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**CITY COUNCIL AGENDA
WEDNESDAY, NOVEMBER 16, 2016
250 NORTH 5TH STREET
5:45 P.M. (note early start time) – 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, Moment of Silence

Proclamations

[Proclaiming November 17, 2016 as “March of Dimes World Prematurity Day” in the City of Grand Junction](#)

[Proclaiming November 26, 2016 as “Small Business Saturday” in the City of Grand Junction](#)

[Proclaiming November 2016 as “Hospice and Palliative Care Month” in the City of Grand Junction](#)

[Proclaiming December 6, 2016 as “Grand Valley Gives Day” in the City of Grand Junction](#)

Appointment

To the Grand Junction Housing Authority Board

Citizen Comments

[Supplemental Documents](#)

Council Reports

Consent Agenda

1. Approval of Minutes

- a. [Minutes of the October 19, 2016 Regular Meeting](#)

2. Set Public Hearings

a. Legislative

- i. [Proposed Ordinance Appropriating Certain Sums of Money to Defray the Necessary Expenses and Liabilities of the City of Grand Junction, Colorado and the Downtown Development Authority for the Year Beginning January 1, 2017 and Ending December 31, 2017 \(Set Hearing for December 7, 2016\)](#)
- ii. [Proposed Ordinance Amending and Reinstating Section 3.12.070 of Title 3 of the Grand Junction Municipal Code Concerning the Exemption from Sales Tax of Seller Installed Aircraft Parts \(Set Hearing for December 7, 2016\)](#)
- iii. [Proposed Ordinance Amending Title 3, Section 3.12, Sales and Use Tax, of the Grand Junction Municipal Code Concerning Sales Tax Exemption for Sales Made by Schools, School Activity Booster Organizations, and Student Classes or Organizations \(Set Hearing for December 7, 2016\)](#)

b. Quasi-judicial

- i. [Proposed Ordinance Zoning the Connor Annexation to R-5 \(Residential – 5 du/ac\), Located at 2839 Riverside Parkway \(Set Hearing for December 7, 2016\)](#)
- ii. [Proposed Ordinance Expanding the Boundaries of and Including Property Located at 401 Colorado Ave into the Downtown Grand Junction Business Improvement District \(Set Hearing for December 7, 2016\)](#)

3. Resolutions

- a. [Resolution No. 47-16 – A Resolution for Allocation of Certain Property Tax Revenues for the Grand Junction Downtown Development Authority and for Certification of Property Tax Distribution Percentages to the County Assessor](#)
- b. [Resolution No. 48-16 – A Resolution for Allocation of Certain Sales Tax Revenues for the Grand Junction Downtown Development Authority](#)
- c. [Resolution No. 49-16 – A Resolution Authorizing the City Manager to Submit a Grant Request to the Colorado Department of Local Affairs Energy and Mineral Impact Assistance Program for the 1st Street Reconstruction Project](#)

4. Other Action Items

- a. [Horizon Drive Association Business Improvement District's 2017 Operating Plan and Budget](#)
- b. [Downtown Grand Junction Business Improvement District's 2016 Budget Report and 2017 Summary and Budget](#)

Regular Agenda

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

5. Resolution

- a. [Resolution No. 50-16 – A Resolution Supporting the Grant Application for a School Yard Grant from the State Board of the Great Outdoors Colorado Trust Fund for Orchard Avenue Elementary School](#)

6. Other Action Item

- a. [Math and Science Center Letter of Support for Great Outdoors Colorado Grant Application](#)

[Supplemental Documents](#)

7. Public Hearings

a. Legislative

- i. [Ordinance No. 4724 – An Ordinance Making a Supplemental Appropriation to the 2016 Budget of the City of Grand Junction, Colorado](#)

[Supplemental Documents](#)

- ii. [Ordinance No. 4725 – An Ordinance Amending Sections of the Zoning and Development Code \(Title 21 of the Grand Junction Municipal Code\) Regarding Signage](#)

8. Non-Scheduled Citizens & Visitors

9. Other Business

10. Adjournment

Grand Junction

State of Colorado

PROCLAMATION

WHEREAS, premature birth, those babies born before 37 weeks, is the leading cause of newborn deaths; and

WHEREAS, among babies who survive, it can be a cause of serious lifelong health problems; and

WHEREAS, one in 12 Colorado babies is born too soon; and

WHEREAS, prematurity takes an enormous toll on families and costs society billions of dollars; and

WHEREAS, most people are unaware of this common and serious problem; and

WHEREAS, the March of Dimes, known for conquering the epidemic of polio, is now bringing people together to promote awareness and fight the crisis of prematurity.

NOW, THEREFORE, I, Phyllis Norris, by the power vested in me as Mayor of the City of Grand Junction, do hereby proclaim November 17, 2016 as

“MARCH OF DIMES WORLD PREMATURITY DAY”

in the City of Grand Junction.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official Seal of the City of Grand Junction this 16th day of November, 2016.

Mayor



Grand Junction

State of Colorado

PROCLAMATION

WHEREAS, the government of Grand Junction, Colorado celebrates our local small businesses and the contributions they make to our local economy and community; according to the United States Small Business Administration, there are currently 28.8 million small businesses in the United States, they represent more than 99.7 percent of all businesses with employees in the United States and are responsible for 63 percent of net new jobs created over the past 20 years; and

WHEREAS, small businesses employ over 49 percent of all employees in the United States; and

WHEREAS, 89 percent of consumers in the United States agree that small businesses contribute positively to the local community by supplying jobs and generating tax revenue; and

WHEREAS, 87 percent of consumers in the United States agree that small businesses are critical to the overall economic health of the United States; and

WHEREAS, 93 percent of consumers in the United States agree that it is important for people to support the small businesses that they value in their community; and

WHEREAS, the City of Grand Junction, Colorado supports our local businesses that create jobs, boost our local economy, and preserve our neighborhoods; and

WHEREAS, local advocacy groups such as the Downtown Grand Junction Business Improvement District and the Grand Junction Chamber of Commerce as well as public and private organizations across the country have endorsed the Saturday after Thanksgiving as Small Business Saturday.

NOW, THEREFORE, I, Phyllis Norris, by the power vested in me as Mayor of the City of Grand Junction, do hereby proclaim November 26, 2016 as

“SMALL BUSINESS SATURDAY”

and urge the residents of our community, and communities across the country, to support small businesses and merchants on Small Business Saturday and throughout the year.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official Seal of the City of Grand Junction this 16th day of November, 2016.

Mayor



Grand Junction

State of Colorado

PROCLAMATION

WHEREAS, *HopeWest is dedicated to profoundly changing the way our community experiences serious illness and grief—one family at a time; and*

WHEREAS, *HopeWest provides extraordinary, family-centered care that inspires and enriches people's lives, transforming forever the way they perceive illness, death, and grief; and*

WHEREAS, *Last year, HopeWest provided compassionate, comprehensive end-of-life care to more than 1,770 patients and families; and*

WHEREAS, *HopeWest is made possible through the generosity of our community, nearly 1,500 volunteers, and more than 340 staff dedicating their time and talent to our organization; and*

WHEREAS, *Hospice and Palliative Care Month is a unique opportunity to increase the public's awareness of HopeWest and acknowledge the community that makes it all possible.*

NOW, THEREFORE, I, Phyllis Norris, by the power vested in me as Mayor of the City of Grand Junction, do hereby proclaim November, 2016 as

"HOSPICE AND PALLIATIVE CARE MONTH"

in the City of Grand Junction and ask that the City Council encourage the support and participation of friends, neighbors, colleagues and fellow citizens in hospice activities and programs now and throughout the year.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official Seal of the City of Grand Junction this 16th day of November, 2016.

Mayor



Grand Junction

State of Colorado

PROCLAMATION

WHEREAS, the Grand Valley Gives Collaboration was formed in 2012 on the western slope out of a recognized need to increase awareness of the benefits of giving back to the community where you live, in conjunction with the statewide movement titled "Colorado Gives Day; and

WHEREAS, this local collaboration, seeks to raise awareness for all non-profits in the Grand Valley community, thereby increasing local philanthropy; and

WHEREAS, as part of the statewide movement of Colorado Gives Day on Tuesday, December 6, 2016, 24 participating agencies in Grand Valley Gives will work together to raise over \$150,000 right here in the Grand Valley; and

WHEREAS, this collaboration believes in the importance of nonprofit agencies working together to enhance giving in our community to ensure that our local non-profits can continue to provide the services that are so important to Grand Valley citizens; and

WHEREAS, it draws attention back to the local non-profit community and the wide array of causes supported in the Grand Valley; and

WHEREAS, with the benefit of the \$1 million incentive fund offered by Community First Foundation as part of Colorado Gives Day, every non-profit that is a part of Grand Valley Gives will receive a portion of the incentive fund, increasing the value of every donation.

NOW, THEREFORE, I, Phyllis Norris, by the power vested in me as Mayor of the City of Grand Junction, do hereby proclaim December 6, 2016 as

"GRAND VALLEY GIVES DAY"

and encourage the entire community to support the Grand Valley Gives Collaboration in its efforts to increase awareness for Colorado Gives Day and the benefits of giving back to the community in the City of Grand Junction.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official Seal of the City of Grand Junction this 16th day of November, 2016.

Mayor



GRAND JUNCTION CITY COUNCIL

MINUTES OF THE REGULAR MEETING

October 19, 2016

The City Council of the City of Grand Junction convened into regular session on the 19th day of October, 2016 at 7:00 p.m. Those present were Councilmembers Chris Kennedy, Duncan McArthur, Rick Taggart, Barbara Traylor Smith, Martin Chazen, and Council President Phyllis Norris. Councilmember Bennett Boeschenstein was absent. Also present were City Manager Greg Caton, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Norris called the meeting to order. Councilmember Kennedy led the Pledge of Allegiance which was followed by an invocation by Pastor Andy Baker, Living Stone Christian Church.

Council President Norris welcomed Colorado Mesa University (CMU) students attending the City Council meeting.

Citizens Comments

Mr. Bruce Lohmiller, 3032 North 15th Street, #208, spoke regarding Night Patrol Warm-up at Whitman Park, a solution to opiate addiction which is a drug that can reduce the craving, noting Congressman Scott Tipton had a seminar on it. He also announced the upcoming Veterans Annual Art and Music Extravaganza at the Avalon Theatre. He then addressed aging and enzymes that might be of use.

Poppy Woody, 3406 C ½ Road and owns the business at 1708 North Avenue, expressed her appreciation to the Council and the City for all the efforts in the first phase of the revitalization of the North Avenue Complete Streets Project. She looks forward to the next phase. The North Avenue business owners are increasing activity and showing interest in improving their North Avenue properties. The North Avenue corridor is a major contributor to City sales tax which will increase with these improvements. Ms. Woody encouraged all to attend the ribbon cutting celebration on October 27th at the Far East parking lot beginning at 5:00 p.m.

Richard Swingle, 443 Mediterranean Way, stated he had a presentation related to item 5.c. on the Council meeting agenda and asked if he could present it then or wait to present. He wanted to present the information before Council voted on that item.

Council President Norris asked if Council would like to hear Mr. Swingle's comments on the 5.c. agenda item. Councilmembers McArthur, Traylor Smith, and Kennedy said they would prefer to hear Mr. Swingle's presentation and any other citizen comments on 5.c. after the staff presentation on that item.

Council Reports

Councilmember McArthur attended the following meetings and events between October 12th and October 19th: the Colorado River Basin Roundtable meeting and the Colorado Coalition for the Homeless meeting where they heard a presentation from Mind Springs Health of Mesa County regarding services they provide that are reducing the impact on hospital emergency rooms throughout Mesa County. Councilmember McArthur was wearing a pink shirt in support of Breast Cancer Awareness Month and also wore a button stating that he voted. He complimented St. Mary's Hospital for professionalism and staff competency during a recent experience with them.

Councilmember Chazen attended the following meetings or events between October 12th and October 19th: the Grand Junction Chamber of Commerce Energy Briefing regarding the downturn in the energy industry and how it is impacting Western Colorado; the Downtown Development Authority (DDA) and Downtown Grand Junction Business Improvement District (DGJBID) meeting discussing an increase in police presence in the downtown area and creating "parklets"; a meeting with Associated Governments of Northwest Colorado (AGNC) where Colorado Lieutenant Governor Donna Lynn, Department of Local Affairs (DOLA), and several others participated in discussions regarding Western Slope issues and concerns.

Councilmember Kennedy attended a Grand Junction City Parks and Recreation (P&R) Advisory Board meeting discussing priority projects for 2017. Councilmember Kennedy said a constituent was refused entry to a business due to a slogan on his t-shirt and he suggested the community talk openly about this type of issue.

Councilmember Traylor Smith attended the Grand Junction Economic Partnership (GJEP) meeting with discussions regarding business expansion and the Jump Start Program.

Councilmember Taggart had no comments.

Council President Norris said she made a presentation and answered questions at a Grand Junction Newcomers Club meeting.

Consent Agenda

Councilmember Chazen moved to adopt the Consent Agenda items #1 through #4. Councilmember Traylor Smith seconded the motion. Motion carried by roll call vote.

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

3. Contracts

- a. 2016 Community Development Block Grant Program Year Sub-Recipient 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)

North Avenue Catalyst Grant Request in the Amount of \$8,723.50 from Grand Mesa Medical Supply, Located at 1708 North Avenue

Lori V. Bowers, Senior Planner, presented this item. She described the request and the location. Ms. Bowers said the North Avenue Catalyst Grant Program was implemented in November 2014 and provided additional grant background information. She described the location, the proposed sign upgrade, and said the North Avenue Catalyst Grant Committee forwarded a recommendation of approval.

Poppy Woody, grant applicant for Grand Mesa Medical Supply, 1708 North Avenue, submitted an application for consideration for \$8,723.50 to the North Avenue Catalyst Grant Program. Ms. Woody explained that the grant request is one-half of the cost for a proposed monument sign to replace the existing pole sign at 1708 North Avenue.

Councilmember Kennedy asked if the sign would have lighting. Ms. Woody answered yes. Councilmember Kennedy commented that this was the ninth grant application. Unrelated to this applicant, he expressed hesitation awarding grants from the North Avenue Catalyst Grant Fund due to a grant awarded to a company that went out of business two months after the award was granted. He asked what is being done to avoid this from happening in the future.

Ms. Bowers stated that research is now being completed on grant applicants ensuring the business is viable and current on all taxes.

Councilmember McArthur asked what the total amount of grant awards are to date. Ms. Bowers stated over \$70,400 of grant money has been awarded since inception of the North Avenue Catalyst Grant Program.

Councilmember McArthur agreed that a big step of improvement for North Avenue is signage. He thanked Ms. Woody for her North Avenue business improvements.

Councilmember Chazen asked if there are any outstanding grant requests for 2016. Ms. Bowers stated that one application has not finalized their request but the amount was included in the 2016 budget. Councilmember Chazen thanked Ms. Woody for her efforts in business improvement and stated that this is critical for the transformation of the North Avenue Corridor.

Councilmember Taggart asked what the available grant funds are for the 2017 budget. City Manager Caton stated the amount is \$30,000, which is the annual average.

Councilmember Traylor Smith moved to approve the North Avenue Catalyst Grant request in the amount of \$8,723.50 from Grand Mesa Medical Supply, located at 1708 North Avenue. Councilmember Chazen seconded the motion. Motion carried by roll call vote.

Construction Contract for the Water Treatment Plant Filter Upgrade Project

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.

Public Works Director Greg Lanning presented this item noting this project has previously been before Council. Mr. Lanning explained this step of the process and described the benefits of the project's completion. Mr. Lanning said the request is to approve the contract contingent on the execution of the loan agreement and, once installed, there will be fewer backwash cycles with less electricity and water wasted. Mr. Lanning said the recommended contractor is the low bidder and is very qualified. If authorized, installation is to begin the winter of 2016.

Councilmember Chazen moved to authorize 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. Councilmember Kennedy seconded the motion. Councilmember Chazen amended the motion to include "contingent on the execution of the loan agreement". Councilmember Kennedy seconded the amended motion. Motion carried by roll call vote.

Exclusive Negotiation Agreement with Nokia/SiFi to Determine Whether a Citywide Broadband Project will be Commercially Viable

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 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 Council as the first of three milestones for a potential broadband project.

Councilmember Kennedy disclosed his role as Regional Broadband Project Director of Region 10 and noted he does have contact with the principals in this contract but has not been involved in any of the City's negotiations. Councilmember Kennedy does not think there will be any conflict of interest.

Councilmember Chazen asked Councilmember Kennedy if he was in contact with any principals from Nokia/SiFi. Councilmember Kennedy answered that he has not talked to them regarding the broadband project with the City.

Councilmember McArthur asked if Councilmember Kennedy will be involved with negotiations regarding this project. Councilmember Kennedy said no.

Council President Norris asked City Attorney John Shaver if he feels there would be any conflict with the Nokia/SiFi project regarding Councilmember Kennedy. City Attorney Shaver said he received a written disclosure from Councilmember Kennedy which is consistent with what has been disclosed.

Tim Moore, Deputy City Manager, presented the item. He introduced the broadband team: Shelly Dackonish, Staff Attorney; Jay Valentine, Internal Services Manager (ISM) and Diane Kruse, NeoConnect Consultant. Other team members Scott Hockins, Project Manager, and Jim Finlayson, Information Technology (IT) Director were not in attendance. Mr. Moore reviewed the project history and goals explaining initially a pilot project in the downtown area was planned but it was too small of an area to be viable, so the project now includes the entire City. Mr. Moore stated Council wanted a public/private partnership for broadband services with control and at minimal risk in order to make broadband service affordable for residences and businesses. The proposed contract is for a viability study and market analysis.

Mr. Moore listed several points of why Nokia/SiFi was chosen as the vendor for the broadband project. Their proposal includes no borrowing of funds, the control of smart city applications, and the network will be owned by the City through a long term lease. It will result in a ubiquitous fiber optic network with open access; it will be affordable and will have shared risk. Mr. Moore gave details of the three milestones of the proposal with Nokia/SiFi and requested the project move forward with milestone one.

Council President Norris then allowed for public comment.

Richard Swingle, 443 Mediterranean Way, said it has been 561 days since the approved vote of the citizens to research broadband services for the City. He reviewed his previous presentations and provided broadband/fiber definitions. He stated there is no guaranteed cash flow and recommended against the contract. Mr. Swingle said Spectrum and Century Link will undercut the rate, mess up the "take rate" leaving no incentive for replacing the coax with fiber. He thinks the proposal is doomed.

Jon Labrum, 680 Kapota Street, stated he was in attendance on behalf of the City of Fruita and Town of Palisade, representing the IT departments for each. Mr. Labrum discussed the impact outside the Grand Junction City limits in regards to the information presented at the annual Broadband Conference (Mountain Connect) and suggested the study and market analysis encompass the entire Grand Valley. Mr. Labrum expressed concerns regarding the City being the only broadband provider with no alternate option and stated that when the economics of the City change, as they would if the City were a broadband provider, it would impact all the surrounding areas.

Tom Benton, Director of CMU's Maverick Innovative Center at 1100 North Avenue, said while attending a GJEP meeting, a co-member told him his broadband service has increased and fees have decreased, which he attributed to the City's interest in becoming a broadband provider. Mr. Benton referred to milestone one and suggested the City provide the engagement letter for the independent contractor in the interest of fairness.

Mr. Moore thanked the Council and offered the expertise of the broadband team in attendance to answer questions.

Councilmember Kennedy said he was the Council Representative on the Broadband Steering Committee and is familiar with the initial proposals. He asked Mr. Moore, regarding the completion of milestone one, if the City will work strictly with Nokia/SiFi or will there be an opportunity to move in a different direction. Mr. Moore answered that the contract would be written with flexible options.

City Manager Caton added this is the beginning of vendor relations with Nokia/SiFi and should milestone one prove nonviable, there would be a reassessment of the contact.

Ms. Dackonish stated that the proposed terms of the contract have an out, but there is a cost for the survey efforts with a cap up to \$50,000 in compensation if the project does not move forward if the survey shows positive results.

Councilmember Kennedy said that his research indicates that Nokia/SiFi has not built a broadband system in the United States. He expressed concern about the feasibility of this project.

Mr. Moore said he has had similar discussions with Nokia/SiFi and there may not be enough mass/opportunity to capture the “take rate” and the financial piece is being assessed.

City Manager Caton stated he is looking forward to the market analysis results that will help determine the financial model of this project.

Ms. Kruse said in the financial analysis, research indicates the Nokia/SiFi project has very little financial risk in the first year and the City assumes the risk of the “take rate”. Ms. Kruse stated milestone two includes verifying the assumptions in the model and the proposed agreement. Ms. Kruse stated that in the 30-year lease, the City assumes the risk of “take rate” in the range of 33 to 38% with is a substantial ramp-up period with no assumption of risk until the network is substantially complete (approximately 2 to 3 years) with a 36-month ramp-up period. She said through due diligence, there have been attempts to negotiate with another provider however, there was more risk in that proposal.

Councilmember Kennedy asked if the risk is there, what is the reward for the “take rate” and, is it in the shared revenue model? Ms. Kruse stated no, it is revenue neutral. Councilmember Kennedy asked if Smart City control is an added cost with no possible enterprise fund. Ms. Kruse said they are still working on the part of the revenue that could be dedicated to the enterprise fund. Councilmember Kennedy asked if the results of milestone one proved to be unviable, can the City negotiate at a later date.

Councilmember Taggart said the financial models have not been presented to Council and the proposal did not mention upside sharing. Councilmember Taggart stated that the proposal was objectionable with key components not shared and agreed the demand survey is needed to determine the City’s and Nokia/SiFi's requirements. He

would like to see the financial analysis on this project and is very interested in the independent consultant's results of the demand survey.

Councilmember Traylor Smith asked if the demand study will go further than the City limits. Ms. Kruse said NeoConnect is currently conducting a joint study for Mesa and Garfield Counties for regional broadband services.

Councilmember Traylor Smith agreed the independent contractor should be hired by the City. She asked what happens with the City owned Fiber to the Premises (FTTP) at the end of the 30-year term.

Mr. Valentine explained the structure of the agreement and discussed the financial model which is similar to Certificates of Participation (COP) where the City owns the lease and makes lease payments. City Attorney Shaver said the lease would be an asset of the City with presumption of ownership, which is not title ownership. Mr. Valentine said the independent survey will not be done by Nokia/SiFi and the City will negotiate the parameters of the survey.

Ms. Dackonish talked about the demand survey and stated that Nokia/SiFi also wants this survey to be done correctly and be conducted by an independent company. Ms. Dackonish said Nokia and Nokia/SiFi will be investing in this project and they also do not want a skewed survey.

Councilmember Traylor Smith asked about the competitive letters of intent with two Internet Service Providers (ISP) and asked if there would be an opportunity to have additional ISPs. Mr. Moore said yes, other ISPs could be added over time.

Ms. Dackonish said under this model, any additional ISP would be required to buy-in which would open up an unlimited opportunity, however any ISP added would be after a selection process.

Councilmember Chazen stated on October 10th, he requested an opportunity to sit down with Mr. Caton to review milestone one. Councilmember Chazen agreed with Mr. Benton and Councilmember Taggart about the independent contractor and the "take rate". Councilmember Chazen looks forward to the results of the demand survey and expressed concern about taking market shares from existing broadband providers. He requested clarity regarding the financial risk, guaranteeing a minimum "take rate", and ownership versus leasing.

Mr. Moore said one incumbent submitted a proposal and was asked if they wanted to participate, however they have not responded.

Councilmember Chazen asked if NeoConnect has done a survey projecting the number of potential broadband users in our area. Ms. Kruse said approximately 29,000 households and 4,000 businesses could be users. Councilmember Chazen asked why the City is paying for the market survey, when it has already been determined how many potential customers would be served by City broadband.

Mr. Moore said the City would only pay for the market analysis if it came back favorably and the City chose not proceed with the project. Councilmember Chazen asked who would decide the results are favorable. Mr. Moore said the contract will define what is or is not favorable.

Councilmember Chazen asked for clarity between Nokia and Nokia/SiFi. Mr. Moore said Nokia provides hardware and Nokia/SiFi provides financing. Councilmember Chazen asked if Nokia/SiFi is a new company and if a long term viability study was completed. Mr. Moore said they have not done a study on Nokia/SiFi as they have been focused on milestone one.

Councilmember Chazen said if the City proceeds with milestone one, the cost would be \$50,000 and if the City proceeds with the design, the cost would be \$200,000. He said with the potential cost of \$250,000, Council needs clarity on the financial risk to the City.

City Manager Caton said there is risk and staff is recommending an option to mitigate it as much as possible. He said the only risk for the \$50,000 is if the completed market analysis is favorable and the City decides against proceeding with the project.

Councilmember Chazen asked for clarity on the cash flow of this project and the no risk to the City in the staff report. Councilmember Chazen stated that a revenue neutral project without "take rate" numbers does not make financial sense.

Councilmember McArthur asked if this project is completed, will the community end up with just one provider. Ms. Kruse said the plan is to build fiber to every home and business and offer very affordable service and open access, with several service providers. Councilmember McArthur asked if Charter and CenturyLink would be able to use this network. Ms. Kruse answered yes.

Councilmember McArthur asked, since this is not a huge market (60,000 residences in Grand Junction), would the "take rate" be reduced if Fruita and Palisade were included. Ms. Kruse said that possibility has not been analyzed. She said market size is a good size market for this project.

Councilmember McArthur said he did not think the market could support three providers and asked what Nokia's risk is for the market study. Ms. Dackonish said Nokia and Nokia/SiFi's cost for the study will be more than \$50,000. Councilmember McArthur said, therefore, it would be to Nokia's benefit if the market study showed that the project is feasible.

Councilmember McArthur asked why Google is not installing new fiber networks. Ms. Kruse said Google has not abandoned fiber strategy but is trying to find a way to increase speed and reduce capital while working with a technology to provide wireless gigabyte service and increase the range of wireless service. Ms. Kruse said AT&T has the same strategy however, currently wireless networks still need fiber.

Councilmember McArthur asked if Charter leaves, would the City acquire their infrastructure. Mr. Moore said he did not believe the City could use Charter's infrastructure. Councilmember McArthur said that the goal of this project from inception was to provide faster service for economic development. He asked if providing this service is part of the City's role.

Ms. Kruse said broadband is a necessity for economic development. The vote had 77% support for this project. She said through an extensive process with invited incumbent providers, they had discussions regarding higher speed services. The existing providers stated they had no plans to build gigabyte service, however there was a possibility of faster service in the downtown area, but at a higher cost to the end user.

Council President Norris stated that 77% of the voters said they want Council to move forward with this project. She asked if the City is tied to Nokia/SiFi and Nokia or can they change to a different company after milestone one is completed. Mr. Valentine said there is flexibility to move to a different company; the City will not be tied to Nokia/SiFi and Nokia.

Councilmember Kennedy said the citizens want a fully functional fiber network with higher speed inside the City limits. Council has seen some movement from Charter and CenturyLink but the rates have not decreased and these companies have not committed to getting fiber and higher speed networks to the City's homes and businesses. Councilmember Kennedy wants to support milestone one if it is a truly independent survey. Ms. Dackonish said there is a revenue upside which is included in the definition of viability and there is profit share provision in the contract. Councilmember Kennedy said the first step is the market survey and he will support the survey if managed by the City.

Councilmember Chazen asked if the \$50,000 for the survey is in the budget for 2016 or 2017 and is the vendor aware of the 2017 disbursement. City Manager Caton said it was in the budget for 2017 and the vendor is aware of the 2017 disbursement. Councilmember Chazen asked, if this project fails, what is the City's role regarding service to its citizens. He suggested changing the motion to "authorize the City Manager to spend up to \$50,000 on the survey", leaving the decision to the discretion of City Manager Caton to decide which company the City deals with if the project were to move forward.

Councilmember McArthur asked if there was confidence in Nokia and Nokia/SiFi completing this project efficiently and properly. Mr. Moore said yes, he feels confident in Nokia regarding the network with construction and design. Mr. Moore said that the unique portion of this project is the financing through Nokia/SiFi.

Councilmember Taggart suggested additional verbiage for the motion, "it is understood by both parties that the independent consultant will be contracted with the City and City staff will be recognized as the lead for this project...".

Council President Norris suggested the City Manager not the City staff oversee this project and asked if the terms of the contact were exclusive with the City and Nokia.

City Attorney Shaver said the contact currently states Nokia and Nokia/SiFi are in an exclusive relationship with the City.

Councilmember Traylor Smith said she wants to see the information from survey results and the project viability before getting into contract terms of exclusivity.

Council President Norris asked if the sections of the contract including network design, financial analysis, and architecture, as well as the demand survey, are all part of milestone one and will be owned by the City. City Manager Caton said yes they are all part of milestone one.

Councilmember Kennedy moved to authorize 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 one up to a cap of \$50,000. Councilmember McArthur seconded the motion. Motion carried with Councilmember Taggart voting NO.

The City Council took a break at 9:31 p.m.

The meeting reconvened at 9:40 p.m.

Public Hearing 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 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.

The public hearing was opened at 9:40 p.m.

John Shaver, City Attorney, presented this item and explained the request noting due to the Jump Start program, the request came forward. He then deferred to GJEP Director Kristi Pollard to address the reason for the request. She provided the background of the Jump Start Program and the request.

Ms. Pollard said she is proud to have the Australian company TSW Analytical, as a company in the City of Grand Junction as a result of the Jump Start Program. Ms. Pollard introduced Glen McClelland, a representative for TSW Analytical.

Mr. McClelland, 838 26 ½ Road, representing TSW Analytical, addressed the Council and answered questions from Council.

Councilmember Kennedy asked how many jobs will be created from this project. Mr. McClelland said within the first year, there will up to five jobs created that will pay approximately \$100,000+ in annual salaries. Councilmembers Kennedy and Taggart said they will support the business which correctly controls and regulates marijuana supply.

Councilmember McArthur asked why marijuana testing was disallowed in the past. City Attorney Shaver answered that at the time, the City Council wanted to prohibit all marijuana businesses in the City. He noted if Ordinance No. 4722 is adopted, there will need to be some regulatory processes put into place.

Councilmember Chazen thanked Mr. McClelland for coming to Grand Junction. Councilmember Chazen asked if the ordinance verbiage pertains only to State Law and conflicts with Federal Law. City Attorney Shaver stated this is one of the continuing issues regarding the conflict with federal law.

Councilmember Chazen asked if the TSW Analytical had contacted the Federal Authorities regarding Federal marijuana regulations. Mr. McClelland said no but they have plans to get all the approved and required licenses. Mr. McClelland said TSW Analytical does testing other than marijuana and they will acquire all the necessary licenses.

Councilmember Chazen expressed concern that the TSW Analytical facility could be located in a mixed use area, and asked about vapors and smoke. City Attorney Shaver said this has been addressed and TSW Analytical has given assurance that vapors and smoke will not be an issue. Mr. McClelland said the processing uses very small quantities of marijuana and they are kept under fume covers.

Council President Norris asked if the TSW Analytical facility would be viable without marijuana testing or is that a key operation for them to relocate to the Grand Junction area. Mr. McClelland said TSW has plans for only one lab location in the United States and would find another location if the marijuana testing was not allowed. Council President Norris asked if the facility would certify organic food. Mr. McClelland stated that the testing done is to certify point of origin not characteristics. Council President Norris said she would support the project.

Johnathan Grosser, (no address provided), stated there is a risk of the City doing business with a founding member of TSW Analytical Party, LTD. in Perth, Australia. He stated there is a civil case in Perth where TSW Analytical was started. Mr. Grosser read information on a civil suit regarding TSW Analytical Party, LTD. He felt TSW Analytical is not eligible for the Jump Start program and presented allegations that Mr. McClelland was involved in other questionable dealings, some of which involved hog farms in Mr. Grosser's hometown. He said by allowing Source Certain, (an Australian Based company with ties to TSW Analytical Party, LTD), into Mesa County, they will take over the marijuana seeds and in partnership with Monsanto, all the farms on the Western Slope. Mr. Grosser said taking a risk on a company you know nothing about and not following the manual on the Jump Start program would be wrong.

There were no other public comments.

The public hearing was closed at 10:09 p.m.

Councilmember Taggart said he respects what Mr. Grosser said but has known Mr. McClelland for over thirty years and he is an honorable, ethical man.

Council President Norris said Council is considering an ordinance not the company but appreciated the comments.

Councilmember Kennedy moved to approve 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. Councilmember Taggart seconded the motion. Motion carried by roll call vote.

Public Hearing 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

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.

The public hearing was opened at 10:11 p.m.

Kristen Ashbeck, Senior Planner, presented the item and said this proposed change is intended to help promote improvements and investment in the downtown area. The current standards have restrictions of height and footprint size. Ms. Ashbeck said many homes in the district are one story which prohibits a garage with an accessory dwelling unit above with the other standards remaining in place. The Zoning and Development Code still has provisions regarding scale of accessory buildings to ensure compatibility remains. The Planning Commission found that deletion of the requirements meets the criteria of amending the Zoning and Development Code.

There were no public comments.

The public hearing was closed at 10:16 p.m.

Councilmember McArthur asked what was the purpose of the standards in the Code originally. Ms. Ashbeck said the original intent was to keep the scale as seen in the

historic district and as things have evolved those specific standards are not needed. Councilmember McArthur asked if this change will maintain the historical character of the downtown area. Ms. Ashbeck said all areas do have guidelines and standards. Councilmember McArthur asked if the original guidelines were due to form based zoning. Ms. Ashbeck said no.

Councilmember Traylor Smith moved to approve 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. Councilmember Kennedy seconded the motion. Motion carried by roll call vote.

Non-Scheduled Citizens & Visitors

Richard Swingle, 443 Mediterranean Way, described the three w's: what, when and who for the approval of a contract. Mr. Swingle asked how long will it take and said the process is painfully slow. He said the 38% "take rate" is unattainable, and Grand Junction is not a pioneer. He asked how long will the demand survey take to complete and commented that Mesa County has made it obvious they do not want to participate in broadband.

Richard Martindale, manager for Quality Inn located on Horizon Drive, asked about an easement vacation on his property that was supposed to be on the agenda. Councilmember Taggart said the easement vacation passed under Consent Agenda.

Other Business

There was none.

Adjournment

The meeting was adjourned at 10:23 p.m.

Stephanie Tuin, MMC
City Clerk



Grand Junction City Council

Regular Session

Item #2.a.i

Meeting Date: November 16, 2016

Presented by: Greg Caton, City
Manager

Submitted by: Jodi Romero, Financial
Operations Director

Department: Administration

Information

SUBJECT:

Appropriation Ordinance for the 2017 Budget

RECOMMENDATION:

Staff recommends setting a public hearing for December 7th, 2016 for the 2017 Appropriation Ordinance.

EXECUTIVE SUMMARY:

This request is to appropriate certain sums of money to defray the necessary expenses and liabilities of the accounting funds of the City of Grand Junction based on the 2017 recommended budget.

The recommended budget including capital spending and economic development, as well as budget by fund and by department was reviewed and discussed with City Council at the October 3rd and October 17th workshops.

BACKGROUND OR DETAILED INFORMATION:

The 2017 appropriation ordinance is the legal adoption of the City's budget by the City Council for the upcoming fiscal year. In accordance with the Charter the City Manager shall prepare the annual budget and upon approval of it and the appropriation ordinance expend sums of money to pay salaries and other expenses for the operation of the City. The documentation of the proposed revenue and expenses prepared and maintained by the Financial Operations Director in support of the budget and ordinance are incorporated by this reference as if fully set forth.

FISCAL IMPACT:

The 2017 appropriation ordinance and budget are presented in order to ensure sufficient appropriation by fund to defray the necessary expenses of the City. The appropriation ordinances are consistent with, and as proposed for adoption, reflective of lawful and proper governmental accounting practices and are supported by the supplementary documents incorporated by reference above.

SUGGESTED MOTION:

I MOVE to introduce a Proposed Ordinance Appropriating Certain Sums of Money to Defray the Necessary Expenses and Liabilities of the City of Grand Junction, Colorado and the Downtown Development Authority for the Year Beginning January 1, 2017 and Ending December 31, 2017 and Set a Hearing for December 7, 2016.

Attachment

ATTACHMENT 1 – Proposed 2017 Appropriation Ordinance

ORDINANCE NO. ____

AN ORDINANCE APPROPRIATING CERTAIN SUMS OF MONEY TO DEFRAY THE NECESSARY EXPENSES AND LIABILITIES OF THE CITY OF GRAND JUNCTION, COLORADO AND THE DOWNTOWN DEVELOPMENT AUTHORITY FOR THE YEAR BEGINNING JANUARY 1, 2017 AND ENDING DECEMBER 31, 2017

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

SECTION 1. That the following sums of money, or so much therefore as may be necessary, be and the same are hereby appropriated for the purpose of defraying the necessary expenses and liabilities, and for the purpose of establishing emergency reserves of the City of Grand Junction, for the fiscal year beginning January 1, 2017, and ending December 31, 2017, said sums to be derived from the various funds as indicated for the expenditures of:

Fund Name	Fund #	Appropriation
General Fund	100	\$ 65,751,791
Enhanced 911 Fund	101	\$ 3,156,508
Visitor & Convention Bureau Fund	102	\$ 2,218,922
D.D.A. Operations	103	\$ 338,404
CDBG Fund	104	\$ 518,843
Parkland Expansion Fund	105	\$ 601,115
Conservation Trust Fund	110	\$ 1,002,829
Sales Tax CIP Fund	201	\$ 15,648,769
Storm Drainage Fund	202	\$ 150,000
D.D.A. Capital Improvements	203	\$ 643,738
Transportation Capacity Fund	207	\$ 3,155,000
Water Fund	301	\$ 7,896,887
Solid Waste Removal Fund	302	\$ 3,848,728
Two Rivers Convention Center Fund	303	\$ 2,377,829
Golf Courses Fund	305	\$ 1,833,661
Parking Authority Fund	308	\$ 522,443
Ridges Irrigation Fund	309	\$ 258,992
Information Technology Fund	401	\$ 6,566,708
Fleet and Equipment Fund	402	\$ 5,129,773
Self Insurance Fund	404	\$ 2,987,879
Communication Center Fund	405	\$ 7,268,608
Facilities Management Fund	406	\$ 2,879,827
General Debt Service Fund	610	\$ 6,884,895
T.I.F. Debt Service	611	\$ 1,433,710
GJ Public Finance Corp Fund	614	\$ 530,160
Cemetery Perpetual Care Fund	704	\$ 13,000
Joint Sewer Operations Fund	900	\$ 13,337,951

INTRODUCED AND ORDERED PUBLISHED IN PAMPHLET FORM this ____ day of _____, 2016.

TO BE PASSED AND ADOPTED AND ORDERED PUBLISHED IN PAMPHLET FORM this ____ day of _____, 2016.

President of the Council

Attest:

City Clerk



Grand Junction City Council

Regular Session

Item #2.a.ii.

Meeting Date: November 16, 2016

Presented by: Kristi Pollard,
Executive Director **Submitted by:** Kristi Pollard, GJEP

Department: Grand Junction
Economic Partnership

Information

SUBJECT:

Ordinance Amending and Reinstating Section 3.12.070 of Title 3 of the Grand Junction Municipal Code Concerning the Exemption from Sales Tax of Seller Installed Aircraft Parts.

RECOMMENDATION:

Staff recommends setting a public hearing for December 7th for the Ordinance Amending and Reinstating Section 3.12.070 of Title 3 of the Grand Junction Municipal Code Concerning the Exemption from Sales Tax of Seller Installed Aircraft Parts.

EXECUTIVE SUMMARY:

This is an amendment and reinstatement to the Grand Junction Municipal Code concerning the exemption from sales tax of seller installed aircraft parts. The proposed ordinance amending the Code has a three-year sunset clause at which time City Council will evaluate the effectiveness of the ordinance and may or may not extend the exemption.

In July of 2010 the Council adopted a temporary exemption for seller installed aircraft parts and extended the exemption again in August of 2013. Since 2010, Grand Junction has enhanced its competitive position within the aviation industry with this exemption. In fact, this exemption has encouraged companies like West Star Aviation to increase from 35 employees to 160 employees equaling over \$9M in annual salaries. In addition, they have continually selected Grand Junction for expansion opportunities which have equaled over \$14.9M since 2010. Companies like West Star invest in Grand

Junction over other locations, because Grand Junction is invested in them and a partner to the success of their business.

BACKGROUND OR DETAILED INFORMATION:

The Grand Junction Regional Airport is an economic centerpiece for the City of Grand Junction and the region and is home to a number of businesses within the aviation industry. The varied operations range from aircraft repair, restoration, and refurbishment services and more. The airport is located within the City limits, and under the sales tax ordinance (prior to the exemption), aircraft parts for private aircraft were subject to City sales tax. The State of Colorado exempted aircraft parts for private aircraft from State (and County) sales tax in the early 1980's, and many states across the nation have a similar exemption.

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

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

The continuation of this exemption will result in the no sales tax revenues realized from transactions involving seller installed aircraft parts; parts can include but are not limited to instrumentation, aircraft engine components, interior (seats, fixtures, and trim) and paint. The proposed ordinance allows for City Council to consider the effectiveness of the ordinance in achieving its stated purpose and without additional action by City Council at that time, the ordinance will expire three years from the effective date.

FISCAL IMPACT:

This exemption has been in place since July of 2010, therefore the sales tax revenue from this exemption has not been budgeted since 2011.

SUGGESTED MOTION:

I MOVE to introduce a Proposed Ordinance for Amending and Reinstating Section 3.12.070 of Title 3 of the Grand Junction Municipal Code Concerning the Exemption from Sales Tax of Seller Installed Aircraft Parts and Set a Hearing for December 7th, 2016.

Attachment

ATTACHMENT 1 – Proposed Ordinance

ORDINANCE NO. ____

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

RECITALS:

In August of 2013 the City Council adopted Ordinance 4596, a modification to the City's tax code. The Ordinance exempted from City sales and use tax parts that are permanently affixed to or attached, by the seller, as a component part of an aircraft for a second three-year term. The change was again contemplated as an economic development incentive. The City Council determined that the incentive was necessary because of the ever increasing competition for aircraft work and should continue.

The most recent change has been in effect for three years and in accordance with the original approval within sixty days of the third anniversary of the adoption of the Ordinance the City Council committed to consider the effectiveness of the Ordinance at achieving its stated purposes. Without further action by the City Council, the terms and provisions of Ordinance 4596 shall expire on the third anniversary of the effective date thereof.

It is reported by Grand Junction Economic Partnership (GJEP) that the exemption has enhanced Grand Junction's competitive position within the aviation industry. It is also reported that 125 employees have been added in the industry and nearly \$15 million in expansion investment has occurred since 2010 and the initial adoption of the exemption. The recommendation from GJEP is that the exemption be extended once again.

Because of the very mobile nature of aircraft, the owners and operators thereof have a high degree of flexibility when it comes to contracting for repair, restoration and refurbishment of their airplanes. Grand Junction has world renowned providers of aircraft services, instrumentation installation and aircraft restoration operations. The extension of the exemption is consistent with State law and many other states.

The City Council is committed to a fair and responsible tax code. The City Council is also committed to the principles of economic development and local prosperity. Part of that commitment is the recognition that tax policy is an effective way to sustain and grow our local economy and that from time to time adjustments must be made to it for the betterment of the community. As such the extension of the exemption shall again be reviewed in three years.

The City Council finds that this ordinance is consistent with its policy and purposes and is protective of the City's health and general welfare and

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

That Section 3.12.070 of the Grand Junction Municipal Code shall state as follows:

3.12.070 Exemptions from sales tax.

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

(LL) THE SALE OF TANGIBLE PERSONAL PROPERTY THAT IS TO BE PERMANENTLY AFFIXED OR ATTACHED BY THE SELLER, AS A COMPONENT PART OF AN AIRCRAFT. PARTS SOLD TO AND TO BE PERMANENTLY AFFIXED OR ATTACHED BY THE PURCHASER OR SOMEONE ON BEHALF OF THE PURCHASER, OTHER THAN THE ORIGINAL SELLER ARE NOT EXEMPT FROM TAX.

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

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

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 City Council

ATTEST:

City Clerk



Grand Junction City Council

Regular Session

Item #2.a.iii.

Meeting Date: November 16, 2016

Presented by: Jodi Romero, Financial Operations Director **Submitted by:** Jodi Romero, Financial Operations Director

Department: Administration – Fin. Operations

Information

SUBJECT:

Ordinance Amending Title 3, Section 3.12, Sales and Use Tax, of the Grand Junction Municipal Code Concerning Sales Tax Exemption for Sales Made by Schools, School Activity Booster Organizations, and Student Classes or Organizations

RECOMMENDATION:

Staff recommends setting a public hearing for December 7th for the Ordinance Amending and Reinstating Section 3.12.070 of Title 3 of the Grand Junction Municipal Code Concerning the Exemption from Sales Tax for Sales Made by Schools, School Activity Booster Organizations, and Student Classes or Organizations.

EXECUTIVE SUMMARY:

This is an amendment to the Grand Junction Municipal Code concerning the exemption of sales made by schools.

In April of 2013, City Council adopted a temporary exemption for sales made by schools and school related programs. This exemption conformed with a similar State of Colorado exemption that was adopted in 2008.

Mesa County School District Superintendent, Steven Schultz reports that the sales tax exemption has allowed the amount of gross sales to be put back into the vocational field education programs further enhancing the effectiveness of the programs. This exemption primarily benefits the Career Center operations which offers vocational/education programs and business experience to Students. The School District is also requesting that the exemption be made permanent.

BACKGROUND OR DETAILED INFORMATION:

In 2008, the State adopted a sales tax exemption for sales made by schools, school activity booster organizations, and student classes or organizations if all proceeds of the sale are for the benefit of a school or school-approved student organization. A “school” includes both public and private school for students in kindergarten through twelfth grade or any portion of those school grades.

In 2013 the City adopted a temporary exemption that mirrored the State’s. Before the exemption, the City’s tax code allows for the exemption of occasional sales made by charitable organizations for fund raising activities as long as the sales occur for no more than 12 days and gross sales do not exceed \$25,000. Most of the School District’s sales fell under this exemption. However, the Career Center, which conducts ongoing sales throughout the year, did not qualify for the exemption. The Career Center has culinary and floral shop that makes retail sales.

The City originally received a request by School District #51 to consider adopting the State’s exemption in 2013 and now is requesting the permanent exemption.

The City Council is committed to a fair and responsible tax code. The City Council is also committed to the principles of economic development and local prosperity. Part of that commitment is the recognition that tax policy is an effective way to sustain and grow our local economy and that from time to time that adjustments must be made to it for the betterment of the community, including in certain circumstances conforming the City tax code with that of the State to meet specific demands.

FISCAL IMPACT:

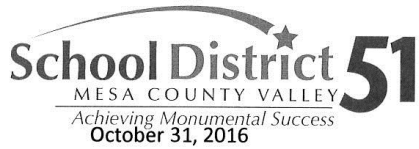
Loss of sales tax revenue on sales by schools and school related activities that exceed the current occasional exemption. This exemption has been in place since July of 2013, therefore the sales tax revenue from this exemption has not been budgeted since 2014.

SUGGESTED MOTION:

I MOVE to introduce a Proposed Ordinance Amending Title 3, Section 3.12, Sales and Use Tax, of the Grand Junction Municipal Code Concerning Sales Tax Exemption for Sales Made by Schools, School Activity Booster Organizations, and Student Classes or Organizations and Set a Hearing for December 7, 2016.

Attachments

ATTACHMENT 1 – Letter from School District
ATTACHMENT 2 – Proposed Ordinance



City of Grand Junction
 Attn: Mr. Greg Caton, City Manager
 250 North 5th Street
 Grand Junction, Colorado 81501

Dear Mr. Caton:

Thank you again for the temporary sales tax exemption for MCVSD 51 schools. We understand that The exemption is about to expire.

The temporary exemption has allowed fundraising activities to proceed in alignment with State laws and in support of the primary purpose of those activities. Schools have been able to put the sales amount directly back into programs that benefit the students of Mesa County.

The Student Body Activity (SBA) sales, which meet the criteria of "occasional sales", less than 12 days and less than \$25,000, continue to put funds back into the SBA programs to support students. A few examples from the 2015-2016 school year are:

School	Fundraiser type	Proceeds used for	Gross	Expense	Profit
FRU	Pie	Student T-shirts, books, laminating machine, student chairs	10,179	5,999	4,180
PPE	5-K	Camp scholarships, books, classroom supplies	4,753	3,348	1,405
TMT	Penny war	Technology equipment	2,381	N/A	2,381
WIN	Cookie Dough	Books	9,214	5,360	3,854
BMS	Candy	Choir students trip expenses	3,376	1,650	1,726
PHS	Lawn Aeration	Football team travel expenses, uniform equipment, backpacks, t-shirts, other football supplies and gear	15,687	702	14,985

The Career Center, offers vocational/educational programs, and business experience to students. This prepares them to be productive adults, working and contributing to the economy. These programs benefit the community as well as the student.

A few of the programs offered are culinary, floral and construction.

The culinary program offers real life experience in the restaurant business. They cook, clean and serve food to patrons. They learn responsibility, work ethic and the satisfaction of doing a great job. Anyone from the community can have lunch and/or buy additional cookies or desserts.

Steven D. Schultz • Superintendent of Schools • 970.254.5193

Administrative Services Center • 2115 Grand Avenue • Grand Junction, Colorado 81501 • Fax: 970.245.2714 • www.d51schools.org

The exemption has allowed them to purchase food service equipment and supplies for the restaurant. The culinary program had \$13,268.41 in gross sales in the 2015-2016 school year.

The floral shop teaches creative skills that will allow them to work in a floral shop, or someday own one! They also, learn responsibility, work ethic and the satisfaction of doing a great job. The beautiful creations that the students make are sold to the community. They offer a spring sale with garden plants and house plants as well. The floral shop program had \$26,987.82 in gross sales in the 2015-2016 school year.

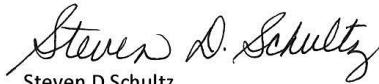
The Construction program teaches the carpentry and building skills needed to work in the building trades. They build dog houses, sheds, play houses, planter boxes, picnic tables, benches, and other items. They work on houses that are close to the school by building pergolas, decks, shade structures, car ports. They are also building a house currently. This project has taken 2 school years and it is not yet completed. Students are doing a lot of the work inside instead of contracting out, such as learning to build cabinets. The house will be completed this year, but in the future, they will complete one every other year. The sheds can be special ordered with options, such as size and windows. The construction program had \$21,142.05 in gross sales in the 2015-2016 school year.

The sales tax exemption has allowed the amount from gross sales to be put back into programs to further the student's education in the vocational fields.

The District would like to request a permanent sales tax exemption, amending Title 3, Section 3.12 Sales and Use Tax Code of the Grand Junction Municipal Code. This would amend/change ordinance no. 4576, which was adopted April 3, 2013.

Thank you for your consideration of this request to create a permanent sales tax exemption for schools, school activity booster organizations and student classes or organizations. If you have any questions regarding this request, please don't hesitate to contact me.

Sincerely,



Steven D Schultz
Superintendent

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 3, SECTION 3.12, SALES AND USE TAX, OF THE GRAND JUNCTION MUNICIPAL CODE CONCERNING SALES TAX EXEMPTION FOR SALES MADE BY SCHOOLS, SCHOOL ACTIVITY BOOSTER ORGANIZATIONS, AND STUDENT CLASSES OR ORGANIZATIONS

RECITALS:

In April of 2013 the City Council adopted Ordinance No. 4576, a modification to the City's tax code. The ordinance exempted sales made by schools, school activity booster organizations, and student classed or organization from sales tax.

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

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

That Section 3.12.070 of the Grand Junction Municipal Code is amended by adding the following to 3.12.070 Exemptions from sales tax:

(QQ) SALES MADE BY SCHOOLS, SCHOOL ACTIVITY BOOSTER ORGANIZATIONS, AND STUDENT CLASSES OR ORGANIZATIONS IF ALL PROCEEDS OF THE SALE ARE FOR THE BENEFIT OF A SCHOOL OR SCHOOL-APPROVED STUDENT ORGANIZATION.

That Section 3.12.020 of the Grand Junction Municipal Code is amended by adding the following to 3.12.020 Definitions.

SCHOOL FOR THE PURPOSES OF 3.12.030 (QQ) INCLUDES BOTH PUBLIC AND PRIVATE SCHOOLS FOR STUDENTS IN KINDERGARTEN THROUGH TWELFTH GRADE OR ANY PORTION OF THOSE SCHOOL GRADES. PRESCHOOLS, TRADE SCHOOLS, AND POST-SECONDARY SCHOOLS ARE NOT ELIGIBLE FOR THIS EXEMPTION.

Introduced on first reading this _____ day of _____, 2016 and ordered published in pamphlet form.

Passed and adopted on second reading this _____ day of _____ 2016 and ordered published in pamphlet form.

President of the Council

ATTEST:

City Clerk



Grand Junction City Council

Regular Session

Item #2.b.i.

Meeting Date: November 16, 2016

Presented by: Scott D. Peterson,
Senior Planner

Submitted by: Scott D. Peterson, Senior
Planner

Department: Admin. – Com. Dev.

Information

SUBJECT:

Ordinance Zoning the Connor Annexation to R-5 (Residential – 5 du/ac), Located at 2839 Riverside Parkway

RECOMMENDATION:

The Planning Commission recommended approval of the zoning request at their November 8, 2016 meeting.

EXECUTIVE SUMMARY:

A request to zone 6.35 +/- acres from County RSF-R (Residential Single Family – Rural) to a City R-5 (Residential – 5 du/ac) zone district.

BACKGROUND OR DETAILED INFORMATION:

The property owner has requested annexation into the City limits in order to subdivide the existing property to create a free-standing lot for the existing single-family home and a second lot to market and sell in anticipation of future residential subdivision development. Under the 1998 Persigo Agreement with Mesa County, residential annexable development within the Persigo Wastewater Treatment Facility boundary (201 service area) triggers land use review and annexation by the City. The proposed zoning of R-5 implements the Comprehensive Plan Future Land Use Map, which has designated the property as Residential Medium (4 - 8 du/ac).

FISCAL IMPACT:

The provision of municipal services will be consistent with properties already in the City. Property tax levies and municipal sales/use tax will be collected, as applicable, upon annexation. The annexation does not include any additional streets or right-of-way.

SUGGESTED MOTION:

I MOVE to introduce a Proposed Ordinance Zoning the Connor Annexation to R-5 (Residential – 5 du/ac), Located at 2839 Riverside Parkway and Set a Hearing for December 7, 2016.

Attachments

ATTACHMENT 1 – Planning Commission Staff Report

ATTACHMENT 2 – Proposed Ordinance



Date: [October 6, 2016](#)
Author: [Scott D. Peterson](#)
Title/ Phone Ext: [Senior Planner/1447](#)
Proposed Schedule: Planning Commission
Meeting: [November 8, 2016](#)
File #: [ANX-2016-470](#)

PLANNING COMMISSION AGENDA ITEM

Subject: Connor Zone of Annexation, Located at 2839 Riverside Parkway
Action Requested/Recommendation: Forward a recommendation of approval to City Council of a Zone of Annexation from County RSF-R (Residential Single Family – Rural) to a City R-5 (Residential – 5 du/ac) on 6.35 acres.
Presenter(s) Name & Title: Scott D. Peterson, Senior Planner

Executive Summary:

A request to zone 6.35 acres from County RSF-R (Residential Single Family – Rural) to a City R-5 (Residential – 5 du/ac) zone district.

Background, Analysis and Options:

The property owner has requested annexation into the City limits in order to subdivide the existing property to create a free-standing lot for the existing single-family home and a second lot to market and sell in anticipation of future residential subdivision development. Under the 1998 Persigo Agreement with Mesa County, residential annexable development within the Persigo Wastewater Treatment Facility boundary (201 service area) triggers land use review and annexation by the City. The proposed zoning of R-5 implements the Comprehensive Plan Future Land Use Map, which has designated the property as Residential Medium (4 - 8 du/ac).

Neighborhood Meeting:

A Neighborhood Meeting was held on August 1, 2016 with eight citizens along with the applicant's representative and City Project Manager in attendance. No major objections to the proposed annexation were received, however the neighborhood did have concerns regarding the proposed overall density that the area could have when the remaining acreage would be developed at time of future single-family residential subdivision development.

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

Annexation of the property will create consistent land use jurisdiction and allows for efficient provision of municipal services. The proposed annexation also creates an opportunity to create ordered and balanced growth spread throughout the community in

a manner consistent with adjacent residential development. The proposed Annexation may also provide additional housing opportunities and choices to meet the needs of a growing community, which implements the following goals and polices from the Comprehensive Plan.

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

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

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.

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. Though the proposed Annexation does not further the goals of the Economic Development Plan as the proposed land use is for residential development, the proposal may provide additional residential housing opportunities for both professionals and retirees in the community, located within Pear Park.

Board or Committee Recommendation:

There is no other committee or board recommendation.

Financial Impact/Budget:

The provision of municipal services will be consistent with properties already in the City. Property tax levies and municipal sales/use tax will be collected, as applicable, upon annexation.

Other issues:

There are no other issues identified.

Previously presented or discussed:

This has not been previously discussed by the Planning Commission.

Attachments:

1. Background Information
2. Staff Report
3. Annexation Site Location Map
4. Aerial Photo Map
5. Comprehensive Plan Future Land Use Map
6. Existing City and County Zoning Map
7. Ordinance

STAFF REPORT / BACKGROUND INFORMATION				
Location:		2839 Riverside Parkway		
Applicants:		Naomi E. Connor, Owners		
Existing Land Use:		Single-family detached home		
Proposed Land Use:		Simple Subdivision to subdivide the existing property into (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 range?		X	Yes	No

Section 21.02.140 (a) of the Grand Junction Zoning and Development Code:

Section 21.02.160 (f) of the Grand Junction Zoning and Development Code, states that the zoning of an annexation area shall be consistent with the adopted Comprehensive Plan and the criteria set forth. The Comprehensive Plan Future Land Use Map designates the property as Residential Medium (4 – 8 du/ac). The request for an R-5 (Residential – 5 du/ac) zone district is consistent with this designation. Generally, future development should be at a density equal to or greater than the allowed density of the applicable County zoning district.

In order for the zoning to occur, the following questions must be answered and a finding of consistency with the Grand Junction Zoning and Development Code must be made per Section 21.02.140 (a) as follows:

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

The requested zoning is being triggered by the 1998 Persigo Agreement between Mesa County and the City of Grand Junction as the proposed development of the site is considered residential annexable development. The Persigo Agreement

defines Residential Annexable Development to include any proposed development that would require a public hearing under the Mesa County Land Development Code as it was on April 1, 1998 (GJMC Section 45.08.020 e. 1). The property owner intends to subdivide off a portion of the existing property in order to create a larger lot in order to market and sell in anticipation of future residential subdivision development. The property owner has petitioned for annexation into the City limits with a requested zoning district that is compatible with the existing Comprehensive Plan Future Land Use Map designation of Residential Medium (4 – 8 du/ac). The current zoning of County RSF-R (Residential Single-Family – Rural) is not compatible with the Comprehensive Plan Future Land Use Map designation of Residential Medium (4 – 8), therefore the rezone request is triggering the annexation request.

Therefore, this criterion has been met.

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

The adoption of the Comprehensive Plan in 2010, designated this property as Residential Medium (4 – 8 du/ac). The applicant is requesting an allowable zone district that is consistent with the density range allowed by the Residential Medium category.

Existing properties to north, south and west are already within the City limits. Since 1998 the following subdivisions have been approved and developed; Summer Glenn, White Willows, and Skyler. Summer Glen is located adjacent to the west and is zoned R-8 (Residential – 8 du/ac). White Willows is located to the east and is zoned R-4 (Residential – 4 du/ac) and Skyler is located further to the east. Skyler is zoned PD (Planned Development) with a density of approximately 3.6 dwelling units per acre. The applicant's proposed zoning of R-5 (Residential – 5 du/ac) provides a transitional zoning between the existing R-8 and RSF-2 densities and would be in keeping with the Comprehensive Plan, therefore, the character and condition of the area has changed and the applicant is requesting a density that lies in the middle of the range as allowed by the Residential Medium category.

Therefore, the criterion has been met.

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

Adequate public and community facilities and services are available to the property and are sufficient to serve land uses associated with the R-5 zone district. Ute Water is within Riverside Parkway and also stubbed to the property at Summer Glen Drive, S. Forest Lane and C $\frac{3}{4}$ Road. City sanitary sewer is within the Riverside Parkway and also stubbed to the property at S. Forest Lane and C $\frac{3}{4}$ Road. Property is being served by Xcel Energy electric and natural gas. The

property is also within a ten-minute drive of either the city center or North Avenue for availability of retail shops and area restaurants. To the east, less than a mile from the property, along Riverside Parkway is a new Maverik convenience store and gas islands presently under construction. Therefore, this criterion has been met.

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

There is not an inadequate supply of suitably designed land available in the community as the R-5 zone district comprises the third largest amount of residential acreage within the City limits behind the R-8 and R-4 zone districts (over 1,238 acres within the City limits is zoned R-5). The existing property currently contains a single-family home and various accessory structures on 6.35 acres. The property owner is requesting to annex and zone the property in accordance with the adopted Persigo Agreement between Mesa County and the City of Grand Junction in order to subdivide the property to create a free-standing lot for the existing single-family home and a second lot in order to market and sell in anticipation of future residential subdivision development. The request to zone the subject property R-5 is consistent with the Comprehensive Plan Future Land Use Map designation of Residential Medium (4 – 8 du/ac).

Therefore, this criterion is not applicable or has not been met.

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

The proposed R-5 zone would implement Goals 3 & 5 of the Comprehensive Plan by creating an opportunity for ordered and balanced growth spread throughout the community in a manner consistent with adjacent residential developments and provides a transition of density range between the existing RSF-2 and R-8 zone districts. The proposed Annexation may also provide additional housing opportunities and choices to meet the needs of a growing community when the larger vacant property develops as a residential subdivision, thus the community will derive benefits from the proposed zone of annexation request.

Therefore, this criterion has been met and addressed.

Alternatives: The following zone districts would also be consistent with the Future Land Use designation of Residential Medium (4 – 8 du/ac) for the subject property.

- a. R-4, (Residential – 4 du/ac)
- b. R-8, (Residential – 8 du/ac)
- c. R-12, (Residential – 12 du/ac)
- d. R-16, (Residential – 16 du/ac)
- e. R-O, (Residential – Office)

In reviewing the other zone district options, the residential zone districts of R-12, R-16 and R-O would have maximum densities that may not be compatible with the existing properties located directly to the east and zoned RSF-2 in Mesa County, so those zone districts would not be an option. Both the R-4 and R-8 zone districts could be an option, however the applicant is proposing a middle density compromise between these two zone districts and requests the R-5 zone district, which City Staff is supportive.

The intent of the R-5 zone is to provide medium density detached, attached dwellings and multi-family in areas where large-lot development is discouraged and adequate public facilities and services are available.

If the Planning Commission chooses an alternative zone designation, specific alternative findings must be made as to why the Planning Commission is recommending an alternative zone designation to the City Council.

FINDINGS OF FACT/CONCLUSIONS:

After reviewing the Connor Annexation, ANX-2016-470 for a Zone of Annexation from County RSF-R (Residential Single Family – Rural) to a City R-5 (Residential – 5 du/ac), the following findings of fact and conclusions have been determined:

1. The requested zone of annexation is consistent with the goals and policies of the Comprehensive Plan, specifically Goals 1, 3 & 5.
2. The applicable review criteria, items 1, 3 and 5 in Section 21.02.140 (a) of the Grand Junction Zoning and Development Code have been met or addressed.

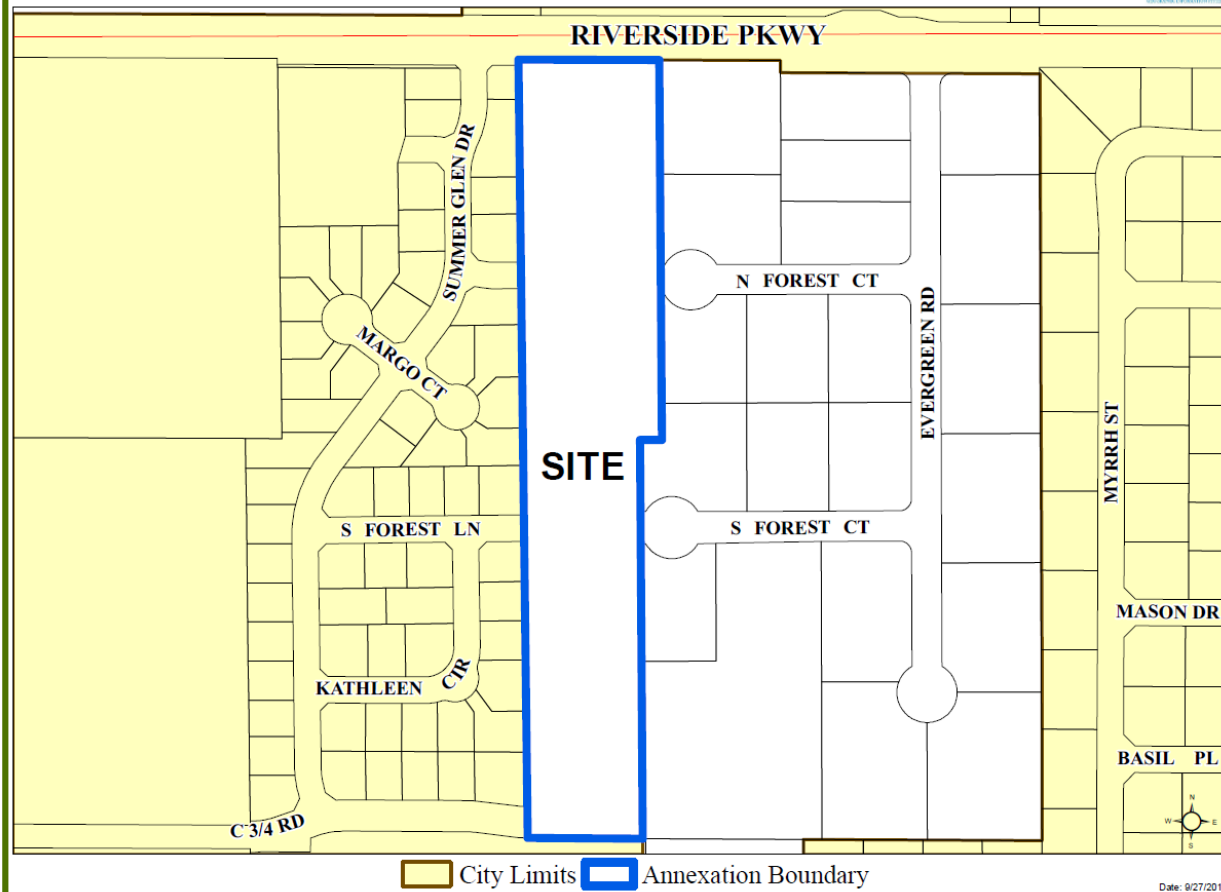
STAFF RECOMMENDATION:

I recommend that the Planning Commission forward a recommendation of approval of the Zone of Annexation from County RSF-R (Residential Single-Family – Rural) to a City R-5 (Residential – 5 du/ac) for the Connor Annexation, ANX-2016-470 to the City Council with the findings of facts and conclusions listed above.

RECOMMENDED PLANNING COMMISSION MOTION:

Madam Chairman, on the Connor Zone of Annexation, ANX-2016-470, I move that the Planning Commission forward to the City Council a recommendation of approval of the Zone of Annexation from a County RSF-R zone district to a City R-5 zone district with the findings of facts and conclusions listed in the staff report.

Connor Annexation

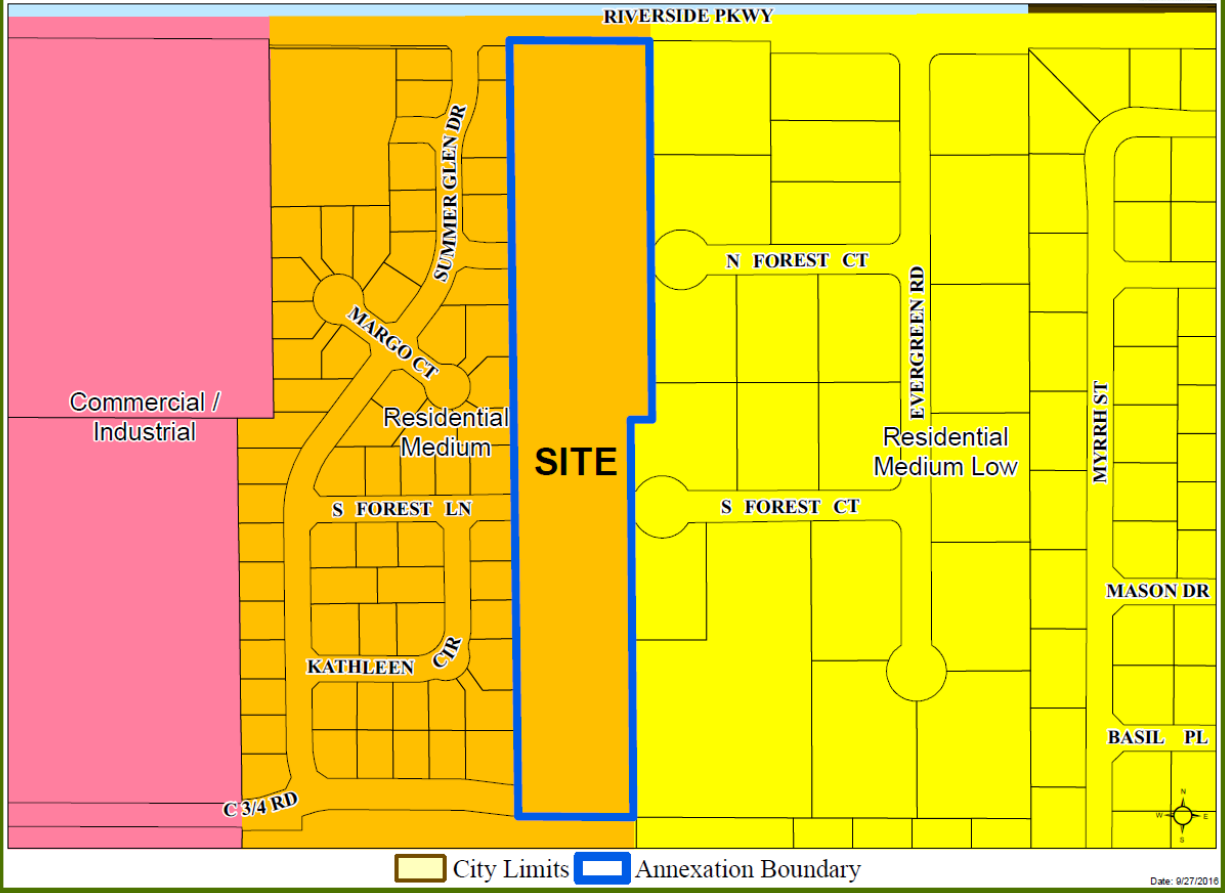


Date: 9/27/2016

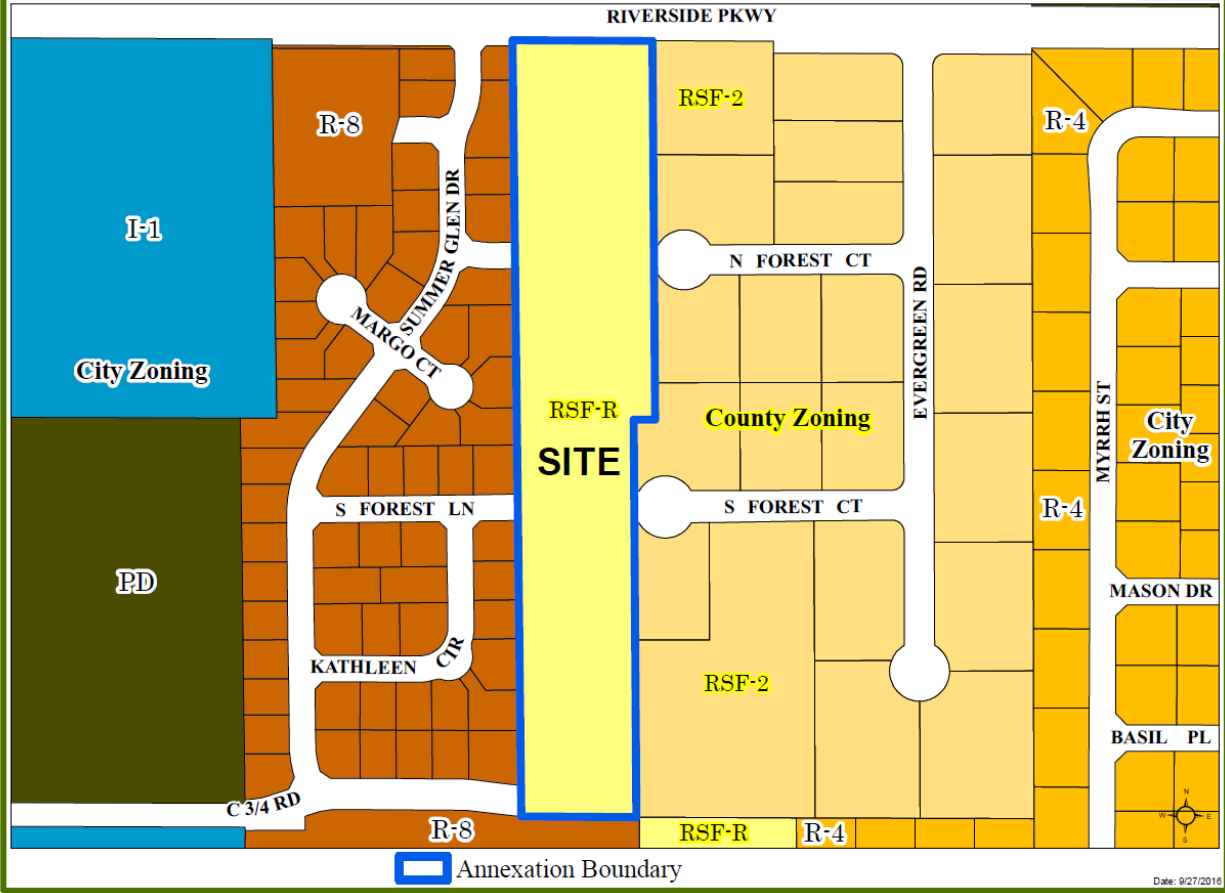
Connor Annexation



Connor Annexation - Future Land Use



Connor Annexation - Zoning



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ZONING THE CONNOR ANNEXATION
TO R-5 (RESIDENTIAL – 5 DU/AC)**

LOCATED AT 2839 RIVERSIDE PARKWAY

Recitals

The property owner has requested annexation into the City limits in order to subdivide the existing property to create a free-standing lot for the existing single-family home and a second lot in anticipation of future residential subdivision development.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of zoning the Connor Annexation to the R-5 (Residential – 5 du/ac) zone district, finding that it conforms with the designation of Residential Medium (4 – 8 du/ac) as shown on the Future Land Use Map of the Comprehensive Plan and the Comprehensive Plan's goals and policies and is generally compatible with land uses located in the surrounding area.

After public notice and public hearing, the Grand Junction City Council finds that the R-5 (Residential – 5 du/ac) zone district is in conformance with at least one of the stated criteria of Section 21.02.140 of the Grand Junction Zoning and Development Code.

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

The following property be zoned R-5 (Residential – 5 du/ac).

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.

INTRODUCED on first reading this _____ day of _____, 20__ and ordered published in pamphlet form.

ADOPTED on second reading this _____ day of _____, 20__ and ordered published in pamphlet form.

ATTEST:

President of the Council

City Clerk



Grand Junction City Council

Regular Session

Item #2.b.ii.

Meeting Date: November 16, 2016

Presented by: Allison Blevins,
Executive Director,
Downtown Grand
Junction Business
Improvement District

Submitted by: Allison Blevins, Executive
Director, Downtown Grand
Junction Business
Improvement District

Department: DGJBID

Information

SUBJECT:

Ordinance Expanding the Boundaries of and Including Property Located at 401 Colorado Avenue into the Downtown Grand Junction Business Improvement District

RECOMMENDATION:

Introduce Proposed Ordinance and Set a Public Hearing for December 7, 2016 to Include the Property Located at 401 Colorado Avenue into the Downtown Grand Junction Business Improvement District and for All Persons Having Objections to Appear and Show Cause Why the Verified Petitions for Inclusion of Property into the Downtown Grand Junction Business Improvement District Should not be Granted.

EXECUTIVE SUMMARY:

The City has received a petition from the property owners asking to be included into the Downtown Grand Junction Business Improvement District. The Estate of Nancy B Foltz, Robert W Foltz and Cyrene M Foltz petitions the City Council to include its property, located at 401 Colorado Avenue, into the Downtown Grand Junction Business Improvement District. The current business at this location is Grassroots Cycles.

BACKGROUND OR DETAILED INFORMATION:

The Downtown Grand Junction Business Improvement District (District) was formed by the City Council on August 17, 2005 by Ordinance No. 3815, in accordance with the Business Improvement District Act, Part 12 of Article 25 of Title 31 of the Colorado Revised Statutes (the Act). It was first formed for a term of ten years, and then extended to a term of twenty years by Ordinance No. 4651 on December 17, 2014. The District consists of certain taxable real property that is not classified for property tax purposes as either residential or agricultural (see district map, attached). The District was formed to provide resources to promote business activity and improve the economic vitality and overall commercial appeal of the Downtown area. Since its inception the District has operated in compliance with the Act.

The Estate of Nancy B Foltz, Robert W Foltz and Cyrene M Foltz are the owners of that certain real property located at 401 Colorado Avenue, which property is described in the attached Verified Petition (the Property) executed by the Estate of Nancy B Foltz, Robert W Foltz and Cyrene M Foltz, Owners. The property is within the boundary of the District and is not classified for property tax purposes as either agricultural or residential. The Estate of Nancy B Foltz, Robert W Foltz and Cyrene M Foltz desire to be included in the District and to be subject to the rights and obligations thereof. The Board of Directors of the District (Board) desires to include the Property into the boundary.

Section 31-25-1220 of the Colorado Revised Statutes provides that the boundaries of a business improvement district can be changed to include property upon the property owner's request so long as the inclusion will not impair the organization or its rights, contracts, obligations, liens or charges. The BID Board has found that inclusion of the Property will not impair the rights, contract, obligations, liens or charges of the District, and that the District will benefit from inclusion of the Property. City staff concurs and recommends inclusion of the property into the District boundaries.

At the public hearing, any person having objections can appear and show cause why the verified petitions for inclusion of property into the BID should not be granted.

FISCAL IMPACT:

Since the District levies its own taxes and assessments, the inclusion of the Property into the District boundaries will not have a financial impact on the City or its budget. Based on an assessment of .029/sf of lot and .088/sf of building 1st floor for properties on Main Street, and .022/sf of lot and .066/sf of building 1st floor for all others, the revenue amount to the BID will be approximately \$382 for 401 Colorado Avenue starting in 2017. The current total 2016 assessment for the 303 properties in the BID is \$141,750.

SUGGESTED MOTION:

I MOVE to introduce a Proposed Ordinance Expanding the Boundaries of and Including Property Located at 401 Colorado Avenue into the Downtown Grand Junction Business Improvement District and set a Hearing for December 7, 2016 for all persons having objections to appear and show cause why the Verified Petition for inclusion of property into the Downtown Grand Junction Business Improvement District should not be granted.

Attachments

ATTACHMENT 1 – Petition for Inclusion
ATTACHMENT 2 – Map of the District
ATTACHMENT 3 – Proposed Ordinance

**VERIFIED PETITION FOR INCLUSION OF PROPERTY
INTO THE
DOWNTOWN GRAND JUNCTION BUSINESS IMPROVEMENT DISTRICT**

TO: City Council, City of Grand Junction, Colorado

The undersigned Petitioners, The Estate of Nancy B Foltz, Robert W Foltz and Cyrene M Foltz, own, as tenants in common, the following described property located within the boundaries of the City of Grand Junction, in the County of Mesa, Colorado:

LOTS 1, 2 AND 3 IN BLOCK 125 OF THE CITY OF GRAND JUNCTION

(the "Property"). The address of the Property is **401 Colorado Avenue**.

The Petitioners hereby respectfully petition the City Council of the City of Grand Junction, Colorado pursuant to Section 31-25-1220, C.R.S. for the inclusion of the Property into the Downtown Grand Junction Business Improvement District ("the District").

The Petitioners hereby request that the Property be included in the District and that an Ordinance be adopted by the City Council including the Property into the District, and that a certified copy of said Ordinance be recorded with the Mesa County Clerk and Recorder on or about the effective date of said Ordinance, and that from and after the recording of the certified copy of the Ordinance, the Property shall be subject to the levy of taxes for payment of its proportionate share of any indebtedness of the District outstanding at the time of inclusion and liable for assessments for any obligations of the District.

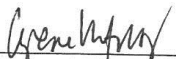
The Petitioners hereby represent to the City Council and verify that they are the owners of the Property described above and that no other persons, entity or entities own an interest therein except as holders of encumbrances.

Acceptance of this Petition shall be deemed to have occurred at the time when the City Council sets the date (by publication of notice thereof) for the public hearing for consideration of the Petition.

In accordance with Section 31-25-1220(1), C.R.S., this Petition is accompanied by a deposit of monies sufficient to pay all costs of the inclusion proceedings.

PETITIONERS:

CYRENE M FOLTZ



Address: 445 B Broad St., Westfield, NJ 07090

STATE OF NEW JERSEY)
) ss.
COUNTY OF UNION)

The foregoing instrument was acknowledged and sworn to before me this 4th day of October, 2016 by Cyrene M. Foltz.

Witness my hand and official seal.

My commission expires: Cyrene E. Foltz
A Notary Public Of New Jersey
My Commission Expires July 20, 2020

Cyrene E. Foltz
Notary Public

THE ESTATE OF NANCY B FOLTZ

David B. Foltz
By: David B. Foltz, Executor of the Estate of Nancy B. Foltz

STATE OF NEW JERSEY)
) ss.
COUNTY OF UNION)

The foregoing instrument was acknowledged and sworn to before me this 4th day of October, 2016 by David B. Foltz, as Administrator of the Estate of Nancy B. Foltz.

Witness my hand and official seal.

My commission expires: Cyrene E. Foltz
A Notary Public Of New Jersey
My Commission Expires July 20, 2020

Cyrene E. Foltz
Notary Public

ROBERT W FOLTZ

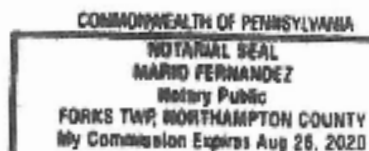
Robert W. Foltz
STATE OF PENNSYLVANIA)
) ss.
COUNTY OF NORTHAMPTON)

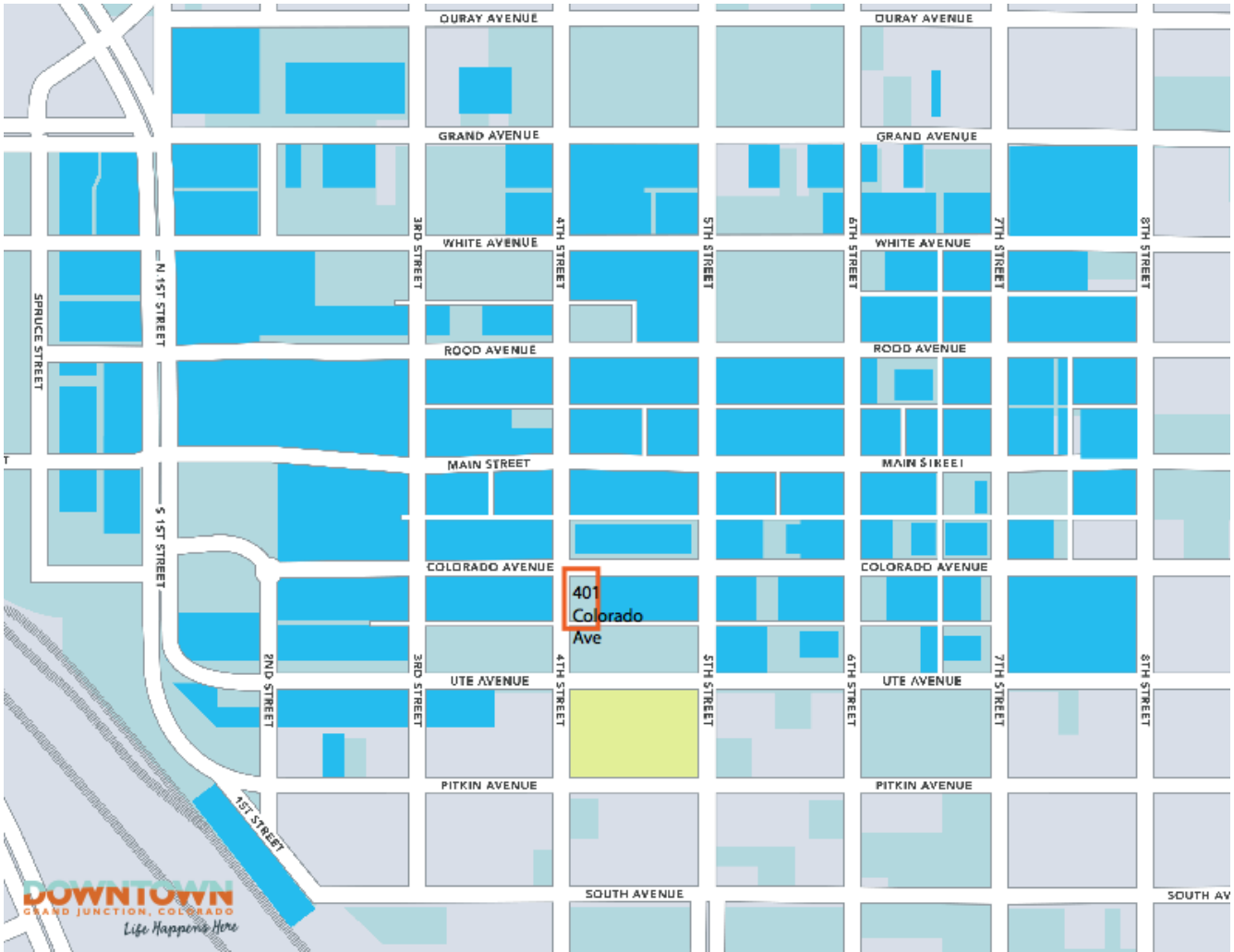
The foregoing instrument was acknowledged and sworn to before me this 8th day of October, 2016 by Robert W. Foltz.

Witness my hand and official seal.

My commission expires: 8/26/2020

Mario Fernandez
Notary Public





ORDINANCE NO.

AN ORDINANCE EXPANDING THE BOUNDARIES OF AND INCLUDING PROPERTY LOCATED AT 401 COLORADO AVE INTO THE DOWNTOWN GRAND JUNCTION BUSINESS IMPROVEMENT DISTRICT

Recitals:

The Downtown Grand Junction Business Improvement District (District) was formed by the Grand Junction City Council by Ordinance No. 3815 on August 17, 2005 in accordance with the Business Improvement District Act, Part 12 of Article 25 of Title 31 of the Colorado Revised Statutes (the Act). The District's term was extended from ten to twenty years by Ordinance No. 4651 on December 17, 2014.

The District consists of taxable real property that is not classified for property tax purposes as either residential or agricultural (together with the improvements thereon). It was formed to provide resources to promote business activity and improve the economic vitality and overall commercial appeal of the Downtown area. Since its inception the District has operated in compliance with the Act.

The Estate of Nancy B Foltz, Robert W Foltz and Cyrene M Foltz owns real property in the Downtown area at 401 Colorado Avenue which it seeks to have included into the boundaries of the District. The Estate of Nancy B Foltz, Robert W Foltz and Cyrene M Foltz has submitted a Verified Petition for Inclusion of Property into the Downtown Grand Junction Business Improvement District (Petition).

The District's Board of Directors supports inclusion of the Property and finds that the rights, contracts, obligations, liens and charges of the District will not be impaired by the expansion of its boundaries to include the Property, and believes that the District will benefit from the inclusion.

Notice was posted in accordance with C.R.S. §31-25-1220 informing all persons having objection to appear at the time and place stated in the notice and show cause why the petition should not be granted.

The City Council finds that:

- The Petitioner owns the Property requested to be included;
- The Petition is sufficient;
- The Property is not classified for property tax purposes as either agricultural or residential;
- The District will not be adversely affected by the inclusion of the Property;
- The failure of persons to appear and show cause against inclusion of the Property into the boundaries of the District is deemed to be assent on their part to the inclusion;

- No cause has been shown that the Property should not be included;
- Expansion of the boundaries of the District to include the Property furthers the goals and policies of the Comprehensive Plan and the Economic Development Plan and serves the interests of the District and the community.

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

The following real property together with improvements thereon shall be included in the Downtown Grand Junction Business Improvement District:

Lots 1, 2 and 3 in block 125 of the City of Grand Junction

Address: 401 Colorado Avenue, Grand Junction, Colorado 81501

Parcel Number: 2945-143-28-020

The City Clerk is directed to file a certified copy of this Ordinance with the Mesa County Clerk and Recorder.

Said property shall thereafter be subject to the levy of taxes for the payment of its proportionate share of any indebtedness of the district outstanding at the time of inclusion.

Introduced on first reading this ____ day of _____, 2016 and ordered published in pamphlet form.

Adopted on second reading this ____ day of _____ 2016 and ordered published in pamphlet form.

President of the City Council

ATTEST:

City Clerk



Grand Junction City Council

Regular Session

Item #3.a.

Meeting Date: November 16, 2016

Presented by: Greg Caton, City
Manager

Submitted by: Jodi Romero, Financial
Operations Director

Department: Administration

Information

SUBJECT:

Resolution for the Allocation of Certain Property Tax Revenues for the Grand Junction Downtown Development Authority (DDA) and for Certification of Property Tax Distribution Percentages to the County Assessor

RECOMMENDATION:

Approval of the Resolution

EXECUTIVE SUMMARY:

Historically the DDA has received 100% of the property tax increment and sales tax increment revenues from the City of Grand Junction (City). In 2008 the State extended the term of Downtown Development Authorities and reduced the required participation for property tax increment revenues to 50% with the remaining 50% to be allocated at the local taxing authority's discretion. The sales tax increment allocation is not specifically addressed in the current statute.

In 2012, the City of Grand Junction passed Resolution No. 34-12 agreeing to commit 100% of the property taxes attributable to the increment in property assessments. This resolution also confirmed the commitment of 100% of the DDA district sales taxes attributable to the increment of sales tax growth.

The attached resolution serves to separately commit the ad valorem property taxes attributable to the increment for 2017. The sales tax increment will be addressed under separate report and resolution. The increment will be set annually by resolution.

BACKGROUND OR DETAILED INFORMATION:

The DDA was formally established in 1981 and operated under the provisions of the original statute enabling legislation for its first thirty years. Ad valorem real property tax revenues attributable to the growth in the taxable assessed basis of property within the DDA boundary (the “increment”) are the primary source of capital funds for DDA projects. Tax revenues derived from the increment are held in a special revenue fund used exclusively for debt service for DDA undertakings. The City of Grand Junction further established sales tax increment districts in the DDA and have paid revenues to the DDA attributable to the increment in sales tax growth.

In 2008 the Colorado legislature modified 31-25-807, C.R.S., to allow the extension of Downtown Development Authorities for an additional twenty-year term, subject to new provisions regarding the increment. During the twenty-year extension the DDA shall receive 50% of the property tax revenues attributable to the increment in property assessments as measured from a new base year of 1991, unless a taxing entity agrees to allocate a greater percentage.

The DDA receives property tax revenues attributable to the increment from several other local taxing authorities in addition to the City; Mesa County (General Fund and Human Services levies), School District 51, Mesa County Public Library District, Colorado River Water District, Grand Valley Drainage District, and the Mosquito Control District.

During the process extending the authorization of the DDA, School District 51 agreed to allocate 100% of the increment revenues to the DDA during the extension period (Board of Education Resolution 10/11: 90). The remainder of taxing entities have not allocated any additional revenues beyond the base 50% mandated by state law, including most recently, the Mesa County Public Library District Board which voted in June 2012 to allow only the base 50% allocation.

Additionally, 31-25-807, C.R.S., requires that the governing body (the City of Grand Junction) annually certify and itemize to the County Assessor the property tax distribution percentages from each of the taxing entities that contribute to the special revenue fund. The proposed Resolution directs the City Manager to provide such certification to the County Assessor.

FISCAL IMPACT:

Under the new provisions of 31-25-807, C.R.S., local taxing entities including the City of Grand Junction are not required to provide any additional TIF allocation beyond the statutory requirement of 50%. In agreeing to a 100% allocation of property tax increment revenues, the City is foregoing an estimated \$80,500 in property tax revenues for 2017.

SUGGESTED MOTION:

I MOVE to adopt Resolution No. 47-16 – A Resolution for Allocation of Certain Property Tax Revenues for the Grand Junction Downtown Development Authority and for Certification of Property Tax Distribution Percentages to the County Assessor.

Attachment

ATTACHMENT 1 – Proposed Resolution

RESOLUTION NO. ____-16

**A RESOLUTION FOR ALLOCATION OF CERTAIN PROPERTY TAX REVENUES
FOR THE GRAND JUNCTION DOWNTOWN DEVELOPMENT AUTHORITY AND
FOR CERTIFICATION OF PROPERTY TAX DISTRIBUTION PERCENTAGES TO
THE COUNTY ASSESSOR**

Recitals:

WHEREAS, the Grand Junction Downtown Development Authority (“DDA”) was established and exists to enhance the built environment of the public spaces, buildings, and property by the expenditure of money to prevent and remedy slum and blight within the boundaries of the DDA; and,

WHEREAS, the DDA strives to create a more pleasing urban environment and expand the opportunities for residents and visitors to experience a quality urban landscape, streets, buildings and design in public places; and,

WHEREAS, in 2008 the Colorado Legislature changed section 31-25-807, C.R.S., providing that fifty percent (50%) of the property taxes levied, or such greater amount as may be set forth in an agreement negotiated by the municipality and the respective public bodies, shall be paid into the special fund of the municipality (which portion of the taxes is also and may for the purpose of this resolution be known as and referred to as the “increment” of the “TIF”); and,

WHEREAS, section 31-25-807, C.R.S., further requires that the governing body annually certify to the county assessor an itemized list of the property tax distribution percentages attributable to the special fund of the municipality from the mill levies of each public body; and,

WHEREAS, the City of Grand Junction has committed to allocate one hundred percent (100%) of the ad valorem property tax increment to the DDA debt service fund; and,

WHEREAS, the purpose of the allocation shall be for the continued construction of capital improvement projects as provided by state law in the City of Grand Junction’s downtown area; and,

WHEREAS, such allocation is in the best interests of the community of the City of Grand Junction;

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

1. The City of Grand Junction agrees that one hundred percent (100%) of the ad valorem property taxes attributable to the increment of assessed values of properties

located within the DDA boundaries and subject to the City of Grand Junction mill levy for the benefit and use of the DDA for the 2017 budget period. Funds shall be approved for expenditure in accordance with City financial policies but shall not constitute funds of the City for any purpose, including but not limited to the application of Article X, Section 20 of the Colorado Constitution.

2. The City Manager is hereby authorized and directed to certify to the county assessor the property tax distribution percentages attributable to the special fund of the municipality from the mill levies of each participating public body.

PASSED and ADOPTED this ____ day of _____, 2016.

President of the Council

Attest:

City Clerk



Grand Junction City Council

Regular Session

Item #3.b.

Meeting Date: November 16, 2016

Presented by: Greg Caton, City
Manager

Submitted by: Jodi Romero, Financial
Operations Director

Department: Administration

Information

SUBJECT:

Resolution for Allocation of Certain Sales Tax Revenues for the Grand Junction Downtown Development Authority (DDA)

RECOMMENDATION:

Approval of the Resolution

EXECUTIVE SUMMARY:

Historically, the DDA has received 100% of the property tax increment and sales tax increment revenues from the City of Grand Junction (City). In 2008 the State extended the term of Downtown Development Authorities and reduced the required participation for property tax increment revenues to 50% with the remaining 50% to be allocated at the local taxing authority's discretion. The sales tax increment allocation is not specifically addressed in the current statute.

In 2012, the City of Grand Junction passed Resolution No. 34-12 agreeing to commit 100% of the property taxes attributable to the increment in property assessments. This resolution also confirmed the commitment of 100% of the DDA district sales taxes attributable to the increment of sales tax growth.

In support of one of The Vagrancy Committee's recommendations for addressing homeless and vagrancy related issues downtown, City staff recommended a partnership between the DDA and the City to partially fund two full time police officer positions directed for a Downtown District patrol. The proposal considered and approved by the DDA Board in their October 27th board meeting was to help fund the

additional officers with 50% of the sales tax increment for 2017. This amount is budgeted as \$169,859 for 2017.

The attached resolution serves to commit the remaining 50% of the sales tax increment attributable to sales tax growth in the sales tax increment districts within the DDA boundary for 2017. The property tax increment will be addressed under separate report and resolution. The increment will be set annually by resolution.

BACKGROUND OR DETAILED INFORMATION:

The DDA was formally established in 1981 and operated under the provisions of the original statute enabling legislation for its first thirty years. Ad valorem real property tax revenues attributable to the growth in the taxable assessed basis of property within the DDA boundary (the "increment") are the primary source of capital funds for DDA projects. Tax revenues derived from the increment are held in a special revenue fund used exclusively for debt service for DDA undertakings. The City of Grand Junction further established sales tax increment districts in the DDA and have paid revenues to the DDA attributable to the increment in sales tax growth.

The City and DDA, as well as other community stakeholders has identified the need to address homeless and vagrancy related issues and in particular in the downtown business district. Last summer, as a pilot program, the City redirected patrol officers into the downtown area four days a week for 10 hours per day. During this effort they were dispatched to 92 calls for service, had 51 self-initiated activities, and made 14 arrests. A secondary benefit to this project was the positive contacts and relationship building with business people, shoppers, and tourists. Numerous compliments and expressions of appreciation in regards to the police presence downtown were received by citizens and business owners alike.

In response to this positive result and as a result of one of the recommendations from The Vagrancy Committee, in October staff proposed to the DDA that they fund a downtown patrol team. Several options were discussed and the decision was to implement a two officer team with additional assistance in the summer months from officers with primary assignment at CMU or in the schools.

The DDA Board supported forgoing 50% of the sales tax TIF in 2017 to put towards partially funding the directed downtown patrol officers. Per the minutes from the DDA Board meeting October 27th, 2016; *"Jason made a motion that 50% of the Sales Tax TIF revenue remains with the City of Grand Junction in support of a Downtown Policing Program that is an annual resolution and will be earmarked for those officers downtown. Marty seconded the motion. Jason, Kirk, Tom, Marty, and Shane voted yes. Dan and Jodi voted no. Duncan abstained. The motion passed with 5 yes votes, 2 no votes, and 1 abstention."*

FISCAL IMPACT:

The City will retain 50% of the sales tax increment budgeted at \$169,859 to partially fund the implementation of the downtown patrol team. It is expected that those funds will be sufficient to cover most costs during this first year of implementation.

SUGGESTED MOTION:

I MOVE to adopt Resolution No. 48-16 – A Resolution for Allocation of Certain Sales Tax Revenues for the Grand Junction Downtown Development Authority.

Attachment

ATTACHMENT 1 – Proposed Resolution

RESOLUTION NO. ____-16

**A RESOLUTION FOR ALLOCATION OF CERTAIN SALES TAX REVENUES FOR
THE GRAND JUNCTION DOWNTOWN DEVELOPMENT AUTHORITY**

Recitals:

WHEREAS, the Grand Junction Downtown Development Authority (“DDA”) was established and exists to enhance the built environment of the public spaces, buildings, and property by the expenditure of money to prevent and remedy slum and blight within the boundaries of the DDA; and,

WHEREAS, the DDA strives to create a more pleasing urban environment and expand the opportunities for residents and visitors to experience a quality urban landscape, streets, buildings and design in public places; and,

WHEREAS, the City of Grand Junction has committed to allocate fifty percent (50%) of the sales tax increment to the DDA debt service fund; and,

WHEREAS, the purpose of the allocation shall be for the continued construction of capital improvement projects as provided by state law in the City of Grand Junction’s downtown area; and,

WHEREAS, such allocation is in the best interests of the community of the City of Grand Junction;

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

1. The City of Grand Junction agrees that fifty percent (50%) of the sales taxes attributable to the increment of sales tax growth within sales tax districts located within the DDA boundaries for the benefit and use of the DDA for the 2017 budget period. Funds shall be approved for expenditure in accordance with City financial policies but shall not constitute funds of the City for any purpose, including but not limited to the application of Article X, Section 20 of the Colorado Constitution.

PASSED and ADOPTED this ____ day of _____, 2016.

President of the Council

Attest:

City Clerk



Grand Junction City Council

Regular Session

Item #3.c.

Meeting Date: November 16, 2016

Presented by: Greg Lanning, Director **Submitted by:** Kathy Portner, Community Services Manager

Department: Public Works

Information

SUBJECT:

Resolution Authorizing the City Manager to Submit a Grant Request to the Colorado Department of Local Affairs for the 1st Street Reconstruction Project

RECOMMENDATION:

Approval of the Resolution

EXECUTIVE SUMMARY:

This request is for authorization to submit a request to the Colorado Department of Local Affairs' Energy and Mineral Impact Assistance Program for a \$1 million grant, with a local match of \$2 million for the 1st Street Reconstruction Project.

BACKGROUND OR DETAILED INFORMATION:

The 1st Street project will reconstruct the corridor from Ouray Avenue to North Avenue to a three-lane section with 8' wide detached sidewalks, 5' bike lanes, on-street parking and medians. Additional upgrades include landscaping, drainage improvements and the conversion of street lighting to LED. The goals of the project are to:

- Provide capacity for up to 14,000 vehicles per day as projected in the 2040 traffic model.
- Provide a safe transportation corridor for all modes, including pedestrians, bicyclists, ADA, transit, vehicles and trucks.
- Address livability issues identified in the Comprehensive Plan and Greater Downtown Plan such as traffic growth, traffic calming and intensified land uses in a Neighborhood Center.
- Accommodate existing businesses by providing safe access and allow for on street parking.

FISCAL IMPACT:

The request to DOLA will be for a \$1 million grant from the Energy and Mineral Impact Assistance Program for the 1st Street project. The grant, if successful, will be used to offset the total project cost of \$3.05 million currently in the manager's recommended 2017 budget.

SUGGESTED MOTION:

I MOVE to adopt Resolution 49-16 – A Resolution Authorizing the City Manager to Submit a Grant Request to the Colorado Department of Local Affairs Energy and Mineral Impact Assistance Program for the 1st Street Reconstruction Project.

Attachment

ATTACHMENT 1 –Resolution

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. ____-16

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT A GRANT REQUEST TO THE COLORADO DEPARTMENT OF LOCAL AFFAIRS (DOLA) ENERGY AND MINERAL IMPACT ASSISTANCE PROGRAM FOR THE 1ST STREET RECONSTRUCTION PROJECT

RECITALS.

The 1st Street project will reconstruct the corridor from Ouray Avenue to North Avenue to a three-lane section with 8' wide detached sidewalks, 5' bike lanes, on-street parking and medians. Additional upgrades include landscaping, drainage improvements and the conversion of street lighting to LED. The goals of the project are to:

- Provide capacity for up to 14,000 vehicles per day as projected in the 2040 traffic model.
- Provide a safe transportation corridor for all modes, including pedestrians, bicyclists, ADA, transit, vehicles and trucks.
- Address livability issues identified in the Comprehensive Plan and Greater Downtown Plan such as traffic growth, traffic calming and intensified land uses in a Neighborhood Center.
- Accommodate existing businesses by providing safe access and allow for on street parking.

The request to DOLA would be for a \$1 million grant from the Energy and Mineral Impact Assistance Program, with a local match of \$2 million, for the 1st Street project.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Grand Junction does hereby authorize the City Manager to submit a \$1 million grant request, with a local match of \$2 million, in accordance with and pursuant to the recitals stated above to the Department of Local Affairs' Energy and Mineral Impact Assistance Program for the 1st Street Reconstruction Project.

Adopted and approved this _____ day of _____, 2016.

President of the Council

ATTEST:

City Clerk



Grand Junction City Council

Regular Session

Item #4.a.

Meeting Date: November 16, 2016

Presented by: Vara Kusal, Manager **Submitted by:** Vara Kusal, Manager

Department: Horizon Drive
Association Business
Improvement District

Information

SUBJECT:

Horizon Drive Association Business Improvement District's 2017 Operating Plan and Budget

RECOMMENDATION:

Approval of City Council

EXECUTIVE SUMMARY:

Every business improvement district is required to file an operating plan and budget with the City Clerk by September 30th each year. The City Council then approves or disapproves the plan and budget by December 5th. The plan and budget were reviewed by the Horizon Drive Business Improvement District Board and approved on October 19, 2017.

BACKGROUND OR DETAILED INFORMATION:

In 2004, the City Council created the Horizon Drive Association Business Improvement District, approved the 2005 Operating Plan and Budget and appointed the board. State Statutes (31-25-1212 C.R.S.) require business improvement districts to annually submit an operating plan and budget. The municipality shall approve or disapprove the operating plan and budget by December 5th so the BID can file its mill levy certification with the County Assessor by December 10th.

FISCAL IMPACT:

The Horizon Drive District has received revenues in excess of their limits under TABOR due to funds distributed by Mesa County for the Specific Ownership Tax. The District has resolved to institute a temporary mill levy rate reduction for the 2016 tax year, collected in 2017, in order to refund the excess revenue.

SUGGESTED MOTION:

I MOVE to approve the 2017 Operating Plan and Budget of the Horizon Drive Association Business Improvement District.

Attachments

ATTACHMENT 1 – 2017 Operating Plan

ATTACHMENT 2 – 2017 Budget



HORIZON DRIVE **District**

Gateway to Grand Junction

Service & Operating Plan 2017

INTRODUCTION

The Horizon Drive District (the “District”) is comprised of commercial properties within the general geographic areas of Horizon Drive between G Road and H Road. The District was formed in 2004 under Colorado Revised Statute 31-25-1201, which allows Business Improvement Districts to be formed within municipalities of Colorado, and to levy and collect ad valorem taxes on commercial property within the boundaries of the District. The City of Grand Junction oversees the District and appoints the Board of Directors.

As a gateway to Grand Junction, the District is often the first and lasting impression people have of the City of Grand Junction. As such, City government also takes an active role and fiscal partnership in the maintenance and improvements to the District.

The Horizon Drive District is home to more than 200 businesses, including 70% of the City’s lodging, and has an overall economic impact of \$300 million annually. The District sees 7 million cars annually and connects the community and travelers to the Regional Airport, Downtown, Colorado Mesa University and points between.

The mission of the Horizon Drive District is to build community, enhance the beauty and advocate the economic vitality of the Horizon Drive District.

During the year 2016, the District’s efforts focused on advancing the Corridor Improvement Project: Street Improvement Plan (CIP). This effort is guided by the strategic plan adopted in fall of 2011 for 2012 and beyond. Phase 1 began construction in September of 2015 in partnership with the Colorado Department of Transportation, the City of Grand Junction, and Ute Water. This first phase of the CIP was completed on time, under budget, and with no job-related injuries.

In accordance with the Board’s stated objectives, the District adopts the following general Service & Operating Plan for 2017:

VISIT THE DISTRICT

WWW.HORIZONDRIVEDISTRICT.COM

970.985.1833

P.O. Box 4191 Grand Junction, CO 81502

2017 GOALS

1. Make significant progress towards Phase 2 of the Corridor Improvement Master Plan, which will achieve the following Mission-critical objectives:
 - a. Stimulate Economic Development – Encourage development of undeveloped parcels, as well as improvements on existing parcels within the District, to enlarge the tax base and economic impact for the benefit of Grand Junction, as a direct result of infrastructure improvements.
 - b. Improve Safety – Mitigate pedestrian safety hazards, improve pedestrian connectivity between District businesses, plan for critical growth and necessary safety improvements, as well as enhance overall safety, traffic flow, and efficiency of travel.
2. Continue development of strategy to Enlarge the District. The District plans to strategically enlarge the District by voluntary annexation of adjacent parcels and nearby parcels that logically benefit from and fit within the District sphere of influence. Progress towards accomplishing this objective have been enhanced by the substantive and tangible improvements to the District in Phase 1 that demonstrate benefits to potential stakeholders.
3. Continue strategy development to Improve the District Image and neighborhood identity. The District serves as a “front door” to Grand Junction, as well as a distinct neighborhood in search of identity. The District is currently developing and implementing a multi-tier strategy to identify and promote its distinct image, develop and implement design standards consistent with the City of Grand Junction Comprehensive Plan, and the unique District neighborhood aesthetic. These objectives are critical to the District as the “front door” to Grand Junction.

SERVICES AND IMPROVEMENTS OFFERED BY THE DISTRICT

- Plan for future growth and enhance the District with long range planning of improvements.
- Represent the District in decisions that may impact the area.
- The District is allowed to make and contemplate a broad range of public improvements including, but not limited to: streets, sidewalks, curbs, gutters, pedestrian malls, streetlights, drainage facilities, landscaping, decorative structures, statuary, fountains, identification signs, traffic safety devices, bicycle paths, off street parking facilities, benches, restrooms, information booths, public meeting facilities, and all incidentals, including relocation of utility lines.

GOVERNANCE OF THE DISTRICT

- The Board of Directors is appointed by the Grand Junction City Council.
- The Board of Directors appoints management staff in accordance with District Bylaws.

POWERS OF THE DISTRICT

- The power to levy taxes against taxable commercial property.
- To consider and, if deemed necessary, provide services within the District including but not limited to:
 - Management and planning
 - Maintenance of improvements, by contract if necessary
 - Promotion or marketing
 - Organization, promotion and marketing of public events
 - Activities in support of business recruitment, management and development
 - Snow removal or refuse collection / recycling
 - Design assistance
- To acquire, construct, finance, install and operate public improvements and to acquire and dispose of real and personal property.
- To refund bonds of the district.
- To have management, control and supervision of business affairs of the district.
- To construct and install improvements across or along any public street, alley or highway and to construct work across any stream or watercourse.
- To fix, and from time to time increase or decrease, rates, tolls, or charges for any services or improvements. Until paid, such charges become a lien on commercial property in the District, and such liens can be foreclosed like any other lien on real or personal commercial property.
- The power to sue and to be sued, to enter into contracts and incur indebtedness, to issue bonds subject to statutory authority.

2017 BUDGET

Please see attached 2017 Budget.

2017 Budget
Revised 10/12/16

General Fund	2014	2015	2016	2016	Projected	2017
	Actual	Actual	Budget	YTD 9/30/2016	Year End 2016	Budget
FUND BALANCE - Beg. Year	661,296	783,810	617,339	617,339	617,339	280,059
ESTIMATED REVENUE						
BID's Mill Levy	233,050	239,410	214,000	192,763	214,000	106,930
Interest	75	79	50	32	40	50
City of GJ Loan			479,000			
Refund, Phase 1					70,000	
TOTAL REVENUES	233,125	239,489	693,050	192,795	284,040	106,980
BUDGETED EXPENDITURES						
GENERAL Operating Expenses:						
Elections						
Administration						
Financial	2,835	1,910	2,700	2,560	3,300	3,300
Audit	2,600	2,600	2,700	2,600	2,600	2,700
Insurance	2,958	2,348	3,000	2,367	2,367	3,000
Legal	5,575	4,200	5,000	3,150	4,550	5,000
Payroll Expenses and Benefits	57,882	60,947	64,204	49,208	64,353	65,488
Operations						
Rent & other	6,997	7,696	7,500	5,250	6,315	7,500
Marketing & Comm.	1,447	3,161	5,000	5,682	12,397	5,000
Maintenance/repair	1,407	-	5,000	5,757	5,757	5,000
TOTAL GENERAL Operating Expense:	81,701	82,862	95,104	76,574	101,639	96,988
DISTRICT Services:						
Horizon Drive Corridor						
Planning & Design	15,472	34,368	21,400	15,121	15,121	
Art on Horizon	13,438	90,000	100,000	100,000	100,000	50,000
Remaining Phase 1 Landscaping			58,000	43,704	43,704	
Phase 3 Landscaping						32,000
TOTAL DISTRICT Services	28,910	124,368	179,400	158,825	158,825	82,000
CAPITAL Outlay:						
Debt Service			68,500			68,429
RAMP Matching Funds		198,730	686,564	235,914	235,913	
Light Fixtures			163,509		124,943	
TOTAL CAPITAL Expense:		198,730	918,573	235,914	360,856	68,429
TOTAL EXPENSES	110,611	405,960	1,193,077	471,313	621,320	247,417
Net Income	122,514	(166,471)	(500,027)	(278,518)	(337,280)	(140,437)
FUND BALANCE - End Year	783,810	617,339	117,312	338,821	280,059	139,621
Reserve Balance (Years of General Operating Expense In Fund Balance)	9.59	7.45	1.23	4.42	2.76	1.44



Grand Junction City Council

Regular Session

Item #4.b.

Meeting Date: November 16, 2016

Presented by: Allison Blevins,
Executive Director,
Downtown Grand
Junction Business
Improvement District

Submitted by: Allison Blevins, Executive
Director, Downtown Grand
Junction Business
Improvement District

Department: DGJBID

Information

SUBJECT:

Downtown Grand Junction Business Improvement District's 2016 Budget Report and 2017 Summary and Budget

RECOMMENDATION:

The DGJBID Board reviewed and approved the 2017 Operating Plan and Budget at a special meeting on September 22, 2016 and recommends City Council approval.

EXECUTIVE SUMMARY:

Annually the DGJBID files an Operating Plan and Budget with the City Clerk by September 30th. The City Council then approves or disapproves the plan and budget. The plan was reviewed by the DGJBID Board and submitted within the required timeline. After further review by City staff, the plan was found to be reasonable.

BACKGROUND OR DETAILED INFORMATION:

In 2005, the City Council created the Downtown Grand Junction Business Improvement District (BID), approved their 2006 Operating Plan and Budget, conducted a mail ballot election to create a Special Assessment, and then turned over the board to the DDA. State Statutes (31-25-1212 C.R.S.) require business improvement districts to submit an operating plan and budget. The municipality shall approve or disapprove the operating

plan and budget. The Special Assessment was filed with the Mesa County Treasurer on November 4th.

FISCAL IMPACT:

The City of Grand Junction makes an annual Payment In Lieu of Tax (PILT) to the BID. In 2016 the City transferred \$13,466 to the BID; that amount remains unchanged in the 2017 proposed budget.

SUGGESTED MOTION:

I MOVE to approve the Downtown Grand Junction Business Improvement District's 2017 Operating Plan and Budget.

Attachment

ATTACHMENT 1 - Downtown Business Improvement District 2016 Budget Report and 2017 Summary and Budget



Downtown Grand Junction Business Improvement District 2016 Annual Report and 2017 Operating Plan & Budget

Annual Reporting Requirements

Pursuant to C.R.S. 31-25-1211, Business Improvement Districts shall file an operating plan and proposed budget for the coming year with the City Clerk by September 30 of each year. This report also includes a final budget from 2015 as well as the adopted budget for 2016.

History of the Business Improvement District

The Downtown Grand Junction Business Improvement District (BID) was approved in November 2005 and implemented in FY2006. The BID covers an area of approximately 40 blocks of the commercial core of the downtown area, and comprises over 600 property owners and businesses representing a mix of retail, restaurants, professional services and commercial activities. The BID is funded by district property owners who pay an annual special assessment based on square footage of ground floor space within the BID boundary. In some cases the responsibility for paying the assessment is passed through to the property tenant. Historically the assessment has generated about \$140,000 per year. The 2017 budget reflects a 5% increase in the BID assessment resulting in about \$7,000 in increased revenue with a total assessment of \$147,270. The BID board is authorized to raise the assessment up to 5% per year. However, in the 11 years the BID fee has been assessed, this will only be the fourth time the assessment has been raised. The BID assessment is also higher this year because two properties recently petitioned into the district.

Additional BID funding comes from Payments in Lieu of Taxes from the City of Grand Junction and the Downtown Development Authority (DDA), program revenues from special events, and sponsorships.

C.R.S. 31-25-1201 et. Seq. authorizes the following services that may be provided within a BID:

- Consulting with respect to planning or managing development activities
- Maintenance of improvements, by contract, if it is determined to be the most cost-efficient
- Promotion or marketing of district activity
- Organization, promotion, marketing, and management of public events
- Activities in support of business recruitment, management, and development
- Security for businesses and public areas located within the district
- Snow removal or refuse collection, by contract, if it is determined to be the most cost-efficient
- Providing design assistance

Establishment of the BID was accomplished by adoption of Ordinance 3815 organizing the BID and approving its initial operating plan and budget, and a concurrent TABOR ballot measure submitted to the eligible district voters approving the special assessment. Marketing and promotion/special events were identified as the initial services to be offered by the BID, but provision was made for the implementation of any of the statutorily permitted services. Where a BID is located largely within an existing DDA district, state law gives the City Council the option to designate the DDA Board of Directors as the BID Board of Directors; Grand Junction City Council selected this option in creating the BID.

On December 17, 2014, the City Council authorized continuation of the BID. The BID will be up for renewal again in 20 years.

Organizational Structure

Historically the management of the BID has been delegated to the DDA Director. With the departure of Harry Weiss in 2015 the DDA/BID board decided to separate the position of executive director into two positions, one for the DDA and one for the BID. The duties of the BID often overshadowed DDA projects and the two organizations require different skill sets. While the board conducted a search for a new DDA director, they hired two co-directors to manage the BID consisting of a Communications and Marketing Director and an Events Management Director who both answered directly to the board of directors.

In September of 2016 the Events Management Director resigned and the board decided to move forward with one Executive Director for the BID allowing the Communications and Marketing Director to step into the role while continuing to manage marketing and communications for Downtown. In late 2016 or early 2017 the BID/DDA will also be hiring a shared Event Coordinator to manage all BID related events and participate in oversight of all events happening in the downtown area as well as oversee the DDA's Art on the Corner program.

Operational Changes

2017 staff labor and benefits are apportioned between the BID and the DDA as follows:

Event Coordinator: 100% BID

BID Executive Director: 100% BID

DDA Executive Director: 100% DDA

Senior Administrative Assistant: 100% DDA

BID Services

General District Marketing & Communication

The marketing and advertising of Downtown remains a central function of the BID. The BID budgets \$75,000 annually for marketing expenses, including expenses related to marketing special events.

In FY2016 we continued to streamline our marketing efforts for the BID, focusing less on traditional marketing efforts and more on social media. We implemented video advertising in the Regal Movie Theater as well as via Facebook and Instagram.

We launched the campaign #WestSlopeBestSlope to promote the Western Slope and seek to transform the negative view some Grand Valley residents have of our area, such as “Junktown”. To date, the hashtag has been used over 96,000 times on Facebook and Instagram.

Communication with the district constituents has continued to work well and we employ multiple ways of keeping BID members informed and connected. With the formation of the Leadership Committee early this year, we’ve seen increased involvement within the constituency. Many business owners are re-engaging into the Downtown community.

We launched a monthly meeting called “Business Information Sessions” designed to engage and inform business owners. Topics such as Holiday Parking, Social Media Training, Prepping for Events have been of great interest to our Downtown businesses.

We created a “Welcome Packet” for new businesses Downtown or those interested in the area. This packet provides a comprehensive explanation of all of the services offered to Downtown by both the BID and the DDA as well as important dates and contact information.

Special Events

Downtown special events support general marketing by increasing exposure of Downtown businesses to large numbers of people. Events also play an essential role in reinforcing Downtown as the cultural and social center of the community.

In 2016, the BID continued to follow through on the changes made in 2014 to the format and content of BID-produced events. The Grand Junction Off-Road was again produced as a combined event with the Downtown Music Festival, the first year the music festival stood without an art component. The event was again well received by the public and with the combination of the event removed some of the burden that retailers often feel from multiple street closures.

Farmers Market continued with the layout change implemented in 2014 as well as the renewed focus on local farmers and food. The renewed focus on agriculture resulted in a large increase in the number of farmers who attended last year. Attendance at Farmers Market remained steady and feedback from the public has been positive.

The First Annual Downtown Art Festival happened on October 7 & 8 and coincided with the DDA’s installation of the 2016 Art on the Corner temporary exhibit. The vision of the Art Festival is to expand into a community-wide schedule of arts related events but began this year with an expanded First Friday event in the Downtown core that reached into Saturday with Downtown businesses organizing events, performances or art displays in their businesses. The BID will take the lead in organizing the schedule of events and assisting the downtown businesses with locating artists when needed.

Special event production costs went down in 2016 because of a renewed effort by BID staff to break even on events. This is forecasted to remain steady for 2017 as well.

2017 Objectives

- Explore additional avenues for funding BID programs such as expanded sponsorships and grants.
- Secure funding for and establish an Ambassador Program for the busy tourist season to create a warm, welcoming environment in the downtown area.
- Work with a committee of members and the City to create a Special Events Policy for Downtown.
- Continue to engage members through committees and meetings in order to foster greater member involvement.
- Continue to partner with Colorado Mesa University to draw students and their parents to the downtown core.
- Solidify the Downtown Art Festival and continue to build upon the plan to expand it into a week-long schedule of arts-related events.
- Continue to rollout and expand the Downtown brand, including better signage and banners. Work with the DDA on expanding Wayfinding for the Downtown area.
- Coordinate with the city to rework the Public Right-of-Way policy to work in the best interest of BID members.
- Continue to explore the BID's involvement in the downtown parking system.
- Roll out a shop local campaign with a special emphasis on story-telling that encourages community members to shop Downtown.

Fund Balance Summary

The BID ended FY2015 with a fund balance of \$10,350. The FY2016 BID budget projected a \$4,484 draw against the fund balance, but the year-end projection is revised to break even, keeping the fund balance at \$10,350.

2017 Budget

The 2017 Budget reflects stability in the way we manage the budget. In previous years, events costs have been high but in 2016 we were able to bring those budgets to a manageable place and are projected to end FY2016 by breaking even.

The BID board opted to raise the BID assessment by the allowed 5% for 2017 which accounted for approx. \$7,000. The last time the BID assessment was raised was in 2013.

As the BID moves forward, we will continue to seek sponsorship for our events and work to leverage our marketing dollars in ways that benefit the individual members of the BID as well as the BID as a whole. Our hope is that in the next several years BID sponsored events will become more and more profitable through vendor fees and sponsorships.

DOWNTOWN GRAND JUNCTION BID				
FY 2017				
711 FUND	CGJ Acct #	Final 2015	Adopted 2016	2017 Proposed Budget
REVENUE				
DDA Grant	4200-04	\$ 27,500	\$ 27,500	\$ 27,500
Special Assessments	4500	\$ 140,868	\$ 141,750	\$ 147,270
CITY PILT	4750	\$ 13,466	\$ 13,466	\$ 13,466
Interest	4610	\$ 444	\$ 350	\$ 300
Gift Card Revenue	4700_03	\$ 441	\$ -	\$ -
Special Events Income	4710/4363_03/4700	\$ 83,051	\$ 85,000	\$ 89,600
Sponsorships	4360/4750	\$ 23,000	\$ 30,000	\$ 30,000
tee shirt sales	4300	\$ -	\$ -	\$ 1,000
bad checks	4720	\$ (35)	\$ -	\$ -
TOTAL REVENUE		\$ 288,735	\$ 298,066	\$ 309,136
EXPENSES				
Labor & Benefits	5000-5900	\$ 106,611	\$ 113,950	\$ 110,392
Seasonal	5290	\$ 24,964	\$ 13,832	\$ 13,464
Operating	6105	\$ 7,211	\$ 5,200	\$ 5,200
Marketing	6400	\$ 66,099	\$ 75,000	\$ 75,000
Credit Card Fees	7310-02	\$ 1,988	\$ 2,000	\$ 2,000
Treasurer's Fee	7310-07	\$ 2,817	\$ 2,835	\$ 2,850
Gift Card Program	7410	\$ 3,763	\$ 2,400	\$ 2,400
COGS (tee shirts)	6010	\$ -	\$ -	\$ 1,000
Maintenance Truck & Kiosk/fuel	7680	\$ 71	\$ 1,000	\$ 500
Postage/Freight	6120	\$ 367		\$ 225
Events	7700	\$ 125,026	\$ 86,333	\$ 88,437
TOTAL EXPENSES		\$ 338,917	\$ 302,550	\$ 301,468
NET REVENUE (LOSS) ACTUAL		\$ (50,182)	\$ (4,484)	\$ 7,668
FUND BALANCE SUMMARY				
Beginning Fund Balance		\$ 60,532	\$ 10,350	\$ 5,866
Ending Fund Balance ('16,'17 projected)		\$ 10,350	\$ 5,866	\$ 13,534



Grand Junction City Council

Regular Session

Item #5.a.

Meeting Date: November 16, 2016

Presented by: Traci Wieland,
Recreation
Superintendent

Submitted by: Traci Wieland, Recreation
Superintendent

Department: Parks and Recreation

Information

SUBJECT:

Resolution supporting the grant application for a school yard grant from the State Board of the Great Outdoors Colorado Trust Fund for Orchard Avenue Elementary School

RECOMMENDATION:

Staff recommends approval of the resolution to Great Outdoors Colorado (GOCO) for a school yard grant for Orchard Avenue Elementary School.

EXECUTIVE SUMMARY:

GOCO's 2015 strategic planning process again identified connecting youth with the outdoors as one of Coloradan's greatest concerns. Though Colorado's outdoor assets are vast, youth focus group participants shared that their families often aren't able to access even relatively nearby outdoor places, and that their home communities frequently lack safe outdoor areas to play in and explore. By improving school grounds, GOCO aims to bring nature and opportunities to play and learn to the spaces youth and families access most often.

The GOCO School Yard Initiative is a once a year funding opportunity to revitalize school playgrounds and outdoor learning environments across the state with an emphasis on nature-based play. Per the constitutional amendment that created GOCO, a school must partner with an eligible entity, such as a local government. Those eligible entities may sponsor projects on behalf of entities that are not eligible for GOCO funding; allowing schools the opportunity to construct projects on school grounds. For the purposes of this initiative, the local government will serve as the applicant, and the school will serve as the partner. The School Yard Initiative is one of a dozen funding

programs available through GOCO, and this initiative does not compete with or inhibit the City of Grand Junction from submitting for any other initiative. Furthermore, the request to serve as applicant does not require any matching funds from the City of Grand Junction, operational responsibility, or maintenance of the improvements.

BACKGROUND OR DETAILED INFORMATION:

Vicki Woods, Principal from Orchard Avenue Elementary School, and Randall Reitz, parent, attended the May 5, 2016 Parks and Recreation Advisory Board meeting to request approval for the City of Grand Junction to serve as the applicant for a 2017 School Yard Initiative grant request to GOCO. The Advisory Board approved the request unanimously. Since that time, the school has been conducting a student-led design process to determine the specific improvements to the site. The Student Council has been working to develop conceptual plans and options for a nature based school play yard. The Student Council is made up of 10 students from 3rd, 4th, and 5th grades who have been listening to their classmates about what they would like in the School's play area. From this feedback, the Student Council determined that many students wanted to replace the climbing feature, improve the garden area with edible and native plants, add a weather station, add a green house, add fitness stations, and improve the blacktop area for basketball, four square, and other activities. The entire student body, parents of students, and the surrounding community then voted on the components they wanted to see most. The Student Council is currently working with Ciavonne, Roberts, and Associates to assist in the conceptual design development process that will be submitted to GOCO as part of the application process.

GOCO requires an intergovernmental agreement (IGA) between the City of Grand Junction and the school. A draft will be in place at the time of application and then completed as part of the grant agreement process.

The School District is responsible for all project planning, community outreach, construction, and grant writing. In addition, the School District will retain ownership of the property and will be responsible for maintaining the project in a high quality condition for its useful life. The City's role would be to:

- Designate a primary contact for the grant
- Sign the application
- Pass a Council resolution
- Work with the school to establish an IGA
- Sign the grant agreement
- Serve as the fiscal agent
 - Finance signs reports
 - Receives grant funds from GOCO
 - Distributes funds to school

FISCAL IMPACT:

There is no fiscal impact to the City of Grand Junction. The City will serve as fiscal agent receiving the grant funds from GOCO then distributing them to Orchard Avenue Elementary School for all design and construction services associated with the project. GOCO funds are not subject to TABOR, so this agreement will not have an impact on revenue limitations.

Orchard Avenue Elementary School will be required to provide a 25% overall project match with 10% of that being cash. They can request a maximum grant award of \$110,000 which includes a \$10,000 allocation for design services. GOCO believes there is great value in schools working with a professional design consultant to help with creative and innovative design, to ensure the school site can accommodate that design, and to provide insight into what the project might cost.

SUGGESTED MOTION:

I MOVE to (authorize or deny) Resolution No. 50 -16 – A Resolution Supporting the Grant Application for a School Yard Grant from the State Board of the Great Outdoors Colorado Trust Fund for Orchard Avenue Elementary School.

Attachment

ATTACHMENT 1 – Proposed Resolution

RESOLUTION NO. __-16

A RESOLUTION SUPPORTING THE GRANT APPLICATION FOR A SCHOOL YARD GRANT FROM THE STATE BOARD OF THE GREAT OUTDOORS COLORADO TRUST FUND FOR ORCHARD AVENUE ELEMENTARY SCHOOL

Recitals:

On November 16, 2016 students and faculty from Orchard Avenue Elementary School, a school operated by Mesa County Valley School District No. 51 ("District"), presented their plan to the City Council to improve the school yard at Orchard Avenue Elementary School ("Project").

The Project plan depends in significant part on receipt of funding in the amount up to \$110,000 from a Great Outdoors Colorado ("GOCO") grant, and in order for the grant application to be made the City must agree to sign the grant application and serve as the grantee of the grant.

After due consideration the City Council of the City of Grand Junction supports the Project and desires the City to assist the District's efforts to submit a GOCO grant application to obtain the necessary funding for the Project, and if the grant is awarded, to enter into such further agreements as are necessary and proper to obtain and pass through the grant funds to the District and complete the Project.

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

- 1: The City Council of the City of Grand Junction strongly supports the application to GOCO to obtain funds needed to complete the Project. The City Manager is authorized and directed to work with the District to review, finalize and timely submit such GOCO grant application.
- 2: If the grant is awarded, the City Council of the City of Grand Junction strongly supports the completion of the Project, and authorizes the City Manager to sign an appropriate grant agreement on behalf of the City as grantee of the GOCO grant.
- 3: If the grant is awarded, the City Council of the City of Grand Junction further authorizes the City Manager to negotiate and sign an intergovernmental agreement between the City and the District regarding the GOCO grant. Such agreement shall provide for, but may not be limited to—
 - a. Pass-through to the District of GOCO grant funds received by the City for the Project;

- b. The District's assumption of the City's obligations under the GOCO grant agreement,
 - c. Confirmation that the District has raised and set aside sufficient funds to satisfy GOCO's matching funds requirement(s) for the Project;
 - d. The District's payment of Project construction costs as they come due; and
 - e. The District's agreement to maintain the Project in high quality condition once it is complete and during its useful life, subject to annual appropriation.
- 6: This Resolution shall be in full force and effect from and after its passage and adoption.

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 #6.a.

Meeting Date: November 16, 2016

Presented by: Jennifer Moore,
Executive Director,
Math and Science
Center
John Williams, Vice
President, Math and
Science Center Board

Submitted by: Jennifer Moore, Executive
Director, Math and
Science Center

Department: Math and Science
Center

Information

SUBJECT:

Letter of support for the grant application for a Local Park or Outdoor Recreation grant from the State Board of the Great Outdoors Colorado Trust Fund for Math and Science Center.

RECOMMENDATION:

The Math and Science Center is applying for a GOCO grant for an Outdoor Classroom and Play-space at their new location on 7th Street and Kennedy Avenue. The Math and Science Center is seeking a letter of support and a resolution from the City Council in support of their project.

EXECUTIVE SUMMARY:

The Math and Science Center is requesting \$300,000 from Great Outdoors Colorado to the construction of an outdoor community classroom and play-space at the new Math and Science Center located on the Colorado Mesa University campus. The space will incorporate a community gathering space with benches, tables, and shade structures. The location will be surrounded by a low fence to keep children safe from traffic on 7th street or Kennedy Avenue. The project will also have mathematical and scientific children's play equipment for recreation and additional educational experience.

Incorporated into the design is a native plant exhibit to educate guests on identification local flora species and the importance of pollinators.

The Math and Science Center has secured 25% matching funds for the completion of the grant requirements. The project will be constructed by SHAW construction in correlation with the current capital construction project of the new engineering building and Math and Science Center.

This project is seen as a valuable community asset to the City of Grand Junction. The Math and Science Center has 6 employees and 16 college students in internship positions. They are an important tourism destination and educational facility that supports students in D51 and the surrounding communities. The Math and Science Center sees over 15,000 students and guests a year through their programs and exhibit hall. The Math and Science Center provides supplemental science resource kits for every student in D51 elementary schools.

This GOCO grant opportunity is the only grant opportunity that the Math and Science Center is pursuing to develop the outdoor classroom facility. The Math and Science Center has support from other organizations around Grand Junction who have already committed their support to the project including the Bacon Family Foundation, Grand Valley Power, Reynolds Polymer, SSD plastics, All Metals Welding, Ute Water, Timberline Bank, and Colorado Mesa University.

BACKGROUND OR DETAILED INFORMATION:

See attachment for proposed design.

FISCAL IMPACT:

The Math and Science Center has appropriate match for the required project. There is no fiscal impact on the City of Grand Junction.

SUGGESTED MOTION:

I MOVE to (authorize or deny) a letter of support supporting the grant application for a Local Park or Outdoor Recreation grant from the State Board of the Great Outdoors Colorado Trust Fund for the Math and Science Center.

Attachments

ATTACHMENT 1 – Proposed Design
ATTACHMENT 2 – Letter of Support

John McConnell Math and Science Center

Outdoor Learning and Play-space

The intention for the space is to function as an outdoor educational space (8-10 benches for children), fulfilling a need for connection to the outside environment that is important to the learning processes. It will also be a shaded community sitting area where people can meet, learn, and play. It will be a public space where families, visitors, and guests to the Center can have a picnic lunch or allow their children to run and jump and interact with science. All of these elements will include a hands-on element to the scientific concepts we are trying to present through our mission.



As seen at the Exploratorium an Anamorphic bench - A cylindrical mirror turns a curved bench into something that looks quite different, taking a Renaissance-era illusion into the third dimension. The installation encourages playful interactions among users, bringing people together both visually and socially as they explore the unexpected effects.



Climbing feature that encourages perceived risk and adventure play. Scientists have found that taking risks (and overcoming them) during play is an important part of child development.



Landscape that exhibits local plants. This will be a limited path on the border of the space. It would serve as a small educational botany exhibit that incorporates native plant species, water conservation practices, and introduces the importance of pollinators in the food web.



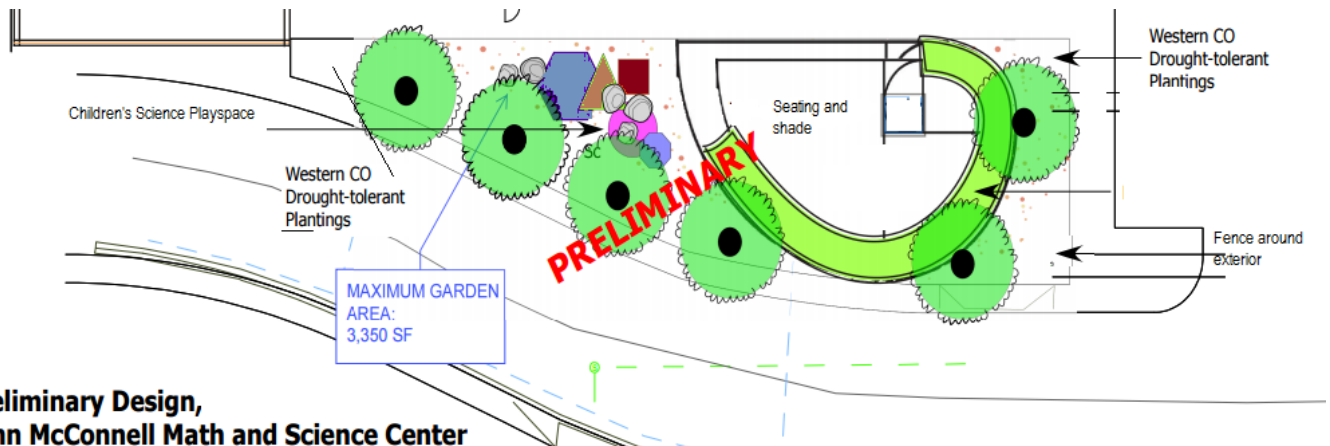
Fibonacci sequence climbable art – sculpture and geometric obstacles for children and the community to engage with. This spiral is at the Harry Thomas Sr park in Washington DC and is featured in the top 16 best playgrounds in the world.



This DNA double helix play structure is another option for hands-on science play.



This planetarium play area would be an accessible astronomy lesson for children.



**Preliminary Design,
John McConnell Math and Science Center**



November 16, 2016

Great Outdoors Colorado
1900 Grant Street, Suite 725
Denver, Colorado 80203

Dear GOCO Review Board,

Please accept this letter of support on behalf of the Math and Science Center in Grand Junction. The City Council of the City of Grand Junction strongly supports the Great Outdoors Colorado Local Park and Outdoor Recreation (LPOR) grant application for the Math and Science Center Outdoor Classroom and Play-space. If approved, the City Council will formally pass a resolution during a future regularly scheduled public meeting.

The Math and Science Center is requesting \$259,692 from Great Outdoors Colorado for the construction of an outdoor community classroom and play-space at the new Math and Science Center located on the Colorado Mesa University campus at 7th street and Kennedy Avenue.

Matching funds have been secured for the grant. If the grant is awarded, the City Council of the City of Grand Junction strongly supports the completion of the project. This project is seen as a valuable community asset to the City of Grand Junction. It should be noted that project site is owned by Colorado Mesa University and will be owned by Colorado Mesa University for the next 25 years. Colorado Mesa University has been a great partner of the City of Grand Junction and the Math and Science Center. The City Council of the City of Grand Junction recognizes that as the recipient of a Great Outdoors Colorado LPOR grant the project site must provide reasonable public access. The project has been designed to have public access adjacent to 7th for unlimited public use.

The Math and Science Center and Colorado Mesa University will to continue to maintain the outdoor community classroom and play-space in a high quality condition and will appropriate funds for maintenance in its annual budget. If the grant is awarded, the City Council hereby authorizes the [Mayor, Phyllis Norris](#), to sign the resolution and the City Manager, Greg Caton, to sign the grant agreement with Great Outdoors Colorado. The final resolution will be in full force and effect after the future scheduled City Council meeting. Until then this letter shall serve as a commitment from the City Council of the City of Grand Junction.

Sincerely,

Phyllis Norris
Mayor



Grand Junction City Council

Regular Session

Item #7.a.i.

Meeting Date: November 16, 2016

Presented by: Jodi Romero,
Financial Operations
Director

Submitted by: Jodi Romero,
Financial Operations
Director

Department: Administration – Fin.
Operations

Information

SUBJECT:

Ordinance Making a Supplemental Appropriation to the 2016 Budget of the City of Grand Junction, Colorado for the transfer of funds to the Employee Retiree Health Trust Fund

RECOMMENDATION:

Staff recommends adoption of the Supplemental Appropriation Ordinance authorizing the transfer of funds to the Employee Retiree Health Trust.

EXECUTIVE SUMMARY:

This request is to appropriate certain sums of money to defray the necessary expenses and liabilities of the accounting funds of the City of Grand Junction. Appropriations are made on a fund level and represent the authorization by City Council to spend according to the adopted or amended budget. Specifically, this supplemental appropriation is necessary to transfer the portion of the refunds received from the City's healthcare provider over the previous 10 years based on employee contribution rates of \$761,613 to the Employee Retiree Health Trust.

BACKGROUND OR DETAILED INFORMATION:

Since 1998, the employees have funded an Employee Retiree Health Plan ("Plan") designed and underwritten to provide affordable health care coverage to bridge the age gap between retirement or disability and Medicare eligibility. Since inception, there have been over 1,300 employee participants contributing an average of 7 years into the

Plan. Of those, 10% have reached eligibility and retired on the Plan. Public Works and Public Safety employees have comprised the strong majority of these. Currently there are 69 retirees on the Plan.

In the City Council workshop on May 2nd, 2016 the Plan was discussed. Several recommendations were made to City Council including the establishment of a formal trust to account for the benefit and manage the funds, as well as the transfer of a portion of refunds received from the City's health insurance carrier to the trust. At the request of City Council, Council Member Traylor Smith worked with staff to review financial models designed to re-establish the financial solvency of the Plan and reported to the Council at the workshop. The preferred model included an infusion of funds.

Establishing a formal Trust provides a long term investment strategy for the Plan with higher rates of return than are available through more restrictive City investments. The Trust will be managed by the Board of Trustees (the "Board") who will have fiduciary responsibility over the Plan including communication to and representation of plan participants, and administration of the Plan including design changes to stabilize the Plan. The Board is in the process of being established and will be comprised of seven members to include one each from our existing board members for the Fire, Police, and General ICMA retirement plans, City Manager, Human Resources Director, Financial Operations Director, and a citizen from the local professional finance community. The City Attorney, Benefits Specialist, and Risk Manager will serve as staff to the Board. It is anticipated that the Board will select ICMA RC as the administrator of the Plan.

The refunds from the City's health care provider are accumulated in the Self Insurance Fund which accounts for providing workman's compensation, property and liability, and health insurance to the departments of the City. The City's medical and prescription drug plans are experience rated with a shared funding agreement with our health care provider. If health care utilization is above or below expected losses, the City or RMHP pays that difference to the other party. For the last ten years, the City has had positive claims experience resulting in refunds for all but two of those years. Because employees pay a portion of premiums, that same percentage was applied to calculate the portion of refunds (2006-2015) attributable to employee contributions. This amount is recommended as a transfer from the Self Insurance Fund to the Employee Retiree Health Trust.

FISCAL IMPACT:

The recommended transfer would decrease the fund balance within the Self Insurance Fund to \$4.3 million projected ending fund balance for 2016 which is still well above the target fund balance for the fund.

SUGGESTED MOTION:

I MOVE to (approve or deny) Ordinance No. 4724 – An Ordinance Making a Supplemental Appropriation to the 2016 Budget of the City of Grand Junction, Colorado on final passage and order final publication in pamphlet form.

Attachment

ATTACHMENT 1 – 2016 Second Supplemental Appropriation Ordinance

ORDINANCE NO. ____

**AN ORDINANCE MAKING A SUPPLEMENTAL APPROPRIATION TO THE 2016
BUDGET OF THE CITY OF GRAND JUNCTION, COLORADO**

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

That the following sums of money be appropriated from unappropriated fund balance and additional revenues to the funds indicated for the year ending December 31, 2016, to be expended from such funds as follows:

Fund Name	Fund #	Appropriation
Self Insurance Fund	404	\$761,613

INTRODUCED AND ORDERED PUBLISHED IN PAMPHLET FORM this 2nd day of November, 2016

PASSED, ADOPTED AND ORDERED PUBLISHED IN PAMPHLET FORM this _____ day of _____, 2016.

President of the Council

Attest:

City Clerk



Grand Junction City Council

Regular Session

Item #7.a.ii.

Meeting Date: November 16, 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.

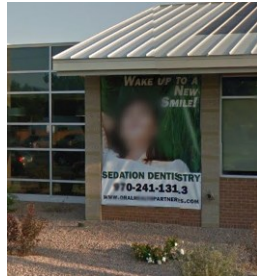
Overall summary of Proposed Amendments to the Sign Code

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.



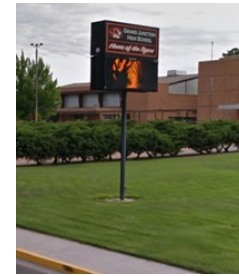
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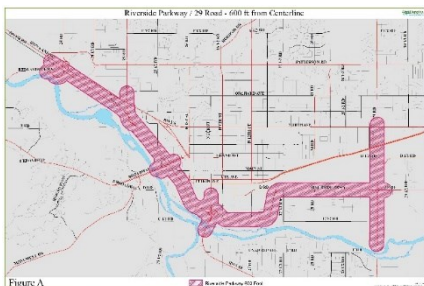
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d

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:

N/A

SUGGESTED MOTION:

I MOVE to (approve or deny) Ordinance No. 4725 – An Ordinance Amending Sections of the Zoning and Development Code (Title 21 of the Grand Junction Municipal Code) Regarding Signage on final passage and order final publication in pamphlet form.

Attachments

- ATTACHMENT 1 – Email to Mark and Logan (Gamble) with list of Questions and Staff’s Response
- ATTACHMENT 2 – Staff report to Planning Commission
- ATTACHMENT 3 – Planning Commission Minutes (Sept 13th final, Oct 11th draft)
- ATTACHMENT 4 – Proposed Ordinance
- ATTACHMENT 5 – Proposed Text – Clean Copy

ATTACHMENT 1 – Letter to Mark and Logan (Gamble) with list of Questions and Staff’s Response

From: Lori Bowers
Sent: Friday, November 4, 2016 1:48 PM
To: Mark Gamble; Logan gamble
Subject: Sign Code Questions

Please see attached...

Lori V. Bowers
Senior Planner
Community Development
970-256-4033
lorib@gjcity.org

Attachment below:

Mark and Logan,

In response to our meeting of October 24th and your list of questions, I wanted to take this opportunity to go over each of the items as we understand our discussion. Our response is in *italics*.

- 1) I first want to verify that the Grand Junction Planning Department considers a monument sign a freestanding sign? *Yes.*
- 2) Need clause stating wind driven signs and banners do not count towards overall sign allowance. *Not necessary as they are a separate permit and do not count towards the overall sign allowance.*
- 3) Why is PD not a zone listed for freestanding signs? *It is a commercial zone. PD Zones can vary; they may be commercial or residential.*
- 4) How do we verify existing sign allowance currently being used on a parcel? *That can be verified through sign permits that have been issued.*
- 5) (missing)
- 6) In Section H Paragraph 3 Business, Commercial, Industrial Zones Section (iii) the sign code states that a permitted sign maybe anywhere on the property except as specifically restricted in this subsection. What is the restriction? *TEDS? The restriction is in regards to a specific type of sign and what zoning district it is in. Such as, no sign shall be over 300 square feet; it may restrict the hours it can be lit due to zoning. TEDS refers to the sight triangle.*
- 7) In Section H Paragraph 3 Business, Commercial, Industrial Zones Section, subsection (vii) (A) it states that you can only have one freestanding sign per frontage except where otherwise provided. Could you clarify what "except where otherwise provided means"? *A developer may apply for a sign package. A sign package is helpful when there are multiple tenants and helps to moderate the*

size and number of signs as well as reducing clutter and obtrusive placement of signs.

- 8) In Section (e) Nonconforming Signs paragraph (4) the date is October 31st, 2016. Based on the fact that this revised sign code will not be implemented as we originally thought, what will the revised sign code implementation date be? *It will be the effective date of the Ordinance.*
- 9) Riverside Parkway Corridor Overlay has accomplished all it can ever accomplish. With the adoption of revised sign code, what is its' purpose? As stated in the ordinance title, AN ORDINANCE AMENDING THE ZONING AND DEVELOPMENT CODE REGARDING OFF-PREMISE SIGNS ON OR NEAR THE CENTERLINE OF THE RIVERSIDE PARKWAY, off-premise sign control is the sole purpose. The revised code eliminates off-premise signs from existence. My evaluation shows that under the revised code the RSPCO serves only to place 15 existing billboard locations into a non-conforming status. Three are non-conforming because of size or spacing. 12 would be conforming except for the RSPCO. NONE of these billboards advertising face towards the RSPCO, or can be seen from the RSPCO, 6 are within 600' but cannot be seen, 9 are more than 600' feet away. All were built before the Riverside Parkway. *The proposed amendment specifically recognizes the restrictions that were implemented with the overlay zones, including the Riverside Parkway, Greater Downtown and 24 Road by not allowing an additional free-standing sign for properties with greater than 600 linear feet of frontage. Further, all off-premise signs, that are non-conforming due to zoning, including overlay zones, will continue to be considered non-conforming with the proposed sign code amendments.*
- 10) 1036 Hwy 50 – This is a location I want to put digital on. The City allowed my competitor (mile High) to rebuild a structure within the RSPCO, after the overlay was adopted, utilizing the special exemption in writing exception that was originally in the revised code. *This particular sign is currently non-conforming and would remain non-conforming with the proposed changes and would, therefore, be subject to the restrictions of a non-conforming use. The Planning Commission recommendation is in support of the amendment as written.*
 - a) Change non-conforming paragraph to allow all pre-existing billboards to upgrade to digital without the overlay zone exception. There are 15 in RSPCO. 1 in GDT-Core. 2-in GDT-comm. 2in GDT-Industrial. (one of these is already a digital by special exception). 4 in 24 RD overlay (Facing Hwy 6 & 50) Of these 24 locations 12 are CWOA and 11 are other billboard companies. Of these 24 locations 2 or 3 might go to digital.
 - b) Make exception for 1036 Hwy 50.
- 11) 600' rule is no accommodation to outdoor advertising industry. The new code relegates my industry to be in front of the biggest and best, most highly developed properties instead of finding the unusable corner. They have to decrease the developments signage allowance for an economic value that does not make monetary sense. Combining my industry into the sign allowance

without spacing, or an increase in square footage allowance is long term elimination of outdoor advertising's ability to survive. Since the beginning of sign regulation it has been recognized that commercial off-premise signs have separate regulations. Is there a way to place spacing allowances on parcels with two freestanding pole signs? 1000', 2000'? *The Planning Commission recommendation allows for an additional sign for parcels with greater than 600 linear feet of frontage, which is the recommendation that will be forwarded to the City Council.*

- 12) I want all off-premise outdoor advertising structures existing prior to the adoption of the revised code to be able to upgrade to digital. Everything is always written with the attitude the billboards are a bad thing that we need to have go away instead of recognizing the fact that billboards add to and serve a viable business need and produce a positive economic impact on an economy. *The recommended code amendment would allow for the upgrade of those billboards located in a C-2, I-1 or I-2 zone district and not within the overlay districts.*
- 13) Billboard reference in all these other overlays. What now? *We recognize that we will have to come back and change the reference to these in the overlay districts.*
- 14) North Avenue Overlays. Where is this heading? *The North Avenue zoning overlay does not have additional signage restrictions.*
- 15) Can a parcel with 2 street frontages have one freestanding sign per frontage depending on the street frontage allowance? Yes.

The City Council will have access to the minutes of the Planning Commission meetings. You will have the opportunity to present your ideas to the City Council during the public hearing scheduled for November 16th. You may also wish to write a letter with your questions, ideas and recommendations to the City Council. If you can get that to me by Monday (November 7th) I will make sure it is part of the packet they receive.

We certainly appreciate your assistance and careful consideration and review of the proposed sign ordinance. Thank you.

ATTACHMENT 2 – 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

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.



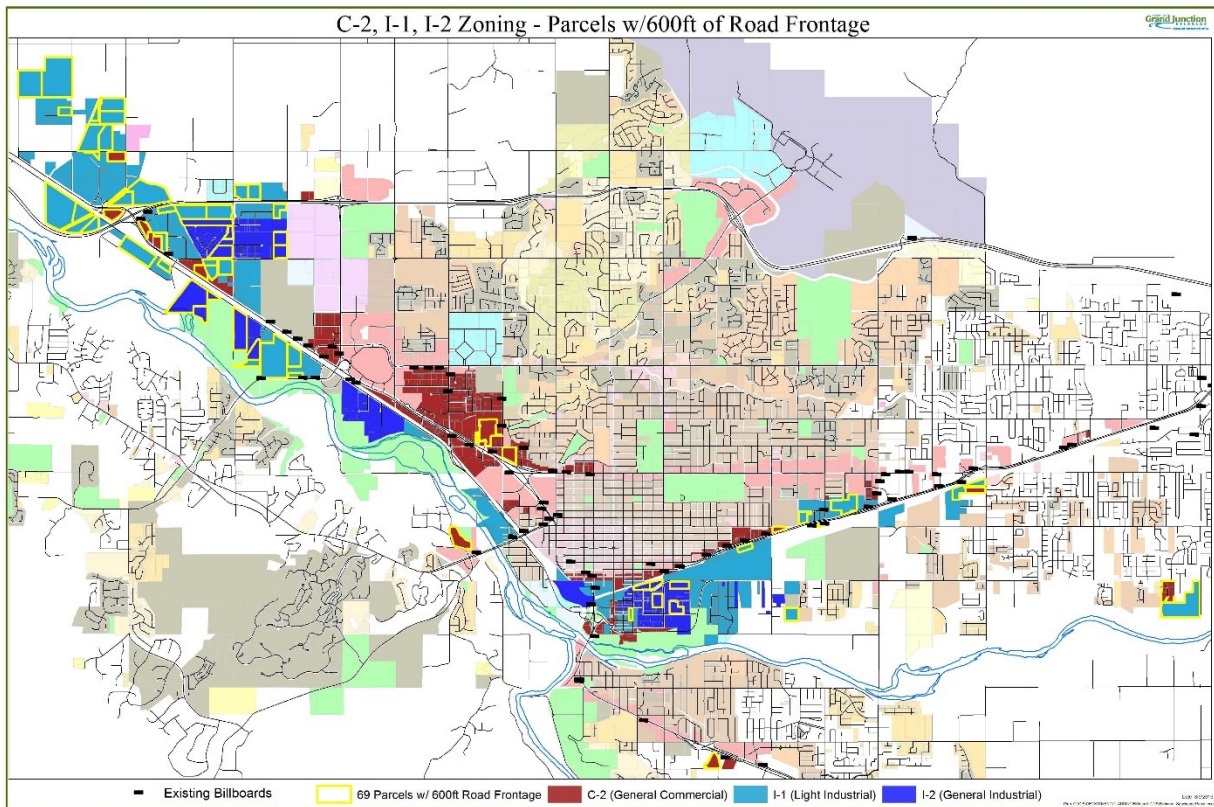
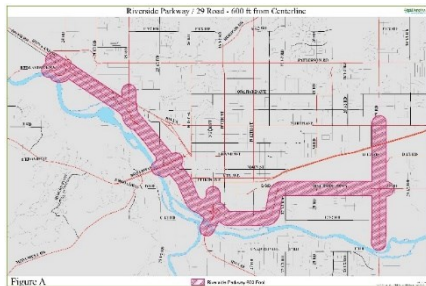


Figure H

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.

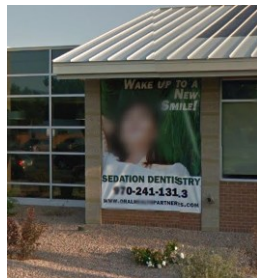
Photocell Technology: The Ordinance further requires that any new signs have photocell technology that will dim the displays for appropriate nighttime viewing dusk to dawn or when ambient light conditions warrant such changes. In a discussion with Bud Preuss, owner of Bud's Signs, he stated that all 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.



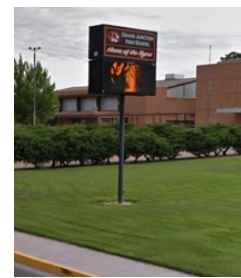
a



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 3 – 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.

GRAND JUNCTION PLANNING COMMISSION
October 11, 2016 MINUTES
6:00 p.m. to 7:16 p.m.

The meeting of the Planning Commission was called to order at 6:00 p.m. by Chairman Christian Reece. 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, Ebe Eslami, George Gaseos, and Steve Tolle.

In attendance, representing the City's Administration Department - Community Development, was Greg Moberg, Development Services Manager, Lori Bowers (Senior Planner), Senta Costello, (Senior Planner), David Thornton (Principal Planner).

Also present was Jamie Beard (Assistant City Attorney).

Lydia Reynolds was present to record the minutes.

There were six citizens in attendance during the hearing.

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

1. Zoning and Development Code Amendment
(Continued from September 13, 2016 Meeting)

[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 request to amend the City's Sign Code is a continuation of the Public Hearing with the Planning Commission on September 13, 2016. Mr. Thornton stated that there had been a couple workshops with the Planning Commission members to address concerns that were brought up at the September 13th meeting.

Mr. Thornton explained that he will be presenting the items that were brought up for further discussion as well as an additional item. The proposed changes to the sign code since the last meeting included; Sign Illumination (Residential), Nonconforming Signs, and Banner & Wind Driven Signs.

Sign Illumination (Residential):

A slide was shown with the following proposed changes highlighted in red:

(h) Sign Standards by Zone

(1) Residential Zones

~~(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. **No projected images, whether moving, changing or static, are 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.

Mr. Thornton explained that the issue is whether or not signs created by “projector illumination” are allowed in residential zones. The original proposed language found in the ordinance provides no language that would limit the projection of a sign on an object. Although if allowed the object size would have to meet the maximum allowed which is 6 square foot for most signs except a 32 square foot sign when conditions permit them as described in Section (h)(1) Residential Zones.

Mr. Thornton stated that the recommendation is that no projected illumination should be allowed.

Change #1: The proposed ordinance shows new text that adds “No projected images, whether moving, changing or static are allowed.”

The next slide, Mr. Thornton addressed the changes in the Nonconforming Signs as shown below:

(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 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.

OR

(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.

Mr. Thornton explained that 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 only applies when the sign is on a vacant parcel.

Mr. Thornton noted that they had heard from the sign industry at the September public hearing that they would like to see this nonconforming status expanded to include all permitted off-premise signs, not just those on vacant properties.

Change #2: Keep the proposed language found in the amendments **OR** change it to 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.

Mr. Thornton explained that 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. Mr. Thornton also pointed out that the word "establish" was replaced with the word "permitted".

Legal Non-Conforming Billboards

Regarding Legal Non-Conforming Billboards, Staff recommends adding the following provision under the Nonconforming section of the Sign Code:

(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 the then applicable standards.

In addition, the sign industry has raised concern of being able to keep current with changing technologies. Specifically, being able to convert permitted legal billboards into

digital faces in the future using technology as it exists today or the technological improvements that are sure to come.

This option will permit 31 of 66 existing Billboards in the City limits to be upgraded in the future. Under the current Code these same 31 Billboards are conforming and would be allowed to upgrade to new technologies and better structural standards. This provision would continue to allow for upgrades to those off premise signs that are currently conforming.

Banners and Wind Driven Signs

Mr. Thornton stated that staff has determined 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.

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 consecutive.

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

~~(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.~~

~~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.~~

~~(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.~~

~~All banners must be secured directly to the building structure, fence, or post that is permanently affixed to the ground at all contact points.~~

~~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.~~

Recommended change:

Change #3: The proposed ordinance shows new language in the amendments that will provide for 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.

Regarding the “legal non-conforming billboards”, Chairman Reece asked for clarification of the wording of “with **the then** applicable standards”. Mr. Thornton explained that if a sign was existing non-conforming and they wanted to upgrade, the digital, electronic or lighting standards in place at the time of upgrade will be used.

Commissioner Gatseos suggested that the “the then” be stricken for better clarity. Chairman Reece asked Ms. Beard if that would clarify it adequately. Ms. Beard noted that it still may not be clear if the “applicable standards” would be considered “at the time of application” or referring to standards at the time this code is passed. Ms. Beard suggested that they “shall comply with the applicable standards in place when the changes are made”. Chairman Reece agreed with that language.

Commissioner Ehlers asked if there was a concern that a sign could be upgraded just enough as to not look rickety, but not enough to trigger bringing it up to the existing standards at the time. Mr. Thornton explained that as an existing non-conforming sign (permitted as an off-premise sign prior to October 31, 2016), they would be allowed to upgrade the supports, for example, but that they are also allowed to stay current with new technologies.

Commissioner Buschhorn asked for clarification that the 35 non-conforming signs would not be allowed to be upgraded. Mr. Thornton stated that those 35 signs will fall under the same rules that they do now and will not be allowed to become digital. Those signs would only be able to have whatever maintenance repairs that are allowed by code currently. Mr. Thornton stated that it is hoped that they will be phased out since they are in residential zones or somewhere that is not a heavy commercial/industrial zone.

Commissioner Buschhorn asked about the definition of the abandoned signs. It appears that the sign would have to have no content to be considered abandoned. Mr. Thornton read the proposed section of the code and discussion continued as to whether it made a difference if there was content on the sign if it was on an abandoned on a vacant lot or is in obvious disrepair. Ms. Beard added that if there is a sign that is trying

to portray information, which means it includes content, then it still has to be kept in good repair, whereas if it says nothing at all, it could be argued that it is no longer a sign.

Commissioner Ehlers asked if the “no projected signs” in residential zones will apply to holiday decorations. Mr. Thornton noted that the code could not state “except holiday displays” as that would be content specific. Discussion continued and Ms. Beard added that if you start being specific about the content, then you are no longer content neutral.

Chairman Reece asked if this is a problem that they need to address. Mr. Thornton explained it was a concern that was brought up by the commission at the September 13th meeting. Discussion continued and Commissioner Ehlers stated that it was an issue brought up during the review of the code revisions in order to close a loophole that may be present. After more research it may be determined that you can't have it both ways.

Commissioner Ehlers asked how code enforcement for signage works and if it was like other code enforcement that is complaint driven. Ms. Beard noted that it is the policy in place that there is enforcement when there are complaints. Commissioner Buschhorn suggested that it may not even be a problem, and if it becomes one, they can revise the code at a later date to address it.

Mr. Moberg, Development Services Manager, added that there are new popular displays that project the whole house with lights. He foresees that there may very well be complaints if the projections are allowed.

Commissioner Ehlers asked about the mechanics of the motion. Ms. Beard noted that there are three separate issues so far. Ms. Beard cautioned the Commission be clear about what language they are discussing and voting on.

Public Comment

Mark Gamble, owner of Colorado West Outdoor Advertising (CWOA) asked staff if the Commission had read his email. Chairman Reece stated they had been provided a copy. Mr. Gamble indicated that he has worked with staff on several issues, and he is satisfied with everything but one issue. Mr. Gamble gave a brief history of billboards and the marketplace. Mr. Gamble noted that the sign code was initiated in the code about 1974 and he has been in the business locally since 1978. At that time, billboards were allowed in three (3) of the six (6) zones. Mr. Gamble stated that he believes there are currently 16 commercial zones and that billboards are still only allowed in the three (3) zones. Mr. Gamble explained that in the early 80s to late 90s the City expanded and added zones but still only allowed billboards in the three (3) zones.

Mr. Gamble stated that the addition of “Corridor Overlays” were being used as a way to control and eliminate billboards and gave an example of the 24 Road Corridor Overlay, where billboards were banned regardless of zones.

Mr. Gamble stated that at the time of the Riverfront Parkway development, he met with the Community Development Director and the City Attorney and came up with a satisfactory agreement that billboards would have to be located at least 600 feet from centerline, which created a 1,200-foot buffer from the Parkway. Mr. Gamble then added that the Greater Downtown Overlay, covering a wide area including the 5th Street Bridge area, was added to code and eliminated billboards. Mr. Gamble expressed his frustration that the overlays are being added in the exact corridors where there is high traffic and visibility and therefore prime advertising opportunities for him.

Mr. Gamble stated that his other concern is the limitation placed on digital billboards. It is another way for him to grow his business. Along 29 Rd. and Riverside Parkway, the protected corridor area is 5,200 to 6,200 feet from centerline. Mr. Gamble speculated that the concern is that he would put digital on every billboard he has. Because each digital billboard face is about \$100,000 he would need to be able to recoup that money with advertising. However, his customers want the highest visibility opportunities. Mr. Gamble stated that there are only about 5 billboards that he would be interested in investing in digital boards, however they are all in corridor overlays. Mr. Gamble wanted to go on record that he feels the code, along with the revisions, have created regulations that eliminate the ability for his business to grow.

In summary, Mr. Gamble stated that he is in support of the sign code revisions, and plans to continue to work with staff on the other aspects.

Question for Public

Commissioner Ehlers asked Mr. Gamble if any of the agreements that were made as part of the Riverside Parkway discussion were in writing. Mr. Gamble replied that they were not. Commissioner Ehlers stated that he feels if the City had agreements, they should honor them. Overlays are effective and have very good uses in many instances and they can become a work-around for planning to have a policy without changing the zoning codes. Commissioner Ehlers stated that if the intent of the overlays is to eventually remove or block billboards, then that should be recognized as such.

Mr. Gamble stated that the Riverside Parkway Corridor was specifically created to address billboards. Commissioner Ehlers asked staff if that was indeed the case. Mr. Thornton stated that it was, and nothing is changing in the code regarding that. Mr. Gamble noted that not only is there the 1,200-foot-wide corridor along Riverside Parkway, but there is also the 29 Rd Corridor and the Riverside Parkway Corridor extends perpendicular at the intersection to cover even more. Mr. Thornton stated that the policy was put in place a decade ago and nothing is changing in the code regarding this. Mr. Gamble stated that the issue is that if he wants to upgrade existing signs in the corridor to digital signs, he is not allowed.

Commissioner Discussion

Commissioner Gatseos stated that although he was not able to attend the September 13th hearing, he had read the minutes and staff reports from that meeting and feels capable of voting on the issue.

Noting that Mr. Gamble's company may be the largest billboard company in the City, but he is not the only company, Commissioner Deppe asked what the other billboard companies may want to do.

Commissioner Gatseos stated that he wants to send forth the best public policy that not only considers the business community but the community as a whole.

Commissioner Ehlers noted that it is clear to him that Mr. Gamble is representing not only his own business, but the industry as well. Commissioner Ehlers noted that the public was involved with the planning process when these corridors were created. Commissioner Ehlers pointed out that where there are some areas of the corridor plans that may limit growth, however new opportunities for advertising may come into play as well.

Chairman Reece closed the public hearing portion of the meeting and showed a slide with the first portion of the proposed motion. Commissioner Buschhorn asked if the non-conforming sign can be upgraded to a digital sign. Mr. Thornton stated that this portion of the code addresses whether the non-conforming sign is counted toward the sign allowance.

Chairman Reece noted that the second item for the Commission to consider was the wording for upgrades to digital signs. Ms. Beard recalled that the Commission has suggested that they eliminate the word "then" and go with adding to the end of it "at time the application is made to upgrade the sign". Chairman Reece recapped that the sentence will now read that the standards are applied at the time of the time of the upgrade request.

Chairman Reece noted that the Commission had added a sentence to not allow projected images, however after discussion, it was determined that they wish to leave it out.

Chairman Reece stated that if there are no other questions or discussion, she will entertain a motion.

MOTION: (Commissioner Ehlers) "Madam Chair, I would motion to approve the amendments with the following revisions; that in section H1(v) regarding illumination of residential signs, that we strike the sentence "No projected images, whether moving, changing or static, are allowed". Next revision is the non-conforming signs, section E, that we select the option highlighted in red in staff's report that reads "item number 3, a sign permitted as an off-premise sign prior to October 31st 2016 shall be considered a

non-conforming sign whose square footage is not counted toward the sign allowance for a new use or a change of use established after October 31st 2016. The last revision would be in section 4 of the non-conforming signs. In the last sentence in section 4, we strike the words “the then applicable standards” and the sentence in whole shall read “all upgrades to digital electronic or lighting shall comply with the applicable standards at the time of application.”

Commissioner Gatseos seconded the motion. A vote was called and the motion passed unanimously by a vote of 7-0.

2. Other Business

Mr. Moberg stated that there will be a workshop on the 20th of October, 2016 and they will be going over the group living section of the zoning code.

3. Adjournment

The meeting was adjourned at 7:16.

ATTACHMENT 4 – 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.

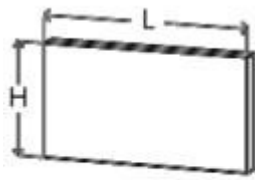
(ii) The total surface area of all sign faces of roof signs shall be counted as part of the maximum total surface area allowance.

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

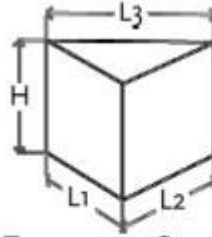
(iv) The total surface area of three-dimensional figures shall be counted as part of the maximum sign allowance.

(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.

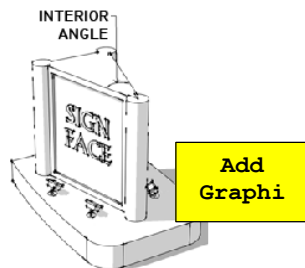


DOUBLEFACE SIGN
H x L
Blade Sign



TRIANGULAR SIGN
 $[(H \times L_1) + (H \times L_2) + (H \times L_3)] / 2$
Double Face Sign

(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.
- ~~(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 CSR 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.

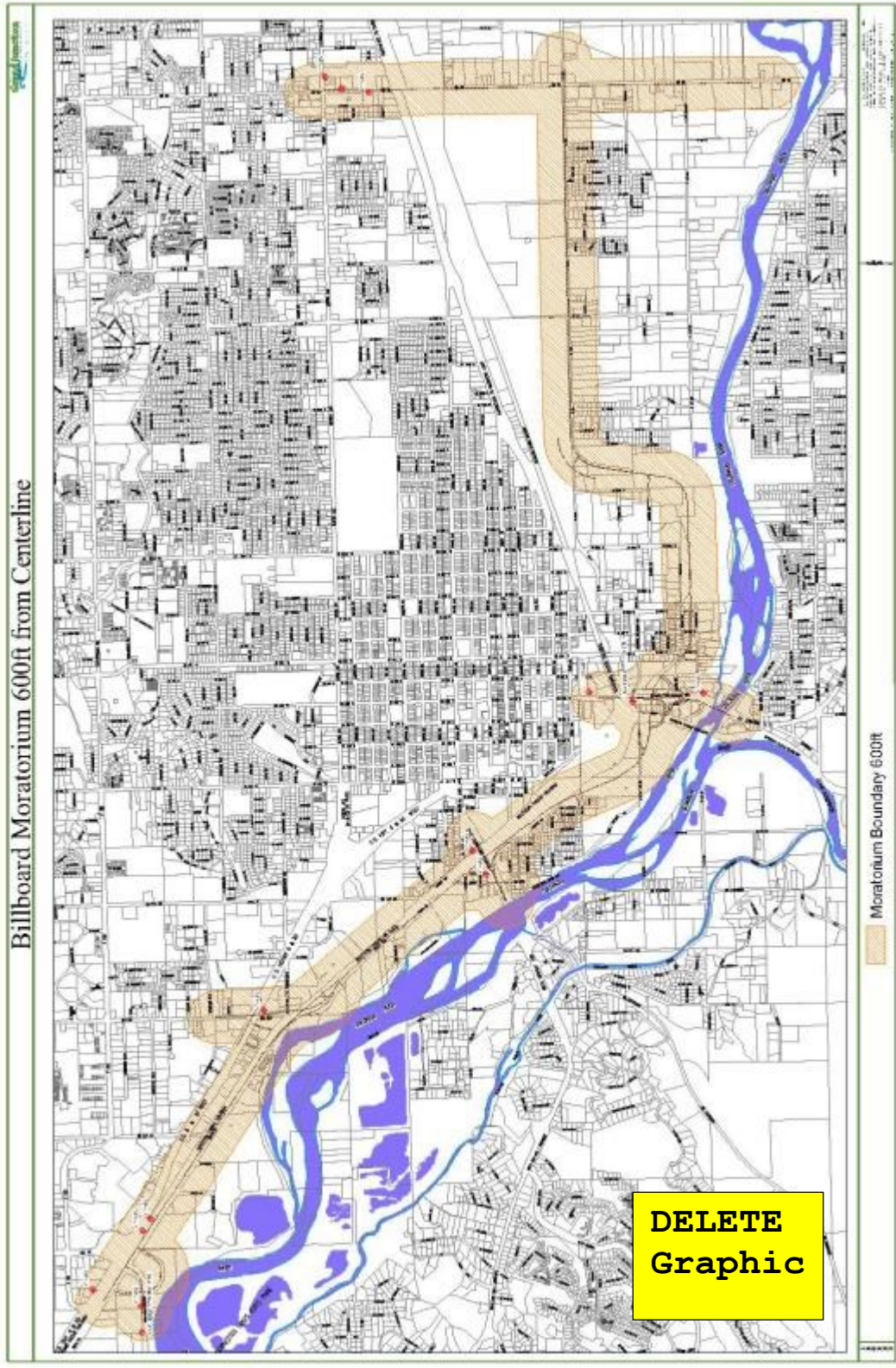
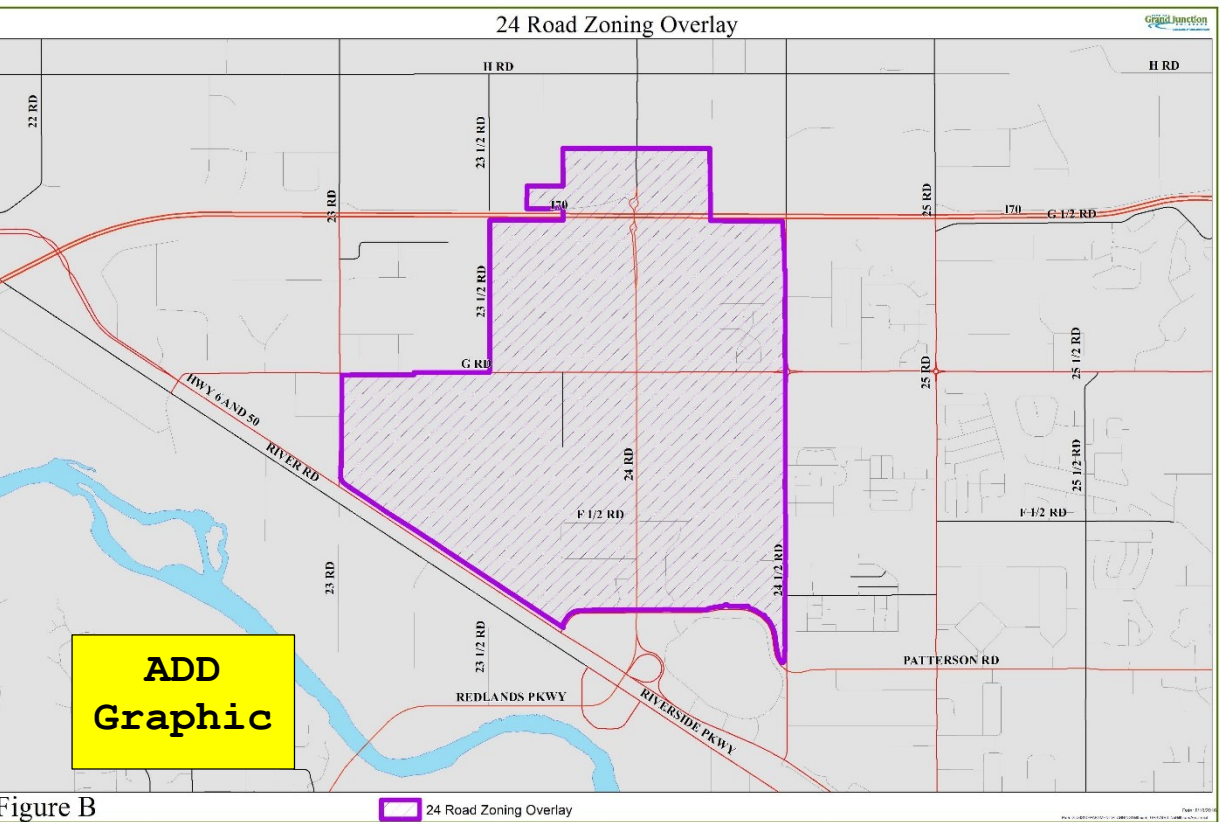
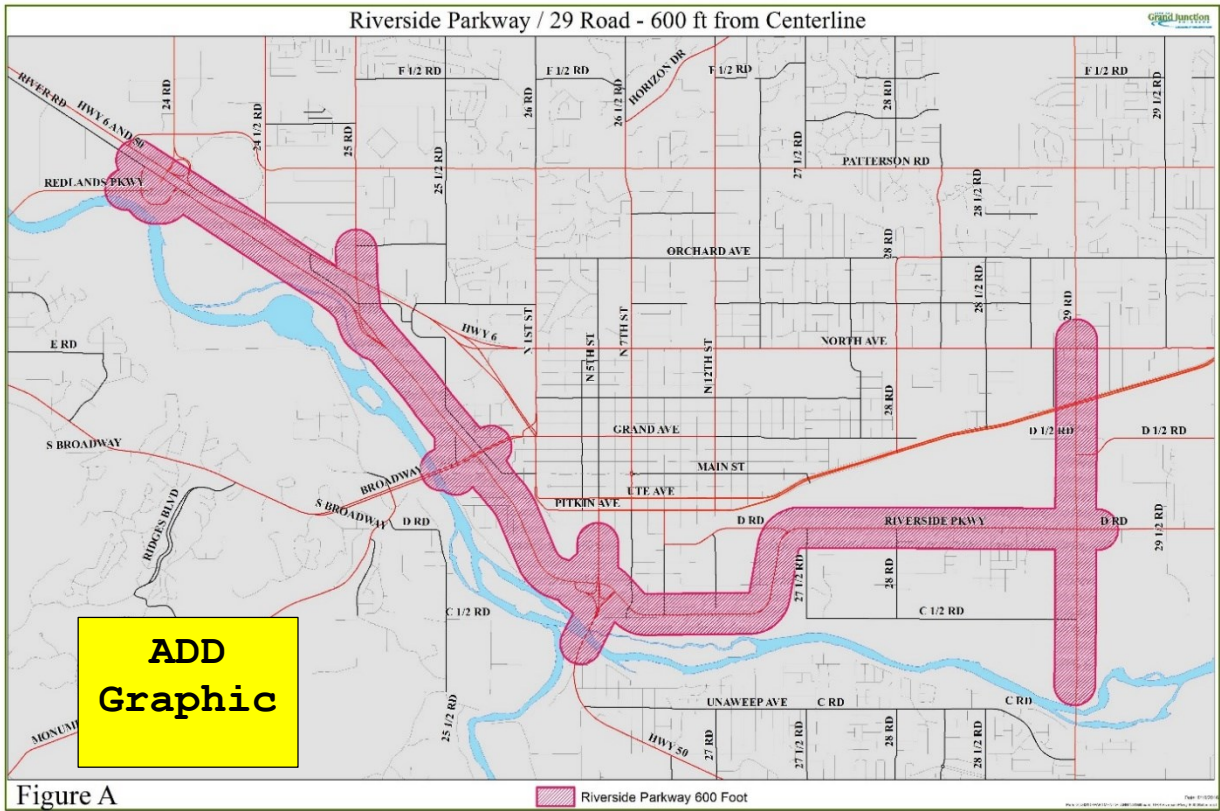


EXHIBIT "A"



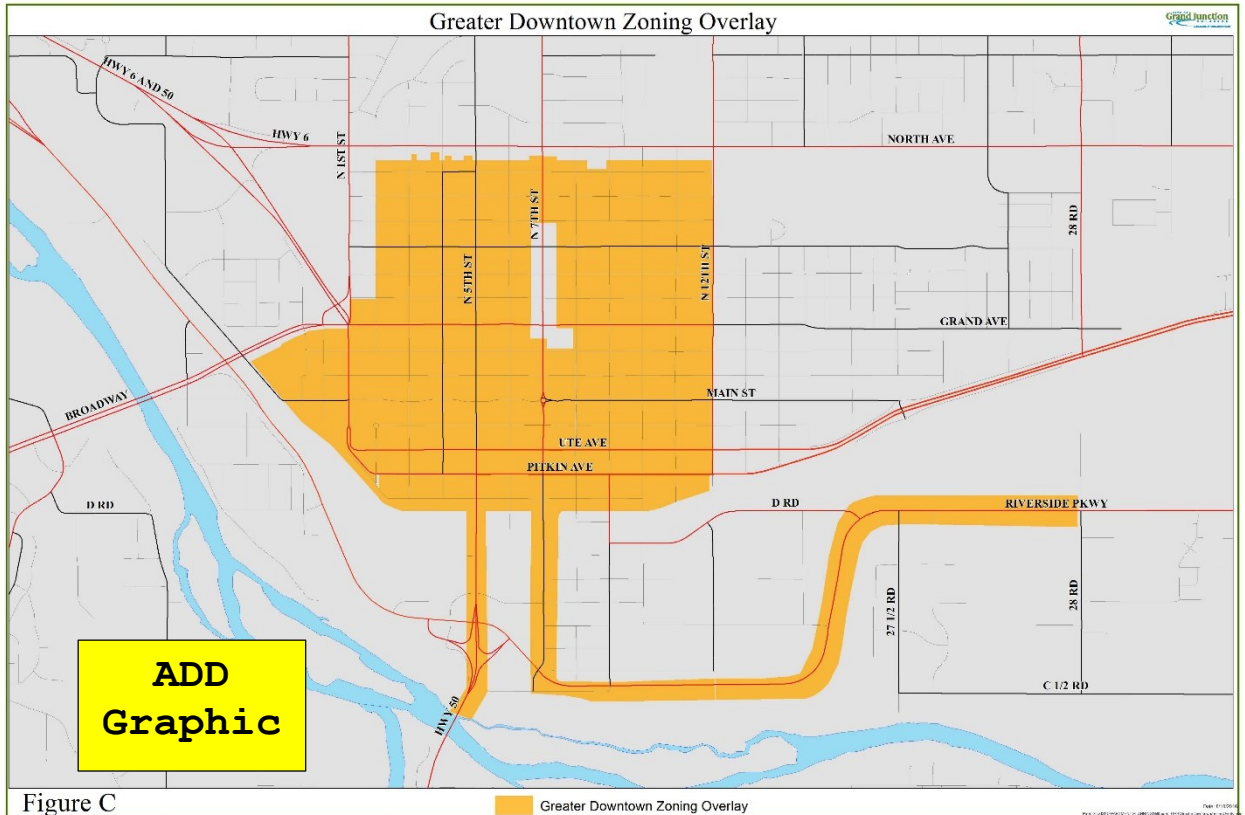


Figure C

(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.~~

(4) (3) Architectural Standards.

(i) Any facade of a new building along the corridor shall have visually interesting architectural features and patterns that are designed to reduce mass and scale and reflect the desired vision of construction; buildings at a human scale with urban design features attractive to the motoring public, the surrounding neighborhood, bicyclists and pedestrians.

(ii) The building facade shall exhibit a minimum of three of the following seven architectural design elements:

(A) Variation in materials, material modules, expressed joints and details, surface relief and texture to break up building forms and wall surfaces. Such detailing may include sills, headers, belt courses, reveals, pilasters, window bays or similar features for all sides of the building.

(B) Facade articulation/variation such as recessed or projecting bays or pilaster/column projections at a minimum of every 30 feet for all sides of the building.

(C) Variation in roof lines/roof materials in order to add interest to and reduce the scale of buildings or expanses of blank wall. This can be accomplished through design elements such as overhangs, eaves, recesses, projections, raised cornice parapets over doors or bays and peaked roof forms.

(D) Facade features on the primary street (corridor) that emphasize the primary building entrance through projecting or recessed forms, detail, color and/or material.

(E) Outdoor patio in combination with or without outdoor seating located between the building and the primary street (corridor).

(F) Ground story transparency of at least 50 percent in the form of windows and/or door(s) for facades facing all public street frontages.

(G) Other architectural and landscaping features that achieve the goals of the overall form district vision or concept, as determined by the Director.

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 19th day of October, 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 5 – 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.

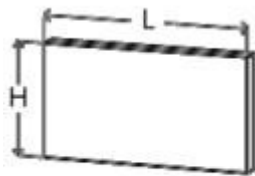
(ii) The total surface area of all sign faces of roof signs shall be counted as part of the maximum total surface area allowance.

(iii) For measurement of different shapes of signs, see the graphics_below.

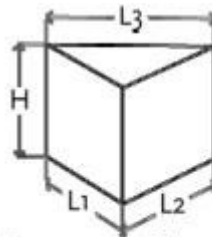
(iv) The total surface area of three-dimensional figures shall be counted as part of the maximum sign allowance.

(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.

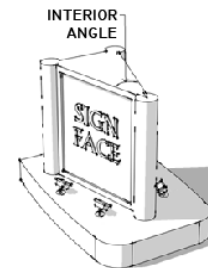


DOUBLEFACE SIGN
H x L
Blade Sign



TRIANGULAR SIGN
 $[(H \times L_1) + (H \times L_2) + (H \times L_3)] / 2$
Double Face Sign

(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.

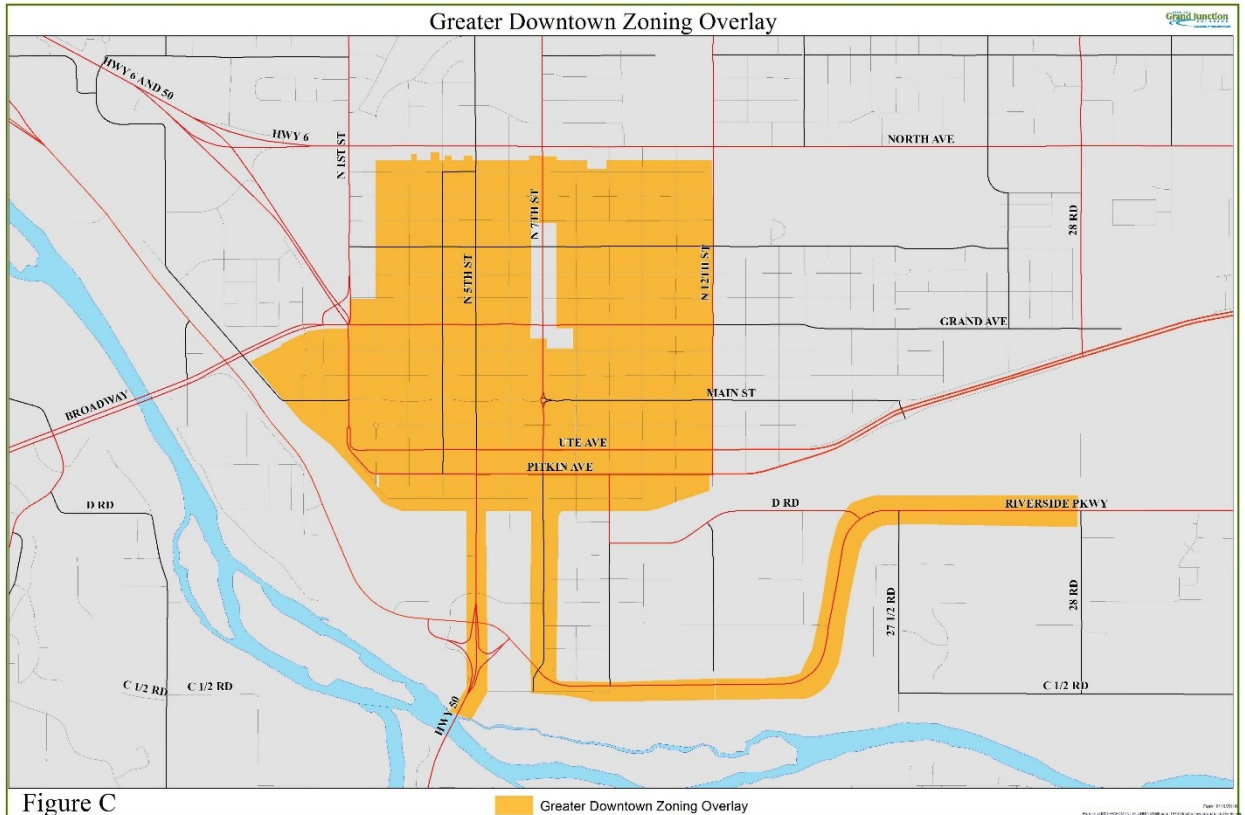


Figure C

(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).
- (3) **Architectural Standards.**
 - (i) Any facade of a new building along the corridor shall have visually interesting architectural features and patterns that are designed to reduce mass and scale and reflect the desired vision of construction; buildings at a human scale with urban design features attractive to the motoring public, the surrounding neighborhood, bicyclists and pedestrians.
 - (ii) The building facade shall exhibit a minimum of three of the following seven architectural design elements:
 - (A) Variation in materials, material modules, expressed joints and details, surface relief and texture to break up building forms and wall surfaces. Such detailing may include sills, headers, belt courses, reveals, pilasters, window bays or similar features for all sides of the building.

(B) Facade articulation/variation such as recessed or projecting bays or pilaster/column projections at a minimum of every 30 feet for all sides of the building.

(C) Variation in roof lines/roof materials in order to add interest to and reduce the scale of buildings or expanses of blank wall. This can be accomplished through design elements such as overhangs, eaves, recesses, projections, raised cornice parapets over doors or bays and peaked roof forms.

(D) Facade features on the primary street (corridor) that emphasize the primary building entrance through projecting or recessed forms, detail, color and/or material.

(E) Outdoor patio in combination with or without outdoor seating located between the building and the primary street (corridor).

(F) Ground story transparency of at least 50 percent in the form of windows and/or door(s) for facades facing all public street frontages.

(G) Other architectural and landscaping features that achieve the goals of the overall form district vision or concept, as determined by the Director.

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]

CITY COUNCIL MEETING
CITIZEN PRESENTATION

Date: _____

Citizen's Name: _____

Address: _____

Phone Number: _____

Subject: _____

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.

Affidavit of Intent for Write-In Designation

Office Use Only:

Complete and sign. Please type or print legibly.

Office Information

This is to certify that I declare the intent to be a write-in candidate for the office listed below

Title of Office GOVERNOR District

Write-In Candidate for the: Primary Election General Election

Qualifications for Office *(You must list the specific qualifications for this office)

AGE, RESIDENCE

Candidate Information

Full Legal Name BRUCE EDWARD LOHMILLER

Name exactly as it will appear on the write-in list BRUCE LOHMILLER

Residence & Mailing Address

Residence Street Address 3032 N. 15th STREET Apt/Unit 208

City GRAND JUNCTION State CO Zip Code 81506

Mailing Street Address SAME AS ABOVE Apt/Unit

City State Zip Code

Telephone & E-mail Address

Business Phone # Extension

Residence Phone # E-mail Address brucelohmler@gmail.com

Voter Registration Information

Year of Birth 1954 County of Registration MESA

Party Affiliation GREEN Date of Affiliation 1990

Signature

Applicant's Affirmation

I hereby intend to run for the office stated above and solemnly affirm that I meet all qualifications for the office prescribed by law. Furthermore, the information provided on this form is to the best of my knowledge, true and correct.

Bruce Lohmiller
Signature of Candidate

Nov 9 2016
Date of Signing

(seal)
KIMBERLY HENDRICKS-HESS
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID #20074040605
My Commission Expires November 7, 2019

STATE OF COLORADO)
) ss.

COUNTY OF MESA

Subscribed and sworn to before me this 9th day of NOVEMBER 2016 BRUCE EDWARD LOHMILLER
Day Month Year Printed name of Candidate Above

Signature (and Title) of Notary/ Official Administering Oath Kimberly Hendricks-Hess

My Commission Expires: 11.7.19

Print Form

Form 1010

SOS Revised May 7, 2015
Section 1-4-1101 C.R.S.



SEP 08 2014

JOHN SWARTOUT
RURAL POLICY & OUTREACH DIRECTOR

GOVERNOR JOHN W. HICKENLOOPER
136 STATE CAPITOL
DENVER, CO 80203

PHONE (720) 556-1682
JOHN.SWARTOUT@STATE.CO.US

OCT 14 2014

Mad cop case
* Gov said he would
retain file
JW

CITY COUNCIL MEETING
CITIZEN PRESENTATION

Date: 11/16/16

Citizen's Name: Richard Swingle

Address: 443 Mediterranean Way
Grand Junction, CO 81507-4525

Phone Number: _____

Subject: Standband - Connecting the Dots

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.

City of Grand Junction City Council Meeting November 16, 2016

Broadband - Connecting the Dots

Prepared by: Richard Swingle

Broadband – Connecting the Dots 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 (589 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 – Connecting the Dots Wireless Master Plan

- City of GJ and Mesa County agree to engage CityScape to develop a Wireless Telecommunications Master Plan
- “Consider providing backhaul and fiber to towers so service providers can improve and expand their existing coverage area”
 - April 5, 2016 – Draft Wireless Master Plan - Next Steps - Long Range Planning – Page 42 – last bullet
- “Encourage the development of broadband infrastructure that will help support the development of wireless infrastructure”
 - June 1, 2016 – Wireless Plan - Ongoing Goals and Objectives to Maximize the Benefits of the Master Plan - Page 117 – item 6
- June 1, 2016 Q&A with CityScape (Susan Rabold)
 - What was one of the biggest surprises you found during your study?
 - The lack of high speed connections to the cell towers
 - Poor middle mile infrastructure
- **or**
- Fiber to the antenna is critical for 5G network deployment

Grand Junction City Council–November 16, 2016

5

Broadband – Connecting the Dots Nokia / Sifi Networks – November 8, 2016

Nokia / Sifi City Council Meeting

- Nokia providing network infrastructure
- Sifi providing financing

Highlights:

- Conducting study to determine feasibility of ROI – results due December 2016
- Antennas must be placed every ¼ mile
- Fiber required to connect antennas together

Again

- Fiber to the antenna is required

Grand Junction City Council–November 16, 2016

6

Broadband – Connecting the Dots

Conclusion

- Grand Junction has a middle mile problem that can only be solved by installing fiber optic cable – Wireless Master Plan – Nokia /Sifi
- We are going to have to run wires on poles and dig up right-of-way's
- Once we run fiber to the cell tower why wouldn't we connect the premises along the way?
- The GJ Sentinel editorial is incorrect – it will require fiber
- Has the Internet become a requirement or a city utility (road or sewer)?
- There is no ROI on infrastructure
- All other Western Slope communities are approaching broadband as a utility

Math and Science GOCO Grant for an Outdoor STEM Classroom and Play-space

Jenn Moore (Executive Director) John Hopkins (Board President)



Summary of MSC Operations

- Opened the doors at the current location in 1999
- Educates over 15,000 students a year through
 - Field trips to the Center
 - Outreach programs in the community
 - After school programs in partner schools
- Provide science resource kits to every elementary classroom in D51
- Paid fellowships for 15-20 college students annually
- Partnerships with the Riverside Educational Center, STRIVE, STARS, Hilltop Resources, Girl and Boy Scouts, Kiwanas, Mesa County Libraries and others.
- Serve over 1,400 students in 2015 from school districts outside D51



The New MSC on the CMU campus

- \$5.5 million dollar capital project
- 13,000 square foot facility for the MSC
 - 2 classrooms
 - Enhanced exhibit hall
 - Gift shop
 - Administration space
 - Maintenance shop and storage



GOCO Local Government Parks and Recreation Grant

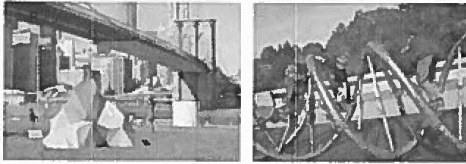
- Outdoor STEM Classroom and Play-Space
 - Publically accessible STEM play-space
 - Outdoor classroom for MSC activities
 - Interpretive native plant walk
 - \$260,000 with \$86,000 in committed matching funds
- GVT bus turn-out on site



Outdoor STEM Classroom and Play-Space



- Group space
 - Tables and seating
 - Shade sails until trees mature
 - Drinking fountain for public use
- Interpretive native plant walk and pollinator garden
- STEM play-structures
 - Rubber fall surface
- ADA accessible



Why

- Publically accessible resource for residents and visitors
- Educational space that doesn't charge an entry fee
- Requirement for the GOCO grant to have County or City sponsorship
- Does not compete with any other City GOCO grant
- No cost project for the City of Grand Junction



Who also supports this effort?

- Colorado Mesa University
- School District 51
- Parents
- Students
- The Outdoor Recreation Coalition
- Residents in the neighborhood of the new site location



City of Grand Junction
BALANCE SHEET
GOVERNMENTAL FUNDS
December 31, 2015

	General Fund	Sales Tax Capital Improvements Capital Projects Fund	General Debt Service Fund	Parkway Debt Retirement Fund	Other Governmental Funds	Total Governmental Funds
ASSETS						
Cash and investments	\$ 9,469,766	\$ -	\$ 2,500	\$ 9,860,226	\$ 6,543,742	\$ 25,876,234
Interest receivable	80,703	-	-	-	-	80,703
Accounts receivable, net of allowances for uncollectibles	1,248,761	-	-	-	359,544	1,608,305
Taxes receivable	12,142,167	1,270,903	-	-	140,204	13,553,294
Special assessments receivable	-	25,797	-	-	-	25,797
Intergovernmental receivables	283,528	1,585,020	-	-	29,164	1,877,712
Due from other funds	1,394,678	-	-	-	-	1,394,678
Prepaid items	34,782	-	-	-	13,396	48,178
Inventories	167,762	-	-	-	-	167,762
Restricted cash and investments	533,500	-	180	-	-	533,680
Advances to other funds	6,184,351	-	-	-	-	6,184,351
Total assets	\$ 31,540,018	\$ 2,861,720	\$ 2,680	\$ 9,860,226	\$ 7,086,050	\$ 51,350,694
LIABILITIES						
Accounts payable	798,507	886,159	2,500	-	937,389	2,624,555
Accrued liabilities	1,375,974	-	-	-	27,585	1,403,559
Due to other funds	-	840,746	-	-	9,176	849,922
Unearned revenue	71,894	-	-	-	6,280	78,154
Total liabilities	2,246,375	1,726,905	2,500	-	980,410	4,956,190
DEFERRED INFLOWS OF RESOURCES						
Property taxes	7,514,382	-	-	-	-	7,514,382
Unavailable revenue-special assessments	-	25,797	-	-	-	25,797
Total deferred inflows of resources	7,514,382	25,797	-	-	-	7,540,179
FUND BALANCES						
Nonspendable:						
Advances	\$ 6,184,351	\$ -	\$ -	\$ -	\$ -	\$ 6,184,351
Inventories and prepaids	202,544	-	-	-	13,396	215,940
Permanent fund principal	-	-	-	-	1,372,221	1,372,221
Restricted for:						
Debt service	1,781,415	-	180	9,860,226	17,731	11,659,552
Emergency reserves	2,000,000	-	-	-	-	2,000,000
General capital improvements	-	1,109,018	-	-	-	1,109,018
Parks and recreation	25,900	-	-	-	237,922	262,922
Public safety	-	-	-	-	2,471,437	2,471,437
Committed to:						
Open space	-	-	-	-	598,315	598,315
Street capacity expansion	-	-	-	-	1,198,995	1,198,995
Tourism and convention	-	-	-	-	195,623	195,623
Assigned to:						
Cultural arts	3,856	-	-	-	-	3,856
Retiree health benefits	1,019,846	-	-	-	-	1,019,846
Subsequent year's expenditures	80,878	-	-	-	-	80,878
Unassigned:	10,501,371	-	-	-	-	10,501,371
Total fund balances	21,779,281	1,109,018	180	9,860,226	6,105,640	38,854,325
Total liabilities, deferred inflows of resources, and fund balances	\$ 31,540,018	\$ 2,861,720	\$ 2,680	\$ 9,860,226	\$ 7,086,050	\$ 51,350,694

The notes to the financial statements are an integral part of this statement.