
 - d. The maximum brightness levels for signs shall not exceed .3 (three tenths) footcandles over ambient light levels.
 - e. All new electronic display signs shall have photocell technology that will be used to dim the displays for appropriate nighttime viewing from dusk to dawn or when ambient light conditions warrant such changes.
14. Amend the code section regulating Wind Driven Signs and Banners:
- a. Increase the number of days for allowed for wind driven signs from 14 to 30 consecutive days to be consistent with the time allowance for banners;
 - b. Allow both wind driven signs and banners to be displayed for 30 consecutive days up to four times per calendar year, with allowance for the months to run consecutively.

Subsequent to adoption of these proposed sign code provisions, amendments to the overlay districts will also be required and will be brought forward at a later date.

FISCAL IMPACT:

There should be none.

SUGGESTED MOTION:

I MOVE to (approve or deny) a Proposed Ordinance Amending Sections of the Zoning and Development Code (Title 21 of the Grand Junction Municipal Code) Regarding Signage and Set a Hearing for November 16, 2016.

Attachments

- ATTACHMENT 1 – Staff report to Planning Commission
- ATTACHMENT 2 – Planning Commission Minutes (Sept 13th attached, Oct 11th n/a)
- ATTACHMENT 3 – Proposed Ordinance
- ATTACHMENT 4 – Proposed Text – Clean Copy

ATTACHMENT 1 – Staff report given to Planning Commission

Date: Sept. 30, 2016 (revised Oct 6th)
Author: Lori V. Bowers & Dave Thornton
Title/ Phone Ext: Sr. Planner/4033 & Principal
Planner/1450
Proposed Schedule: Planning Commission –
Oct. 11, 2016
City Council – October 19, 2016
2nd Reading: November 16, 2016
File #: ZCA-2016-384

PLANNING COMMISSION AGENDA ITEM

Subject: Amending the Zoning and Development Code to Establish Content Neutrality Sign Standards and Digital and Electronic Sign Standards

Action Requested/Recommendation: Forward a Recommendation to City Council

Presenter(s) Name & Title: Lori V. Bowers, Senior Planner
David Thornton, Principal Planner

Executive Summary:

The proposed ordinance amends the existing sign code regulations to be content neutral by clarifying and defining sign types, number of signs, location and height of signs allowed by zone district and establishing four categories of signs: (1) signs that do not require a permit, (2) signs that do require a permit, (3) temporary wind driven/banner signs and (4) governmental exempt signs.

The proposed ordinance also establishes standards for brightness, animation and changeable copy for digital and electronic signs to mitigate impacts to surrounding properties and traffic safety.

Background, Analysis and Options:

This staff report is divided into two sections to better describe the proposed sign code amendments. Section A discusses “Content Neutral Signs” and Section B discusses proposed changes to “Digital and Electronic Sign” regulations.

Section A: Content Neutral Sign Regulations

Sign regulations are restrictions on speech and therefore must conform to the First Amendment to the United States Constitution. A government may impose reasonable time, place and manner restrictions on speech so long as they are content neutral and there is a rational basis for the restriction. In June of 2015, the United States Supreme Court expanded what constitutes a content-based regulation while striking down the sign code for the Town of Gilbert, Arizona. Now, if one needs to read the sign to determine whether or how the restrictions apply, the regulation is content-based.

Content-based regulations are presumptively unconstitutional. They are subject to “strict scrutiny” by the courts, meaning that they must be the least restrictive means necessary to further a compelling government interest. It is unlikely that a content-based restriction on signage would survive a First Amendment challenge.

Following *Reed*, several sections of the City’s sign code have been identified as content-based, including the provisions relating to temporary signs, exempt signs, and off-premise signs. These regulations could be challenged on their face, regardless of how or even whether they are enforced.¹ Therefore they need to be amended to comply with the First Amendment of the U.S. Constitution.

Commercial Speech and Off-Premise Advertising

In order to determine whether a sign is an “off-premise” sign, one must refer to the content of the sign. This means that following *Reed* an “off-premise” regulatory distinction is content based and presumptively unconstitutional. However, an argument could be made that regulation of commercial speech is still subject to intermediate scrutiny following *Reed*.² Based on such an argument, if regulation of “off-premise” signs could be limited to commercial speech, special regulations for such signs could *possibly* survive a First Amendment challenge.

However, enforcement of such regulations would be impractical. Even prior to *Reed*, the City had lost the practical ability to make on- and off-premise advertising distinctions for signs. Once a sign is erected, the message on a sign face can be easily changed. The advent of changeable copy (electronic) signs, in which the messages can change from one minute to the next, has made it practically impossible to strictly enforce the “off-premise” distinction for some time.

Moreover, it makes little sense to force removal of a sign based on a change in the message it carries when the primary goal of sign regulation is to mitigate the visual impact of the signs in the community or in a particular corridor or area. The overall visual impact of a given free-standing sign on property used by “Joe’s Auto Repair” is

¹ A facial challenge is easier to establish for restriction of speech than for other constitutionally guaranteed rights. In other contexts, a plaintiff would have to show that there is *no conceivable way* the law could be constitutionally applied. But under the First Amendment, a plaintiff need only show that there are a substantial number of instances in which the law could be unconstitutionally applied in order to prevail.

² A previous United States Supreme Court case known as *Central Hudson* established that commercial speech is subject to intermediate scrutiny, a lower level of judicial scrutiny. (Regulation of commercial speech must be narrowly tailored to achieve a “significant” government interest.). The Supreme Court in *Reed* did not expressly overrule the holding in *Central Hudson*,

the same whether the sign says “Joe’s Auto,” “Vote for Smith,” “The End is Near,” “Hope Church Service Tonight at 7,” or “\$5 Footlong at Subway,” or whether it alternates among such messages throughout the day.

Therefore, in the proposed amendments, the “off-premise” sign distinction has been eliminated. Free-standing sign allowances are based not on content but on the size of the parcel, the amount of street frontage, the zone district and street corridor. This allows the sign code to comply with *Reed* while accommodating the billboard/outdoor advertising industry and while still mitigating against sign clutter.

To accommodate the Outdoor Advertising Industry, staff is proposing that all existing outdoor advertising signs be allowed to remain as legal nonconforming signs. There are 66 existing billboards inside the City limits that would be “grandfathered” as legal nonconforming signs. Of the 66 signs, 35 are currently nonconforming under the existing code due to being located in a zone district and overlay district that does not allow billboards.

In addition, the proposed amendments would allow for one additional freestanding sign on parcels with greater than 600 linear feet of frontage in the C-2, I-1 and I-2 Zone Districts, in keeping with current regulations that allow for billboards at that spacing. The provision would apply to any free standing sign, regardless of content, and maximum sign size would still be calculated as per the sign code. It has been determined that there are 69 parcels of land that could be affected by this provision. The map (see Figure H) shows where those parcels (outlined in yellow) are within the C-2, I-1 and I-2 zone districts.



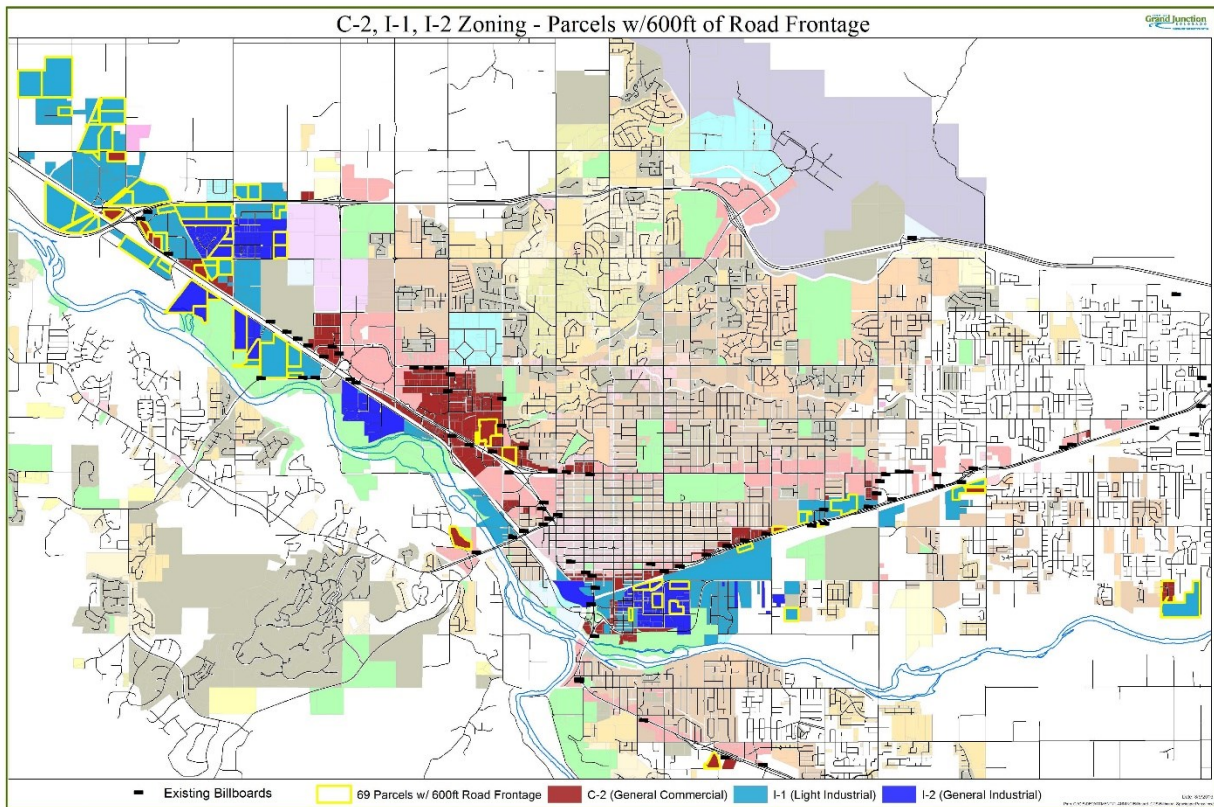
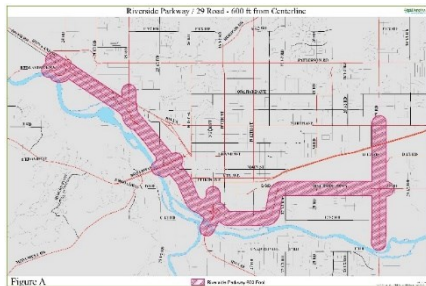


Figure H

The allowance for one additional freestanding sign on parcels with greater than 600 linear feet of frontage would not apply in the following areas: within 600 feet of the centerline of the Riverside Parkway/29 Road, within the 24 Road Zoning Overlay boundary, and within the Greater Downtown Overlay boundary (See Figures A, B and C below).



Riverside Parkway/29 Rd
Figure A



24 Road
Figure B



Greater Downtown
Figure C

These three areas depicted in Figures A, B and C currently have restrictions on Billboard/Outdoor advertising signage. With the proposed amendment for “Content Neutrality”, there will no longer be a distinction between on-premise and off-premise advertising and sign allowance will be dictated by the general code provisions or

specific standards in an overlay district. However, in keeping with the intent of the restrictions adopted for Riverside Parkway, 24 Road and Greater Downtown to minimize the size and number of signs allowed, an additional sign for parcels with greater than 600 feet of frontage will not be allowed within these areas.

First Amendment and “Temporary/Exempt” Signage

The current Zoning and Development Code lists a number of “Exempt” and Temporary” Signs that are all content based, in that the message determines whether it’s allowed. Examples include signs for charitable or religious institution, nameplates, a drive thru menu, private warning or instructional signage like “beware of dog”, temporary signs describing sale or lease of property or goods, or political signs. These existing provisions in the Code are all regulating verbiage describing specific content and therefore are illegal under “*Reed*”. The proposed amendments delete all reference to sign content and instead specify the number and size of signs allowed on a property.

Section B: Digital and Electronic Sign Regulations

At a July 21, 2016 Joint Workshop, staff was directed by Council and Planning Commission to proceed with amendments for digital and electronic signs consistent with CDOT regulations as a baseline. Many of the complaints and concerns about digital signs have to do with brightness and distraction to motorists. The proposed ordinance establishes standards for brightness, animation and changeable copy for digital and electronic signs to mitigate impacts to surrounding properties and traffic safety.

There are many issues and concerns to consider in regulating electronic and digital signs, including aesthetics, brightness, animation, transition time, and, most importantly, safety. Since the vast majority of electronic and digital signs are along corridors under CDOT’s jurisdiction, HWY 6/50, I-70 B, HWY 50 and North Avenue, the proposed amendments are consistent with CDOT’s standards.

Proposed Amendments

Illumination: The recommended luminance level is .3 (three tenths) footcandles over the ambient light. This can be measured with a light meter at the recommended distance, based on the square footage area of a sign.

Animation: Signs would not be allowed to contain animation, flashing, scrolling or traveling messages, or intermittent or full-motion video.

Intensity/Duration/Transitions: Signs would not be allowed to change intensity or expose messages for less than four seconds, or have transitions between messages of more than one second. Most Colorado communities researched have similar or more restrictive standards.

Interactive signs: An interactive sign is one that suggests a person photograph a sign or an element of the sign to redeem a reward at the business. Due to traffic safety concerns, interactive signs would be prohibited.

Photocell Technology: The Ordinance further requires that any new signs have photocell technology that will dim the displays for appropriate nighttime viewing dusk to dawn or when ambient light conditions warrant such changes. In a discussion with Bud Preuss, owner of Bud's Signs, he stated that all the new signs now come equipped with this technology. The Ordinance will require a certification upon installation that the sign has been calibrated to meet these brightness levels. Older signs without this technology can be manually dimmed through the computer that sets the display, therefore any type of retrofit with photocell technology of older signs will not be necessary in order to meet the brightness standards.

Overall summary of Proposed Amendments to the Sign Code

1. Eliminate all existing Code language that is content specific.
2. Add definitions for a Digital Sign, Illuminated Sign and Interactive Sign.
3. Delete or modify the following terminology: Billboard Sign, Institutional Sign, Identification Sign, and Integral Sign.
4. Establish that all signs placed by a governmental agency are exempt.
5. Eliminate Street Banners from the Code since they will fall under the new proposed Governmental Signs and be Exempt.
6. Eliminate content specific categories such as real estate signs, political signs, No Trespassing signs, etc. and replace with the following sign categories:
 - a. Signs that do not require a permit;
 - b. Wind Driven Signs and Banners;
 - c. Signs that require a Permit; and
 - d. Governmental (Exempt) Signs.



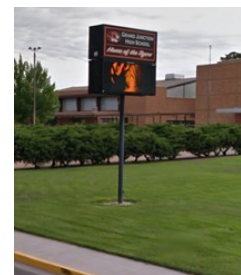
a



b



c



d

7. Prohibit Interactive Signs due to potential safety risks.
8. Eliminate the Off-Premise sign section of the Code.
 - a. Allow for one additional freestanding sign in certain zone districts under specific circumstances;
 - b. Define existing off-premise, non-conforming signs.
9. Allow the following signs in any zone district without a sign permit:
 - a. One sign that is integral to or flush-mounted on a building or structure that is no greater than four (4) square feet in area.
 - b. A sign that is not illuminated, not digital or electronic, and not permanent in nature, for example, one that is planted into the ground or affixed to an object or structure by temporary means, does not have a foundation, is made of lightweight and thin materials such as a single sheet of plastic, thin metal, plywood or paper, except for wind driven signs and banners which are regulated separately and except for prohibited signs, with the following limitation:
 - (i) On a parcel of less than one acre, up to six such signs are allowed, so long as each sign is not greater than 6 square feet in area, except in that one of these signs may be up to 32 square feet in area when construction is occurring on a parcel or a subdivision of land is being developed.
 - (ii) On a parcel of one acre or larger, up to six such signs per acre are allowed, so long as each sign is not greater than 6 square feet in area, except that one sign per acre can be up to 32 square feet in area.
10. Make the following changes, clarifying or consolidating existing language in the Code:
 - a. Eliminate contradicting definitions of a Monument Sign measurement, excluding the base, consistent in all zone districts.
 - b. Limit signs in residential zones to external illumination only similar to the RO Zone District, and limit the hours of illumination between 5 am and 11 pm.
 - c. Define double face signs, to include and how those that are constructed at angles of 60 degrees or less.
 - d. Redefine "Abandoned Sign" and allow more time (12 months instead of 3 months) before the sign is required to be removed after having been determined to be abandoned.
 - e. Incorporate sign regulations for MXG, MXS and MXR Form Based Zone Districts to be the same as found in the MXOC Form District.

11. Establish the number, type and lighting conditions for signs allowed in Residential Zones (except signs for schools which are governmental exempt signs), including:
 - a. one 6 square feet sign per parcel;
 - b. one 32 square feet sign at multi-family apartment/condominium building/complexes and on each common area parcel that abuts a public right-of-way; and
 - c. one 24 square feet sign per street frontage for nonresidential land uses in Residential Zone Districts.
 - d. sign lighting to be external illumination only and turned off between 11 pm and 5 am.

12. Eliminate the Off-Premise sign section of the Code. Under a content neutral sign code, any sign can advertise an “on premise” business or “off premise” business or other content.

13. Amend the Code as it pertains to Digital/Electronic Signage (proposed amendments follow current CDOT signage regulations):
 - a. Signs shall not contain animation, flashing, scrolling or traveling messages, or intermittent or full-motion video.
 - b. Signs shall not change intensity or expose its message for less than four (4) seconds.
 - c. Transitions between messages shall be less than one second.
 - d. The maximum brightness levels for signs shall not exceed .3 (three tenths) footcandles over ambient light levels.
 - e. All new electronic display signs shall have photocell technology that will be used to dim the displays for appropriate nighttime viewing from dusk to dawn or when ambient light conditions warrant such changes.



Subsequent to adoption of these proposed sign code provisions, amendments to the overlay districts will also be required.

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

Goal 1: To implement the Comprehensive Plan in a consistent manner between the City, Mesa County, and other service providers.

Content neutrality is required by the Supreme Court case *Reed vs Town of Gilbert*. These amendments will ensure that the City of Grand Junction is implementing its sign regulations in compliance with the law.

For digital signage, consistency is key to maintain the performance based objectives of the Sign Code. Colorado Department of Transportation (CDOT) regulates digital signs and enforce their requirements along many of the City's right-of-ways and highways. CDOT has requested that the City adopt similar standards for consistency.

Legal issues:

The City Attorney has reviewed and approved the form of the ordinance.

Previously presented or discussed and Public Outreach:

This item was first presented at the joint Planning Commission and City Council workshop held on July 21, 2016 and at the Planning Commission workshop on August 18, 2016.

Staff met with Real Estate Industry on August 10th and the Sign/Outdoor Advertising Industry on August 25th.

Public Hearing before Planning Commission held September 13, 2016 to consider changes to the Sign Code. The decision was to continue to a later date before taking action. Planning Commission held a workshop on September 22nd and further discussed issues and concerns. In addition, staff presented issues regarding wind driven signs and banners with some suggested amendments. **The following includes an additional three proposed changes to the Sign Code Amendments since the September 13th Planning Commission hearing:**

Issues identified by Planning Commission:

1. Signs created by "projector illumination": The original proposed language allowed for external illumination only of signs in residential zones and had no prohibition of an illuminated projection of a sign. **Proposal 1:** add: "No projected images, whether moving, changing or static are allowed."
2. Existing billboards impacting total signage allowed. The original proposed language in the ordinance provides for a sign that is established on a vacant parcel prior to October 31, 2016 be considered as non-conforming when a new use wants to install an additional sign on the property with the existing sign's size not affecting the sign allowance for the new sign. This provision would only apply when the sign is on a vacant parcel. **Proposal 2:** No modification **OR** include all permitted off-premise signs established before October 31, 2016 to be nonconforming where their square footage is not counted toward the sign allowance for the new use or change of use established after October 31, 2016.

Staff is asking Planning Commission to decide between the two options. Staff recommends the second option that includes all permitted off-premise signs established before October 31, 2016.

A new section (4) under the nonconforming section in the proposed ordinance has been added that will allow the 31 existing conforming Billboards in the city limits, that will be made nonconforming with this new sign code, to be eligible for future upgrades to the sign structure and face including incorporating new technologies.

Wind Driven Signs and Banner Issues:

1. Staff has noted the need to consider minor changes to the Wind Driven and Banners section of the Sign Code. These proposed changes will help clarify and further improve the options for businesses that hold special events where banners and wind driven signs are displayed. Currently, wind driven signs such as pennants are allowed for 14 consecutive days, no more than four times per year whereas banners are allowed 30 consecutive days, up to four times per year. It is proposed that wind driven and banners or both be allowed for 30 consecutive days up to four times per calendar year.
2. Regarding special events extending longer than 30 days, these have also been problematic due to permitting requirements and the definition of “consecutive”. The work around has been for a business to display the banner for 29 days, take it down for one day then under a new permit, display it for another 29 days and so forth. The proposed language will clarify and provide flexibility allowing the business owner to obtain up to four months of permits in a calendar year and allow them to run consecutively.

Proposal 3: Allow wind driven signs and banners to be treated the same, 30 consecutive days with each permit, and provide the option for the permits to be consecutive.

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission approve the proposed Amendments to the Sign Code, Grand Junction Municipal Code, Title 21, Section 21.06.070 and Section 21.10.020.

RECOMMENDED PLANNING COMMISSION MOTION:

Madam Chair, on the request to forward a recommendation to City Council to amend the Grand Junction Municipal Code, Title 21, Section 21.06.070 and Section 21.10.020, ZCA-2016-384, I move that the Planning Commission approve it as presented in the Staff Report.

Attachments:

Proposed Ordinance

Clean copy of proposed Text

ATTACHMENT 2 – Planning Commission Minutes – Approved

GRAND JUNCTION PLANNING COMMISSION
September 13, 2016 MINUTES
6:00 p.m. to 7:46 p.m.

The meeting of the Planning Commission was called to order at 6:00 p.m. by Vice-Chairman Bill Wade. The hearing was held in the City Hall Auditorium located at 250 N. 5th Street, Grand Junction, Colorado.

Also in attendance representing the City Planning Commission were Jon Buschhorn, Kathy Deppe, Keith Ehlers and Ebe Eslami.

In attendance, representing the City's Administration Department - Community Development, was Kathy Portner, Community Services Manager, Kristen Ashbeck, (Senior Planner), Lori Bowers (Senior Planner), Scott Peterson (Senior Planner) and David Thornton (Principal Planner).

Also present was Jamie Beard (Assistant City Attorney) and Shelly Dackonish (Staff Attorney).

Lydia Reynolds was present to record the minutes.

There were four citizens in attendance during the hearing.

*****INDIVIDUAL CONSIDERATION*****

6. Zoning and Development Code Amendment

[File# ZCA-2016-384]

Request to Amend the Zoning and Development Code to Establish Content Neutrality Sign Standards and Regulate Digital and/or Electronic Sign Standards.

Action: Recommendation to City Council

Applicant: City of Grand Junction
Location: Citywide
Staff Presentation: David Thornton, Principal Planner
Lori V. Bowers, Sr. Planner

Staff Presentation

David Thornton (Principal Planner) explained that the staff report is divided into two sections to better describe the proposed sign code amendments. Section A discusses "Content Neutral Signs" and Section B discusses proposed changes to "Digital and Electronic Sign" regulations.

Mr. Thornton displayed a slide and noted that The Supreme Court ruled in a case pertaining to sign content known as Reed vs the Town of Gilbert Arizona which has significant impact on the City's current sign code.

For years communities everywhere have regulated signs distinguishing them by what is said on the sign. These include political signs, and other temporary signs placed on property. These regulations have often held common sense safeguards against the unnecessary proliferation of signs in urban areas. An example is where a sign advertising a political message is required to be taken down so many days after an election, but a sign advertising the sale of a property doesn't.

Mr. Thornton explained that the courts' decision is that a City cannot regulate the content on a sign. Sign content that is distinguished among temporary directional signs, political signs and ideological signs cannot be treated differently.

Mr. Thornton stated that the City's Sign Code currently distinguishes between zoning districts (commercial residential, industrial), types of signs (free-standing, wall signs, roof signs) and messages on the signs (commercial, safety, political, and development, etc.). Mr. Thornton displayed a slide with the following information as to what the City can regulate:

Time: Regulate the hours of illumination or display; or the number of days a sign can be displayed

Place: Regulate the location, setbacks, pedestrian clearance, or distance from residential districts

Manner: Prohibit signs that flash, blink, rotate, or scroll

Size/Height: Regulate the height and size allowances along corridors, in specific zone districts and/or city-wide

Number of Signs: Regulate the number of signs allowed per street frontage or parcel

The Supreme Court decision determined that sign regulations are restrictions on free speech, therefore they must conform to the First Amendment of the United States. There is also no distinction between commercial speech and off premise advertising. Mr. Thornton explained that the city code currently regulates "off-premise signage", however to determine if it is off premise, you must refer to the content on the sign. Enforcement of off premise signage would be impractical.

Mr. Thornton stated that currently, the sign code has a list of sign types that fall under Temporary or Exempt. Examples given included; Private Warning or Instructional, Land Development or Sales, For Sale/Lease, Contractor/Builder, Service Clubs, Model Home Area, Campaign, Real Estate, and "Produce grown on premises" signs.

The next slide Mr. Thornton presented addressed signs not requiring a permit. Signs not requiring a permit was defined as a sign that is not illuminated, not digital or electronic, and not permanent in nature. An example that Mr. Thornton gave was a sign that is planted into the ground or affixed to an object or structure by temporary means,

does not have a foundation, is made of lightweight and thin materials such as a single sheet of plastic, thin metal, plywood or paper.

Mr. Thornton noted that the following signs are allowed on a lot/parcel in all zone districts:

1. One sign that is integral to or flush-mounted on a building or structure that is no greater than four (4) square feet in area.
2. Six signs up to (6) square feet in area and with the following limitations and exceptions:
 - On a parcel of less than one acre, up to six such signs are allowed, except in that one of these signs may be up to 32 square feet in area when construction is occurring on a parcel or a subdivision of land is being developed.
 - On a parcel of one acre or larger, up to six such signs per acre are allowed, except that one sign per acre can be up to 32 square feet in area, no restriction to construction or development occurring.

The second category of signs not requiring a permit was Governmental Signs. Mr. Thornton gave the example of the City of Grand Junction and School District 51 that are governmental entities and therefore will be exempt from the sign code.

Mr. Thornton then addressed signs requiring a permit in residential zone districts and displayed a slide with the following proposed regulations:

- Allow one 6 square foot sign per parcel.
- Allow one 32 square foot sign at multi-family apartment/condominium building/complexes and on each common area parcel that abuts a public right-of-way.
- Allow one 24 square foot sign per street frontage for nonresidential land uses in Residential Zone Districts.
- Sign lighting to be externally illuminated only and turned off between 11 pm and 5 am.

A slide showing signs requiring a permit for Non-Residential Zoned Property was displayed. Mr. Thornton explained this includes business, commercial and industrial. In these categories, there are four types of signs permitted: flush wall, freestanding, roof and projecting signs. Mr. Thornton noted that the building sign allowance, freestanding sign allowance and total sign allowance remains the same as current code language.

Mr. Thornton noted that the wind driven and banners part of the sign code will basically stay the same. There are a few minor word adjustments proposed, but the content will stay the same.

The next category of proposed changes relates to the outdoor advertising and billboard signs. Mr. Thornton showed a slide with the following three changes:

1. Eliminate the distinction of the “Off-Premise” section of the Sign Code since it is no longer needed in a content neutral sign code. Any sign can advertise an “on premise” business or “off premise” business or other advertising.
2. Allow for One (1) additional Freestanding Sign in C-2, I-1 and I-2 for parcels with 600 linear feet of frontage or more with some exceptions.*.
3. A sign established prior to October 31, 2016 on an otherwise vacant parcel where a new use is being established shall be considered a non-conforming sign whose square footage is not counted toward the sign allowance for the new use.

Providing a second freestanding option on large parcels will provide the outdoor advertising industry some opportunity to construct a sign for their business needs while at the same time provide the business located on the site to advertise their business on a separate freestanding sign. It will also allow for large retailers or shopping centers to have two freestanding signs when located on property with frontage that meets the proposed standards.

Mr. Thornton’s next slide showed where the exception to number two (above), applies. The areas are Riverside Parkway and 29 Road, the 24 Road overlay and the Greater Downtown Overlay.

Lori Bowers (Senior Planner) stated that she will address Digital and Electronic Sign Code Considerations and noted that we currently do not have standards to regulate digital and electronic signs.

Ms. Bowers noted that the regulation proposed for consideration are similar regulations found in the Colorado Department of Transportation’s (CDOT) sign code. CDOT’s Sign Code is based on Federal regulations related to outdoor advertising and have their roots in the Highway Beautification Act of 1965. The brightness recommendations are found in the International Sign Association’s compilation summary of Recommended Brightness Levels for On-Premise Electronic Message Centers. That summary was completed in 2010.

Ms. Bowers noted that staff conducted a survey of roughly 23 different communities for their regulations. The following recommendations are proposed to address Digital and Electronic Signs.

1. Signs shall not contain animation, flashing, scrolling or traveling messages, or intermittent or full-motion video.
2. Signs shall not change intensity or expose its message for less than four (4) seconds.
3. Transitions between messages shall be less than one second.

4. The maximum brightness levels for signs shall not exceed .3 (three tenths) foot-candles over ambient light levels.
5. All new electronic display signs shall have photocell technology that will be used to dim the displays for appropriate nighttime viewing from dusk to dawn or when ambient light conditions warrant such changes.

In summary, the following are the changes proposed for the Sign Code:

1. Eliminate all existing Code language that is content specific.
2. Add definitions for a Digital Sign, Illuminated Sign and Interactive Sign
3. Delete the following terminology:
 - Billboard Sign,
 - Institutional Sign,
 - Identification Sign, and
 - Integral Sign.
4. Establish that all signs placed by a governmental agency are exempt.
5. Prohibit Interactive Signs due to potential safety risks.
6. Eliminate the "Off-Premise" section of the sign code.
 - Allow for one additional freestanding sign in certain zones under specific circumstances.
 - Further define non-conforming signs on vacant parcels.
7. Eliminate Street banners from the Sign Code since they will fall under the new proposed Governmental Signs and be Exempt.
8. Change content specific categories such as real estate signs, political signs, No Trespassing signs, etc. to categories that don't refer to content.
9. Establish the following types of sign categories:
 - Signs that do not require a permit
 - Wind Driven Signs and Banners
 - Signs that require a permit
 - Governmental (Exempt) Signs

In addition, Ms. Bowers stated there are some changes proposed that will clarify and provide consistency with the language in the Code. They include:

1. Eliminate contradicting definitions of a Monument Sign measurement, excluding the base, consistent in all zone districts.
2. Limit signs in residential zones to external illumination only similar to the RO Zone District, and limit the hours of illumination between 5 am and 11 pm.
3. Define double face signs, to include those that are constructed at angles of 60 degrees or less.
4. Redefine "Abandoned Sign" and allow more time (12 months instead of 3 months) before the sign is required to be removed after having been determined to be abandoned.
5. Incorporate sign regulations for MXG, MXS and MXR Form Based Zone Districts to be the same as found in the MXOC Form District.

As part of these amendments, it was important to hear from the sign industry and other users of signs such as the Real Estate industry. Ms. Bowers stated that staff had met with Realtors on August 10th. Staff also met with citizens in the Sign Industry / Outdoor Advertising Industry on August 25th. In addition, workshops were held with the Planning Commission/City Council on July 21st and again with the Planning Commission on August 18th.

Questions for Staff

Commissioner Ehlers recommended adding “each” to the wording of “six signs up to (6) square feet in area”. Ms. Dackonish noted that although the word “each” is not on the slide, it is in the actual text being proposed.

Commissioner Ehlers also expressed concern about “allowing one 32 square foot sign at multi-family apartment/condominium building/complexes and on each common area parcel that abuts a public right-of-way” and suggested the words “contiguous open space parcels” or the like so there is not the opportunity to put up two signs just because there are two different types of tracks. Mr. Thornton responded that in most cases, there will be an HOA that would address an entry way sign for the building.

Commissioner Ehlers expressed concern about the spacing of additional free standing signs. Regarding the corridor overlays, Commissioner Ehlers stated that he would not want to limit businesses from advertising, but expressed hope that there will be a way to preserve the open space that exists.

Commissioner Buschhorn asked for clarification of the illumination that would be allowed in residential districts. Mr. Thornton stated that signs in those districts would have to be externally illuminated and comply with CDOT regulations for blinking/flashing as well. Commissioner Buschhorn gave the example of a resident having a projector flashing a changing message onto a sign in an area where there is no HOA.

Discussion continued as to what language may add clarification. Commissioner Buschhorn suggested “a static sign that is illuminated and does not change message”. Mr. Thornton suggested that that language be added to the motion, and it will be sent on to City Council.

With no further questions for staff, Vice-Chairman Wade opened the public hearing portion of the meeting and asked for those in favor or opposition to the proposed changes in the Sign Code.

Public Comment

Mark Gamble, owner of Colorado West Outdoor Advertising (CWOA) in Grand Junction. Mr. Gamble noted that he has worked with Ms. Bowers, Mr. Thornton and Ms. Dackonish on what he felt was a substantial revision of the current sign code.

Mr. Gamble noted that he would like to give a brief synopsis of the Reed vs the Town of Gilbert Arizona. Mr. Gamble explained that a Pastor who did not have a permanent location for gatherings, would put up signs each week announcing the location of the service. The sign code in that town required that he put them up only 12 hours before the service and taken down one hour after. This restriction prompted a Supreme Court lawsuit to address an issue that had been going on in sign codes all over the country for years. One important point that was made from this Supreme Court decision was that this ruling was based on a non-commercial signage issue.

Mr. Gamble implied that how the ruling applies to commercial signage was left a grey area. Mr. Gamble stated that he does not believe that a "no off-premise" recognition in a sign code will uphold if contested. Mr. Gamble gave more background of what he believes the intentions of the court decisions were and how some of the regulations may be implemented in the future.

Mr. Gamble stated he was not sure how hard he wanted to fight for on-premise / off-premise designations in the sign code as he feels some of the suggested revisions may (or may not) be good for his business. Mr. Gamble stated that he feels he has not had enough time to totally evaluate the complete ramifications of the impact of the changes.

Mr. Gamble stated that staff indicated they had taken into consideration the 1975 Colorado Supreme Court rule that you cannot regulate outdoor advertising companies out of business.

Mr. Gamble noted that the revisions allow for an extra free standing sign to be allowed on commercial parcels that have 600 or more feet of frontage. Mr. Gamble stated that he was told there were 69 of these parcels identified. Of the 69 parcels, Mr. Gamble stated that he has been able to build on all of those parcels for the 40 years that the sign code has existed or since they were zoned, but he does not feel any of them are viable as a location where he would be able to sell advertising. Mr. Gamble stated that he believes the revisions do not help him and basically limits him to what he has now and does not allow his business to grow and continue to exist.

Mr. Gamble explained that a second aspect of his business is digital advertising. He noted that if businesses are now allowed to advertise off-premise businesses on their digital signs then that would cut into his market. Mr. Gamble stated he wanted to go on record as being against not having specific codes and regulations specific to outdoor advertising and off-premise signs.

Mr. Gamble stated that he had met with Ms. Bowers and Mr. Thornton and was given a copy of the proposed changes to the sign code. He then met with Ms. Dackonish to

discuss a problem he has with the changes. Mr. Gamble then handed all the Commissioners a hand out he had prepared. His concern was with the following suggested language in the code:

A sign established prior to October 31, 2016 on an otherwise vacant parcel where a new use is being established shall be considered a non-conforming sign whose square footage is not counted toward the sign allowance for the new use.

Mr. Gamble stated that he emailed Ms. Bowers with his suggestion that “All” signs be included, (not just on vacant parcels). Mr. Gamble added that if an existing business decides to redo their signage, his pre-existing billboard will now be used in the signage calculation and he will not be able to have it there.

Mr. Gamble explained that he owns many easements around town where he has billboards. He is not under a lease with many of the owners; therefore, if they want new signage, they would not be able to use his easement as street frontage for their sign calculations. Mr. Gamble indicated that although he does have some leases, he currently has 7 easements on vacant properties and about 30 easements on developed properties. Mr. Gamble noted that those easements were purchased and sold under the status of the old sign codes regulations for outdoor advertising.

Commissioner Questions

Commissioner Eslami asked Mr. Gamble how he could “own” an easement. Mr. Gamble stated that he has Billboard easements that protect the view shed to his billboard and allow access to property.

Commissioner Ehlers asked for clarification as to how the signage is calculated for a parcel. Mr. Thornton stated that a property has a calculation for free standing (based on street frontage) and another for flush wall (based on length of building). The higher of those two numbers is used for overall signage allowance on property.

Commissioner Ehlers asked Mr. Gamble if he felt that the new regulations will regulate the Outdoor Advertising Sign Business, out of business by allowing competitors to do what he does. Mr. Gamble noted that he has some legal input coming from Denver that will determine how he wants to proceed. His understanding is that a non-conforming status would allow him to maintain his signs even though they don’t comply with code.

Mr. Gamble stated that has not settled on a position yet because the proposed sign code opens up some doors and closes some doors. Mr. Gamble stated that he anticipates there are going to be some legal actions taken to clear this up. Mr. Gamble stated that this code is the cleanest, safest way to go...for now, and the grey areas are unanswerable...for now. Mr. Gamble went on to say that there is enough significance in the issues that he believes that bigger cities and bigger billboard companies are going

to push these questions and set some legal direction that may not come for a year or two.

Commissioner Ehlers thanked Mr. Gamble for bringing a different prospective and information to the discussion. Commissioner Ehlers stated it is not the intent of the sign code update to put Mr. Gambles business and other businesses like his, out of business. Commissioner Ehlers encouraged Mr. Gamble to get some justification and explain how the sign code update would be regulating him out of business, prior to the City Council meeting. Commissioner Ehlers also added that he is less sympathetic to the introduction of competitors as an issue.

Mr. Gamble stated that he was just made aware, and received a copy of proposed changes in late August and has not had the time to fully review everything. He does intend to continue to talk with City staff as there may be some other points he wants to pursue.

Mr. Gamble stated that an easement is a legally recognized real estate instrument that he owns even though it is exclusive in use. Mr. Gamble went on to explain that in the cases where he has leases, and the property owner wants to put up more signage, they can wait until the lease is up and then tell him they need the sign allowance back.

Commissioner Wade asked how many of his properties does he have easements on that he owns. Mr. Gamble stated he owns 37 easements and added that about 30 of those already have development on them.

Commissioner Buschhorn stated that the proposed sign code language would make owning the easements more valuable. He explained that the easement would be the dominant state, which controls the subservient state, which would be the land owner underneath, therefore they could not control his sign square footage. Mr. Gamble explained that he does not want to be put in a situation where a landowner who wants to put a sign up, cannot do that because he has an easement with a Billboard that is now going to count against his sign allowance.

Commissioner Deppe asked Mr. Gamble if that was the reason why he purchased the easement was to control that space. Mr. Gamble agreed that is why he purchased the easement and it was under the assumptions of the old code, which did not impact the property owner. His billboard signage allowance was always independent of the property owners sign allowance.

Ms. Dackonish referred to the non-conforming sign section of the code, which is not changing, and could address situations that Mr. Gamble is talking about. This existing section states "a non-conforming sign, which use is upgraded, or exempted in the writing" shall be considered an allowed sign". Ms. Dackonish explained that would give staff the discretion in those situations, to say both signs could stay or that one is exempt. This is in subsection 3 e and it is not coming out of the code and would be addressed on a case by case basis.

Vice-Chairman Wade asked Mr. Gamble if he was comfortable with how they can address these situations where it is logical to allow both signs. Mr. Gamble stated that he does not want to leave the decision up to the discretion of the staff and would like to see it written in the code that all his existing signs are exempt. He explained that he has invested a lot of money in the signs under the old code and wants to be able to be exempt and not have his signs be calculated in the properties sign allowance. Mr. Gamble noted that under the old code, his billboards had a separate sign allowance.

Commissioner Buschhorn noted that Mr. Gamble would only be hurt by this change on the 7 properties where he has leases and stand to lose his sign allowance. The property owners of the 37 properties where Mr. Gamble has easements stand to lose as well. Mr. Gamble stated that he does not believe that the land owners where he has easements, are aware of the problem that would be created by the new language in the sign code.

Commissioner Ehlers stated that it is his understanding that staff is relying on sub section 3 to review the cases as they come in. Commissioner Ehlers asked if there was a reason why staff would not just remove the reference to “on an otherwise vacant parcel” and just say “all of the existing”? Ms. Dackonish stated it was possible to rewrite that section to accomplish what Mr. Gamble is suggesting. She suggested if that is done, then language be added to say that “all signs that become non-conforming because they were once deemed off premise signs” otherwise there may be more signs allowed than the code intended.

Commissioner Ehlers asked if it was the intention of staff to intentionally write the code in a way that challenged these sites and if there were opportunities to sunset the billboards out of existence, that could be done. Ms. Dackonish explained that staff did intend that over time, it would be appropriate, especially where redevelopment is happening, that some of these signs be phased out over time. Ms. Dackonish stated that most of the places where there is a billboard and an existing use, such as a shopping center, there is enough signage allowance that would be sufficient for tenants that come and go. It most likely would be significant redevelopment occurring where a new sign may be triggered, where staff would review it on a case by case basis and exempt it where appropriate.

Commissioner Ehlers asked Mr. Gamble if he had a time frame that he could propose that would be acceptable to sunset billboards. Mr. Gamble stated that staff thought he had leases on all his billboard properties when he actually has mostly easements. Mr. Gamble stated that staff wrote the sign code purposely in a way that would take away the billboards and as a result, he would be out of business.

Commissioner Eslami inquired if he owns the easement, how could the billboard come down. Mr. Gamble stated that on those easements it would not be a problem. Commissioner Wade asked if the problem was with the seven leases. Mr. Gamble

corrected his earlier account and stated that he has 16 leases, 37 easements, seven of which are on vacant parcels.

Commissioner Eslami noted that Mr. Gamble will not be hurt by the changes on his easements. Mr. Gamble agreed but stated that the property owners would be hurt by the changes where he has easements. Commissioner Eslami noted that there were no property owners in attendance although the meeting has been advertised. Mr. Gamble stated that he was only aware of the issue since he was contacted directly by staff, which he appreciated.

Commissioner Discussion

Commissioner Eslami thanked Mr. Gamble for his information and insight from his perspective. The intention of the proposed sign code is to simplify the process in the future. Commissioner Eslami stated that the Planning Commission is the body that will make the recommendation to City Council, however City Council will be making the decision.

Commissioner Ehlers thanked Mr. Gamble for his thoughts and stated that he is not inclined to advance any code that is intentionally running any industry out of business. Having said that, Commissioner Ehlers noted that he does not see the proposed sign code as doing that. Commissioner Ehlers acknowledged that it may cause some conflict between the property owners and the billboard owners as they may want to regain sign allowance down the road.

Commissioner Ehlers suggested that Mr. Gamble submit in writing to staff and maybe City Council, how he feels that the change in language will forcefully put him out of business. Commissioner Ehlers stated that, in his opinion, it's a market driven factor and changes being proposed in the code will not regulate billboard out of existence, but open up other market options.

Commissioner Deppe stated that agrees with Commissioner Ehlers but she wished she knew more about what Mr. Gamble's concerns were before the meeting as it puts a different spin on what she was thinking. After listening to staff's presentation and hearing Mr. Gambles concerns, Commissioner Deppe felt that he could create work-arounds, and she does not feel it will be a hardship for him in the long run.

Commissioner Buschhorn indicated that he agrees with Commissioner Ehlers. Thinking about the commercial aspect of it, Commissioner Buschhorn believes Mr. Gamble, has most likely negotiated those leases with a satisfactory return on investment by the end of the leases. Commissioner Buschhorn stated that he does not feel the proposed changes to the sign code will significantly negatively impact his business.

Commissioner Buschhorn stressed that it would be better to meet the requirements of the Supreme Court, and the revisions the way they are written, will comply with that.

Commissioner Wade referred to Mr. Gamble's point that we know the Supreme Court decision will inspire considerably larger entities to take action, which will clarify the situation even more. Commissioner Wade felt that this revision is the simplest cleanest way to start to comply with the decision. Recognizing that there may need to be other revisions as time goes by, Commissioner Wade stated that this seems to be the right way to go for now.

Commissioner Wade called for a motion. Commissioner Ehlers asked if the Commission was going to add an amendment to the motion to address changing projections in residential zone districts. Ms. Dackonish added that the motion may affect some Christmas displays and wanted to make sure they took that into consideration and that there is not an unintended effect that they had not considered. Commissioner Wade asked the Commissioners how they feel about adding the additional language to the motion. Commissioner Ehlers stated that he is not inclined to approve the motion as it is because it does not address the underlying problem. Commissioner Ehlers questioned the line between commercial advertising and yard art. He feels there could be a loop hole if not address and gave the example of digital signs.

Mr. Thornton read the criteria from the "general requirements" that is currently in the code. One of the points Mr. Thornton emphasized was that there could only be up to a 40-watt bulb used to illuminate a sign. Commissioner Buschhorn asked for clarification as it appears that there are more than 40 watt bulbs illuminating billboards at night. Ms. Dackonish added that the 40-watt bulb limit was to address and limit light exposure when facing high-way or street.

Commissioner Ehlers concern is that in residential districts, the content neutral aspect would theoretically allow residents to have a blank canvas that they can host changing advertisements. Commissioner Ehlers noted that he is not concerned about changing holiday displays etc.

Commissioner Buschhorn stated that he is not comfortable sending the recommendation onto City Council, even with the revisions on record. He would like to first see a clean copy of what the proposed code would look like.

Commissioner Ehlers asked staff if it was possible to approve a motion to send the sign code forward with and approval, and a request to address the items, even though there is currently no specific language developed.

Ms. Beard (Assistant City Attorney) stated that since it is a recommendation going forward, the motion could be approving as is, or approve with specific revised language, or recommend approval with a request that certain factors be considered in making their determination.

Commissioner Eslami suggested tabling the item. Vice-Chairman Wade stated that he feels they should vote on the motion as proposed, and if it passes then send along recommendations along with it. Ms. Beard explained that they can do a motion to

continue, or take other steps rather than having to do it on the motion as proposed; it's not required that you do the motion first.

Vice-Chairman Wade asked if any Commissioners wish to continue the discussion and not vote on the proposed code language.

MOTION: (Commissioner Eslami) "Mister Chairman, on the request to forward a recommendation to City Council to amend the Grand Junction Municipal Code, Title 21, Section 21.06.070 and Section 21.10.020, ZCA-2016-384, I move that the Planning Commission table the discussion to a future meeting."

Commissioner Deppe seconded the motion. A vote was called and the motion passed unanimously by a vote of 5-0.

1. Other Business

Mr. Moberg reminded the Commissioners that there is a workshop on September 22nd.

2. Adjournment

The Planning Commission meeting was adjourned at 7:46 pm.

ATTACHMENT 3 – Proposed Ordinance

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTIONS OF THE ZONING AND DEVELOPMENT CODE (TITLE 21 OF THE GRAND JUNCTION MUNICIPAL CODE) REGARDING SIGNAGE

Recitals:

The City Council desires to maintain effective zoning and development regulations that implement the vision and goals of the Comprehensive Plan while being flexible and responsive to the community's desires and market conditions. The City Council has developed an Economic Development Plan and desires that the zoning and development code be reviewed and amended where necessary and possible to facilitate economic development.

Signage is an important part of the economic engine of the community and an important means of communication of political, religious, educational, ideological, recreational, public service, and other messages. The Council also recognizes that the proliferation and disrepair of signs can deter the effectiveness of signs, cause dangerous conflicts with traffic control signs and signals, create safety hazards and contribute to visual pollution to the detriment of the general public.

Regulation of signage is a restriction on speech and therefore must conform to the First Amendment to the United States Constitution. A government may impose reasonable time, place and manner restrictions on speech so long as they are content-neutral and there is a rational basis for the restriction. In June of 2015, the United States Supreme Court changed the applicable definition of content-neutrality while striking down the sign code for the Town of Gilbert, Arizona in a decision known as *Reed v. Town of Gilbert*. Following *Reed*, if we have to read a sign to determine whether or how certain restrictions apply, the regulation is not content-neutral, but content-based.

A content-based regulation is presumptively unconstitutional. It is subject to strict scrutiny, meaning that it must be the least restrictive means necessary to further a compelling government interest. It is unlikely that a content-based restriction on signage would survive a First Amendment challenge.

Cities and towns across the nation have been struggling to bring sign codes into conformance with this expanded definition content-based regulation. Almost all sign codes at the time *Reed* was decided included common-sense accommodations for things like "for rent" and "for sale" signs, temporary directional signs, political signs, nameplates, historical and public interest plaques, and other categories of common signs. Grand Junction's sign code has such regulations, which, following *Reed*, are content-based, including those relating to temporary signs, exempt signs, and off-premise signs.

Because such regulations could be challenged on their face, regardless of how or even whether they are enforced, the City Council finds it necessary and beneficial to amend the City's sign regulations to comply with *Reed's* expansive interpretation of First Amendment protections for signs.

With these code amendments, content-based distinctions are eliminated in favor of regulations that are based on size, location, number, height, illumination, changeable or digital copy or graphics, and other physical attributes of the signs not related to content. Changeable copy and digital signs have made enforcement of regulations based on content, including "off-premise advertising," impractical. Signs that were previously categorized as "off-premise" are now treated simply signs within the given sign allowance for a particular parcel. To accommodate the outdoor advertising industry, properties in zone districts where "off-premise" advertising was allowed are given additional free-standing sign allowances in accordance with the amount of street frontage of the particular parcel.

Signs made non-conforming by this amendment are not, by this amendment, subject to phasing out or removal. Removal of signage is only required (whether the sign is conforming or non-conforming) where a sign has fallen into disrepair on property where a use has been abandoned.

The City Council finds that digital and electronic signs can visually disturb drivers, pedestrians and the peace and quiet enjoyment of residential properties. To mitigate these potentials, these amendments include limitations on brightness, animation and changeable copy.

The City Council finds that the amendments to the City's sign regulations strike an appropriate and careful balance between protecting First Amendment rights and community aesthetics.

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

Section 21.06.070 *Sign regulation* is amended as follows (additions underlined, deletions struck through):

21.06.070 Sign regulation.

(a) ~~Sign Regulation.~~ This regulation governs exterior signs on real property. The proliferation and disrepair of signs can deter the effectiveness of signs, cause dangerous conflicts with traffic control signs and signals, and contribute to visual pollution to the detriment of the general public. No sign shall be displayed in any zone district without a sign permit, except where the provisions of this Section expressly provide otherwise. Signs placed by a governmental entity are exempt from this Section.

(a) **Definitions.** As used in this Section 21.06.070, the following terms shall have the following meanings:

Digital sign or digital display or electronic sign: A display of a sign message or picture made of internally illuminated components that display an electronic image, which may or may not include text and is capable of changing the message periodically; including but not limited to television screens, holographic displays, programmable ink, LCD, LED or plasma displays.

Illuminated sign: A sign which is illuminated by a light source. Internal illumination or internally illuminated means a sign illuminated by a light source that is concealed or contained within the sign and becomes visible in darkness through a translucent surface. Indirect illumination or indirectly illuminated means a sign that is illuminated with an artificial light located away from the sign and directed onto the sign face so that the message is visible in darkness.

Interactive sign: A sign which contains QR codes or invites the viewer to capture an image with a camera or other device or otherwise physically interact with the sign in order to obtain a benefit, prize or discount.

This Section shall mean and refer to Section 21.06.070, Sign regulation.

(b) **Prohibited Signs.** Prohibited signs are signs which:

- (1) Contain a an obscene statement, word, or picture describing or depicting sexual activities or ~~specified~~ sexual anatomical areas;
- (2) Contain, or are an imitation of, an official traffic sign or signal or contain the words: "STOP," "GO SLOW," "CAUTION," "DANGER," "WARNING," or similar words;
- (3) Are of a size, location, movement, content, coloring or manner of illumination which may be confused with, or construed as, a traffic control device or which hide from view any traffic or street sign or signal;
- (4) Contain or consist of portable signs, tent signs, or strings of light bulbs not permanently mounted on a rigid background, except that one portable sign per business will be allowed next to the building in shopping areas where pedestrians circulate, so long as such that are designed to invite pedestrian traffic. ~~In no case shall a portable sign be~~ is not placed in a parking lot or in any median, does not visually or physically obstruct vehicular or pedestrian circulation. ~~No sign shall be allowed that creates a hazard for or impedes~~

~~motorists or pedestrians. Signs may and does not exceed 12 square feet in size and may not exceed three feet in width;~~

(5) Are erected after adoption of this code and do not comply with the provisions of this regulation; or

(6) Do not comply with the law, rules and regulations of the State of Colorado as now or hereafter enacted and/or amended. See § [43-1-401](#) C.R.S. et seq.;

(7) Create a hazard for, or impede safe or efficient movement of, motorists or pedestrians;

(8) Are placed in whole or in part in, on or over any part of a public right-of-way, except where the sign is placed by a governmental entity. The Director has the authority to remove and dispose of any sign placed in or on or protruding into, onto or over any part of a public right-of-way without compensation to any person or entity; or

(9) Are interactive signs that are readable with normal vision from the public right-of-way. Interactive signs readable from the public right-of-way are prohibited because they distract drivers and pedestrians so as to constitute a significant safety risk.

(c) **Exemptions. Signs that do not require a permit.** The following signs are exempt from all the provisions of this code, allowed on a lot/parcel in any zone district:

(1) One sign that is integral to or flush-mounted on a building or structure that is no greater than four square feet in area.—Public Signs. Signs of a noncommercial nature, erected by, or on the order of, a public officer in the performance of his duty, such as, but not limited to, safety signs, danger signs, trespassing signs, traffic signs, memorial plaques, signs of historical interest, informational signs and the like.

(2) A sign that is not illuminated, not digital or electronic, and not permanent in nature, for example, one that is planted into the ground or affixed to an object or structure by temporary means, does not have a foundation, is made of lightweight and thin materials such as a single sheet of plastic, thin metal, plywood or paper, except for wind driven signs and banners which are regulated separately in subsection (d) below, and except for prohibited signs discussed in subsection (b) above, with the following limitation:

(i) On a parcel of less than one acre, up to six such signs are allowed, so long as each sign is not greater than 6 square feet in area, except in that

one of these signs may be up to 32 square feet in area when construction is occurring on a parcel or a subdivision of land is being developed.

(ii) On a parcel of one acre or larger, up to six such signs per acre are allowed, so long as each sign is not greater than 6 square feet in area, except that one sign per acre can be up to 32 square feet in area.

~~—Institutional. Permanent signs which set forth only the name of a public, charitable, educational or religious institution, located entirely upon the premises of that institution, and which do not exceed an area of 24 square feet per street frontage. If mounted on a building, these signs shall be flat wall signs and shall not project above the roofline; if ground mounted, the top shall be no more than six feet above ground level.~~

~~(3) Integral. Names of buildings, dates of erection, monumental citations, commemorative tablets and the like when carved into stone, concrete or similar material or made of metal or other permanent type construction and made an integral part of the structure.~~

~~(4) Private Traffic Direction. Signs directing traffic movement into a premises or within a premises, not exceeding three square feet in area for each sign. Illumination of these signs shall be permitted in accordance with the GJMC [21.06.080](#). Horizontal directional signs on, and flush with, paved areas are exempt from these standards.~~

~~(5) Nameplate. A nameplate not exceeding two square feet in area, containing only the name of the resident, title and/or name of home occupation. A nameplate may be located anywhere on the property.~~

~~(6) Temporary Decorations or Displays. Temporary decorations or displays clearly incidental and customary and commonly associated with national or local holiday celebrations.~~

~~(7) Rear Entrance Signs. Rear entrance signs, when associated with pedestrian walk-through buildings. These signs shall not exceed 16 square feet in area and shall be flush mounted, identifying only the name of the establishment and containing directional information.~~

~~(8) Temporary Signs Not Advertising a Product or Service. Signs not in excess of six square feet may be erected as participation in a public parade, event, or celebration for a period not to exceed 10 days.~~

~~(9) — Menu Signs at Drive-In Restaurants. Signs which are not readable from the nearest public right-of-way; and signs not readable and/or visible beyond the boundaries of the lot or parcel upon which they are located or from any public right-of-way.~~

~~(10) — Private Warning or Instructional Signs. Signs such as “NO SOLICITING,” “NO TRESPASSING,” “BEWARE OF DOG,” or other similar types of signs not exceeding one and one-half square feet per sign.~~

~~(11) — Nonprofit Organization Fund-Raising Campaign Signs (Temporary). Temporary signs not in excess of 32 square feet advertising nonprofit organization fund-raising campaigns may be erected for campaign purposes in nonresidential zone districts only. The number of campaign signs per parcel is limited to one. Such signs may not be placed in the public right-of-way and are required to be removed within seven days after the fund drive has ended. A campaign sign may not be in place more than 90 consecutive days in any 12-month period.~~

~~(12) — Transit Shelter and Bench Signs. A sign on or incorporated within a City-approved transit shelter or transit bench. The requirements and specifications that apply to each transit shelter and bench are found in GJMC [21.04.030\(r\)](#), Transit Shelters and Benches, for use-specific standards.~~

~~(13) — Campaign Signs. Noncommercial speech signs, such as political signs used for campaigning purposes, shall be allowed for a time period not to exceed 60 days prior to the scheduled primary election and shall be removed no later than 10 days after the election date on which the office, issue or ballot question is decided. Signs shall not be placed in any public right of way, including medians, except that adjacent property owners may place campaign signs in a landscaped right of way area between the sidewalk and curb adjacent to private property. Signs placed on private property shall not obstruct the vision of motorists or pedestrian traffic due to size or location.~~

~~(d) — **Temporary Signs.**~~

~~(1) The following on-premises temporary signs shall be allowed in all zones and shall not require a permit, unless otherwise indicated.~~

~~(i) — A non-illuminated sign, advertising the sale or development of land containing not less than five lots, or an area of not less than one acre, shall not exceed, and not more than one sign shall be placed per parcel per street frontage. Signs shall not be erected for more than one year on any parcel unless the Director approves an application for continuance. The~~

~~Director may issue approval to continue the sign for an additional year. Not more than one sign per parcel per street frontage shall be allowed.~~

~~(ii) A non-illuminated sign, not to exceed six square feet in area (see also subsections (g)(1)(i)(C), (g)(2)(ii) and (g)(3)(ii)(A) of this section), pertaining to the sale or lease of the premises on which it is located. This sign shall not be erected for more than one year for any parcel. The sign shall be removed within 24 hours after the transfer of title or the signing of a lease. During the period of time between the execution of a contract for sale or lease and the finalizing of the same, a "sold," "sold by," or similar sign shall be permitted as long as the maximum size of six square feet is not exceeded. Not more than one sign per parcel per street frontage shall be allowed.~~

~~(iii) An on-site, non-illuminated sign, advertising the development or improvement of a property by a builder, contractor, or other person furnishing service, materials, or labor to the premises during the period of construction. The size of the sign shall not be in excess of 32 square feet in area. Such sign shall be removed within 24 hours after a certificate of occupancy is issued. Not more than one sign per parcel per street frontage shall be allowed.~~

~~(iv) A sign, not exceeding 16 square feet in area, advertising the sale of produce grown on the premises. Only one sign per street frontage shall be permitted.~~

~~(v) Corporation flags, limited to one flag per parcel, when flown in conjunction with the United States or State of Colorado flags.~~

~~(vi)~~

(d) Wind driven signs and banners. are subject to the following:

(i) (A) A special events banner permit shall be required prior to any use of wind driven signs or banners ~~except for those allowed under subsection (c)(6) of this section, Temporary Decorations or Displays.~~

(B) Wind driven signs, excluding banners, may be displayed for up to 14 days, but not more than four times in a calendar year. The days shall be consecutive.

- (ii) ~~(C)~~ Banners and wind driven signs may be displayed for a up to 30 consecutive days 30-day period, but not more than up to four times in a 12-month calendar year. Permit periods may run consecutively.
- (iii) All banners must be secured directly to the building structure, fence, or post that is permanently affixed to the ground at all contact points.
- (iv) All wind driven signs must be professionally made, must be in good repair and appearance, and must also be so located and installed so as not to pose a safety hazard for motorists or pedestrians. Such signs shall not be attached to any object located in the public right-of-way.
- ~~(2)~~ (v) In addition to other available penalties, failure to comply with the terms of a permit issued under this section shall result in the loss of a permit ~~for the following quarter.~~
- ~~(3)~~ Signage for temporary uses requiring a temporary use permit shall conform to the requirements for a temporary use permit.

(e) Nonconforming Signs.

- (1) All signage on site shall be brought into conformance with this code prior to approval of any new sign permit on the property.
- (2) Any nonconforming sign that has been damaged in excess of 50 percent of its replacement cost by fire, wind or other cause except vandalism shall not be restored without conformance with the provisions of this regulation.
- ~~(3)~~ Any off premises sign on or near the Riverside Parkway that becomes nonconforming due to the adoption of this section may continue only in the manner and to the extent that it existed at the time of the adoption of the ordinance codified in this title. The sign must not be re-erected, relocated or replaced unless it is brought into conformance. If a sign is nonconforming, other than because of the adoption of the ordinance codified in this title, then the sign shall be discontinued and removed on or before the expiration of three years from the effective date of the ordinance codified in this title.
- ~~(4)~~ A nonconforming sign which use is upgraded or exempted in writing shall be considered an allowed sign.

(3) A sign permitted as an off premise sign prior to October 31, 2016 shall be considered a non-conforming sign whose square footage is not counted toward the sign allowance for a new use or change of use established after October 31, 2016.

(4) A sign permitted as an off-premise sign prior to October 31, 2016, located in a C-2, I-1 or I-2 zone district and not within the following zoning overlays, 24 Road Zoning Overlay, Greater Downtown Zoning Overlay and Riverside Parkway/29 Road, shall be allowed to upgrade the sign structure and sign face incorporating new technologies. All upgrades to digital, electronic or lighting shall comply with applicable standards at the time of application to upgrade.

(f) Digital or Electronic Sign Standards

(1) Purpose and Intent. Advancements in technology permit signs to change copy electronically, utilizing LED, LCD and other technologies. The impacts of these may disrupt the peace and quiet enjoyment of other properties in the area and create traffic hazards. Limitations on brightness, changeable copy, animation and motion are necessary in order to mitigate these impacts, protect public health and safety, and preserve the character of areas, especially residential neighborhoods.

(2) The maximum brightness levels for signs shall not exceed .3 (three tenths) footcandles over ambient light levels. Measurements of light are based on the area of the sign versus measurement of the distance. Using a Footcandle meter, brightness shall be in conformance with the following distance table:

<u>AREA OF SIGN</u> <u>(sq. ft.)</u>	<u>MEASUREMENT DISTANCE</u> <u>(ft. from sign)</u>
<u>0 – 10</u>	<u>30</u>
<u>10 – 24</u>	<u>45</u>
<u>25 – 49</u>	<u>55</u>
<u>50 – 99</u>	<u>90</u>
<u>100 – 149</u>	<u>110</u>
<u>150 – 199</u>	<u>135</u>
<u>200 – 300</u>	<u>150</u>

The measurement shall be conducted at least 30 minutes after sunset or 30 minutes before sunrise. Certification must be provided to the City upon installation that the sign has been preset to automatically adjust the brightness to these levels or lower. Re-inspection and recalibration may be periodically required by the City at the permittee's expense, to ensure that the specified brightness levels are maintained at all times.

(3) Signs shall not contain animation, flashing, scrolling or traveling messages, or intermittent or full-motion video.

(4) Signs shall not change intensity or expose its message for less than four (4) seconds.

(5) Transitions between messages shall be less than one second.

(6) Interactive signs are prohibited.

(7) All new electronic display signs shall have photocell technology that will be used to dim the displays for appropriate nighttime viewing from dusk to dawn or when ambient light conditions warrant such changes.

~~(f)~~ **(g) General Requirements.**

(1) The following requirements shall apply to all signs in all zones unless otherwise indicated:

(i) ~~A permit is~~ Permits shall be required for all placement or display of any new signs sign, except where otherwise stated or where specifically exempted by the provisions of this Section 21.06.070.

(ii) ~~Touching up, or repainting or changing existing letters, text, symbols, etc. graphics, or other content, shall be is~~ considered maintenance and repair and ~~shall~~ does not require a permit.

(iii) Only a licensed sign contractor ~~shall~~ can obtain a sign permit ~~permits~~ for signs.

(iv) ~~All signs shall be located on the premises to which they refer unless permitted as off-premises signs under this regulation.~~ All signs shall be permanent in nature except for those non-permanent signs allowed ~~herein~~ under subsection (c) of this Section.

(v) All exterior signs shall be engineered to withstand a minimum wind load of 30 pounds per square foot.

~~(vi) Signs which identify businesses, goods, or services no longer provided on the premises shall be removed by the owner of the premises within 90 days after the business ceases, or when the goods or services are no longer available.~~

~~(vii)~~ (vi) No sign shall be placed on any curb, sidewalk, post, pole, hydrant, bridge, tree or other surface located on public property including the posting of handbills except as ~~may otherwise expressly be authorized by this Section regulation.~~

(vii) Regardless of sign allowances by zone district, no single sign shall exceed 300 square feet in area.

(2) The following shall apply to the measurement of signs:

(i) The total surface area of one sign face of freestanding signs and projecting wall signs shall be counted as part of the maximum total surface area allowance. Sign enhancement features such as bases, pillars, and other decorative elements, ~~as part of monument signs other than a single or double pole support,~~ shall not be counted as part of the maximum square footage of the sign, sign's surface area. provided such features do not exceed the size of the sign face.

(ii) The total surface area of all sign faces of roof signs shall be counted as part of the maximum total surface area allowance.

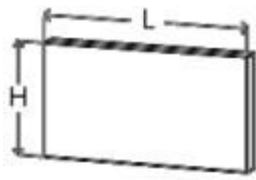
(iii) For measurement of different shapes of signs, see the graphic graphics below.

(iv) The total surface area of three-dimensional figures shall be counted as part of the maximum sign allowance.

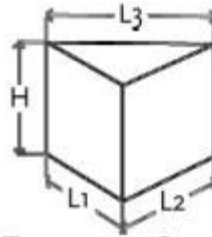
(v) The area of flush wall signs with backing or a background that is part of the overall sign display or when backed by a surface which is architecturally a part of the building shall be measured by determining the sum of the area of each square, rectangle, triangle, portion of a circle or any combination thereof which creates the smallest single continuous perimeter enclosing the extreme limits of each word, written representation (including any series of letters), logo or figure including all frames, face plates, nonstructural trim or other component parts not otherwise used for support.

(vi) The area of a facade sign shall be determined to be the sum of the area of each of the smallest perimeter enclosing the limits of each work and written or graphic representation, including letter, number, character, and/or logo used for advertising, offering or merchandising a product, or for service identification. The area of a mural painted on a wall shall not be included in the sign area calculation.

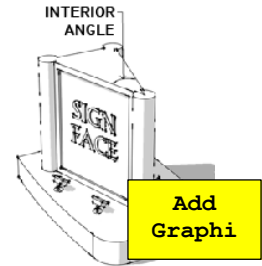
(vii) Only one display face is measured if the sign faces are parallel or form an interior angle of less than or equal to 60 degrees, provided that the signs are mounted on the same structure. If the faces are of unequal area, then sign area is equal to the area of the larger face.



DOUBLEFACE SIGN
H x L



TRIANGULAR SIGN
 $[(H \times L1) + (H \times L2) + (H \times L3)] / 2$



Blade Sign

Double Face Sign

- (3) No illumination of a sign is permitted unless the following criteria are met:
- (i) The light from any illuminated sign shall be so shaded, shielded and directed that the light intensity or brightness shall not be objectionable to surrounding areas.
 - (ii) Neither the direct or reflected light from a light source shall create a traffic hazard to operators of motor vehicles on public thoroughfares or approaches to public thoroughfares.
 - (iii) No exposed reflective type bulb or incandescent lamp, which exceeds 40 watts, shall be used on the exterior surface of a sign to expose the face of the bulb, light or lamp to any public street or adjacent property.
 - (iv) Electrical service provided to illuminated signs may require an electrical permit from the Building Department.
- (4) Identification and Marking. Each sign requiring a permit shall bear an identification plate stating the following information:
- (i) Date the sign was erected; and
 - (ii) Name of person, firm or entity responsible for its construction and erection.
 - ~~(iii) Corridor Overlays. Signs shall be in conformance with corridor overlays, PD overlays, and RO district requirements.~~
- (5) Sign(s) placed in connection with a temporary use that requires a temporary use permit shall conform to the requirements, conditions and terms of the temporary use permit.

~~(g)~~ **(h) Sign Standards by Zone.** ~~Only signs as described below and within this section shall be permitted in any zone. The following restrictions and requirements apply to permanent signs in the given zone districts:~~

(1) Residential Zones.

(i) One permanent sign per residential lot not exceeding six square feet in area is allowed, subject to the standards below.

(ii) One permanent monument sign up to 32 square feet in area is allowed at a multi-family apartment/condominium building/complex and on each common area parcel that abuts a public right-of-way; for purposes of this subsection, "common area parcel" means a parcel that is owned by a homeowners' association for the benefit of all lot owners in a planned community, common interest community or condominium.

(iii) For a nonresidential use in a residential zone, one sign not to exceed 24 square feet in area is allowed per street frontage.

~~(i) Types Allowed.~~

~~(A) A bulletin sign, not to exceed 24 square feet per street frontage, may be erected upon the premises of a church or other medical, public or charitable institution for the purpose of displaying the name of the institution and its activities or services.~~

~~(B) One identification sign shall be allowed for each apartment building or complex not to exceed 32 square feet per street frontage and, if lighted, shall utilize indirect illumination only, and contain only the building or complex name and name of the agent.~~

~~(C) Signs advertising any subdivision or other project being developed in the City shall be governed by the following:~~

~~a. Signs in the model home area and on the subdivision site shall not exceed a total aggregate of 200 square feet.~~

~~b. Permanent on-site subdivision signs shall be allowed at the entrances to the subdivision; provided, that each sign does not exceed 32 square feet.~~

~~(ii)~~ (iv) Location. Permitted signs may be anywhere on the property. If freestanding, the top shall not be over eight feet above the ground. If

building mounted, the sign shall be flush mounted and shall not be mounted on a roof of the building or project above the roofline.

~~(iii)~~ (v) Illumination. Indirect or internal illumination only shall be utilized for letter faces and/or logos. Signs may be externally illuminated; no other illumination of signs is allowed. All lights used for illumination of signs shall be arranged so as to confine direct light beams to the lighted sign and away from adjacent residential properties and out of the direct vision of motorists passing on adjacent streets. Illumination shall be extinguished between the hours of 11:00 pm and 5:00 am.

~~(iv) Sign Area. Sign enhancement features such as bases, pillars, and other decorative elements shall not be counted as part of the maximum square footage of the sign, provided such features do not exceed the size of the sign face.~~

(2) Residential Office Zone.

(i) General. The residential office zone provides a transition from residential to commercial development and consequently requires more restrictive sign regulations to maintain compatibility.

(ii) Types Allowed. Flush wall signs and monument signs shall be the only sign type allowed. ~~One real estate sign advertising the property for sale or lease shall not exceed 10 square feet.~~

(iii) Location and Size. Signs shall be located at least 10 feet behind the front property line. Total sign area, ~~excluding real estate signs advertising the property for sale or lease,~~ shall not exceed 25 square feet per street frontage. The sign allowance for one street frontage may be transferred to a side of a building that has no street frontage, but cannot be transferred to another street frontage. Monument signs shall not exceed eight feet in height.

(iv) Illumination. Signs may be externally illuminated; no other illumination of signs is allowed. All lights used for illumination of signs shall be arranged so as to confine direct light beams to the lighted sign and away from adjacent residential properties and out of the direct vision of motorists passing on adjacent streets. Illumination of signs shall comply complying with GJMC 21.06.080, "Outdoor lighting," and shall be limited to authorized business hours (external illumination only).

(v) Sign Area. The area of flush wall signs and monument signs shall be calculated as per the graphic shown under subsection ~~(f)(2)(vi)~~ (g)(2) of this section Section. Sign enhancement features such as bases, pillars, and other decorative elements as part of monument signs shall not be counted as part of the maximum square footage of the sign, provided such features do not exceed the size of the sign face.

(3) Business, Commercial, Industrial Zones (B-1, B-2, C-1, C-2, I-O, BP, MU, I-1, I-2, and PAD).

(i) General. This subsection shall apply to all zones designated in Chapter 21.03 GJMC as business, commercial, industrial or any variety of these types. ~~Signage on a property zoned GSR shall be limited to signage allowed in the surrounding zone districts.~~

(ii) Types Allowed.

~~(A) Signs in the business, commercial, and industrial zones may include facade signs, flush wall signs, freestanding signs, projecting signs and roof signs. All signs allowed in residential zones are also allowed in business, commercial or industrial zones. Real estate signs in these zones may be a maximum of 20 square feet.~~

~~(B) Street banners will only be allowed on 7th Street between Grand Avenue and Colorado Avenue, and on any street where City-installed banner poles exist. Pole flags will be allowed on all collectors and arterials where poles are installed by the City for that purpose. One banner will be allowed for each block, as determined by the Director. Street banners shall be installed, removed, and maintained by the City. A street banner authorized by this subsection shall refer only to the event in question and shall not contain advertising for any private product or service offered for sale except a logo or logos of the sponsoring entity if the total area of the logo does not exceed five percent of the banner area.~~

(iii) Location and Size. Permitted signs may be anywhere on the premises except as specifically restricted in this subsection (see specific sign type and pertinent zoning regulation). The total amount of signage to be allowed on any property shall not exceed the sign allowance as calculated in accordance with subsection ~~(g)(3)(v)(B)~~ ~~(h)(3)(v)(B)~~ or ~~(g)(3)(vii)(B)~~ ~~(h)(3)(vii)(B)~~ of this section Section, whichever is greater. No single sign may

be larger than 300 square feet. No projecting sign may exceed the allowances in subsection ~~(g)(3)(vi)~~ (h)(3)(vi) of this section.

(iv) Illumination. Unless specifically prohibited, all of the following signs may be illuminated within the limits allowed under subsection (f)(3) of this section and GJMC [21.06.080](#).

(v) Facade Signs, Flush Wall Signs and Roof Signs.

(A) The sign allowance shall be calculated on the basis of the area of the one building facade that is most nearly parallel to the street that it faces. Each building facade which faces a dedicated public street shall have its own separate and distinct sign allowance. The sign allowance for facade signs and flush wall signs on buildings located on interior lots (lots not on a corner) which are oriented perpendicular to the street shall be based on the longer building facade. The total sign allowance, or any percentage thereof, of one frontage may be transferred to a building facade that has no frontage on a dedicated public street, provided the transferred amount does not exceed two square feet of sign area per linear foot of the facade on which it is being placed.

(B) Two square feet of sign area shall be allowed for each linear foot of building facade for facade signs, flush wall signs and roof signs. The measurement of a roof sign shall be based on the square footage of each sign face. Flush wall signs may extend up to 12 inches from the face of the building if the base of the sign is at least eight feet above ground level. (Show window signs in a window display of merchandise when incorporated with such display will not be considered part of the total sign allowance.)

(C) On any building which allows facade signs, flush wall signs, roof signs, or projecting signs, a maximum of two of these types may be used. If a flush wall sign and roof sign are used, the sign allowance of two square feet per linear foot of building may be divided between the two types of signs. If either a flush wall sign or roof sign and a projecting sign are used, the allowance for the projecting sign shall be subtracted from the flush wall sign or roof sign allowance.

(D) Roof signs shall be manufactured such that no guy wires, braces, or secondary supports shall be visible. Maximum height for roof signs shall be ~~40 feet above grade~~ such that height of the structure and the sign together do not exceed the maximum height for the zone district.

(E) One sign that is flush-mounted on the rear façade of a structure that is no more than 16 square feet in area is allowed, which sign does not count toward the total sign allowance for the parcel or building (if there is more than one such sign, the other(s) shall count toward the total sign allowance).

(vi) Projecting Signs.

~~(A) Signs may project up to 72 inches from the face of the building if located eight feet or more above grade. They shall not project beyond the back of curb, nor within two feet of the edge of the roadway if there is no curb. Total area per sign face shall not exceed one-half square foot per linear foot of building facade. If the projecting sign is the only sign mounted on the building, the minimum sign allowance shall be 12 square feet.~~

~~(B) On places of public entertainment such as theaters, arenas, meeting halls, etc., where changeable copy signs are used which project over public property, the projection may be one half foot for each linear foot of building frontage; provided, that it is no closer than four feet to the curb face (see definition, GJMC [21.10.020](#)).~~

(vii) Freestanding Signs. Freestanding signs shall comply with the following requirements.

~~(A) No more than one~~ One freestanding sign shall be permitted for any parcel for each street frontage, except one additional freestanding sign shall be allowed per parcel/lot zoned C-2, I-1 or I-2 where the street frontage of the lot/parcel exceeds 600 contiguous linear feet. This additional freestanding sign is, however, not allowed for parcels or lots located within 600 feet of the centerline of the Riverside Parkway/29 Road (Figure A below), within the 24 Road Overlay Zone District boundary (Figure B), and within the Greater Downtown Overlay boundary (Figure C). The sign allowance per frontage can only be used on that frontage and shall not be transferred to any other frontage, except where otherwise provided.

(B) Maximum sign allowance shall be calculated by the linear front foot of property on a public street right-of-way in conformance with the following:

- a. Two traffic lanes: Maximum area of sign per face per front foot of property, three-quarters square foot; maximum height, 25 feet.

b. Four or more traffic lanes: Maximum area of sign per face per front foot of property, one and one-half square feet; maximum height, 40 feet.

(C) Signs may be installed at street right-of-way line. The sign face may project up to 72 inches into the right-of-way, if located 14 feet or more above grade, but shall not project closer than 24 inches to the back of the curb. If the existing street right-of-way width is less than that required in this code, the distance shall be measured from the line of such right-of-way as required by this code rather than from the existing right-of-way line. Ute and Pitkin Avenues shall be calculated using four lanes.

(D) On a corner lot, a freestanding sign shall not be placed within the sight-distance triangle, as defined in TEDS (GJMC Title [29](#)), unless free air space is maintained as provided in TEDS (GJMC Title [29](#)). A single pipe support with no sign structure or copy shall not be considered a violation of the free air space requirement.

(E) In addition to freestanding signs as allowed above, up to two additional freestanding signs per street frontage, not greater than 3 square feet in area and no more than 30 inches in height, are allowed.

~~(E)~~ (F) When electrical service is provided to freestanding signs, all such electrical service shall be underground.

~~(F)~~ (G) All freestanding signs shall require a building permit in addition to a sign clearance.

(viii) Flush wall or freestanding sign(s) with text so small as to not be readable with normal eyesight from a public right-of-way are allowed, so long as such sign does not exceed 32 square feet in area. Such signs shall not count toward the total sign allowance or the maximum free-standing sign allowance.

~~(4) Off-Premises. Off-premises signs erected on ground or wall locations (and roof locations done within the regulations and limitations of roof signs) shall only be permitted in the C-2 (general commercial) and I-1 and I-2 (industrial) zones, subject to the following conditions, limitations and restrictions:~~

~~(i) Height Limitations. No off-premises sign shall be erected higher than 40 feet above the level of the street or road upon which the sign faces, or above the adjoining ground level if such ground level is above the street or~~

~~road level. No off-premises sign shall have a surface or face area exceeding 300 square feet in area or containing less than 15 square feet in area.~~

~~(ii) — Distance. For each square foot of surface or facing of the sign, two feet of space from adjacent off-premises signs shall be maintained. Such distances shall be determined by using the largest sign as criterion. For example, no No sign can be erected closer than 600 feet to an existing 300-square-foot sign. A maximum of one off-premises sign shall be allowed per lot or parcel of land.~~

~~(iii) — Location. A sketch, drawn to scale, depicting the size and location of the proposed billboard shall be provided. The sketch shall be prepared by a licensed surveyor and shall indicate dimensions from the proposed billboard to the closest adjacent aliquot section line and shall include coordinates. The sketch shall also include the location of the proposed billboard to the nearest adjacent right-of-way line, if applicable. The sketch shall be signed and sealed by the surveyor.~~

~~(iv) — Service clubs may be allowed one common off-premises sign, in any zone, adjacent to each major highway, to a maximum of five signs. These signs do not have to comply with subsections (g)(4)(i) and (ii) of this section but must receive site plan approval by the Planning Commission as to size, height, placement and impacts on traffic and adjacent properties.~~

~~(v) — Off-premises Outdoor advertising signs shall not be visible from the Riverside Parkway. No portion of a sign may be visible from the Riverside Parkway. It is rebuttably presumed that a sign is visible if the sign is located within 600 feet from the centerline of the Riverside Parkway as the location is depicted in [Exhibit A](#) attached to Ordinance 4260 and following this subsection. Exhibit A is incorporated by this reference as if fully set forth.~~

Click the graphic to view a higher-resolution version.

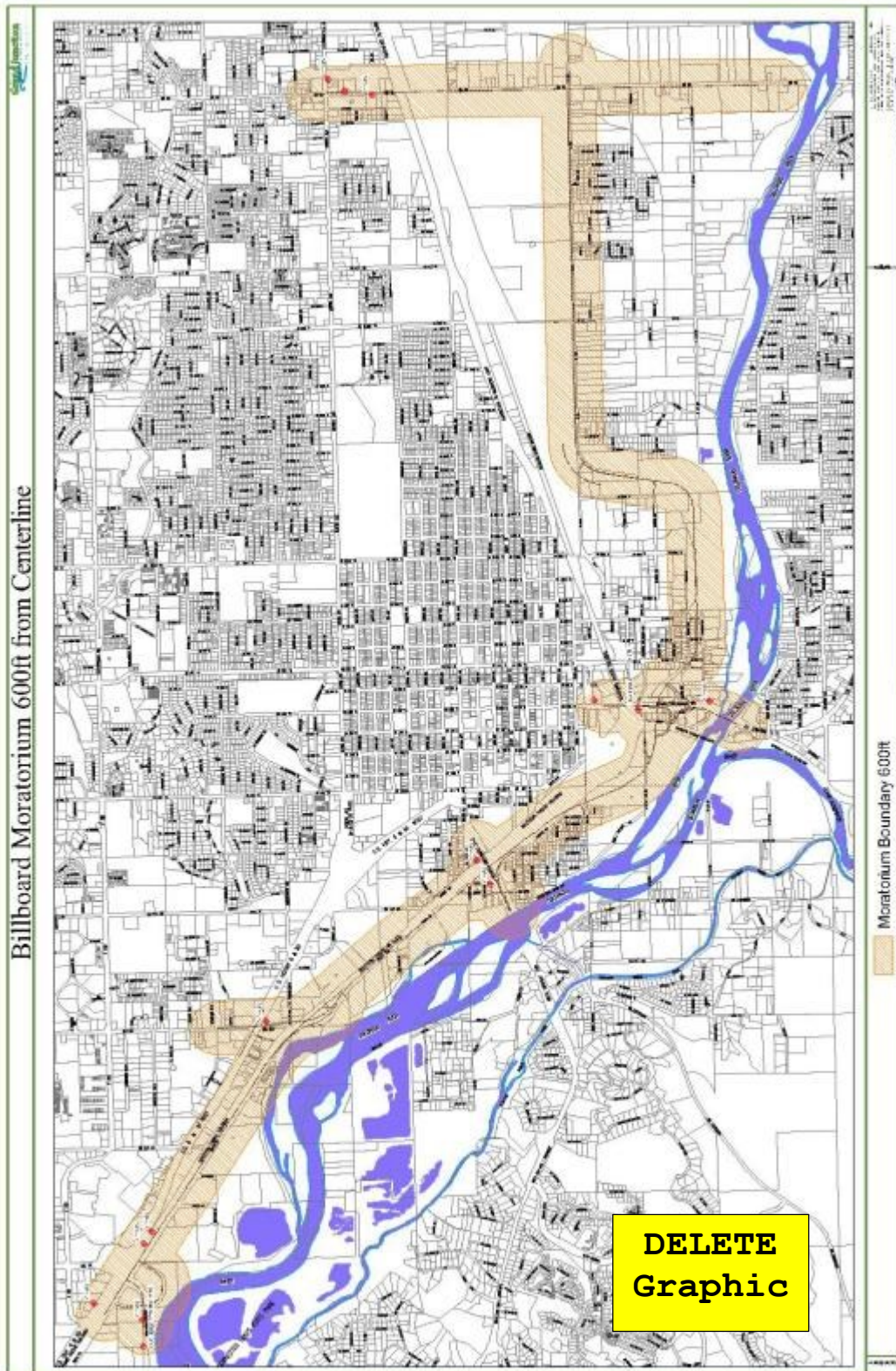
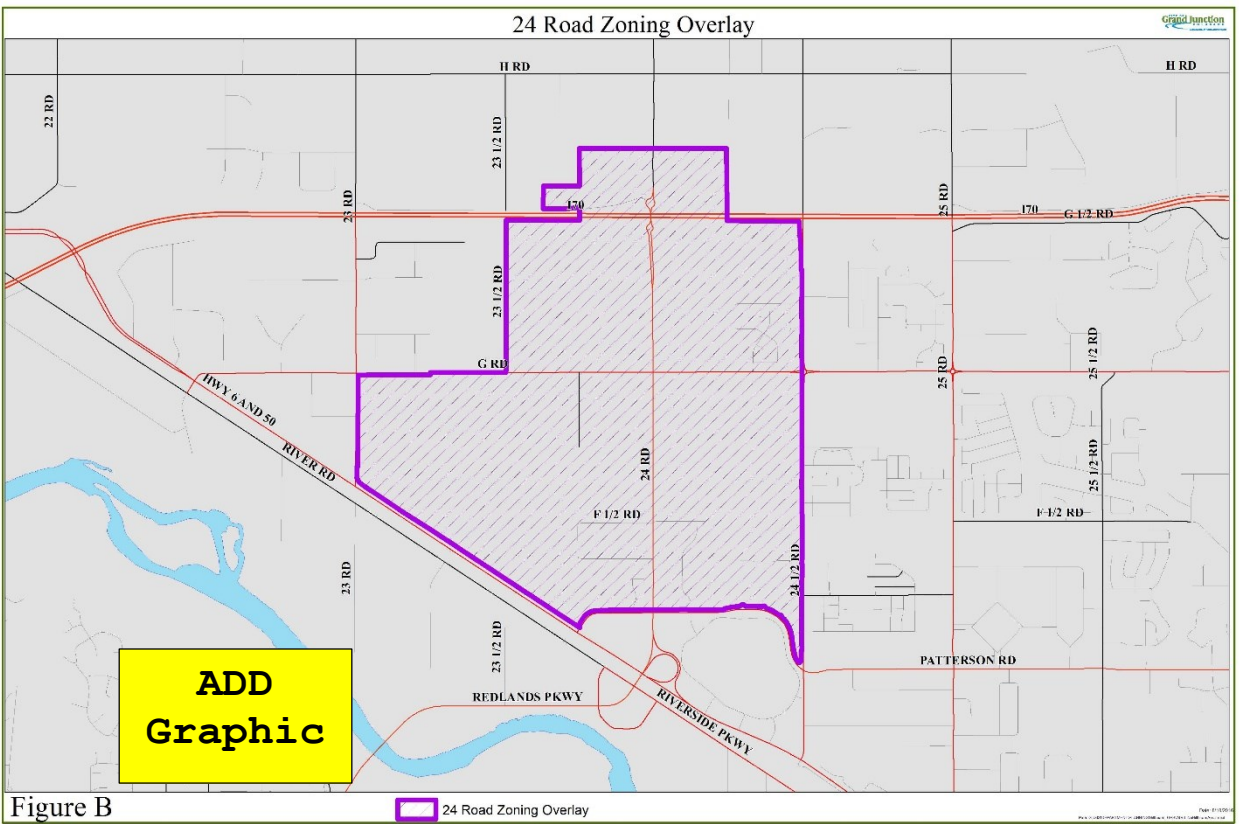
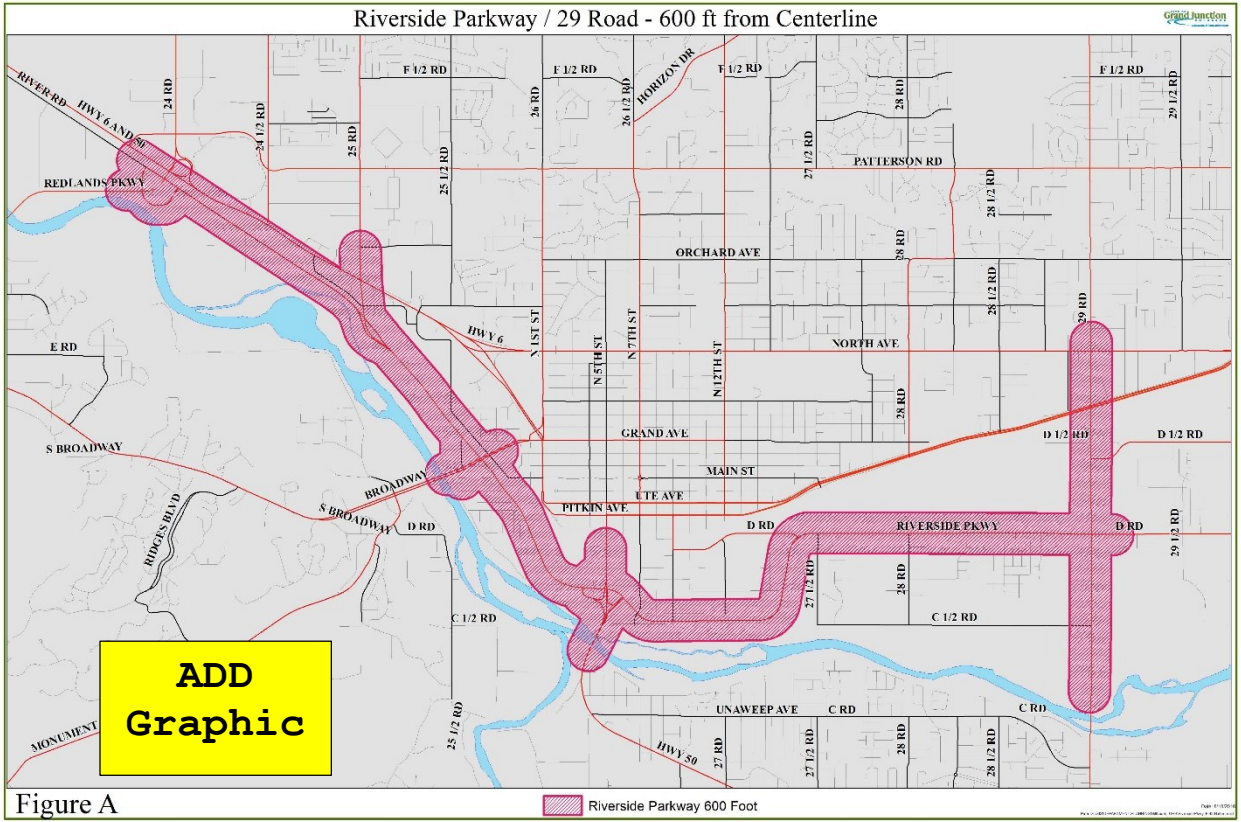


EXHIBIT "A"



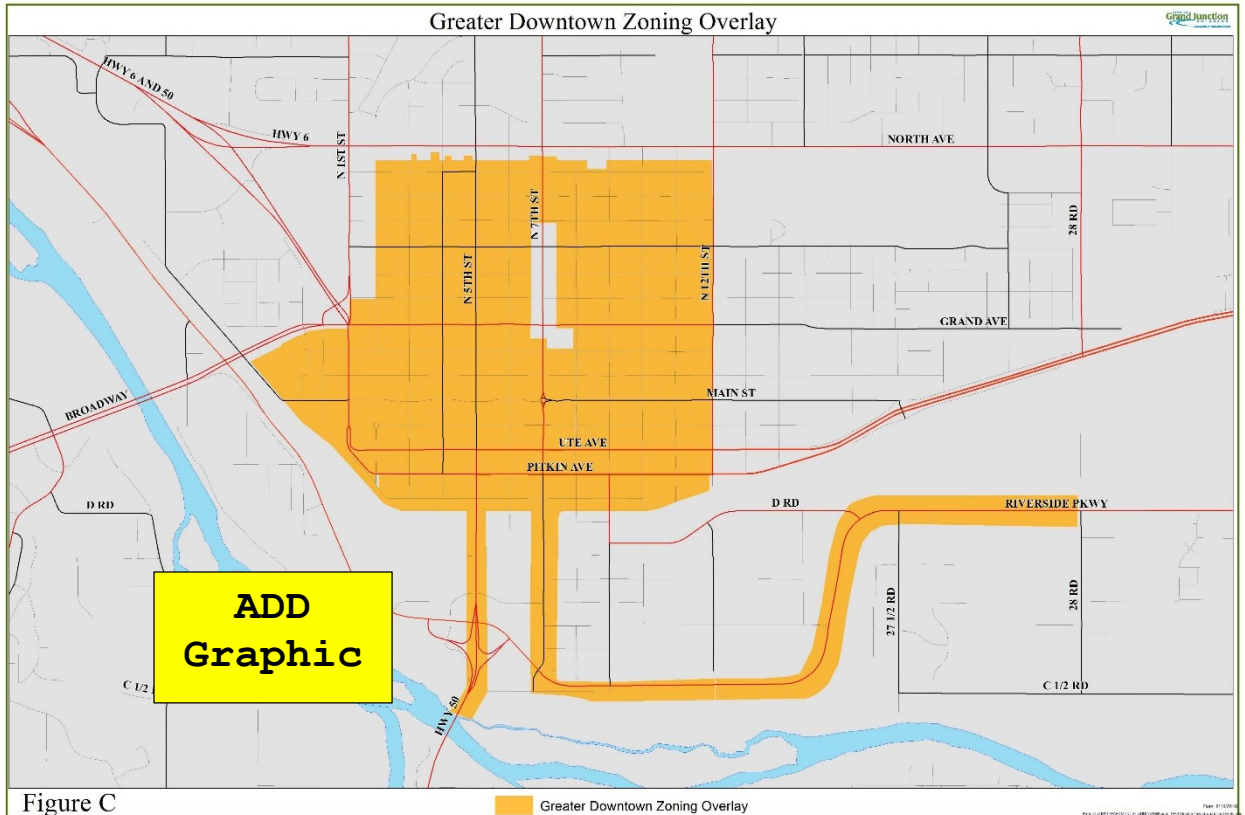


Figure C

- (vi) ~~Illumination. Off premises (outdoor advertising signs) that are illuminated by indirect or external illumination shall use only downward facing, downcast light to confine direct light beams to the sign and out of the direct vision.~~
- (vii) ~~Prohibited signs are signs that do not comply with the law, rules and regulations of the State of Colorado as now or hereafter enacted or amended. See § 43-1-401 C.R.S. et seq.~~

(4) CSR. Signage on a property zoned CSR shall be limited to signage allowed in the surrounding zone districts.

(5) Form Districts. Signage shall conform to subsection (h)(3) of this Section except that all freestanding signs shall be monument style signs with a maximum height of 15 feet.

(5) (6) Planned Developments. No sign other than those permitted in any zone district in subsection 21.06.070(d) (“Signs that do not require a permit”) shall be allowed on properties in a planned development zone unless the sign has been approved as part of the development plan. Variance of the maximum total surface area of signs shall not be permitted, but the maximum sign allowance for

the entire development or use may be aggregated and the total allowance redistributed.

~~(6)~~ (7) Sign Packages. A site or sites that consist of more than one developed parcel of land that are abutting and function as one through the sharing of vehicular access through, across, over, entrance onto, and/or exit from the site and/or parking (such as a shopping center) may be considered for a sign package through a sign package permit. Variance of the maximum total sign allowance shall not be permitted, but the maximum sign allowance for the entire site or sites may be aggregated and the total allowance redistributed for the same type of sign. For example, freestanding sign allowance may be redistributed among freestanding signs, but a freestanding sign allowance may not be redistributed for a facade sign. See GJMC [21.02.070\(n\)](#).

(h) **Removal and Disposition of Signs.**

(1) Maintenance and Repair.

(i) No person shall allow, on any premises owned or controlled by him, any sign that is in a dangerous or defective condition.

(ii) The Director shall require the owner of the sign and/or the owner of the premises upon which it is located to remove or repair any such sign. In cases of immediate danger to the public due to the defective nature of a sign, the Director may have the sign removed and assess the costs of the removal against the property. Such assessment shall constitute a first and prior lien on the property, equivalent to ad valorem taxes, and shall be collected in the same manner as the real estate taxes on the property.

(iii) All signs shall be safe and maintained in good appearance as well as safety including the replacement of defective parts, painting, repainting, cleaning and other acts required for proper maintenance. Failure to properly maintain a sign shall be a violation of this code.

(2) Abandoned Signs. Signs are allowed on otherwise vacant property so long as a permit is obtained (unless a permit is otherwise expressly not required) and so long as the sign allowance for the zone district is adhered to. Except as otherwise provided in this regulation. However, a sign structure that has no content or is "blank" and has fallen into disrepair and which is located on property which is unoccupied for a period of three twelve consecutive months or more, or a sign which pertains to a time, event or purpose which no longer applies, shall be deemed abandoned.

~~(i) Permanent signs applicable to a business temporarily suspended because of a change of ownership or management of the business shall not be considered abandoned unless the property remains unoccupied for a period of six months or more.~~

~~(ii) An abandoned sign is prohibited; the owner of the sign or the owner of the premises shall remove the sign and supporting structure. An abandoned sign which is not removed in a timely manner may be removed by the Director under the provisions of this section.~~

21.10.020 Terms defined is amended as follows (deletions struck through; additions underlined):

~~Sign, billboard (or off-premises) means a sign that directs attention to a commercial business, commodity, service or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located, including billboards.~~

~~Sign, institutional means a sign setting forth the name of a public, charitable, educational, or religious institution.~~

~~Sign, identification means a sign which shall refer only to the principal use of the parcel upon which the sign is located.~~

~~Sign, integral means names of buildings, dates of erection, monumental citations, commemorative tablets and the like a sign which are that is carved into stone, concrete or similar material or made of bronze, aluminum, or other permanent type construction and made an integral part of the structure.~~

All other definitions in and parts of Section 21.10.020 shall remain in effect and are not modified by this text amendment.

Section 21.03.090(h) (Mixed Use Opportunity Corridors) shall be amended as follows (deletions struck through, additions underlined):

(h) Mixed Use Opportunity Corridors. See GJMC 21.02.140(c)(2). In addition to the standards established in subsections (f) and (g) of this section, except as specifically modified therein for the MXOC zone district, standards for the MXOC shall be as follows:

- (1) Access. When the site is adjacent to a local or collector street, the primary access shall be on the lower order street. Additional access points may be allowed based on traffic safety, as determined by the City's Development Engineer. Whenever possible, access between two or more sites shall be combined and access points restricted on arterial streets.

(2) Parking, Delivery/Pick-Up Areas, Trash Service. Parking, delivery and pick-up, and trash service areas are not permitted between the building and the primary street (corridor).

~~(3) Signage. Signage shall conform to GJMC 21.06.070(g)(3) 21.06.070(h)(3) except that all freestanding signs shall be monument style signs with a maximum height of 15 feet.~~

All other portions of Section 21.03.090(h) shall remain in effect and are not modified by this text amendment.

Section 21.02.070(n)(3) *Sign Package, Additional Approval Criteria*, is amended as follows (additions underlined; deletions struck through):

(3) Additional Approval Criteria.

(i) All signs included on the site shall be in conformance with the criteria set forth in GJMC ~~21.06.070(f)~~ 21.06.070(g), except as allowed to deviate based on the other criteria in this section.

(ii) The application of the sign package is not contrary to and better implements the goals and objectives of the Comprehensive Plan, including but not limited to applicable neighborhood plans, corridor plans, and other adopted plans.

(iii) The application of the sign package is not contrary to and better implements the goals and objectives of moderating the size and number of signs as well as the reduction of clutter and obtrusive placement of signs.

All other portions of Section 21.02.070(n) shall remain in effect and are not modified by this text amendment.

INTRODUCED on first reading the _____ day of _____, 2016 and ordered published in pamphlet form.

PASSED and ADOPTED on second reading the ____ day of _____, 2016 and ordered published in pamphlet form.

President of the Council

ATTEST:

City Clerk

ATTACHMENT 4 – Proposed Text – Clean Copy

21.06.070 Sign regulation.

This regulation governs exterior signs on real property. The proliferation and disrepair of signs can deter the effectiveness of signs, cause dangerous conflicts with traffic control signs and signals, and contribute to visual pollution to the detriment of the general public. No sign shall be displayed in any zone district without a sign permit, except where the provisions of this Section expressly provide otherwise. Signs placed by a governmental entity are exempt from this Section.

(a) **Definitions.** As used in this Section 21.06.070, the following terms shall have the following meanings:

Digital sign or digital display or electronic sign: A display of a sign message or picture made of internally illuminated components that display an electronic image, which may or may not include text and is capable of changing the message periodically; including but not limited to television screens, holographic displays, programmable ink, LCD, LED or plasma displays.

Illuminated sign: A sign which is illuminated by a light source. *Internal illumination or internally illuminated* means a sign illuminated by a light source that is concealed or contained within the sign and becomes visible in darkness through a translucent surface. *Indirect illumination or indirectly illuminated* means a sign that is illuminated with an artificial light located away from the sign and directed onto the sign face so that the message is visible in darkness.

Interactive sign; A sign which contains QR codes or invites the viewer to capture an image with a camera or other device or otherwise physically interact with the sign in order to obtain a benefit, prize or discount.

This Section shall mean and refer to Section 21.06.070, Sign regulation.

(b) **Prohibited Signs.** Prohibited signs are signs which:

- (1) Contain an obscene statement, word, or picture describing or depicting sexual activities or sexual anatomical areas;
- (2) Contain, or are an imitation of, an official traffic sign or signal or contain the words: "STOP," "GO SLOW," "CAUTION," "DANGER," "WARNING," or similar words;
- (3) Are of a size, location, movement, content, coloring or manner of illumination which may be confused with, or construed as, a traffic control device or which hide from view any traffic or street sign or signal;

(4) Contain or consist of portable signs, tent signs, or strings of light bulbs not permanently mounted on a rigid background, except that one portable sign per business will be allowed next to the building in shopping areas where pedestrians circulate, so long as such portable sign is not placed in a parking lot or in any median, does not visually or physically obstruct vehicular or pedestrian circulation, and does not exceed 12 square feet in size and three feet in width;

(5) Are erected after adoption of this code and do not comply with the provisions of this regulation;

(6) Do not comply with the law, rules and regulations of the State of Colorado as now or hereafter enacted and/or amended. See § 43-1-401 C.R.S. et seq.;

(7) Create a hazard for, or impede safe or efficient movement of, motorists or pedestrians;

(8) Are placed in whole or in part in, on or over any part of a public right-of-way, except where the sign is placed by a governmental entity. The Director has the authority to remove and dispose of any sign placed in or on or protruding into, onto or over any part of a public right-of-way without compensation to any person or entity; or

(9) Are interactive signs that are readable with normal vision from the public right-of-way. Interactive signs readable from the public right-of-way are prohibited because they distract drivers and pedestrians so as to constitute a significant safety risk.

(c) **Signs that do not require a permit.** The following signs are allowed on a lot/parcel in any zone district:

(1) One sign that is integral to or flush-mounted on a building or structure that is no greater than four square feet in area.

(2) A sign that is not illuminated, not digital or electronic, and not permanent in nature, for example, one that is planted into the ground or affixed to an object or structure by temporary means, does not have a foundation, is made of lightweight and thin materials such as a single sheet of plastic, thin metal, plywood or paper, except for wind driven signs and banners which are regulated separately in subsection (d) below, and except for prohibited signs discussed in subsection (b) above, with the following limitation:

(i) On a parcel of less than one acre, up to six such signs are allowed, so long as each sign is not greater than 6 square feet in area, except in that

one of these signs may be up to 32 square feet in area when construction is occurring on a parcel or a subdivision of land is being developed.

(ii) On a parcel of one acre or larger, up to six such signs per acre are allowed, so long as each sign is not greater than 6 square feet in area, except that one sign per acre can be up to 32 square feet in area.

(d) Wind driven signs and banners.

- (1) A banner permit shall be required prior to any use of wind driven signs or banners.
- (2) Banners and wind driven signs may be displayed for a up to 30 consecutive days up to four times in a 12-month calendar year. Permit periods may run consecutively.
- (3) All banners must be secured directly to the structure, fence, or post that is permanently affixed to the ground.
- (4) All wind driven signs must be professionally made, must be in good repair and appearance, and must also be so located and installed so as not to pose a safety hazard for motorists or pedestrians. Such signs shall not be attached to any object located in the public right-of-way.
- (5) In addition to other available penalties, failure to comply with the terms of a permit issued under this section shall result in the loss of a permit.

(e) Nonconforming Signs.

- (1) All signage on site shall be brought into conformance with this code prior to approval of any new sign permit on the property.
- (2) Any nonconforming sign that has been damaged in excess of 50 percent of its replacement cost by fire, wind or other cause except vandalism shall not be restored without conformance with the provisions of this regulation.
- (3) A sign permitted as an off premise sign prior to October 31, 2016 shall be considered a non-conforming sign whose square footage is not counted toward the sign allowance for a new use or change of use established after October 31, 2016.
- (4) A sign permitted as an off-premise sign prior to October 31, 2016, located in a C-2, I-1 or I-2 zone district and not within the following zoning overlays, 24 Road Zoning Overlay, Greater Downtown Zoning Overlay and Riverside Parkway/29 Road, shall be allowed to upgrade the sign structure and sign face incorporating

new technologies. All upgrades to digital, electronic or lighting shall comply with applicable standards at the time of application to upgrade.

(f) Digital or Electronic Sign Standards

(1) Purpose and Intent. Advancements in technology permit signs to change copy electronically, utilizing LED, LCD and other technologies. The impacts of these may disrupt the peace and quiet enjoyment of other properties in the area and create traffic hazards. Limitations on brightness, changeable copy, animation and motion are necessary in order to mitigate these impacts, protect public health and safety, and preserve the character of areas, especially residential neighborhoods.

(2) The maximum brightness levels for signs shall not exceed .3 (three tenths) footcandles over ambient light levels. Measurements of light are based on the area of the sign versus measurement of the distance. Using a Footcandle meter, brightness shall be in conformance with the following distance table:

<u>AREA OF SIGN</u> (sq. ft.)	<u>MEASUREMENT DISTANCE</u> (ft. from sign)
<u>0 – 10</u>	<u>30</u>
<u>10 – 24</u>	<u>45</u>
<u>25 – 49</u>	<u>55</u>
<u>50 – 99</u>	<u>90</u>
<u>100 – 149</u>	<u>110</u>
<u>150 – 199</u>	<u>135</u>
<u>200 – 300</u>	<u>150</u>

The measurement shall be conducted at least 30 minutes after sunset or 30 minutes before sunrise. Certification must be provided to the City upon installation that the sign has been preset to automatically adjust the brightness to these levels or lower. Re-inspection and recalibration may be periodically required by the City at the permittee’s expense, to ensure that the specified brightness levels are maintained at all times.

(3) Signs shall not contain animation, flashing, scrolling or traveling messages, or intermittent or full-motion video.

(4) Signs shall not change intensity or expose its message for less than four (4) seconds.

(5) Transitions between messages shall be less than one second.

(6) Interactive signs are prohibited.

(7) All new electronic display signs shall have photocell technology that will be used to dim the displays for appropriate nighttime viewing from dusk to dawn or when ambient light conditions warrant such changes.

(g) General Requirements.

(1) The following requirements shall apply to all signs in all zones unless otherwise indicated:

(i) A permit is required for placement or display of any new sign, except where otherwise stated or where specifically exempted by the provisions of this Section 21.06.070.

(ii) Touching up, ~~or~~ repainting or changing existing letters, text, symbols, graphics, or other content is considered maintenance and repair and does not require a permit.

(iii) Only a licensed sign contractor can obtain a sign permit.

(iv) All signs shall be permanent in nature except for those non-permanent signs allowed under subsection (c) of this Section.

(v) All exterior signs shall be engineered to withstand a minimum wind load of 30 pounds per square foot.

(vi) No sign shall be placed on any curb, sidewalk, post, pole, hydrant, bridge, tree or other surface located on public property including the posting of handbills except as expressly authorized by this Section.

(vii) Regardless of sign allowances by zone district, no single sign shall exceed 300 square feet in area.

(2) The following shall apply to the measurement of signs:

(i) The total surface area of one sign face of freestanding signs and projecting wall signs shall be counted as part of the maximum total surface area allowance. Sign enhancement features such as bases, pillars, and other decorative elements as part of monument signs shall not be counted as part of the maximum square footage of the sign, provided such features do not exceed the size of the sign face.

(ii) The total surface area of all sign faces of roof signs shall be counted as part of the maximum total surface area allowance.

(iii) For measurement of different shapes of signs, see the graphics_below.

(iv) The total surface area of three-dimensional figures shall be counted as part of the maximum sign allowance.

(v) The area of flush wall signs with backing or a background that is part of the overall sign display or when backed by a surface which is architecturally a part of the building shall be measured by determining the sum of the area of each square, rectangle, triangle, portion of a circle or any combination thereof which creates the smallest single continuous perimeter enclosing the extreme limits of each word, written representation (including any series of letters), logo or figure including all frames, face plates, nonstructural trim or other component parts not otherwise used for support.

(vi) The area of a facade sign shall be determined to be the sum of the area of each of the smallest perimeter enclosing the limits of each work and written or graphic representation, including letter, number, character, and/or logo used for advertising, offering or merchandising a product, or for service identification. The area of a mural painted on a wall shall not be included in the sign area calculation.

(vii) Only one display face is measured if the sign faces are parallel or form an interior angle of less than or equal to 60 degrees, provided that the signs are mounted on the same structure. If the faces are of unequal area, then sign area is equal to the area of the larger face.



(3) No illumination of a sign is permitted unless the following criteria are met:

(i) The light from any illuminated sign shall be so shaded, shielded and directed that the light intensity or brightness shall not be objectionable to surrounding areas.

(ii) Neither the direct or reflected light from a light source shall create a traffic hazard to operators of motor vehicles on public thoroughfares or approaches to public thoroughfares.

(iii) No exposed reflective type bulb or incandescent lamp, which exceeds 40 watts, shall be used on the exterior surface of a sign to expose the face of the bulb, light or lamp to any public street or adjacent property.

(iv) Electrical service provided to illuminated signs may require an electrical permit from the Building Department.

(4) Identification and Marking. Each sign requiring a permit shall bear an identification plate stating the following information:

(i) Date the sign was erected; and

(ii) Name of person, firm or entity responsible for its construction and erection.

(5) Sign(s) placed in connection with a temporary use that requires a temporary use permit shall conform to the requirements, conditions and terms of the temporary use permit.

(h) Sign Standards by Zone. The following restrictions and requirements apply to permanent signs in the given zone districts:

(1) Residential Zones.

(i) One permanent sign per residential lot not exceeding six square feet in area is allowed, subject to the standards below.

(ii) One permanent monument sign up to 32 square feet in area is allowed at a multi-family apartment/condominium building/complex and on each common area parcel that abuts a public right-of-way; for purposes of this subsection, "common area parcel" means a parcel that is owned by a homeowners' association for the benefit of all lot owners in a planned community, common interest community or condominium.

(iii) For a nonresidential use in a residential zone, one sign not to exceed 24 square feet in area is allowed per street frontage.

(iv) Location. Permitted signs may be anywhere on the property. If freestanding, the top shall not be over eight feet above the ground. If building mounted, the sign shall be flush mounted and shall not be mounted on a roof of the building or project above the roofline.

(v) Illumination. Signs may be externally illuminated; no other illumination of signs is allowed. All lights used for illumination of signs shall be arranged so as to confine direct light beams to the lighted sign and away from adjacent residential properties and out of the direct vision of motorists passing on adjacent streets. Illumination shall be extinguished between the hours of 11:00 pm and 5:00 am.

(2) Residential Office Zone.

(i) General. The residential office zone provides a transition from residential to commercial development and consequently requires more restrictive sign regulations to maintain compatibility.

(ii) Types Allowed. Flush wall signs and monument signs shall be the only sign type allowed.

(iii) Location and Size. Signs shall be located at least 10 feet behind the front property line. Total sign area shall not exceed 25 square feet per street frontage. The sign allowance for one street frontage may be transferred to a side of a building that has no street frontage, but cannot be transferred to another street frontage. Monument signs shall not exceed eight feet in height.

(iv) Illumination. Signs may be externally illuminated; no other illumination of signs is allowed. All lights used for illumination of signs shall be arranged so as to confine direct light beams to the lighted sign and away from adjacent residential properties and out of the direct vision of motorists passing on adjacent streets. Illumination of signs shall comply with GJMC [21.06.080](#), "Outdoor lighting," and shall be limited to authorized business hours.

(v) Sign Area. The area of flush wall signs and monument signs shall be calculated as per the graphic shown under subsection (g)(2) of this [Section](#).

(3) Business, Commercial, Industrial Zones (B-1, B-2, C-1, C-2, I-O, BP, MU, I-1, I-2, and PAD).

(i) General. This subsection shall apply to all zones designated in Chapter [21.03](#) GJMC as business, commercial, industrial or any variety of these types.

(ii) Types Allowed. Signs in the business, commercial, and industrial zones may include facade signs, flush wall signs, freestanding signs,

projecting signs and roof signs. All signs allowed in residential zones are also allowed in business, commercial or industrial zones.

(iii) Location and Size. Permitted signs may be anywhere on the premises except as specifically restricted in this subsection (see specific sign type and pertinent zoning regulation). The total amount of signage to be allowed on any property shall not exceed the sign allowance as calculated in accordance with subsection (h)(3)(v)(B) or (h)(3)(vii)(B) of this Section, whichever is greater. No single sign may be larger than 300 square feet. No projecting sign may exceed the allowances in subsection (h)(3)(vi) of this section.

(iv) Illumination. Unless specifically prohibited, all of the following signs may be illuminated within the limits allowed under subsection (f)(3) of this section and GJMC [21.06.080](#).

(v) Facade Signs, Flush Wall Signs and Roof Signs.

(A) The sign allowance shall be calculated on the basis of the area of the one building facade that is most nearly parallel to the street that it faces. Each building facade which faces a dedicated public street shall have its own separate and distinct sign allowance. The sign allowance for facade signs and flush wall signs on buildings located on interior lots (lots not on a corner) which are oriented perpendicular to the street shall be based on the longer building facade. The total sign allowance, or any percentage thereof, of one frontage may be transferred to a building facade that has no frontage on a dedicated public street, provided the transferred amount does not exceed two square feet of sign area per linear foot of the facade on which it is being placed.

(B) Two square feet of sign area shall be allowed for each linear foot of building facade for facade signs, flush wall signs and roof signs. The measurement of a roof sign shall be based on the square footage of each sign face. Flush wall signs may extend up to 12 inches from the face of the building if the base of the sign is at least eight feet above ground level. (Show window signs in a window display of merchandise when incorporated with such display will not be considered part of the total sign allowance.)

(C) On any building which allows facade signs, flush wall signs, roof signs, or projecting signs, a maximum of two of these types may be used. If a flush wall sign and roof sign are used, the sign allowance of

two square feet per linear foot of building may be divided between the two types of signs. If either a flush wall sign or roof sign and a projecting sign are used, the allowance for the projecting sign shall be subtracted from the flush wall sign or roof sign allowance.

(D) Roof signs shall be manufactured such that no guy wires, braces, or secondary supports shall be visible. Maximum height for roof signs shall be such that height of the structure and the sign together do not exceed the maximum height for the zone district.

(E) One sign that is flush-mounted on the rear façade of a structure that is no more than 16 square feet in area is allowed, which sign does not count toward the total sign allowance for the parcel or building (if there is more than one such sign, the other(s) shall count toward the total sign allowance).

(vi) Projecting Signs. Signs may project up to 72 inches from the face of the building if located eight feet or more above grade. They shall not project beyond the back of curb, nor within two feet of the edge of the roadway if there is no curb. Total area per sign face shall not exceed one-half square foot per linear foot of building facade. If the projecting sign is the only sign mounted on the building, the minimum sign allowance shall be 12 square feet.

(vii) Freestanding Signs. Freestanding signs shall comply with the following requirements.

(A) One freestanding sign shall be permitted for any parcel for each street frontage, except one additional freestanding sign shall be allowed per parcel/lot zoned C-2, I-1 or I-2 where the street frontage of the lot/parcel exceeds 600 contiguous linear feet. This additional freestanding sign is, however, *not* allowed for parcels or lots located within 600 feet of the centerline of the Riverside Parkway/29 Road (Figure A below), within the 24 Road Overlay Zone District boundary (Figure B), and within the Greater Downtown Overlay boundary (Figure C). The sign allowance per frontage can only be used on that frontage and shall not be transferred to any other frontage, except where otherwise provided.

(B) Maximum sign allowance shall be calculated by the linear front foot of property on a public street right-of-way in conformance with the following:

- a. Two traffic lanes: Maximum area of sign per face per front foot of property, three-quarters square foot; maximum height, 25 feet.
- b. Four or more traffic lanes: Maximum area of sign per face per front foot of property, one and one-half square feet; maximum height, 40 feet.

(C) Signs may be installed at street right-of-way line. The sign face may project up to 72 inches into the right-of-way, if located 14 feet or more above grade, but shall not project closer than 24 inches to the back of the curb. If the existing street right-of-way width is less than that required in this code, the distance shall be measured from the line of such right-of-way as required by this code rather than from the existing right-of-way line. Ute and Pitkin Avenues shall be calculated using four lanes.

(D) On a corner lot, a freestanding sign shall not be placed within the sight-distance triangle, as defined in TEDS (GJMC Title [29](#)), unless free air space is maintained as provided in TEDS (GJMC Title [29](#)). A single pipe support with no sign structure or copy shall not be considered a violation of the free air space requirement.

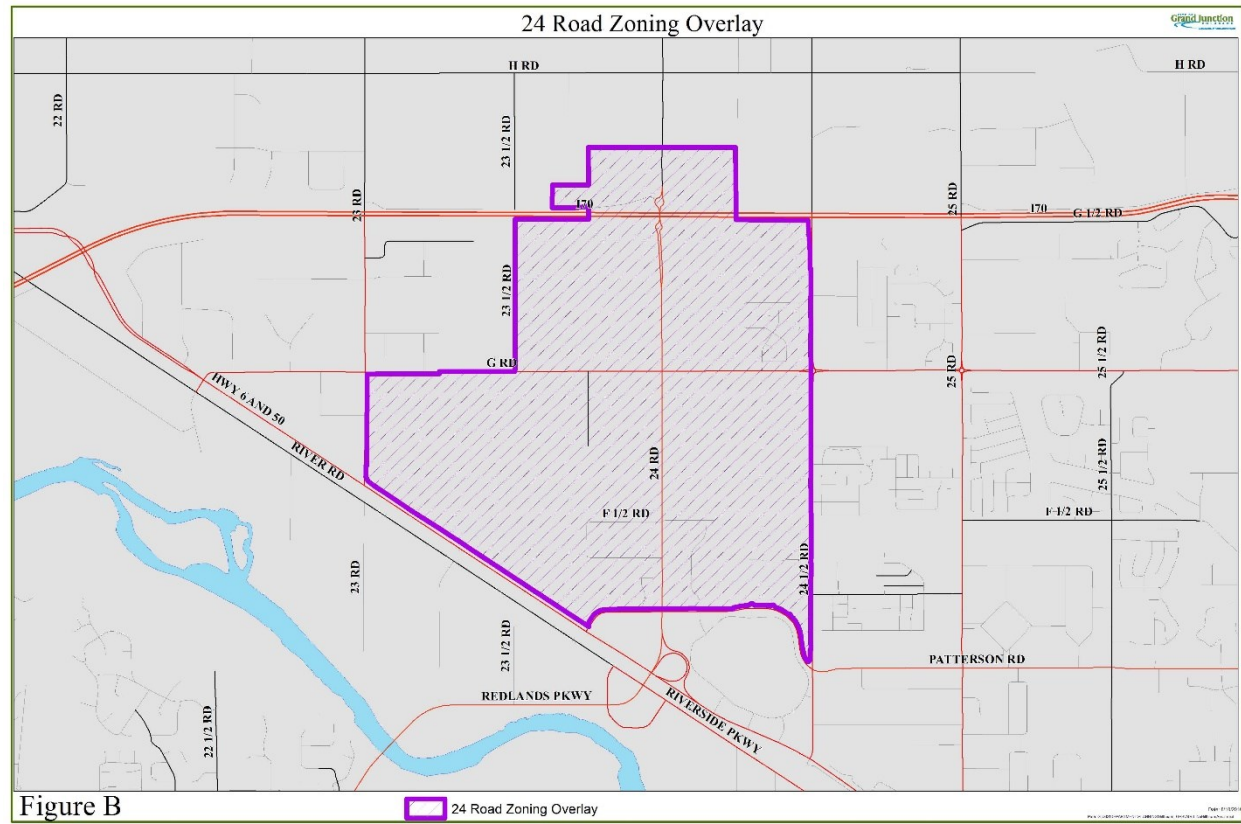
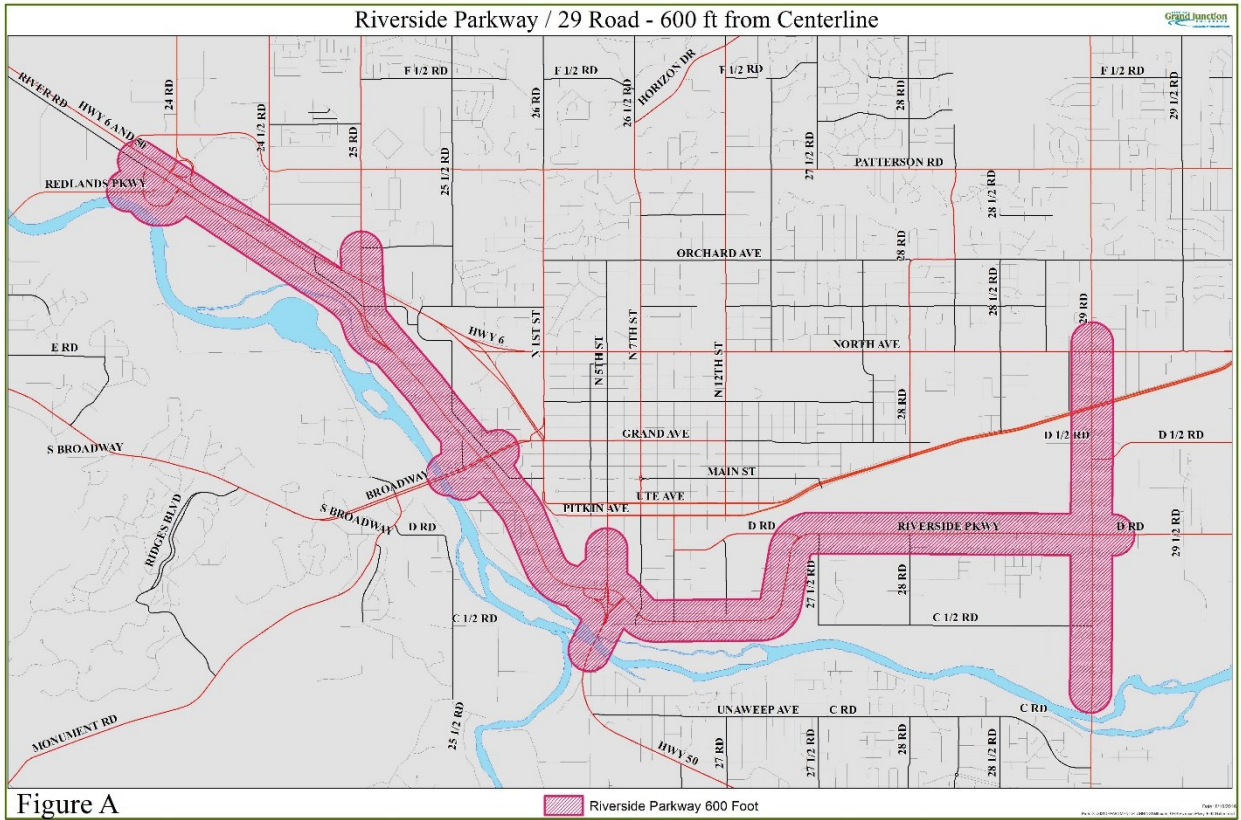
(E) In addition to freestanding signs as allowed above, up to two additional freestanding signs per street frontage, not greater than 3 square feet in area and no more than 30 inches in height, are allowed.

(F) When electrical service is provided to freestanding signs, all such electrical service shall be underground.

(G) All freestanding signs shall require a building permit in addition to a sign clearance.

(viii) Flush wall or freestanding sign(s) with text so small as to not be readable with normal eyesight from a public right-of-way are allowed, so long as such sign does not exceed 32 square feet in area. Such signs shall not count toward the total sign allowance or the maximum free-standing sign allowance.

Click the graphic to view a higher-resolution version.



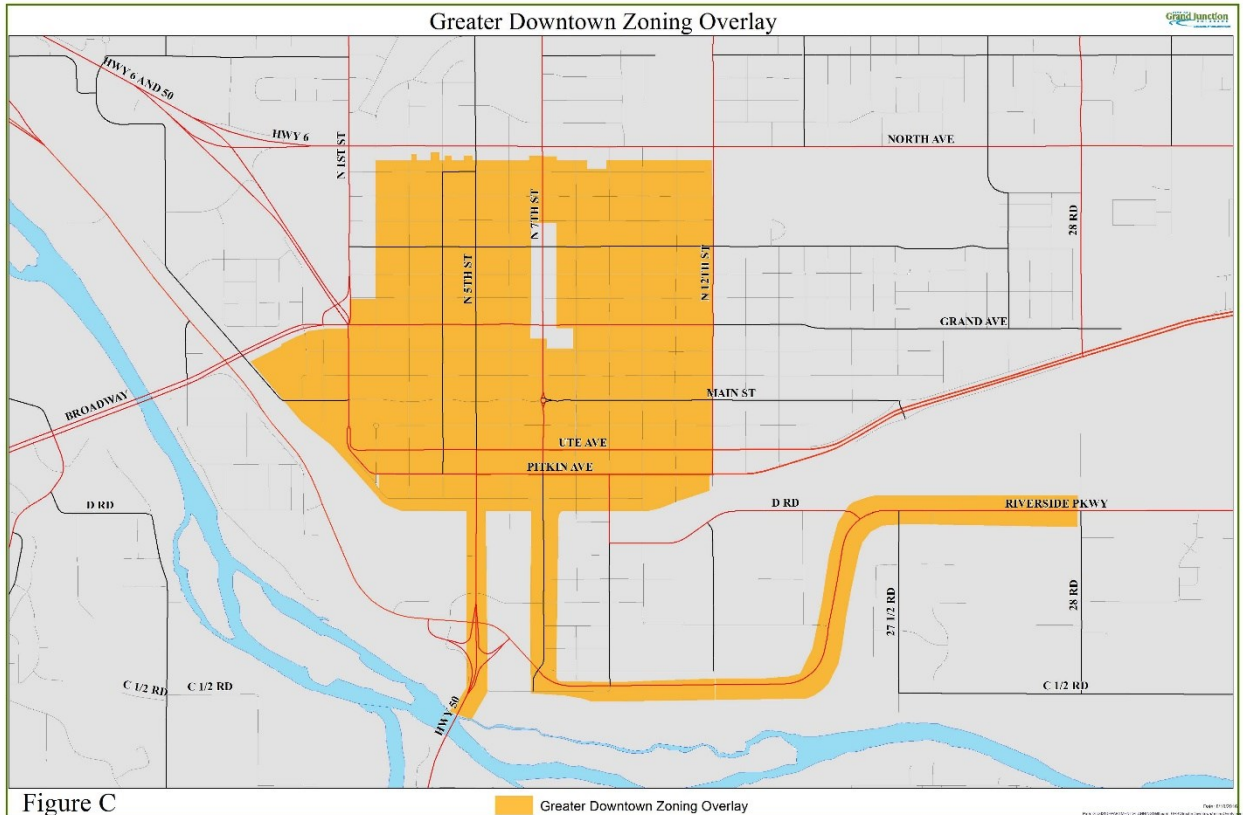


Figure C

(4) CSR. Signage on a property zoned CSR shall be limited to signage allowed in the surrounding zone districts.

(5) Form Districts. Signage shall conform to subsection (h)(3) of this Section except that all freestanding signs shall be monument style signs with a maximum height of 15 feet.

(6) Planned Developments. No sign other than those permitted in any zone district in subsection 21.06.070(d) (“Signs that do not require a permit”) shall be allowed on properties in a planned development zone unless the sign has been approved as part of the development plan. Variance of the maximum total surface area of signs shall not be permitted, but the maximum sign allowance for the entire development or use may be aggregated and the total allowance redistributed.

(7) Sign Packages. A site or sites that consist of more than one developed parcel of land that are abutting and function as one through the sharing of vehicular access through, across, over, entrance onto, and/or exit from the site

and/or parking (such as a shopping center) may be considered for a sign package through a sign package permit. Variance of the maximum total sign allowance shall not be permitted, but the maximum sign allowance for the entire site or sites may be aggregated and the total allowance redistributed for the same type of sign. For example, freestanding sign allowance may be redistributed among freestanding signs, but a freestanding sign allowance may not be redistributed for a facade sign. See GJMC [21.02.070\(n\)](#).

(h) Removal and Disposition of Signs.

(1) Maintenance and Repair.

(i) No person shall allow, on any premises owned or controlled by him, any sign that is in a dangerous or defective condition.

(ii) The Director shall require the owner of the sign and/or the owner of the premises upon which it is located to remove or repair any such sign. In cases of immediate danger to the public due to the defective nature of a sign, the Director may have the sign removed and assess the costs of the removal against the property. Such assessment shall constitute a first and prior lien on the property, equivalent to ad valorem taxes, and shall be collected in the same manner as the real estate taxes on the property.

(iii) All signs shall be safe and maintained in good appearance as well as safety including the replacement of defective parts, painting, repainting, cleaning and other acts required for proper maintenance. Failure to properly maintain a sign shall be a violation of this code.

(2) Abandoned Signs. Signs are allowed on otherwise vacant property so long as a permit is obtained (unless a permit is otherwise expressly not required) and so long as the sign allowance for the zone district is adhered to. However, a sign structure that has no content or is "blank" and has fallen into disrepair and which is located on property which is unoccupied for a period of twelve consecutive months or more shall be deemed abandoned.

An abandoned sign is prohibited; the owner of the sign or the owner of the premises shall remove the sign and supporting structure. An abandoned sign which is not removed in a timely manner may be removed by the Director under the provisions of this section.

21.10.020 Terms defined is amended as follows:

[definitions of *Sign, billboard*, and *Sign, institutional* and *Sign, identification* are eliminated in their entirety.]

Sign, integral means a sign that is carved into stone, concrete or similar material or made of bronze, aluminum, or other permanent type construction and made an integral part of the structure.

[all other definitions remain the same]

Section 21.03.090(h) (Mixed Use Opportunity Corridors) shall be amended as follows

[subsection 21.03.090(h)(3) is eliminated in its entirety; other subsections of (h) remain the same]

(h) **Mixed Use Opportunity Corridors.** See GJMC [21.02.140\(c\)\(2\)](#). In addition to the standards established in subsections (f) and (g) of this section, except as specifically modified therein for the MXOC zone district, standards for the MXOC shall be as follows:

(1) Access. When the site is adjacent to a local or collector street, the primary access shall be on the lower order street. Additional access points may be allowed based on traffic safety, as determined by the City's Development Engineer. Whenever possible, access between two or more sites shall be combined and access points restricted on arterial streets.

(2) Parking, Delivery/Pick-Up Areas, Trash Service. Parking, delivery and pick-up, and trash service areas are not permitted between the building and the primary street (corridor).

Section 21.02.070(n)(3):

(3) Additional Approval Criteria.

(i) All signs included on the site shall be in conformance with the criteria set forth in GJMC 21.06.070(g), except as allowed to deviate based on the other criteria in this section.

(ii) The application of the sign package is not contrary to and better implements the goals and objectives of the Comprehensive Plan, including but not limited to applicable neighborhood plans, corridor plans, and other adopted plans.

(iii) The application of the sign package is not contrary to and better implements the goals and objectives of moderating the size and number of signs as well as the reduction of clutter and obtrusive placement of signs.

[All other portions of Section 21.02.070(n) remain the same]



Grand Junction City Council

Regular Session

Item #4 a ii

Meeting Date: October 19, 2016

Presented by: Scott D. Peterson,
Senior Planner

Submitted by: Scott D. Peterson,
Senior Planner

Department: Admin. – Com. Dev.

Information

SUBJECT:

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, Connor Annexation, Located at 2839 Riverside Parkway

RECOMMENDATION:

Staff recommends approval.

EXECUTIVE SUMMARY:

A request to annex 6.35 acres located at 2839 Riverside Parkway. The Connor Annexation consists of one (1) parcel of land and no publicly dedicated right-of-way.

BACKGROUND OR DETAILED INFORMATION:

The property owner has requested annexation into the City limits and a zoning of R-5 (Residential – 5 du/ac) in order to subdivide the existing property to create a second residential lot in anticipation of marketing and selling the property for future residential development. Under the 1998 Persigo Agreement with Mesa County all proposed development within the Persigo Wastewater Treatment Facility boundary requires annexation to and processing by the City.

FISCAL IMPACT:

The provision of municipal services will be consistent with other properties in the area already in the City. Property tax levies and municipal sales/use tax will be collected, as applicable, upon annexation.

SUGGESTED MOTION:

I MOVE to (approve or deny) Resolution No. 44-16 – 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 Connor Annexation, Located at 2839 Riverside Parkway, Introduce Proposed Annexation Ordinance Annexing Territory to the City of Grand Junction, Colorado, Connor Annexation, Located at 2839 Riverside Parkway, Consisting of One Parcel of Land and No Dedicated Right-of-Way, and Set a Hearing for December 7, 2016.

Attachments

ATTACHMENT 1 – Staff Report - Background Information which includes the Site Location Map, the Aerial Photo Map, the Comprehensive Plan Future Land Use Map and the Existing Zoning Map

ATTACHMENT 2 – Proposed Resolution

ATTACHMENT 3 – Proposed Ordinance

Staff Report:

STAFF REPORT / BACKGROUND INFORMATION					
Location:		2839 Riverside Parkway			
Applicants:		Naomi E. Connor, Owner			
Existing Land Use:		Single-family detached home			
Proposed Land Use:		Simple Subdivision to divide the existing property into two (2) lots for future residential development			
Surrounding Land Use:	North	Veterans Memorial Cemetery of Western Colorado			
	South	Single-family detached			
	East	Single-family detached			
	West	Single-family detached			
Existing Zoning:		County RSF-R (Residential Single-Family – Rural)			
Proposed Zoning:		R-5 (Residential – 5 du/ac)			
Surrounding Zoning:	North	CSR (Community Services & Recreation)			
	South	R-8 (Residential – 8 du/ac)			
	East	County RSF-2 (Residential Single-Family – 2 du/ac)			
	West	R-8 (Residential – 8 du/ac)			
Future Land Use Designation:		Residential Medium (4 – 8 du/ac)			
Zoning within density/intensity range?		X	Yes		No

This annexation consists of one 6.35 acre parcel of land and no public right-of-way.

The property owner has requested annexation into the City and a zoning of R-5 (Residential – 5 du/ac) in order to subdivide the existing property to create a second residential lot in anticipation of marketing and selling the property for future residential development. Under the 1998 Persigo Agreement with Mesa County, all proposed development within the Persigo Wastewater Treatment Facility boundary requires annexation to and processing by 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 Connor 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.

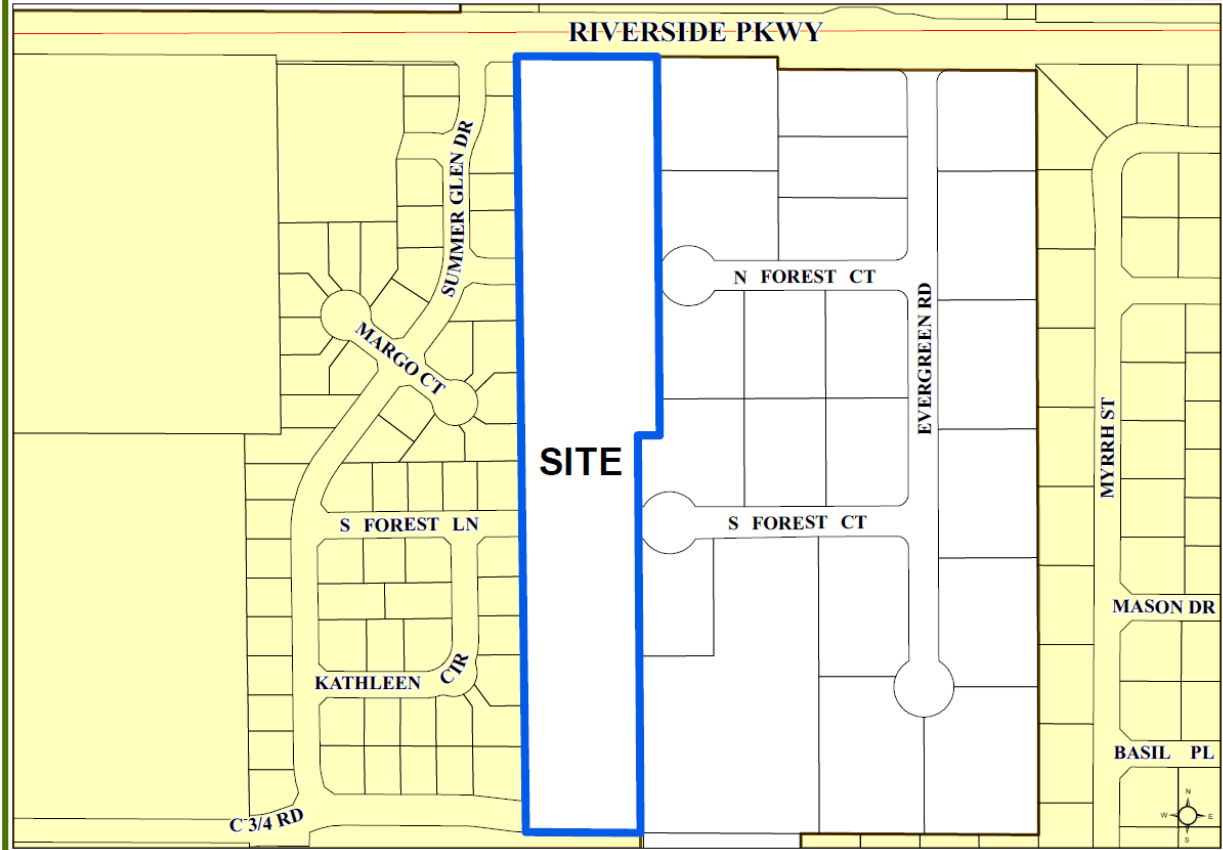
The following annexation and zoning schedule is being proposed:

<u><i>ANNEXATION SCHEDULE</i></u>	
October 19, 2016	Referral of Petition (30 Day Notice), Introduction of a Proposed Ordinance, Exercising Land Use
November 8, 2016	Planning Commission considers Zone of Annexation
November 16, 2016	Introduction of a Proposed Ordinance on Zoning by City Council
December 7, 2016	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
January 8, 2017	Effective date of Annexation and Zoning

CONNOR ANNEXATION - BACKGROUND INFORMATION

File Number:	ANX-2016-470	
Location:	2839 Riverside Parkway	
Tax ID Number:	2943-192-00-137	
# of Parcels:	1	
Estimated Population:	2	
# of Parcels (owner occupied):	1	
# of Dwelling Units:	1	
Acres land annexed:	6.35	
Developable Acres Remaining:	6.35	
Right-of-way in Annexation:	N/A	
Previous County Zoning:	County RSF-R (Residential Single-Family – Rural)	
Proposed City Zoning:	R-5 (Residential – 5 du/ac)	
Current Land Use:	Single-family detached	
Future Land Use:	Residential Medium (4 – 8 du/ac)	
Values:	Assessed:	\$11,590
	Actual:	\$114,350
Address Ranges:	2839 Riverside Parkway	
Special Districts:	Water:	Ute Water Conservancy District
	Sewer:	Persigo 201 sewer service area
	Fire:	Grand Junction Rural Fire District
	Irrigation/ Drainage:	Grand Valley Irrigation Company/ Grand Junction Drainage District
	School:	Mesa County Valley School District #51
	Pest:	Grand River Mosquito Control District

Connor Annexation



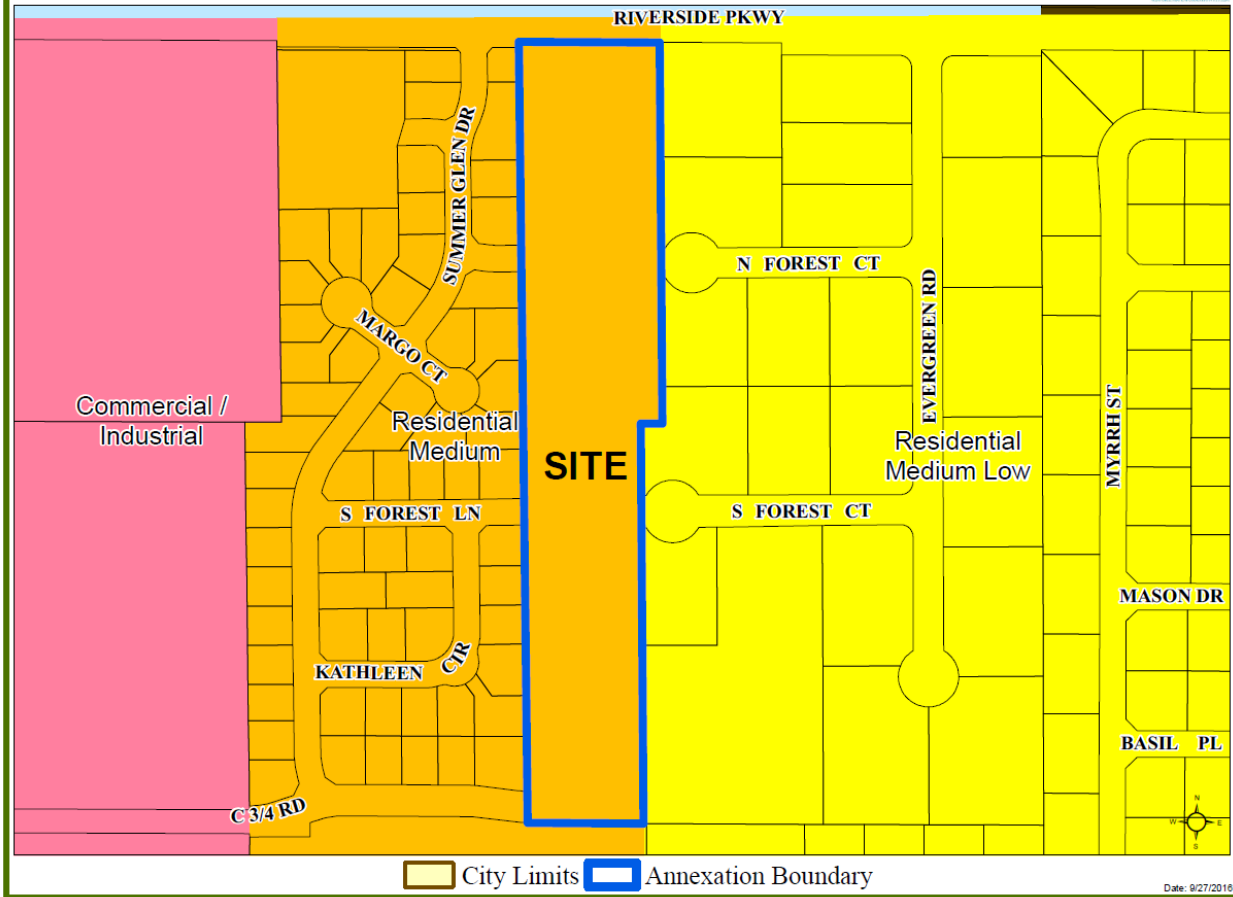
 City Limits  Annexation Boundary

Date: 9/27/2016

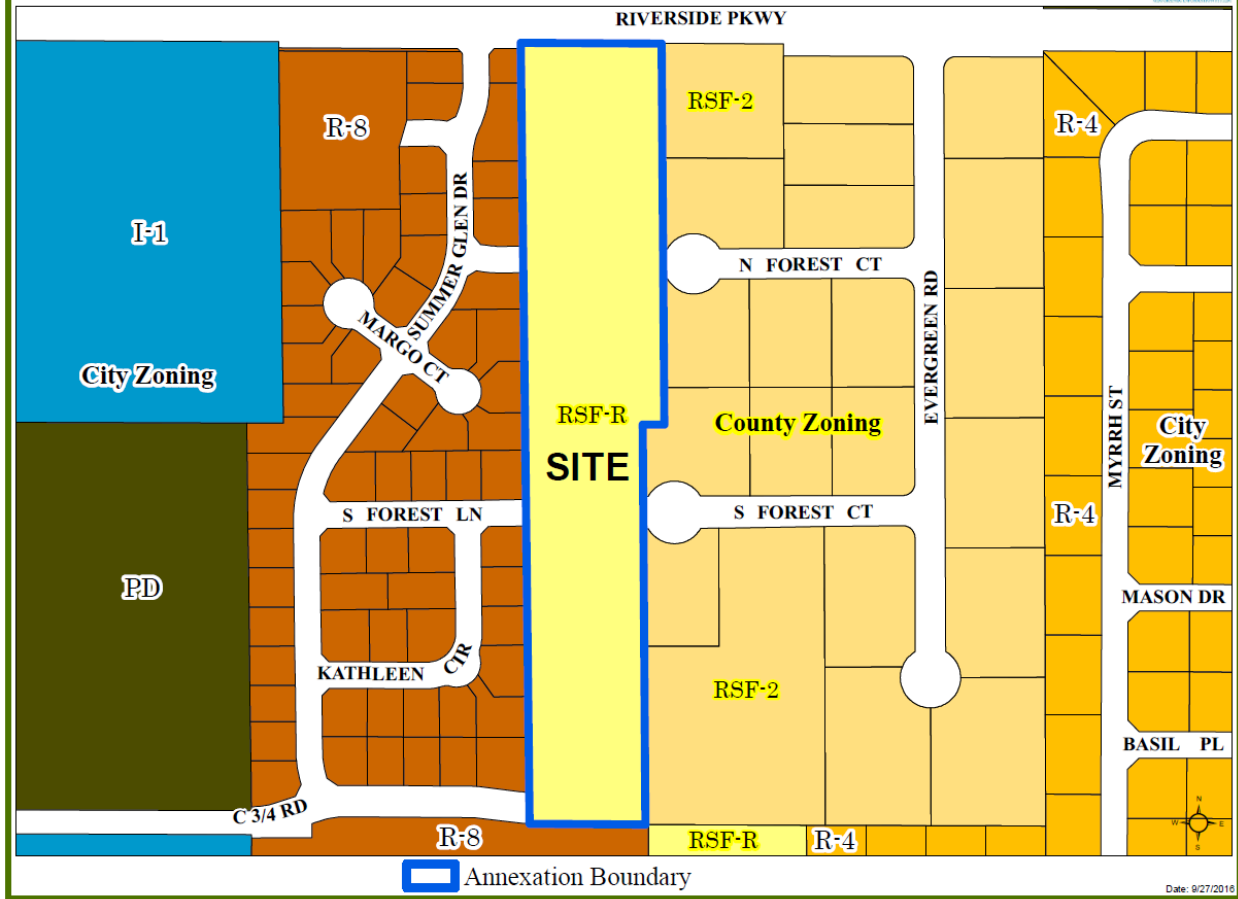
Connor Annexation



Connor Annexation - Future Land Use



Connor Annexation - Zoning



**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 19th day of October, 2016, the following Resolution was adopted:

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. ____

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

CONNOR ANNEXATION

LOCATED AT 2839 RIVERSIDE PARKWAY

WHEREAS, on the 19th day of October, 2016, 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:

CONNOR ANNEXATION

A certain parcel of land lying in the Northeast Quarter of the Northwest Quarter (NE 1/4 NW 1/4) of Section 19, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Northeast corner of the NE 1/4 NW 1/4 of said Section 19 and assuming the North line of the NE 1/4 NW 1/4 of said Section 19 bears N 89°39'18" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 89°39'18" W, along the North line of the NE 1/4 NW 1/4 of said Section 19, a distance of 630.40 feet to a point on the Northerly projection of the West line of Pine Estates Filing No. Two, as same is recorded in Plat Book 11, Page 155, Public Records of Mesa County, Colorado; thence S 00°07'23" E, along said line, a distance of 30.00 feet to a point on the South right of way for Riverside Parkway and the POINT OF BEGINNING; thence from said Point of Beginning, continue S 00°07'23" E along said line, a distance of 631.92 feet; thence N 89°52'58" W, a distance of 33.21 feet; thence S 00°07'10" E, along the West line of said Pine Estates Filing No. Two, a distance of 662.01 feet to a point on the South line of the NE 1/4 NW 1/4 of said Section 19; thence N 89°38'55" W, along said South line, a distance of 192.34 feet, more or less, to a point being the Southeast corner of Summer Glen Subdivision, as same is recorded in Book 4055, Page 547, Public Records of Mesa County, Colorado; thence N 00°36'18" W, along the East line of said Summer Glen Subdivision, a distance of 1294.18 feet, more or less, to a point on the South right of way for Riverside Parkway; thence S 89°39'18" E, along said South right of way, a distance of 236.48 feet, more or less, to the Point of Beginning.

CONTAINING 6.358 Acres or 276,964 Square Feet, more or less, as described

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

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

1. That a hearing will be held on the 7th day of December, 2016, in the City Hall auditorium, located at 250 North 5th Street, City of Grand Junction, Colorado, at 7:00 PM to determine whether one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; whether a community of interest exists between the territory and the city; whether the territory proposed to be annexed is urban or will be urbanized in the near future; whether the territory is integrated or is capable of being integrated with said City; whether any land in single ownership has been divided by the proposed annexation without the consent of the landowner; whether any land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; whether any of the land is now subject to other annexation proceedings; and whether an election is required under the Municipal Annexation Act of 1965.
2. Pursuant to the State's Annexation Act, the City Council determines that the City may now, and hereby does, exercise jurisdiction over land use issues in the said territory. Requests for building permits, subdivision approvals and zoning approvals shall, as of this date, be submitted to the Community Development Division of the City.

ADOPTED the _____ day of _____, 2016.

President of the Council

Attest:

City Clerk

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

City Clerk

<i>DATES PUBLISHED</i>
October 21, 2016
October 28, 2016
November 4, 2016
November 11, 2016

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

CONNOR ANNEXATION, LOCATED AT 2839 RIVERSIDE PARKWAY,

CONSISTING OF ONE PARCEL OF LAND AND NO DEDICATED RIGHT-OF-WAY

WHEREAS, on the 19th day of October, 2016, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 7th day of December, 2016; 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:

CONNOR ANNEXATION

A certain parcel of land lying in the Northeast Quarter of the Northwest Quarter (NE 1/4 NW 1/4) of Section 19, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Northeast corner of the NE 1/4 NW 1/4 of said Section 19 and assuming the North line of the NE 1/4 NW 1/4 of said Section 19 bears N 89°39'18" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 89°39'18" W, along the North line of the NE 1/4 NW 1/4 of said Section 19, a distance of 630.40 feet to a point on the Northerly projection of the West line of Pine Estates Filing No. Two, as same is recorded in Plat Book 11, Page 155, Public Records of Mesa County, Colorado; thence S 00°07'23" E, along said line, a distance of 30.00 feet to a point on the South right of way for Riverside Parkway and the POINT OF BEGINNING; thence from said Point of Beginning, continue S 00°07'23" E along said line, a distance of 631.92 feet; thence N 89°52'58" W, a distance of 33.21 feet; thence S 00°07'10" E, along the West line of said Pine Estates Filing No. Two, a distance of 662.01 feet to a point on the South line of the NE 1/4 NW 1/4 of said Section 19; thence N 89°38'55" W, along said South line, a distance of 192.34 feet, more or

less, to a point being the Southeast corner of Summer Glen Subdivision, as same is recorded in Book 4055, Page 547, Public Records of Mesa County, Colorado; thence N 00°36'18" W, along the East line of said Summer Glen Subdivision, a distance of 1294.18 feet, more or less, to a point on the South right of way for Riverside Parkway; thence S 89°39'18" E, along said South right of way, a distance of 236.48 feet, more or less, to the Point of Beginning.

CONTAINING 6.358 Acres or 276,964 Square Feet, more or less, as described

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

INTRODUCED on first reading on the _____ day of _____, 2016 and ordered published in pamphlet form.

ADOPTED on second reading the _____ day of _____, 2016 and ordered published in pamphlet form.

President of the Council

Attest:

City Clerk



Grand Junction City Council

Regular Session

Item #5 a

Meeting Date: October 19, 2016

Presented by: Lori V. Bowers, Senior Planner **Submitted by:** Lori V. Bowers, Senior Planner

Department: Admin. – Com. Dev.

Information

SUBJECT:

North Avenue Catalyst Grant Request in the Amount of \$8,723.50 from Grand Mesa Medical Supply, Located at 1708 North Avenue

RECOMMENDATION:

The North Avenue Catalyst Grant Committee recommended approval of the request.

EXECUTIVE SUMMARY:

Poppy Woody, applicant for Grand Mesa Medical Supply, has submitted an application for consideration of \$8,723.50 of the North Avenue Catalyst Grant Program. The money is one-half of the cost for a proposed monument sign to replace the existing pole sign at 1708 North Avenue. This is the ninth application for this program to come before the City Council.

BACKGROUND OR DETAILED INFORMATION:

In November 2014, the City Council established a grant program in an effort to help revitalize North Avenue. The grant program requires a 50% match from the property/business owner with grant amounts up to \$10,000 per property. Projects meeting the requirements of the program and approved by City Council will be funded on a first come first serve basis.

The applicants are proposing signage upgrades with this application. They will be removing an existing pole sign and replacing it with a monument style sign. No other improvements are proposed. Site distance from the existing driveway will not be in conflict with the sight distance requirements of the Zoning and Development Code.

The North Avenue Catalyst Grant Committee, made up of a City Council member, City staff member and three members of the North Avenue Owners Association, met on September 28, 2016 and recommended approval to the City Council of the grant request.

FISCAL IMPACT:

Since the inception of the program the Council has awarded \$70,400 in grant awards. The applicant has requested \$8,723.50 which if approved would leave \$3,617 in the 2016 budget.

The following are projects have been awarded funds:

Grand Valley Power Sports	\$10,000.00
Dakota West Properties	\$8,629.66
Mason Plaza	\$4,110.00
First National Pawn	\$10,000.00
Vectra Bank	\$10,000.00
Aqua Time	\$10,000.00
The Sports Vortex	\$10,000.00
Veterinary Emergency Clinic	\$7,660.00

SUGGESTED MOTION:

I MOVE to (approve or deny) the North Avenue Catalyst Grant Request in the Amount of \$8,723.50 from Grand Mesa Medical Supply, Located at 1708 North Avenue.

Attachments

- ATTACHMENT 1 – Application
- ATTACHMENT 2 – Supporting Documents

Grand Junction Commercial Catalyst Improvement Grant Program APPLICATION

Please note that application will not be considered until all information is submitted to the City Community Development Division, 250 N. 5th Street, Grand Junction, CO 81501, or scan and email to planning@gjcity.org.

Name of Applicant(s): GRAND MESA MEDICAL SUPPLY - POPPY WOODY

Mailing Address: 1708 NORTH AVE

Phone Number(s): 970-241-0833

Email: POPPYWOODY@EARTHLINK.NET

Project Address: 1708 NORTH AVE

Business Name: GRAND MESA MEDICAL SUPPLY Parcel Number: 2945-123-25-017

Work to be performed on Front Façade Improvements and/or Pedestrian Safety & Streetscape (check all that apply):

- Repair, restoration, or installation of exterior masonry, stucco or siding
- Repair, replacement or installation of exterior awnings, window trim and doors
- Exterior lighting upgrades
- Signage upgrades (removal of pole sign and signage placed on façade and/or monument sign with maximum height 12 ft.)
- Addition of a plaza, fountain, outdoor dining or other pedestrian features in front of building and abutting North Avenue
- Construction of detached sidewalks and park-strip running the entire length of the property
- Construction and/or installation of park-strip hardscape features
- Design/Architect services for project (up to \$1,500)
- Renovation of front entryway to make more accessible
- Other (please describe) _____

Projected Start/Finish Dates for Project: 17 Oct. - 28 Oct 2016

Total Estimated Cost of Improvements: \$ 17,447.00

Grant Program Amount Requested: \$ 8723.50

Grand Junction Commercial Catalyst Grant Program

AGREEMENTS AND CONDITIONS

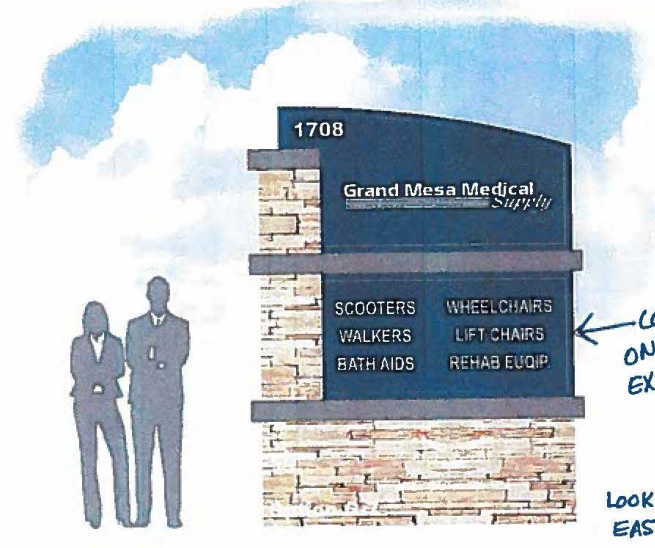
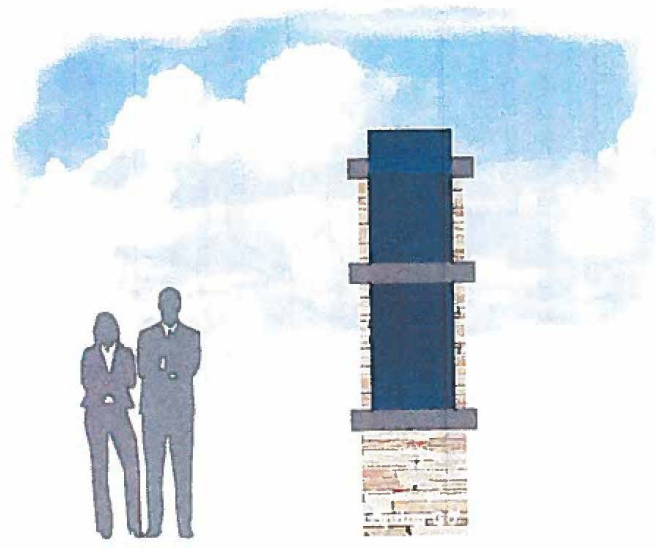
1. The following information must be submitted with your application: plans drawn to 3/0 scale; samples or depictions of finishes to be used; photos of existing condition of property; and detailed budget of project including cost estimates by contractors.
2. By submitting and signing this Application, the Applicant certifies and agrees to all terms and conditions of the Program, including:
 - The Applicant is in good standing with the City including payment of all taxes to the City of Grand Junction.
 - The Applicant agrees to adhere to the goals and vision for North Avenue as established in the Comprehensive Plan and the North Avenue Corridor Plans.
 - The Applicant agrees that all improvements to be undertaken will be consistent with all applicable zoning and building codes. Grand Junction Planning Commission or City Council review, where required must be conducted prior to commencement of work on the catalyst project. All permits and other requirements are the Applicant's sole responsibility.
 - The project must be started within three months of approval and completed within twelve months of approval to be eligible for reimbursement. Any work done on the project prior to approval of application is ineligible for reimbursement.
 - Only the work that is described in the application and approved by the Grand Junction City Council shall be eligible for reimbursement. Disbursement of funds will be made only after the entire project is complete and passes required inspections.
 - The Applicant must submit before and after photos of the project, copies of invoices, receipts, and a signed itemized statement of the total cost of the project to the City. All documentation for reimbursement must be provided to the City at time of request, with a maximum of two reimbursements. All receipts must be provided no more than 15 months after the application has been approved.
 - The Applicant understands that he/she is responsible for all construction management, including but not limited to traffic control and any permits required by the Colorado Department of Transportation (CDOT).
 - The project grant award will at all times be within the program guidelines. The amount designated by the City will not be increased due to cost overruns, changes in scope or other changes made or necessitated by the applicant, its agents and/or financiers.
 - It is expressly understood and agreed that the Applicant shall be solely responsible for all safety conditions and compliance with all applicable regulations, codes, and ordinances.
 - The Applicant shall indemnify, protect, defend, and hold harmless the City of Grand Junction and its agents and employees from all claims, damages, lawsuits, costs, and expenses for any property damage, personal injury, or other loss relating in any way to the Grand Junction Commercial Catalyst Grant Program.

Applicant's Signature: PJ WOODY LLC Date: 9/14/16

Attest: (if LLC, Corporation or Legal Entity other than Sole Proprietorship)

Owner's Signature (if different): Poppy Woody Date: 9/14/16

Attest: (if LLC, Corporation or Legal Entity other than Sole Proprietorship)



← COPY ONLY EXAMPLE

LOOKING EAST


ANGEL SIGN COMPANY
 YOUR IMAGE IS OUR BUSINESS
 Phone (970)244-8884
 Fax (970)244-8889
 280 N. Westgate Dr. Suite C
 Grand Junction, CO 81506
 Email: ajgno@angelSIGN.com

Authorized Signature: R. Wooley Date: 9/19/16
 This drawing was created to assist you in visualizing our proposal. The original ideas and prices are the property of Angel Sign Co.
 Permission to distribute, copy or revise this drawing under prices may be obtained only through a written agreement with Angel Sign Co.


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Your Image is Our Business

970-244-8934
Fax 970-243-3859
www.angelsign.com
590 N Westgate Dr. #C
Grand Junction, CO 81505

09/01/16
Poppy Woody
Grand Mesa Medical
Ph 241-0833

QUOTE
Monument Sign

*Optional Removal of Existing Concrete Base
Removal and disposal of all concrete down to soil level

Total \$ 1,570.00

Monument Sign

See rendering for Option "G-7" sign design
New footer - below grade (excavation and concrete)
Masonry base and side pillar (based on flagstone style rock)
2 Sign cabinets (double sided)
Top sign - with radius top (approx 36"x70" visible face)
Grand Mesa Medical Supply logo
Address numbers
Bottom sign (approx 32"x70" visible face)
Graphics TBD
Internally illuminated with fluorescents
Divider bars between cabinets
Graphic design and layout time
Installation of sign adjacent to location of current sign

Total \$ 15,877.00

GRAND TOTAL - Sign with Concrete Removal \$ 17,447.00

Authorized Acceptance Signature Poppy Woody Date 19 Sept 2016

Signer agrees to pay 50% required deposit at time of sale on all orders. Quote is void after 30 days.
Applicable tax and permits are not included in quote unless noted and will be added to final invoice.
NOTE: All signed contracts are due in full on pickup or delivery. Customers requesting to waive standard COD will be subject to an additional charge on balances contracted to be paid past COD.
Balances outstanding past term of contract will be charged an additional 40% per annum.
Prices quoted are based on specifications given. Any change in specifications will change pricing accordingly.
All necessary final electrical connections to be done by other unless noted. All prices, quotes and designs are proprietary property of Angel Sign Co. and cannot be used, copied, or distributed, except through a written agreement with Angel Sign Co.



Grand Mesa Medical Supply - 1708 North Avenue



Existing pole sign - to be replaced with a monument style sign in the same location



Grand Junction City Council

Regular Session

Item #5 b

Meeting Date: October 19, 2016

Presented by: Greg Lanning,
Public Works Director

Submitted by: Jon Eklund,
Project Engineer

Department: Public Works/Water

Information

SUBJECT:

Construction Contract for the Water Treatment Plant Filter Upgrade Project

RECOMMENDATION:

Authorize the Purchasing Division to Execute a Construction Contract with Moltz Construction for the Construction of the Water Plant Filter Upgrade Project in the Amount of \$882,900.

EXECUTIVE SUMMARY:

The City received bids on Tuesday September 13, 2016, for the Water Treatment Plant Filter Upgrade Project. The City Water Department has been approved for a loan from the Colorado Water Resources and Power Development Authority to facilitate rehabilitation of the City Water Treatment Plant filters.

BACKGROUND OR DETAILED INFORMATION:

This project was initially discussed last year during the budget process and most recently presented to City Council July 20, 2016 for approval to pre-purchase materials for the project, and September 21, 2016 for an ordinance approving a loan from the Colorado Water Resources and Power Development Authority.

This project will replace 40 year-old filtration equipment with new equipment designed to fit inside the existing concrete basins. Research has shown that water providers with similar filter systems across the country are making similar upgrades. The equipment recommended for our filter plant has become the standard in the industry.

These upgrades have a life expectancy of over 50 years and will provide more versatile operation of the plant resulting in better water treatment and longer filter media life. Construction is expected to occur this winter when water demand is low and filters can be taken off-line for replacement.

A formal Invitation for Bids was issued via BidNet (an on-line site for government agencies to post solicitations), posted on the City's Purchasing website, sent to the Grand Junction Chamber of Commerce and the Western Colorado Contractors Association, and advertised in The Daily Sentinel. Four companies submitted formal bids, which were found to be responsive and responsible in the following amounts:

FIRM	LOCATION	COST
<i>Moltz Construction.</i>	<i>Salida, CO</i>	<i>\$ 882,900</i>
RN Civil Construction	Centennial, CO	\$1,019,000
Aslan Construction	Berthoud, CO	\$1,251,000
Alder Construction Co.	Salt Lake City, UT	\$1,422,000

Previous Council involvement includes:

July 20, 2016 City Council authorized purchase of materials for the project.

September 7, 2016 Council set a hearing date for adoption of an ordinance to approving execution of a loan from the Colorado Water Resources and Power Development Authority for the Water Treatment Plant Filter Upgrade project.

September 21, 2016 Council approved the loan.

FISCAL IMPACT:

The financial breakdown for this project is as follows:

Project Sources

Water and Power Development Authority Loan	<u>\$1,615,100</u>
Total Project Sources	<u>\$1,615,100</u>

Project Costs

Construction Contract – Moltz Construction	\$ 882,900
Design	142,400
Materials	564,000
Loan Initiation	16,000
City Const. Inspection & Contract Admin. (Estimate)	<u>9,800</u>
Total Project Cost	\$1,615,100

SUGGESTED MOTION:

I MOVE to (authorize or deny) the Purchasing Division to Enter into a Contract with Moltz Construction for the Construction of the Water Plant Filter Upgrade Project for a Price of \$882,900.



Grand Junction City Council

Regular Session

Item #5 c

Meeting Date: October 19, 2016

Presented by: Tim Moore, Deputy
City Manager

Submitted by: Scott Hockins, Project
Manager

Department: Administration -
Internal Services

Information

SUBJECT:

Exclusive Negotiation Agreement with Nokia/SiFi to Determine Whether a Citywide Broadband Project will be Commercially Viable

RECOMMENDATION:

Authorize the City Manager to execute an exclusive negotiation agreement with Nokia/SiFi to complete a Demand Survey of the Community, Network Desktop Design, Network Architecture and Financial Analysis.

EXECUTIVE SUMMARY:

As part of the City Council's Economic Development Plan, communication and technology infrastructure was identified as an essential tool for the development of commerce and industry leading to long-term economic competitiveness for the City of Grand Junction. As a result of a formal procurement process, staff recommends that the City contract with Nokia/SiFi to complete a demand survey and preliminary engineering study to determine the financial viability of a city-wide fiber project that would meet the broadband goals established by City Council. The results will be presented to City Council as the first of three milestones for a potential broadband project.

BACKGROUND OR DETAILED INFORMATION:

In April 2015, Grand Junction voters overwhelmingly approved an override of Colorado Senate Bill 05-152 by a majority of 77% which allows the City to use City resources and

infrastructure to provide broadband capabilities that compete with private providers. As a result of that override, City Council directed staff to explore a public-private-partnership that would accomplish the following goals:

- The City would have substantial ownership of a fiber optic network that would pass every home and business within the City limits
- The City would partner with a company or multiple companies to provide broadband services
- Broadband services would be available to residences for \$50-80 per month and to businesses for under \$300 per month

The City of Grand Junction and the Downtown Development Authority (DDA) contracted with NEO Connect (formerly known as NEO Fiber) to assist with the development of a partnership to achieve those goals. Concurrent with completing a preliminary survey, conducting community engagement meetings and identifying existing conduit and fiber resources, the City and DDA released a Request for Proposal (RFP) in January, 2016 looking for parties interested in partnering with the City for a pilot broadband project within the DDA boundaries.

Eleven proposals were received from national, local and incumbent providers. The RFP was very open ended and allowed respondents to submit any and every option that would provide high speed broadband services, defined as capable of being expanded to gigabit speeds. It also asked the respondents to consider how their proposed solution could be rolled out to the City as a whole. The responses and in person interviews indicated that the DDA area might work for a broadband pilot, but that the service area was too small for most of the respondents to consider entering into a partnership with the City.

After consultation with City Council, an addendum was issued to the respondents to the initial RFP that broadened the area to include the entire City and potentially the 201 Boundary. NEO Connect's team provided preliminary design, capital cost estimates and financial modeling of the areas to assist with the proposal evaluations. The revised proposals were evaluated and a recommendation presented to City Council on May 23, 2016. City Council directed staff to negotiate with one of the vendors.

After several rounds of unsuccessful negotiations that were reviewed with Council on July 5, 2016, City Council directed the broadband team to expand negotiations to include additional vendors who had submitted proposals in response to the two Request for Proposals.

Staff conducted individual meetings with CenturyLink, UPN/32Waves, Fujitsu, and Nokia/SiFi in August, which included a detailed review of financial models, assumptions for capital costs and operational responsibilities, along with potential deal structures.

Updated responses were requested from each vendor. As a result of that process, staff recommends conducting exclusive negotiations with the Nokia/SiFi team.

A highlight of the preferred provisions from their proposal is listed below and provides that no bonding or capital investment will be required from the City to fund the network and they guaranteed the project will have a positive cash flow from day one.

The negotiations will develop three milestones, with the next phase being initiated only after the successful completion and acceptance of the prior phase. The milestones are as follows:

1. The first milestone includes a demand survey completed by an independent consultant paid for by Nokia/SiFi. The consultant will assess the broadband needs and price expectations of the community, develop a network desktop design, the network architecture and a financial analysis. The results of those studies will be presented to the City Council and if the results are positive and if Council supports moving forward, the City would develop an agreement to proceed with milestone two.
2. The second milestone would include detailed engineering reviews, physical surveys, and the development of preliminary construction documents, as well as securing letters of intent from service providers, identifying suitable wholesale Internet service, performing financial analysis and developing the required commercial structure necessary for the final round of negotiations. The results of those efforts will be presented to the City Council and a favorable outcome would result in final negotiations for full legal agreements to proceed.
3. The third milestone would be to finalize the legal agreements between all parties that would allow construction and management of a fiber network capable of meeting the needs and objectives of the project. A successful negotiation would set the stage for network construction.

It is staff's recommendation to contract with Nokia/SiFi for the first milestone at this time. Staff will then present the results of the independent consultant's market analysis to City Council and seek further direction before any additional commitments are made.

As explained in the Nokia/SiFi proposal, the purpose of the milestones are to create multiple risk-mitigated steps in the project under a partnership where the City is committed to working with Nokia/SiFi to bring the project to fruition. During each milestone, the cost to determine project viability is borne entirely by Nokia/SiFi Networks. Should it be concluded the project is not viable based on the terms of the signed Exclusive Negotiation Agreement, then there would be no cost to the City. Only if the Milestones indicate the project is viable and the City Council elects not to proceed would the City pay for costs incurred up to an agreed upon cap. The City, at any time during the process, may elect not to continue and work will cease and no further costs would be expended.

The following bullet points highlight the preferred provisions from their proposal:

- City owns the Fiber to the Premise (FttP) network from the outset
- City has unequivocal control for Smart City usage
- A ubiquitous fiber network throughout the City, built within two construction seasons; the DDA boundary is prioritized
- The Nokia/SiFi Team takes full responsibility for all financial and construction risk of the FttP project
- The FttP project is guaranteed to be cash flow positive from day one
- The FttP network is leased to the City for a 30-year term, with the City having the right to relinquish all financial obligations from the project on an annual basis
- No bonding requirement or capital investment required from the City to fund the network; City has the option to invest, as requested
- Internet Service Providers (ISP's) will provide Symmetrical Gigabit speed internet service to residents and businesses within the City's RFP suggested price range
- ISP's will provide long-term minimum financial guarantees and also share a percentage of the profits they derive from the network back into the project to ensure it remains financially self-sustaining
- Open Access from the beginning, meaning that if the City wants more than one ISP on the network, Nokia/SiFi already has signed competitive Letters of Intent with two ISP's.
- Nokia directly monitors the Grand Junction network on 24x7x365 basis
- Independent network operations that ensure no ISP has control of the network, reducing revenue disruption and increasing competition
- An independent market demand survey will be completed to ensure there is community demand for an FttP as part of the next phase of the project

FISCAL IMPACT:

For Milestone # 1, if the project is determined to be viable and the City Council elects not to proceed the City would pay for the actual costs incurred for Milestone #1 up to a cap of \$50,000.

SUGGESTED MOTION:

I MOVE to (authorize or deny) the City Manager to Enter into an Exclusive Negotiation Agreement with Nokia/SiFi to Complete a Demand Survey of the Community, Network Desktop Design, Network Architecture and Financial Analysis. If the project is determined to be viable and the City Council elects not to proceed the City would pay for the actual costs incurred for Milestone #1 up to a cap of \$50,000.



Grand Junction City Council

Regular Session

Item #6 a i

Meeting Date: October 19, 2016

Presented by: John Shaver,
City Attorney

Submitted by: Kathy Portner,
Community Svcs Mgr

Department: City Attorney's Office

Information

SUBJECT:

Ordinance Amending Ordinance No. 4599 and Section 21.04.010 of the Municipal Code to Allow Marijuana Testing Facilities in the City of Grand Junction

RECOMMENDATION:

Adopt an Ordinance Amending Ordinance No. 4599 and Section 21.04.010 of the Municipal Code to Allow Marijuana Testing Facilities in the City of Grand Junction.

EXECUTIVE SUMMARY:

On September 4, 2013 the City Council adopted Ordinance No. 4599 which prohibited the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities and retail marijuana stores within the City. This request is to remove the prohibition of marijuana testing facilities in the City of Grand Junction and to establish the appropriate zone districts for such facilities.

BACKGROUND OR DETAILED INFORMATION:

In late 2015 the City, Mesa County, Colorado Mesa University (CMU) and the Grand Junction Economic Partnership (GJEP), were successful in establishing the Colorado Jumpstart ("Jumpstart") business development grant program in Mesa County. The Jumpstart grant program was the result of legislation which was supported by many local leaders and enterprises including Representative Willett and Senator Scott, the publisher of the Daily Sentinel Mr. Jay Seaton, CMU President Foster and Grand Junction Area Chamber of Commerce CEO Schwenke and her Board. In January of 2016 the State of Colorado awarded the first Jumpstart incentives to three companies in Mesa County. Since January, a fourth company has been selected for the program.

These four companies have committed to invest in the area and will bring new jobs, economic gains and the capital investment to the community.

In 2015 and 2016 the Colorado legislature approved marijuana testing facility legislation under SB 15-196 and HB 16-1064. These bills are summarized as follows:

SB 15-196 requires the Department of Agriculture to administer an industrial hemp certified seed program. In administering this program, the Commissioner of Agriculture, in consultation with the Industrial Hemp Committee and independent seed producers, will create rules for the program and designate laboratories that industrial hemp registrants may use for THC concentration testing purposes. The bill also permits retail marijuana testing facility licensees to test industrial hemp for THC concentration levels. In addition to current law providing criminal immunity from those processing, selling, and distributing industrial hemp, the SB 15-196 also extends that immunity to transporting and possessing hemp.

HB 16-1064 expanded the types of licenses the State can issue for medical marijuana facilities to include Medical Marijuana Testing Labs. Testing of recreational marijuana has been in existence since 2013 when the State passed a package of bills in the wake of Amendment 64. Counties and municipalities already have the statutory authority to issue licenses for retail marijuana testing facilities. HB 1064 simply extends this authority to the licensing of medical marijuana testing facilities as well. Currently, each marijuana business applicant must apply to both the State and the local authorities for a license - this legislation is in keeping with the current dual licensing process that is already in place for all other types of marijuana facilities allowed by local communities. If the Ordinance is adopted the testing facility must fully comply with State standards and will, if fees and charges are applicable at either the State or local level be responsible for payment of those.

One of the Jumpstart companies, Source Certain, is proposing to develop a laboratory and deploy its advanced analytical processes for genetic research and its ability to mark and trace chemical properties of agricultural products. If successful in securing a contract with the State of Colorado, one of the products to be tested would be marijuana. Operating under the name of TSW Analytical, the company will help the State confirm that the product being sold is being produced by licensed and legal sources.

The use table of the Zoning and Development Code (Section 21.04.010) establishes the appropriate zone districts for land uses. The general use category of "Industrial Services, Contractors and Trade Shops, Oil and Gas Support Operations without hazardous materials" includes research and development laboratories. To clarify that marijuana testing facilities would be included in that general use category, a specific line-item principal use category is proposed as "Research, Testing & Laboratory Facilities—Indoors (including marijuana testing facilities)" as allowed in B-2 (downtown business), C-1 (light commercial), C-2 (general commercial), MU (mixed use), BP

(business park mixed use), IO (industrial/office park), I-1 (light industrial) and I-2 (general industrial) zone districts.

FISCAL IMPACT:

Approval of this the proposed ordinance will allow a business to locate within the City of Grand Junction bringing new jobs, economic gains and the capital investment to the community.

SUGGESTED MOTION:

I MOVE to (approve or deny) Ordinance No. 4722 – An Ordinance Amending Ordinance No. 4599 and Section 21.04.010 of the Municipal Code to Allow Marijuana Testing Facilities in the City of Grand Junction on Final Passage and Order Final Publication in Pamphlet Form.

Attachments

ATTACHMENT 1 – Ordinance No. 4599
ATTACHMENT 2 – Proposed Ordinance

ORDINANCE NO. 4599

AN ORDINANCE PROHIBITING THE OPERATION OF MARIJUANA CULTIVATION FACILITIES, MARIJUANA PRODUCT MANUFACTURING FACILITIES, MARIJUANA TESTING FACILITIES, AND RETAIL MARIJUANA STORES, AND AMENDING THE GRAND JUNCTION MUNICIPAL CODE BY THE ADDITION OF A NEW SECTION PROHIBITING CERTAIN USES RELATING TO MARIJUANA

RECITALS:

The Grand Junction Municipal Code regulates a variety of businesses and land uses that occur and/or are proposed to occur within the City. On November 6, 2012 Colorado voters approved Amendment 64 which is now known as Article XVIII, Section 16 of the Colorado Constitution ("Amendment 64.") The Amendment decriminalized certain activity with respect to the use, possession, transportation and distribution of marijuana. With the adoption of Amendment 64 comes the possibility of business and commercial activity(ies) and enterprise(s) being allowed subject to State and local licensing or the local prohibition of the same.

Considering that in April 2011 the City electors overwhelmingly decided to prohibit medical marijuana related facilities within the City of Grand Junction; that marijuana continues to be prohibited as a Schedule I controlled substance under Federal law; that the City Council may, consistent with the provisions of Amendment 64, consider the adoption of an ordinance which would prohibit the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities and retail marijuana stores within the City; and that the City Council has duly and fully considered the matter and determined that it is in the best interest of the citizens of Grand Junction to prohibit certain marijuana related commercial and industrial activities and enterprises, the City Council does hereby enact the following prohibitions, exclusions and proscriptions related to and concerning marijuana within the City.

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

Title 5 of the Grand Junction Municipal Code is amended to include a new article 15, as follows (additions shown in ALL CAPS, except section designations, which are shown in the actual case as they will appear in the Code).

Title 5, Article 15 Grand Junction Municipal Code

5.15.010 MARIJUANA

UNDER THE AUTHORITY GRANTED IN ARTICLE XVIII, SECTION 16 OF THE COLORADO CONSTITUTION (AMENDMENT 64) AND THE CHARTER OF THE CITY OF GRAND JUNCTION THIS ORDINANCE IS ADOPTED BY THE CITY COUNCIL TO PROHIBIT THE OPERATION OF MARIJUANA CULTIVATION FACILITIES, MARIJUANA PRODUCT MANUFACTURING FACILITIES, MARIJUANA TESTING FACILITIES, RETAIL MARIJUANA STORES AND ALL BUSINESS AND LAND USES

RELATED TO MARIJUANA IN THE CITY AND IN FURTHERANCE OF ITS STATED INTENT, THE CITY COUNCIL MAKES THE FOLLOWING FINDINGS.

AFTER DUE AND CAREFUL CONSIDERATION OF ARTICLE XVIII, SECTION 16 OF THE COLORADO CONSTITUTION AND THE CONTROLLED SUBSTANCE ACT (21 U.S.C. 811) AND THE REAL AND POSSIBLE PRIMARY AND SECONDARY EFFECTS OF THE CULTIVATION AND DISPENSING OF MARIJUANA AND/OR THE MANUFACTURING AND SALE OF MARIJUANA INFUSED PRODUCTS, THOSE BUSINESSES, OPERATIONS AND LAND USES HAVE BEEN FOUND TO ADVERSELY AFFECT THE HEALTH, SAFETY AND WELFARE OF THE CITY AND ITS INHABITANTS.

THEREFORE, IT IS AND SHALL BE UPON PASSAGE OF THIS ORDINANCE UNLAWFUL FOR ANY PERSON TO OPERATE, CAUSE TO BE OPERATED OR PERMIT TO BE OPERATED A MARIJUANA CULTIVATION FACILITY(IES), MARIJUANA PRODUCT MANUFACTURING FACILITY(IES), MARIJUANA TESTING FACILITY(IES) AND/OR A RETAIL MARIJUANA STORE(S), BUSINESS OR OPERATION RELATED THERETO IN THE CITY AND NO CITY LICENSES, PERMITS OR APPROVALS SHALL ISSUE FOR THE SAME.

5.15.011 DEFINITIONS

ALL DEFINITIONS PROVIDED IN GJMC 5.14.011 AND ARTICLE XVIII, SECTION 16 OF THE COLORADO CONSTITUTION ARE ADOPTED HEREIN UNLESS SPECIFICALLY AMENDED HEREBY.

“MARIJUANA, MARIJUANA ACESSORIES, MARIJUANA CULTIVATION FACILITY, MARIJUANA ESTABLISHMENT, MARIJUANA PRODUCT MANUFACTURING FACILITY, MARIJUANA PRODUCTS, MARIJUANA TESTING FACILITY, RETAIL MARIJUANA STORE” ALL SHALL HAVE THE SAME MEANING AS SET FORTH IN ARTICLE XVIII, SECTION 16 OF THE COLORADO CONSTITUTION OR AS MAY BE MORE FULLY DEFINED IN ANY APPLICABLE STATE LAW OR REGULATION. COLLECTIVELY THESE MAY BE KNOWN AS AND/OR REFERRED TO AS “MARIJUANA BUSINESSES”

“MARIJUANA” MAY ALTERNATIVELY BE SPELLED “MARIHUANA.”

“PERSON” SHALL MEAN A NATURAL PERSON, PARTNERSHIP, ASSOCIATION, COMPANY, CORPORATION, LIMITED LIABILITY COMPANY OR OTHER ORGANIZATION OR ENTITY OR A MANAGER, AGENT, OWNER, OFFICER OR EMPLOYEE THEREOF.

“POSSESS OR POSSESSION” MEANS HAVING PHYSICAL CONTROL OF AN OBJECT, OR CONTROL OF THE PREMISES IN WHICH AN OBJECT IS LOCATED, OR HAVING THE POWER AND INTENT TO CONTROL AN OBJECT, WITHOUT REGARD TO WHETHER THE ONE IN POSSESSION HAS OWNERSHIP OF THE OBJECT. POSSESSION MAY BE HELD BY MORE THAN ONE PERSON AT A TIME. USE OF THE OBJECT IS NOT REQUIRED FOR POSSESSION.

“PRODUCE OR PRODUCTION” MEANS (I) ALL PHASES OF GROWTH OF MARIJUANA FROM SEED TO HARVEST, (II) COMBINING MARIJUANA WITH ANY OTHER SUBSTANCE FOR DISTRIBUTION, INCLUDING STORAGE AND PACKAGING FOR RESALE, OR (III) PREPARING, COMPOUNDING, PROCESSING, ENCAPSULATING, PACKING OR REPACKAGING, LABELING OR RE-LABELING OF MARIJUANA OR ITS DERIVATIVES WHETHER ALONE OR MIXED WITH ANY AMOUNT OF ANY OTHER SUBSTANCE.

“SALE” “SELL” “OFFER FOR SALE” “OFFER TO SELL” MEANS AND INCLUDES EVERY CONTRACT OR TRANSACTION WHETHER ORAL OR WRITTEN THAT CONTEMPLATES THE EXCHANGE OF VALUE, WHETHER MONEY OR SOMETHING ELSE, TANGIBLE OR INTANGIBLE, FOR A PRODUCT OR COMMODITY.

5.15.012 APPLICABILITY AND EFFECTIVE DATE

THIS ARTICLE SHALL APPLY TO ALL PROPERTY AND PERSONS WITHIN THE CITY OF GRAND JUNCTION.

IT SHALL BE UNLAWFUL AND A VIOLATION UNDER THIS CHAPTER FOR A PERSON TO ESTABLISH, OPERATE, CAUSE OR PERMIT TO BE OPERATED, OR CONTINUE TO OPERATE WITHIN THE CITY AND WITHIN ANY AREA ANNEXED TO THE CITY AFTER THE EFFECTIVE DATE OF THIS ORDINANCE, A MARIJUANA CULTIVATION FACILITY, A MARIJUANA ESTABLISHMENT, A MARIJUANA PRODUCT MANUFACTURING FACILITY, A MARIJUANA TESTING FACILITY, A RETAIL MARIJUANA STORE AND/OR TO CONDUCT ANY BUSINESS AS EITHER A PRIMARY, INCIDENTAL OR OCCASIONAL ACTIVITY OR ANY OTHER OPERATION INVOLVING THE SALE OF AND/OR THE OFFER TO SELL MARIJUANA AND/OR THE ESTABLISHMENT OF A LAND USE, HOME OCCUPATION, BUSINESS OR COMMERCIAL ACTIVITY CONCERNING MARIJUANA.

PURSUANT TO THE PROHIBITION SET FORTH ABOVE ANY APPLICATION FOR A LICENSE TO OPERATE A MARIJUANA FACILITY, ESTABLISHMENT OR COMMERCIAL OPERATION SHALL BE DEEMED DENIED UPON THE DATE OF FILING THE SAME WITH THE CITY. APPLICATIONS FOR LICENSES MAY BE FILED WITH THE FINANCE DEPARTMENT.

5.15.013 MEDICAL AND PERSONAL USE MARIJUANA

NOTHING IN THIS CHAPTER SHALL PROHIBIT OR OTHERWISE IMPAIR OR BE CONSTRUED TO PROHIBIT OR IMPAIR THE CULTIVATION, USE OR POSSESSION OF MEDICAL AND/OR PERSONAL USE MARIJUANA BY A PATIENT AND/OR BY A PRIMARY CAREGIVER FOR HIS/HER PATIENTS PROVIDED THAT SUCH PATIENT OR PRIMARY CAREGIVER OR A PERSON ACTING IN ACCORDANCE WITH ALL APPLICABLE PROVISIONS OF ARTICLE XVIII, SEC. 14(1)(C) AND/OR ARTICLE XVIII, SEC. 16(2) OF THE COLORADO CONSTITUTION, 12-43.3-101 ET. SEQ. C.R.S. AS AMENDED, 25-1.5-106 C.R.S. AND/OR THE REGULATIONS PROMULGATED BY THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, THE COLORADO DEPARTMENT OF REVENUE OR ANY OTHER

STATE AND/OR FEDERAL AGENCY WITH REGULATORY AUTHORITY AND THE LAWS OF THE CITY.

5.15.014 PENALTY

A VIOLATION OF ANY PROVISION OF THIS CHAPTER SHALL CONSTITUTE A MISDEMEANOR OFFENSE PUNISHABLE IN ACCORDANCE WITH SECTION 1.04.090 OF THE GRAND JUNCTION MUNICIPAL CODE. A PERSON COMMITTING A VIOLATION SHALL BE GUILTY OF A SEPARATE OFFENSE FOR EACH AND EVERY DAY DURING WHICH THE OFFENSE IS COMMITTED OR CONTINUED TO BE PERMITTED BY SUCH PERSON AND SHALL BE PUNISHED ACCORDINGLY.

THE ESTABLISHMENT, OPERATION AND/OR CONTINUATION OF ANY ACTIVITY IN VIOLATION OF THIS ARTICLE IS SPECIFICALLY DETERMINED TO CONSTITUTE A PUBLIC NUISANCE AND MAY BE ABATED BY THE CITY AS A NUISANCE AND MAY BE ENJOINED BY THE CITY IN AN ACTION BROUGHT BY BEFORE THE MUNICIPAL COURT.

THE REMEDIES SET FORTH IN THIS ARTICLE ARE AND SHALL BE DEEMED CUMULATIVE AND SHALL BE IN ADDITION TO ANY OTHER REMEDY(IES) AT LAW OR IN EQUITY THAT THE CITY MAY POSSESS OR ASSERT.

5.15.015 SEVERABILITY

THIS ORDINANCE IS NECESSARY TO PROTECT THE PUBLIC HEALTH, SAFETY, AND WELFARE OF THE RESIDENTS OF THE CITY.

IF ANY PROVISION OF THIS ORDINANCE IS FOUND TO BE UNCONSTITUTIONAL OR ILLEGAL, SUCH FINDING SHALL ONLY INVALIDATE THAT PART OR PORTION FOUND TO VIOLATE THE LAW. ALL OTHER PROVISIONS SHALL BE DEEMED SEVERED OR SEVERABLE AND SHALL CONTINUE IN FULL FORCE AND EFFECT.

All other provisions of Title 5 of the Grand Junction Municipal Code shall remain in full force and effect.

Section 21.04.010(d) of the Grand Junction Municipal Code shall be amended as follows (additions underlined):

- (d) **Prohibited Uses.** A blank space indicates the listed use is not allowed within the district, unless otherwise expressly allowed by another provision of this code. Marijuana related business, whether retail, commercial, industrial or agricultural, is prohibited in all zone districts in accordance with Title 5, Article 15, GJMC.

21.04.010 USE TABLE under the "Retail Sales and Service" category, the Table shall be footnoted to refer to Title 5, Article 15 GJMC.

All other provisions of Section 21.04.010 and 21.04.0140 shall remain in full force and effect.

21.04.040(g)(4) shall be amended to include MARIJUANA BUSINESSES as disallowed home occupations.

All other provisions of Section 21.04.0140 shall remain in full force and effect.

INTRODUCED ON FIRST READING AND ORDERED PUBLISHED in pamphlet form this 7th day of August, 2013.

PASSED, ADOPTED, and ordered published in pamphlet form this 4th day of September 2013.




Stephanie Turner
City Clerk

Sam Susser
President of the Council

I HEREBY CERTIFY THAT the foregoing Ordinance, being Ordinance No. 4599 was introduced by the City Council of the City of Grand Junction, Colorado at a regular meeting of said body held on the 7th day of August, 2013 and that the same was published in The Daily Sentinel, a newspaper published and in general circulation in said City, in pamphlet form, at least ten days before its final passage.

I FURTHER CERTIFY THAT a Public Hearing was held on the 4th day of September, 2013, at which Ordinance No. 4599 was read, considered, adopted and ordered published in pamphlet form by the Grand Junction City Council.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 6th day of September 2013.



Stephanie Tuin, MMC
City Clerk

Published: August 9, 2013
Published: September 6, 2013
Effective: October 6, 2013



ORDINANCE NO. ____

**AN ORDINANCE AMENDING ORDINANCE NO. 4599 AND SECTION 21.04.010 OF
THE MUNICIPAL CODE TO ALLOW MARIJUANA TESTING FACILITIES IN THE
CITY OF GRAND JUNCTION**

RECITALS:

The Grand Junction Municipal Code regulates a variety of businesses and land uses that occur and/or are proposed to occur within the City. On September 4, 2013 the City Council adopted Ordinance No. 4599 which prohibited the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities and retail marijuana stores within the City. Ordinance No. 4599 was codified as Title 5, Article 15 Section 010 *et. seq.* of the Grand Junction Municipal Code (GJMC).

In late 2015 the City, Mesa County and Colorado Mesa University, by, with and through the efforts of the Grand Junction Economic Partnership (GJEP), were successful in establishing the *Colorado Jumpstart* (“*Jumpstart*”) business development grant program. The *Jumpstart* endeavor was the result of the introduction and passage of legislation which was supported by many local leaders and enterprises including Representative Willett and Senator Scott, the publisher of the *Daily Sentinel* Mr. Jay Seaton, CMU President Foster and Grand Junction Area Chamber of Commerce CEO Schwenke and her Board. In January of 2016 the State of Colorado awarded the first *Jumpstart* incentives to the Grand Junction community/the businesses that had applied for incentives here. Because of the benefits of *Jumpstart* four businesses have been selected for the program and have committed to invest in Grand Junction, bringing new jobs and the economic gains associated with those jobs and the capital investment that will be necessary for those jobs.

One of the *Jumpstart* companies will be developing a laboratory and deploying its advanced analytical processes for genetic research and its ability to mark/trace chemical properties of agricultural products; if successful in securing a contract with the State of Colorado, one of the products to be tested by the company would be marijuana.

The use table of the Zoning and Development Code (Section 21.04.010) establishes the appropriate zone districts for land uses. The general use category of “Industrial Services, Contractors and Trade Shops, Oil and Gas Support Operations without hazardous materials” includes research and development laboratories. To clarify that marijuana testing facilities would be included in that general use category, a specific line-item principal use category is proposed as “Research, Testing & Laboratory Facilities—Indoors (including marijuana testing facilities)” as allowed in B-2 (downtown business), C-1 (light commercial), C-2 (general commercial), MU (mixed use), BP

(business park mixed use), IO (industrial/office park), I-1 (light industrial) and I-2 (general industrial) zone districts.

While the City Council acknowledges that marijuana is controversial, whether for medical or recreation use, and that the policies related to its sale and use are difficult and complex, the Council, having duly and fully considered an amendment to Ordinance No. 4599 to allow marijuana testing facilities, does hereby endorse the following amendment to the GJMC to allow, authorize and provide the opportunity for marijuana testing and testing facility(ies) to locate and conduct business within the City.

As part of its consideration of and determination of support for the amendment, the City Council notes that the Colorado legislature in both the 2015 and 2016 sessions approved marijuana testing facility legislation (SB 15-196 and HB 16-1064) with both bills becoming law. To the extent applicable, necessary or required the City Council adopts by reference the processes, standards and requirements of C.R.S. 12-43.3-301, 12-43.4-405 and the regulations promulgated by Colorado regulatory agencies having jurisdiction, including but not limited to the Colorado Department of Health and Public Environment, on, over, or pertaining to marijuana testing and the authorization, regulation and/or licensing of the same.

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

Title 5 of the Grand Junction Municipal Code is amended as follows. Amendments to the relevant parts of the Code are shown in ~~striketrough~~ and *ALL CAPS BOLD ITALIC* typeface.

Title 5, Article 15 GJMC

5.15.010 MARIJUANA

UNDER THE AUTHORITY GRANTED IN ARTICLE XVIII, SECTION 16 OF THE COLORADO CONSTITUTION (AMENDMENT 64) AND THE CHARTER OF THE CITY OF GRAND JUNCTION THIS ORDINANCE IS ADOPTED BY THE CITY COUNCIL TO PROHIBIT THE OPERATION OF MARIJUANA CULTIVATION FACILITIES, MARIJUANA PRODUCT MANUFACTURING FACILITIES, ~~MARIJUANA TESTING FACILITIES~~, RETAIL MARIJUANA STORES AND ALL BUSINESS AND LAND USES RELATED TO MARIJUANA IN THE CITY AND IN FURTHERANCE OF ITS STATED INTENT, THE CITY COUNCIL MAKES THE FOLLOWING FINDINGS.

5.15.012 APPLICABILITY AND EFFECTIVE DATE

THIS ARTICLE SHALL APPLY TO ALL PROPERTY AND PERSONS WITHIN THE CITY OF GRAND JUNCTION.

IT SHALL BE UNLAWFUL AND A VIOLATION UNDER THIS CHAPTER FOR A PERSON TO ESTABLISH, OPERATE, CAUSE OR PERMIT TO BE OPERATED, OR CONTINUE TO OPERATE WITHIN THE CITY AND WITHIN ANY AREA ANNEXED TO THE CITY AFTER THE EFFECTIVE DATE OF THIS ORDINANCE, A MARIJUANA CULTIVATION FACILITY, A MARIJUANA ESTABLISHMENT, A MARIJUANA PRODUCT MANUFACTURING FACILITY, ~~A MARIJUANA TESTING FACILITY~~, A RETAIL MARIJUANA STORE AND/OR TO CONDUCT ANY BUSINESS AS EITHER A PRIMARY, INCIDENTAL OR OCCASIONAL ACTIVITY OR ANY OTHER OPERATION INVOLVING THE SALE OF AND/OR THE OFFER TO SELL MARIJUANA AND/OR THE ESTABLISHMENT OF A LAND USE, HOME OCCUPATION, BUSINESS OR COMMERCIAL ACTIVITY CONCERNING MARIJUANA.

PURSUANT TO THE PROHIBITION SET FORTH ABOVE ANY APPLICATION FOR A LICENSE TO OPERATE A MARIJUANA FACILITY, ESTABLISHMENT OR COMMERCIAL OPERATION ***EXCEPT A MARIJUANA TESTING FACILITY***, SHALL BE DEEMED DENIED UPON THE DATE OF FILING THE SAME WITH THE CITY. APPLICATIONS FOR LICENSES MAY BE FILED WITH THE FINANCE DEPARTMENT. ***AN APPLICATION FOR A MARIJUANA TESTING FACILITY MAY BE FILED WITH THE COMMUNITY DEVELOPMENT DIVISION.***

IF AN APPLICATION FOR A MARIJUANA TESTING FACILITY IS GRANTED BY THE CITY, THE FACILITY SHALL CONDUCT ITS OPERATIONS IN ACCORDANCE WITH THE PROCESSES, STANDARDS AND REQUIREMENTS OF C.R.S. 12-43.3-301, 12-43.4-405 AND THE REGULATIONS PROMULGATED BY COLORADO REGULATORY AGENCIES HAVING JURISDICTION, INCLUDING BUT NOT LIMITED TO THE COLORADO DEPARTMENT OF HEALTH AND PUBLIC ENVIRONMENT, ON OR PERTAINING TO MARIJUANA TESTING AND THE AUTHORIZATION OF/LICENSING OF THE SAME. FURTHERMORE, AS DETERMINED NECESSARY OR REQUIRED THE CITY MANAGER, IN CONSULTATION WITH THE CITY ATTORNEY MAY ISSUE ADMINISTRATIVE REGULATIONS PERTAINING TO THE LICENSURE OF A MARIJUANA TESTING FACILITY IN ACCORDANCE WITH GJMC 2.12.010. THOSE REGULATIONS MAY INCLUDE BUT NOT BE LIMITED TO THE PAYMENT OF FEES; THE LICENSEE SHALL BE OBLIGATED TO PAY ANY AND ALL APPLICABLE STATE AND LOCAL FEES AND CHARGES AND COMPLY WITH ALL APPLICABLE LAW.

5.15.015 SEVERABILITY

THIS ORDINANCE IS NECESSARY TO PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE OF THE RESIDENTS OF THE CITY. IF ANY PROVISION OF THIS ORDINANCE IS FOUND TO BE UNCONSTITUTIONAL OR ILLEGAL, SUCH FINDING SHALL ONLY INVALIDATE THAT PART OR PORTION FOUND TO VIOLATE THE

LAW. ALL OTHER PROVISIONS SHALL BE DEEMED SEVERED OR SEVERABLE AND SHALL CONTINUE IN FULL FORCE AND EFFECT.

ALL OTHER PROVISIONS OF TITLE 5 OF THE GRAND JUNCTION MUNICIPAL CODE SHALL REMAIN IN FULL FORCE AND EFFECT.

SECTION 21.04.010(D) OF THE GRAND JUNCTION MUNICIPAL CODE SHALL BE AMENDED AS FOLLOWS:

(D) PROHIBITED USES. A BLANK SPACE INDICATES THE LISTED USE IS NOT ALLOWED WITHIN THE DISTRICT, UNLESS OTHERWISE EXPRESSLY ALLOWED BY ANOTHER PROVISION OF THIS CODE.

MARIJUANA RELATED BUSINESS, WHETHER RETAIL, COMMERCIAL, INDUSTRIAL OR AGRICULTURAL, **EXCEPT MARIJUANA TESTING FACILITY(IES)** ARE PROHIBITED IN ALL ZONE DISTRICTS IN ACCORDANCE WITH TITLE 5, ARTICLE 15, GJMC. **MARIJUANA TESTING FACILITY(IES) IS(ARE) ALLOWED IN THE ZONE DISTRICTS SHOWN.**

MARIJUANA TESTING FACILITES SHALL BE CATEGORIZED AS/UNDER THE “INDUSTRIAL SERVICES, CONTRACTORS AND TRADE SHOPS, OIL AND GAS SUPPORT OPERATIONS WITHOUT HAZARDOUS MATERIALS” CATEGORY OF THE USE ZONE MATRIX AS “RESEARCH, TESTING & LABORATORY FACILITES – INDOORS (INCLUDING MARIJUANA TESTING FACILITES” AS ALLOWED USES IN B-2, C-1, C-2, MU, BP, IO, I-1 AND I-2 ZONE DISTRICTS.

Key: A = Allowed; C = Conditional; Blank Cell = Not Permitted																								
USE CATEGORY	PRINCIPAL USE	R-R	R-E	R-1	R-2	R-4	R-5	R-8	R-12	R-16	R-24	R-O	B-1	B-2	C-1	C-2	CSR	M-U	BP	I-O	I-1	I-2	MX-	Std.
INDUSTRIAL																								
Industrial Services, Contractors and Trade Shops, Oil and Gas Support Operations without hazardous materials	Indoor Operations and Storage													C	A	A		A		A	A	A		
	Indoor Operations and Outdoor Storage (Including Heavy Vehicles)															A			C	A	A	A		See GJMC 21.03.090 21.04.040 (h)
	Outdoor Storage And Operations															A				A	A	A		21.04.040 (h)
	Research, Testing & Laboratory Facilities-- Indoors (includes Marijuana Testing Facilities)														A	A	A		A	A	A	A		See Title 5, Article 15 GJMC

21.04.010 USE TABLE UNDER THE "RETAIL SALES AND SERVICE" CATEGORY, THE TABLE SHALL BE FOOTNOTED TO REFER TO TITLE 5, ARTICLE 15 GJMC.

ALL OTHER PROVISIONS OF SECTION 21.04.010 AND 21.04.014 SHALL REMAIN IN FULL FORCE AND EFFECT.

INTRODUCED ON FIRST READING AND ORDERED PUBLISHED in pamphlet form
this 5th day of October, 2016.

PASSED, ADOPTED, and ordered published in pamphlet form this ____ day of ____
_____, 2016.

Mayor and President of the Council

ATTEST:

City Clerk



Grand Junction City Council

Regular Session

Item #6 a ii

Meeting Date: October 19, 2016

Presented by: Kristen Ashbeck,
Senior Planner

Submitted by: Kristen Ashbeck,
Senior Planner

Department: Admin. – Com. Dev.

Information

SUBJECT:

Ordinance Amending the Grand Junction Municipal Code, Greater Downtown Residential Standards, by Deleting Section 24.12.130(b) Residential Standards and Guidelines, Accessory Structures

RECOMMENDATION:

The Planning Commission recommended approval of the ordinance at their September 13, 2016 meeting.

EXECUTIVE SUMMARY:

The proposed ordinance amends the Greater Downtown Overlay, Title 24 of the Grand Junction Municipal Code (GJMC) Development Regulations by deleting standards for maximum height and size for accessory structures in the residential area of the District. Compatibility of accessory structures can be adequately addressed through the general provisions of the Development Code and specific architectural standards in the Greater Downtown standards.

BACKGROUND OR DETAILED INFORMATION:

The City Council has requested that staff propose amendments to City codes and regulations as needed to be dynamic and responsive. The proposed amendment will promote improvements and investment in the downtown area.

As the Greater Downtown Plan and Overlay District were being developed, downtown residential property owners expressed desires to maintain the character of the historic

neighborhoods in the original square mile, yet allow for upgrades to properties to retain the existing homes as viable for modern lifestyles.

To that end, the Greater Downtown Overlay District as adopted by City Council in 2013, includes guidelines and standards for the residential areas of downtown that address site planning and architectural considerations. The guidelines and standards were intended to allow for property modifications yet promote compatibility with existing character of the downtown historic residential neighborhoods. For the most part, this has been implemented without concerns. However, there are some adopted standards regarding accessory structures that have been difficult for property owners to work with when proposing property improvements. These specific standards are listed and further discussed below.

24.12.130. CURRENT STANDARDS FOR ACCESSORY STRUCTURES

(b) Accessory Structures

- (1) Accessory structures shall be no taller than the highest eave line of the principal structure.
- (2) The footprint size of an accessory structure shall be a maximum of 35 percent of the footprint of the principal structure.

ANALYSIS

Current standards have been found to be too restrictive when proposing typical accessory structures, particularly in the downtown residential areas. Many downtown homes are single story; thus, making it difficult for an accessory structure to meet eave line requirements, particularly if the proposed accessory structure is a two-story such as a garage with an accessory dwelling unit above. In addition, typical homes in the downtown residential area are small in size. Thus, the 35 percent of home size standard is not realistic for proposing a modern-sized accessory structure.

The primary intent of addressing accessory structures in the downtown residential area is to ensure architectural compatibility. This can be accomplished through the other standards already included in the Greater Downtown Overlay District rather than through the additional standards for accessory structures.

In addition, the Zoning and Development Code includes provisions that address the scale and compatibility of accessory structure and those would still apply to the downtown residential area; including:

- Accessory structures shall not be located in the front yard or the exterior side yard of a corner lot.
- In residential zone districts (R-2 and higher), the size of accessory structures is limited to a maximum of 75 percent of the square footage of the principal structure or 10 percent of the parcel size, whichever is greater.

- An accessory dwelling unit cannot exceed 700 square feet or 50% of the floor area of the primary residence, whichever is less.

PROPOSED CODE REVISIONS

In summary, the proposed Code amendment will delete the following standards from the Greater Downtown Overlay District (Section 24.12.130):

(b) Accessory Structures

(3) Accessory structures shall be no taller than the highest eave line of the principal structure.

(4) The footprint size of an accessory structure shall be a maximum of 35 percent of the footprint of the principal structure.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I MOVE to (approve or deny) Ordinance No. 4723 – An Ordinance Amending the Grand Junction Municipal Code, Greater Downtown Residential Standards, by Deleting Section 24.12.130(b), Residential Standards and Guidelines, Accessory Structures on Final Passage and Order Final Publication in Pamphlet Form.

Attachments

ATTACHMENT 1 – Planning Commission Staff Report
ATTACHMENT 2 – Proposed Ordinance

PLANNING COMMISSION AGENDA ITEM

Date: August 19, 2016

Author: Kristen Ashbeck

Title/ Phone Ext: Community

Services Coordinator/X 1491

Proposed Schedule: Planning

Commission: September 13, 2016

1st Reading: October 5, 2016

2nd Reading: October 19, 2016

Subject: Amending Section of the Zoning and Development Code Greater Downtown Overlay District to Delete Section 24.12.130(b) Regarding Accessory Structures

Action Requested/Recommendation: Forward a recommendation to City Council to amend the Grand Junction Municipal Code, deleting Section 24.12.130(b), Residential Areas Standards and Guidelines, Accessory Structures

Presenter(s) Name & Title: Kristen Ashbeck, Community Services Coordinator

Executive Summary:

The proposed ordinance amends the Zoning and Development Code, Title 21, of the Grand Junction Municipal Code (GJMC) by deleting standards for accessory structures in the Greater Downtown Overlay District.

Background, Analysis and Options:

24.12.130. CURRENT STANDARDS FOR ACCESSORY STRUCTURES

(b) Accessory Structures

(5) Accessory structures shall be no taller than the highest eave line of the principal structure.

(6) The footprint size of an accessory structure shall be a maximum of 35 percent of the footprint of the principal structure.

ANALYSIS

Literal interpretation of the current standards has been found to be too restrictive when proposing typical accessory structures, particularly in the downtown residential areas. Many downtown homes are single story; thus, making it difficult for an accessory structure to meet eave line requirements, particularly if the proposed accessory structure is a 2-story such as a garage with an accessory dwelling unit above. In addition, typical homes in the downtown residential area are small in size. Thus, the 35% of home size standard is not realistic for proposing a modern-sized accessory structure.

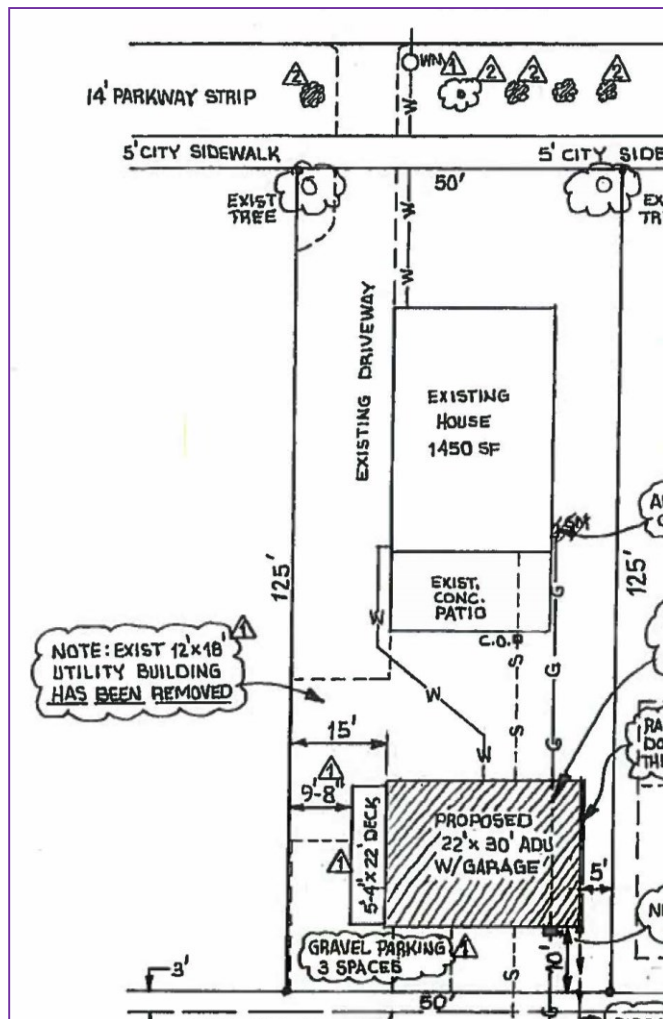
The primary intent of addressing accessory structures in the downtown residential area is to ensure architectural compatibility. This can be accomplished through the other standards already included in the Greater Downtown Overlay District rather than through the additional standards for accessory structures. The other standards address:

- Building Style and Character
- General Setbacks and Accessory Structure Setbacks
- Building Mass/Scale and Proportion
- Roof shape
- Fenestration
- Materials

In addition, the Zoning and Development Code includes some provisions that address the scale and compatibility of accessory structure such as:

- Accessory structures shall not be located in the front yard or the exterior side yard of a corner lot.
- In residential zone districts (R-2 and higher), the size of accessory structures is limited to a maximum of 75 percent of the square footage of the principal structure or 10 percent of the parcel size, whichever is greater.
- An accessory dwelling unit cannot exceed 700 square feet or 50% of the floor area of the primary residence, whichever is less.

EXAMPLE OF TYPICAL PROPOSAL



- 1-1/2 to 2 story structure – many houses downtown are single story. Thus, proposal cannot meet current eave requirement; and/or
- Accommodate garage or shop with accessory dwelling unit above.
- Smaller existing home size limits size of accessory structure under current standards. In this case, approximately 500 square feet would be maximum but proposal is 660 square feet; however
- Overall, the proposed accessory structure does not seem out of character with the neighborhood.
- Compatibility will be achieved through other standards in the Overlay District such as Building Mass/Scale and Proportion, Roof Shape and Materials.

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.

Policy B. Encourage mixed-use development and identification for increased density.

By eliminating specific regulations regarding size and height of accessory structures, downtown homeowners will be given greater flexibility for accessory structure design to include accessory dwelling units which increase housing options within the community.

Goal 6: Land use decisions will encourage preservation of existing buildings and their appropriate reuse.

By eliminating specific regulations regarding size and height of accessory structures, downtown homeowners will be given greater flexibility for accessory structure design which, in turn, promotes the preservation of the existing home.

How this item relates to the Economic Development Plan:

The purpose of the adopted Economic Development Plan is to present a clear plan of action for improving business conditions and attracting and retaining employees. The proposed amendment meets this intent by encouraging downtown homeowners to improve their property, potentially provide additional housing options and continue to improve the community standing as a viable, healthy and safe community.

Board or Committee Recommendation:

The Planning Commission will make a recommendation to City Council on September 13, 2016.

Other issues:

No other issues have been identified.

Previously presented or discussed:

The Planning Commission discussed this at their workshop on August 18, 2016 and a public hearing was held before the Planning Commission on September 13, 2016.

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE GRAND JUNCTION MUNICIPAL CODE,
GREATER DOWNTOWN RESIDENTIAL STANDARDS, BY DELETING SECTION
24.12.130(b) RESIDENTIAL STANDARDS AND GUIDELINES, ACCESSORY
STRUCTURES**

Recitals:

This ordinance amends the Zoning and Development Code, Title 21, of the Grand Junction Municipal Code (GJMC) to delete standards for accessory structures in Residential areas of the Greater Downtown Overlay District. Literal interpretation of the current standards has been found to be too restrictive when proposing typical accessory structures, particularly in the downtown residential areas. Many downtown homes are single story; thus, making it difficult for an accessory structure to meet eave line requirements, particularly if the proposed accessory structure is a 2-story such as a garage with an accessory dwelling unit above. In addition, typical homes in the downtown residential area are small in size. Thus, the 35% of home size standard is not realistic for proposing a modern-sized accessory structure.

The primary intent of addressing accessory structures in the downtown residential area is to ensure architectural compatibility. This can be accomplished through the other standards already included in the Greater Downtown Overlay District rather than through the additional standards for accessory structures.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of amending Section 24.12.130 to eliminate Section (b), Accessory Structures.

The Planning Commission and City Council find that the amendment is in conformance with the stated criteria of Section 21.02.140 of the Grand Junction Municipal Code.

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

Section 24.12.130(b) is deleted in its entirety as follows (deletions struck through):

24.12.130 Standards.

~~(b) Accessory Structures.~~

~~(1) Accessory structures shall be no taller than the highest eave line of the principal structure.~~

~~2) The footprint size of an accessory structure shall be a maximum of 35 percent of the footprint of the principal structure.~~

All other parts of Section 24.12.130 shall remain in full force and effect.

Introduced on first reading this 5th day of October, 2016 and ordered published in pamphlet form.

Adopted on second reading this _____ day of _____, 2016 and ordered published in pamphlet form.

ATTEST:

City Clerk

Mayor

SD

CITY COUNCIL MEETING

CITIZEN PRESENTATION

Date: _____

Citizen's Name: Donna Kolumiller

Address: 11111 Seaboard Blvd #208

Phone Number: _____

Subject: "Vets" Annual Hat + Music Extravaganza - ^{Wash Fedral} ~~Wash State~~ ^{Whitman Park}

Please include your address, zip code and telephone number. They are helpful when we try to contact you in response to your questions, comments or concerns. Thank you.

HONORING OUR VETERANS

ART
MUSIC
POETRY
STORYTELLING
ENTERTAINMENT
KIDS ART ACTIVITIES

FREE

NOVEMBER 11, 2016

OPERATION REVAMP PRESENTS

VETERANS DAY

ANNUAL ART & MUSIC EXTRAVAGANZA

AVALON THEATER 1 PM ~ 9 PM
645 Main St, Grand Junction

- 1-6 PM VETERANS ART EXHIBIT
- 1-2 PM VETERANS STORY TELLING
- 2-4 PM VARIETY SHOW IN THEATER
- 4-7 PM MEZZANINE ENTERTAINMENT
- 5-7 PM 'NO OUTLET' IN THE THEATER
- 6-7 PM VIP MEET & GREET
- 6:30 PM LIVE AUCTION
- 7:30 PM JENEVE ROSE MITCHELL IN CONCERT*



OPEN TO THE PUBLIC ~ EVERYONE WELCOME ~ 970-462-3126
*free tickets to the evening concert required - go to www.veteransartcenter.org or pick up at Veterans Art Center

ANB Bank | CAPCO | REGAL ENTERTAINMENT GROUP | Alpine Bank | FCI | KIDZPLEX | X106.9 | MURDOCH'S | BEACON | Family Health West | Benchmark

Operation Revamp is a non-profit providing the Veterans Art Center and Helping Veterans Heal

CITY COUNCIL MEETING

CITIZEN PRESENTATION

Date: 12/19/16

Citizen's Name: Peggy Woody

Address: 3406 C 1/2 Rd Palisade Co 81526

Phone Number: _____

Subject: Thanks for improvements on North Ave

Please include your address, zip code and telephone number. They are helpful when we try to contact you in response to your questions, comments or concerns. Thank you.



North Avenue Complete Streets Project

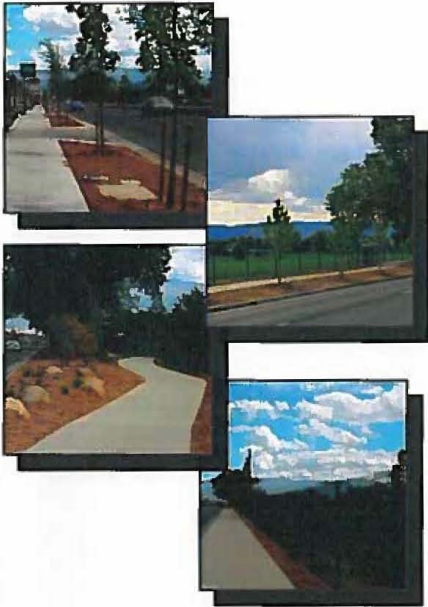
Ribbon Cutting and Celebration

Join us as we celebrate the completion of phase 1 of the beautiful North Avenue Complete Streets Renovation Project.

Food, prizes, a variety of mascots and a touch-a-truck display will all be part of the festivities. Bring the kids and have a bite to eat!

Thursday, October 27, 2016, 5 to 6 p.m.

Northeast corner of 15th Street and North Avenue Park in the lot to the north of the former Far East building



Free Drawing!!

- 2 Redline BMX Bikes
- 2 Ski Tune Ups!



City of Grand Junction City Council Meeting October 19, 2016

Broadband Day 561

Prepared by: Richard Swingle

Broadband Day 561 Overview and Definitions

- “To become the most livable community west of the Rockies by 2026”
- Grand Junction voters overwhelmingly approve SB 05-152 exemption on April 7, 2015 allowing city to consider municipal solutions (561 days ago)
- Broadband requires a minimum of 25Mbps download and 3Mbps upload
- Only Charter via coaxial (coax) delivers broadband (25Mb+) in the City of Grand Junction
- U.S. is transitioning to the 4th generation of communication infrastructure (Fiber to the Premise or FTTP)

Broadband Day 561

10/19/16 City Council Agenda Contracts - 5c

5. Contracts/Other Action Items – 5c

- Exclusive Negotiation Agreement with Nokia/SiFi to Determine Whether a Citywide Broadband Project will be Commercially Viable

Broadband Day 561

Item 5c Highlights

Preferred provisions (page 174)

- City owns the Fiber to the Premise (FTTP) network from outset
- City has unequivocal control for Smart City usage
- A ubiquitous fiber network throughout the City, built within two construction seasons; the DDA boundary is prioritized
- The Nokia/SiFi Team takes full responsibility for all financial and construction risk of the FTTP project
- The FTTP project is guaranteed to be cash flow positive
- An independent market demand survey will be completed to ensure there is community demand for an FTTP as part of the next phase of the project

Financial Impact

- project is determined to be viable and the City Council elects not to proceed the City would pay for the actual costs incurred for Milestone #1 up to a cap of \$50,000

Broadband Day 561

Suggested Motion

Suggested Motion:

- I MOVE to (authorized or deny) the City Manager to Enter into an Exclusive Negotiation Agreement with Nokia/SiFi to Complete a Demand Survey of the Community, Network Desktop Design, Network Architecture and Financial Analysis. If the project is determined to be viable and the City Council elects not to proceed the city would pay for the actual costs incurred for Milestone #1 up to a cap of \$50,000.

Broadband Day 561

Citizen Input on Suggested Motion

Vote NO

- The Fiber to the Premise) FTTP project is guaranteed to be cash flow positive
 - What is the assumed rate of penetration (take rate)?
 - Citizens of Rangely and Meeker spending \$13M to get broadband
 - Citizens of Montrose and Delta have received \$2M study funding from DOLA
 - Montrose, Delta, Rangely, Meeker, Glenwood Springs, and Durango moving much faster
- Century Link and Charter Spectrum are not going to standstill – they have lost in almost all other Western Slope communities, what makes us unique?
- Save the \$50,000
- Is this a utility by 2020 and should not be expected to have an ROI?