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

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

Call to Order, Pledge of Allegiance, Moment of Silence

Proclamations

[Proclaiming December 7, 2016 as “National Pearl Harbor Remembrance Day” in the City of Grand Junction](#)

[Proclaiming December 18, 2016 as “International Day of the Migrant” in the City of Grand Junction](#)

Certificate of Appointment

To the Grand Junction Housing Authority Board

Citizen Comments

Council Reports

Consent Agenda

1. Approval of Minutes

- a. [Minutes of the November 2, 2016 Regular Meeting](#)

2. Resolution

- a. [Resolution No. 51-16 – A Resolution Concerning the Issuance of a Revocable Permit to JDC Real Estate, LLC, Located at 1141 Gunnison Avenue](#)

3. Set Public Hearings

- a. Quasi-judicial
 - i. [McHugh Annexation, 115 Vista Grande Road \(Set Hearing for January 18, 2017\)](#)
 - Resolution No. 52-16 – Referring a Petition for Annexation
 - Proposed Ordinance Annexing Territory
 - ii. [Freedom Heights Annexation, Public Right-of-Way for 26 Road, Located North of H Road \(Set Hearing for January 18, 2017\)](#)
 - Resolution No. 53-16 – Referring a Petition for Annexation
 - Proposed Ordinance Annexing Territory

Regular Agenda

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

4. Contract

- a. [Sole Source Contract for the Purchase of Hydrogen Sulfide Removal Media for Persigo Wastewater Treatment Plant](#)

5. Public Hearings

- a. Quasi-judicial
 - i. [Ordinance No. 4725 – An Ordinance Expanding the Boundaries of and Including Property Located at 401 Colorado Avenue into the Downtown Grand Junction Business Improvement District](#)

All Persons Having Objections Shall Appear and Show Cause Why the Verified Petitions for Inclusion of Property into the Downtown Grand Junction Business Improvement District Should Not be Granted.

- ii. [Connor Annexation, Located at 2839 Riverside Parkway](#)
 - Resolution No. 54-16 – Accepting a Petition for Annexation
 - Ordinance No. 4726 – Annexing Territory
 - Ordinance No. 4727 – Zoning the Connor Annexation
- b. Legislative
 - i. [Ordinance No. 4728 – 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](#)

- ii. [Ordinance No. 4729 – 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](#)
- iii. [2017 Budget Presentation and Enacting Legislation:](#)
 - Ordinance No. 4730 – 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
 - Resolution No. 55-16 – A Resolution Adopting Fees and Charges for Water, Wastewater, Solid Waste, Two Rivers Convention Center, Avalon Theatre, Golf, and Ambulance Transport
 - Resolution No. 56-16 – A Resolution Levying Taxes for the Year 2016 in the City of Grand Junction, Colorado
 - Resolution No. 57-16 – A Resolution Levying Taxes for the Year 2016 in the Downtown Development Authority

6. Non-Scheduled Citizens & Visitors

7. Other Business

8. Adjournment

Grand Junction

State of Colorado

PROCLAMATION

WHEREAS, December 7, 2016 marks the 75th Anniversary of the attack on Pearl Harbor; and

WHEREAS, on December 7, 1941, without warning and minutes before 8:00 a.m., aircraft of the Imperial Japanese Navy and Air Force attacked United States military installations at Pearl Harbor and elsewhere on the Island of Oahu, Hawaii; and

WHEREAS, the bulk of the attack at Pearl Harbor lasted for approximately five hours, during which 2,403 members of the United States Armed Forces were killed or mortally wounded, 1,247 members of the Armed Forces were wounded, and 57 civilians lost their lives; and

WHEREAS, President Franklin Delano Roosevelt declared the day of the attack on Pearl Harbor, "a date which will live in infamy," and Americans became united in remembrance of their fallen countrymen and committed to defending the United States against all aggressors; and

WHEREAS, the following day, on December 8, 1941, Congress declared war against Japan, and three days later against Germany, thus beginning America's involvement in a global conflict that would define the 20th Century; and

WHEREAS, more than 320,000 Americans sacrificed their lives to preserve the sacred freedoms of the United States, to cease forever the spread of Nazism through Europe and imperialism by Japan; and

WHEREAS, the Grand Junction Veteran's Health Care System along with the Veteran Service Organizations that partner with us serve 37,000 veterans residing on the Western Slope, and has had the privilege of caring for numerous Pearl Harbor survivors and is committed to honoring the sacrifice of all those who have served the United States to ensure each citizen's freedom.

NOW, THEREFORE, I, Phyllis Norris, by the power vested in me as Mayor of the City of Grand Junction, do hereby recognize, on behalf of the Grand Junction City Council and the citizens of Grand Junction, the 75th anniversary of the attack on Pearl Harbor and the lasting significance of

"National Pearl Harbor Remembrance Day"

in the City of Grand Junction, in memory of the victims and in honor of the survivors.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official Seal of the City of Grand Junction this 7th day of December 2016.

Mayor



Grand Junction

State of Colorado

PROCLAMATION

WHEREAS, the City of Grand Junction is home to many immigrants from all over the world; and

WHEREAS, the City of Grand Junction honors the dignity of all city residents, regardless of nationality, and recognizes the importance of their many contributions to the social, religious, cultural, and economic life of the City; and

WHEREAS, the City of Grand Junction is concerned that immigration reform legislation be just, fair, and comprehensive; and

WHEREAS, the City of Grand Junction supports the Constitution of the United States and the Bill of Rights; and

WHEREAS, the United States, because of the Constitution is a beacon of hope for people all over the globe seeking a better life and peaceful future; and

WHEREAS, December 18th is recognized by the United Nations as the "International Day of the Migrant", and is a day for our Country to look closely at our immigration policies and practices.

NOW, THEREFORE, I, Phyllis Norris, by the power vested in me as Mayor of the City of Grand Junction do hereby proclaim December 18, 2016 as

"INTERNATIONAL DAY OF THE MIGRANT"

in the City of Grand Junction and encourage fair, just, and comprehensive immigration reform in order to provide principled solutions to our nation's immigration situation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official Seal of the City of Grand Junction this 7th day of December 2016.

Mayor



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

November 2, 2016

The City Council of the City of Grand Junction convened into regular session on the 2nd day of November, 2016 at 7:00 p.m. Those present were Councilmembers Bennett Boeschstein, Chris Kennedy, Duncan McArthur, Rick Taggart, Barbara Traylor Smith, Martin Chazen, and Council President Phyllis Norris. 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 Boeschstein led the Pledge of Allegiance followed by a moment of silence.

Council President Norris recognized the Colorado Mesa University (CMU) students in attendance.

Proclamations

Proclaiming November 11, 2016 as “A Salute to All Veterans 2016” in the City of Grand Junction

Councilmember Kennedy recognized all the Veterans in the audience and then read the proclamation. Lieutenant (Lt.) Colonel Rick Peterson, United States Air Force (USAF) (Retired), President of the Veterans Committee of the Western Slope, received the proclamation. Lt. Colonel Peterson thanked Council and said they presented of this proclamation for 22 years. The United States of America relies on the service of people who put their lives in jeopardy. He invited and encouraged everyone to come to the Veteran’s Day Parade at 2:00 p.m. on November 12th, attend the Colorado Mesa University Students Veteran’s Association hosted Military Ball and dinner at Two Rivers Convention Center on November 11th, and participate in the Race Across America in December.

Proclaiming November as “Grand Junction Homeless and Runaway Youth Awareness Month” in the City of Grand Junction

Councilmember Chazen read the proclamation. John Mok-Lamme, Director of The House, was present to receive the proclamation. Mr. Mok-Lamme thanked Council and introduced Jeff Schuster, Community Outreach Program Director. Mr. Schuster talked about the number of homeless youth in Mesa County, their new facilities, and that they have an 80% success rate. He lauded Graff Dairy for employing many of the youth in their program.

Citizens Comments

Bruce Lohmiller, 3032 North 15th Street, #208, spoke about Whitman Park and night patrols. He also mentioned marijuana and Marinol, a Federal Drug Administration (FDA) approved medical marijuana drug. He also said received something from the Santa Monica authorities and said his church had an Israel Museum Presentation.

Council Reports

Councilmember Kennedy cheered "Go CUBS!".

Councilmember Traylor Smith spoke about the Grand Junction High School (GJHS) young man that had taken his life and urged anyone feeling that way to seek community resources. She provided a help line phone number and stated "our hearts and prayers go out to the family and others affected by this tragedy".

Councilmember Taggart attended the Grand Junction Regional Airport Authority Board (GJRAA) meeting which has looked into direct flight service with American Airlines to Los Angeles. The hope is to build future direct flight destinations. He stated United Airlines is also looking into expanding flights from Grand Junction. The GJRAA Board approved the refinancing of bonds for the airport with lower interest rates which will allow maintenance and upgrades to the airport terminal. They also reviewed the 2017 budget in draft form.

Councilmember McArthur attended the Associated Members of Growth and Development meeting where Colorado State Representative Yeulin Willett spoke and reviewed the retail sales of marijuana that was researched by a Denver Legislative committee. Representative Willett provided Councilmember McArthur with reports and information stating that several Colorado cities and towns are considering the sale of recreational marijuana.

Councilmember Boeschstein said he was in the Peace Corps 50 years ago in Africa, and last week attended a Peace Corps reunion in New York City. Councilmember Boeschstein said he met with the Visitor and Convention Bureau (VCB) and reported that lodging tax revenue and tourism to the City are increasing.

Councilmember Chazen said on October 28th, he attended the Vagrancy Committee presentation from Jenn Lopez, Development Specialist/Liaison from the State, regarding tax credits for housing projects and recommendations for the Vagrancy Committee. He mentioned on November 11th, there will be a Severance Tax Symposium in Rifle, Colorado and invited all to attend.

Council President Norris went to Orchard Avenue Elementary School and had a question and answer session with a group of third grade students. She also met with a group of German Exchange students. She attended several meetings discussing homelessness and mentioned the Homeless Outreach Team is a part of the Grand Junction Police Department.

Consent Agenda

Councilmember Boeschstein read the Consent Calendar and then moved to adopt the Consent Agenda items #1 through #4 stating the reasons for the property purchases are in the documents (City Attorney Shaver clarified Resolution No. 46-16). Councilmember Kennedy seconded the motion. Councilmember Traylor Smith asked for an amendment to the motion to add a contingency to the property purchase resolution that the purchase price not exceed the appraisal amount. Councilmembers Boeschstein and Kennedy both agreed to the amendment. Motion carried by roll call vote.

Public Hearing – Ordinance No. 4724 – An Ordinance Adopting Amendments to the 2012 Edition of the International Fire Code and Prescribing Regulations Governing Outdoor Burning, Restricted, and Unrestricted Burning; Providing for the Issuance of Permits for Certain Burning Activities and Defining Extinguishment Authority

Outdoor burning, including open burning and recreational fires has been a topic for City Council consideration. Research by staff is recommending an ordinance to restrict outdoor burning within City limits as a matter of public safety. Exceptions for agriculture burning and maintenance of waterways, fire mitigation and training, and specific allowances for cooking and recreational fires are included.

The public hearing was opened at 7:30 p.m.

Fire Chief Ken Watkins introduced Fire Marshall Chuck Mathis and then introduced the topic. He read the title of the ordinance and then explained the history for these proposed changes and that this has come before the Council at workshops. Chief Watkins displayed a map of the service area and the distribution of permits throughout that area. He identified the number of brush fires in 2016; only one of the brush fires was in City limits. Chief Watkins explained various parts of the ordinance and defined different types of burns throughout the City and Mesa County which included unrestricted, restricted, permitted, and unpermitted burns. He said the Fire Department is trying to obtain enforcement through education and said Ordinance No. 4724 is an

amendment to the Fire Code and any reduction in burning would improve safety and air quality.

Councilmember Kennedy said there have been four workshops with input from the community to address the improvement in air quality. He asked what the differences will be if they move to the Mesa County Burn Permit System as proposed.

Chief Watkins said currently a City permit is valid for a year and allows unlimited burns. He said the new permit would allow a ten-day window for one burn, however they are working on a longer time frame for the permits.

Councilmember Kennedy asked if a fire ring would fall under the category of approved devices when using solid fuels for an outdoor burn. Chief Watkins said no, that it would need to be a contained device meant for burning, such as a “chiminea”.

Councilmember Kennedy asked what the revenue impact of transferring burn permits from City to County would be. Chief Watkins said there will be a reduction in revenue due to the majority of burn permits currently issued by the City (approximately 1,300) will no longer be legal and the County fees are significantly lower than the City’s. Councilmember Kennedy said he will support the ordinance.

Councilmember Chazen asked if the use of cinder block fireplaces that City residents have used for years would be allowed and how would the Fire Department enforce the ordinance.

Fire Marshall Mathis said some people construct their own fire pits and this would have to be addressed on a case by case basis. Fire Marshall Mathis said the first line of action would be an educational process, however, if there is a lack of cooperation the Fire Department would work with the Police Department to issue a ticket.

City Attorney Shaver said compliance would also be attempted and preferred, however, general penalties would apply with a fine of up to \$1,000 and possibility of jail sentence.

Councilmember Boeschstein thanked the City Fire Department for providing information on this issue. He said he lives in the Lincoln Park area which is comprised of older homes with alley incinerators. He asked if there would be a removal incentive plan for incinerators.

Fire Marshall Mathis said there is no current plan to remove incinerators, but their use is not allowed. Councilmember Boeschstein suggested an incentive program for incinerator removal be put into place. Councilmember Boeschstein asked if fire pits would be allowed. Fire Marshall Mathis said that each burn permit and fire pit would be reviewed on a case by case basis.

Councilmember Boeschstein asked if any new fireplace or wood stove placed in a home would have to be approved by the Environmental Protection Agency (EPA). Fire Marshall Mathis said yes, but that issue is addressed in a separate ordinance.

Councilmember Traylor Smith asked for clarification on what would be allowed regarding cooking on existing fire pits.

Fire Marshall Mathis said bonfires would not be allowed, however, if a fire pit were used to cook on they would be allowed.

Council President Norris asked where information about clean air regulations could be found. Fire Marshall Mathis said Mesa County Health Department provides information on clean air regulations.

Chief Watkins added clean air is a big focus of the Mesa County permitting system. He stated residences could be issued two different types of permits: one permit regarding smoke control; and another permit regarding fire safety. He noted the whole premise of moving to the County permitting system is for the Health Department to regulate air quality.

Council President Norris said because there are no Mesa County Fire Departments, the Mesa County Sheriff's Department has to deal with County fire issues. She asked who notifies the City's Fire Department when their services are required. Chief Watkins said the Fire Department is notified through dispatch, however, there is a need for better communication with the Mesa County Health Department. He said they have received incident reports after the fact and have talked about requiring notification within a ten-day window. Council President Norris asked about the unrestricted burning done by irrigation canal companies without permits. Fire Marshall Mathis said they have received complaints regarding irrigation canal burns to which they respond and he hopes to have violation reports attached to permit files which will be sent to the Mesa County Health Department. Council President Norris hopes the public will be notified in advance of the larger burns in the future. She stated, as a reminder, that this ordinance is about public safety, not air quality.

Council President Norris opened it up for public comments.

Karen Sjorberg, 514 Rado Drive, Chair of Citizens for Clean Air, thanked the Council and staff for their hard work on this issue. Ms. Sjorberg said some clarifications are needed regarding the definitions of a recreational fire and unrestricted burning which can be confusing. She said education and clarity are key.

Elizabeth Rowan, 1255 Ouray Avenue, said she has lived in the historical Lincoln Park area for over 25 years. She said there has been a steady increase of seasonal nighttime smoke, occurring between 10:00 p.m. and 3:00 a.m. She said the City's Fire

Department dispatchers are very responsive and ask a series of questions when she calls to report smoke in her neighborhood. Ms. Rowan said there are many makeshift fire pits and old cement incinerators in her neighborhood. She thanked Council and staff and said she was in support of ordinance. She requested that if the ordinance passes, there needs to be clarity on the effective date with specifications for dispatchers and staff to follow.

Joan Woodward, 2181 Quail Court, thanked Council and asked them to take clean air into consideration. She requested clarity on the ordinance in regards to what is allowed and not allowed with a burn permit.

Michael Day, 1224 Bonito Avenue, thanked Fire Chief Watkins for his presentation. He expressed concerns regarding the clarity of this ordinance and the specific definition of approved fire pits. Mr. Day read a statement regarding a backyard fire pit that he built, a smoke complaint from his neighbor, and the Fire Department's inspection of his fire pit. He said there is a City ordinance already in place regarding permitted outdoor burning, however it is not enforced. Mr. Day said the existing laws should be enforced and a new ordinance is not necessary. Mr. Day said the premise of this ordinance is for air quality and public safety according to the text in place and he encouraged the Council to deny the adoption of the ordinance.

John Rizzo, 604 N. 17th Street, representing Colorado Plateau Mountain Bike Trail Association, Inc. (COPMOBA) stated the ordinance is really about clean air and clean air does affect tourism. He said he supports the ordinance.

Peggy Rawlins, 519 Liberty Cap Court, read a statement from Citizens for Clean Air, encouraging Council consider changing the outdoor burning ordinance. She said the ordinance is confusing and does not do enough to address backyard burning which, makes respiratory problems worse, and families move for the sake of their health. Ms. Rawlins encouraged Council to clarify and strengthen the ordinance and stated education on backyard burning is important.

Kristin Winn, 713 Ivanhoe Way, said she fully supports the ordinance, however she would like see stricter guidelines. She said wood burning is an irritant for those that have asthma and she is worried about the children struggling for breath. Ms. Winn stated she is looking at this ordinance as a first step to improving the air quality in the City. She encouraged Council to make a commitment to improve air quality and said there is a need to educate people who still burn garbage in the middle of the night.

Charlie Post, 653 N. Terrace Drive, said by reducing open burning, there will be an improvement in air quality. He stated it will be difficult to market this community with poor air quality. Mr. Post said he is happy to see clear air now because the burning season is over, however he would like to see clear air year round. He encouraged

Council to pass the ordinance and would like to have clarification on the specifics of trash burning and enforcement.

David Scott, 2514 Snowmass Court, a physician with the Allergy and Asthma Center in Western Colorado, said the burn season paired with pollen in the air produces a double whammy for people with allergies and asthma. He said this truly affects many people, especially children and the elderly, who have smaller bronchia. He stated there is statistical evidence of children developing smaller lungs with critical health issues in areas that have open burning and passing this ordinance is a small step in the right direction of better lung health.

Jim Baughman, 2579 F Road, presented pictures of his family's 20-acre farm in the center of the City of Grand Junction, where his family has lived for the past 89 years. Mr. Baughman stated this ordinance will make it difficult to maintain his family's property because the cottonwood trees generate large debris piles that need to be disposed of twice a year. Mr. Baughman said when the debris piles are burned there are no billowing plumes of smoke and they are very careful to maintain burn safety. He said that composting is implemented with leaves, however the sticks and other debris require a burning. He encouraged Council to not pass the ordinance as he fears they will not be able to continue their practice of burning debris on their property.

Bruce Baughman, 2579 F Road, said he would like clarity from Mesa County for burn permits. He stated the burns on their family property are totally safe and the fire pit on their property is also safe. He said that he is uncertain if their family property would be classified as agriculture or not; he feels that they have demonstrated that all burns done on their property are done safely.

Chris Greiner, 2934 G Road, said the property across from his property is 15 to 20 acres and is within the City limits. It contains several gardens but not able to utilize composting due to a large rodent, squirrel, and raccoon population. The debris from illegal dumping, elm trees, and tumbleweeds is so large it would be very difficult to remove from the property. He suggested an amendment to this burn ordinance be added for properties like this. He also commented that there may be more illegal dumping if a burn ordinance were to be enforced.

Erik Cornelison, 102 Mesa Vista Road, asked Council to address the problem of air quality in the City. He said he has an outdoor fire pit and does not know if it is considered legal or not, and asked for clarity. Mr. Cornelison asked if the real issue is clean air quality or legal burns. He mentioned that Grand Junction does not have major air quality concerns due to the wind currents which is why there aren't many hot air balloons flying in this area on a regular basis.

Harold Berry, 2494 Waite Avenue, said he understands the problems related to poor clean air quality and also the debris problem due to outdoor burning. He said it is the

worst thing for children and the elderly with breathing problems and there should not be any outdoor burning all together. He mentioned the smell of smoke on his clothes after a bike ride and the emission control that Denver has implemented.

Anne Landman, 671 Moonrise Circle, said she has been living in Mesa County since 1982 and has worked as a registered respiratory therapist. She stated how difficult open burning is on patients with respiratory conditions and there are five oxygen centers located in the area. Ms. Landman said there are several retirees and asthmatic children on oxygen who need cleaner air quality. She said she supports the ordinance however; the burn restrictions may not go far enough.

Elizabeth Rowan, 1255 Ouray Avenue, returned to the podium and showed pictures of fire pits in a backyard and a burned computer on top of an incinerator.

Michael Day, 1224 Bonito Avenue, returned to the podium and said the amendment addresses the legal fire pit, not the smoke, and reduces the revenue from fire pit permits. He stated the City already has a good ordinance in place and suggested that it be enforced rather than passing a new ordinance.

There were no other public comments.

The public hearing was closed 9:10 p.m.

Councilmember Traylor Smith asked Chief Watkins if he had any comments.

Chief Watkins clarified permanent fire pits and fireplaces would still be allowed, however makeshift fire pits would not. He said agriculture burn guidelines will still be in place, but was unsure if the Baughman property would meet that property exception. He said open burning for agriculture only would be allowed.

Councilmember Chazen asked for clarification of what is allowed for open burning, the 50-foot clearance of the burn, and what type of material can be burned.

Chief Watkins said the ordinance allows burning of vegetation for agriculture only. Councilmember Chazen asked if there were any burn provisions for larger properties that are not agriculture. Chief Watkins said no, it is difficult to make such distinctions. Councilmember Chazen asked if there are any variances or exceptions. Chief Watkins said no.

City Attorney John Shaver answered some questions that had been asked: regarding phone information for questions on burn restrictions, he supplied the emergency phone number 911 and the non-emergency line (970) 242-6707; regarding the effective date of the ordinance, if approved, would be 32 days from this Council meeting; regarding if Council would adopt an air quality ordinance, yes, but it would have a different framework due to enforcement terms and Council expectations; regarding section

307.1.4 and if any outdoor burning is expressly prohibited or allowed, this would be an amendment to the Fire Code and have to be reconciled with amendments to the Code.

Councilmember Traylor Smith asked if any of the 1,300 burn permits issued this year would be issued under these provisions. Chief Watkins said the majority of burn permits issued are for locations in the Rural Fire Protection District, only 380 are within City Limits, and of those, most would not be eligible. Councilmember Traylor Smith asked if there would be an option for debris disposal that is able to be burned if taking it to the dump is not an option. Chief Watkins said there are some alternatives such as the compost facility, green waste in the Spring Cleanup, and the Leaf Pick Up Program.

Councilmember Traylor Smith asked what the additional enforcement cost and impact on the budget will be to implement the ordinance. City Manager Caton said resources are allocated for education that will offset fire extinguishment enforcement.

Councilmember Traylor Smith said there is confusion about fire ring requirements and asked if there are plans to communicate and clarify with citizens. Chief Watkins said there will be educational brochures and flyers with easy to understand terms and guidelines. He stated that they are trying to do away with homemade fire pits, unfortunately, this could be a sensitive issue due to those who have spent time and money on building these.

Councilmember Taggart asked for clarity on the fire pit issue and stated the challenges faced with larger acreage nonagricultural properties. He asked if a green waste program could be added as a service for a reasonable fee and if the County will have a database for burn permits issued. Chief Watkins said they have a web based database that is user friendly and have the capability to send reports to the City.

Councilmember Traylor Smith suggested the educational material include information on how to build an approved fire ring. Chief Watkins said they do not want to encourage people to build their own fire pit.

Councilmember Chazen said he would like to see more clarity regarding large properties and they need provisions or exceptions. He added the County could change regulations without the City's consent and suggested Council have some type of ordinance review board. Councilmember Chazen said he will not support this ordinance after hearing the citizens' testimony.

Councilmember Boeschstein said he will support this ordinance.

Councilmember McArthur said clean air and burn permit issues will keep coming up. The valley needs to evolve as urban uses increasingly bump up against rural uses and there needs to be flexibility for nonagricultural property as to burn debris. He asked how enforcement of the ordinance would be implemented.

Councilmember Kennedy said the area's air quality, especially during burn season, has become worse due to more nuisance burns. The ordinance would negatively affect a minority of landowners. He said this is a wakeup call to start to mitigate the recreational fires. He believes that the majority of citizens want this ordinance.

Council President Norris asked who would issue open burn permits. Chief Watkins said the fireworks permits, specialty permits, and construction permits will be issued by the City Fire Department with all other burn permits will be issued through the County.

Councilmember Chazen stated they should be careful about passing a law that is not clear. The ordinance should be analyzed as it is criminalizing open burning.

Councilmember Traylor Smith said alternatives to burning should be offered as there is a potential for waste to build up on properties creating fire hazards and other unintended consequences. She would like to see clarity and more options before accepting an ordinance.

Councilmember Kennedy moved to approve Ordinance No. 4724 – An Ordinance Adopting Amendments to the 2012 Edition of the International Fire Code and Prescribing Regulations Governing Outdoor Burning, Restricted, and Unrestricted Burning; Providing for the Issuance of Permits for Certain Burning Activities and Defining Extinguishment Authority on final passage and order final publication in pamphlet form. Councilmember Boeschstein seconded the motion. Motion failed by roll call vote with Councilmembers Chazen, McArthur, Taggart, Traylor Smith, and Council President Norris voting NO.

Council President Norris said there needs to be solutions to the issues brought forward.

The Council took a break at 9:55 p.m.

The meeting reconvened at 10:02 p.m.

Consideration of Additional Funding for Street Maintenance

Infrastructure has been identified by City Council as one of the three areas of emphasis for public policy action. As such, Council has heard capital funding presentations over the last several months including long term funding to improve the condition of the roads. During the April 25, 2016 Council Workshop, Council identified road maintenance as one of the top capital spending priorities. During the August 1, 2016 Workshop, Council discussed potential funding options and directed staff to solicit additional input from the public and other stakeholders. A memo, similar to this report, was handed out at the October 3, 2016 Budget Workshop.

Greg Lanning, Public Works Director, introduced this item. He reviewed the recent history on this subject noting street maintenance is a priority and stated at the August Workshop staff was directed to get feedback from the community. This item is about additional discussion and direction. He explained that the City currently has a PCI (pavement condition index) rating of 69 and the maintenance required to get to a higher PCI rating of 73, which is the rating goal Council would like to achieve. Mr. Lanning compared the metrics relative to the costs and where the PCI rating would be at the various levels of funding. He then described the public outreach embarked upon by staff which included open houses and a productive meeting with the Chamber. He said local contractors were supportive of additional funding for road maintenance and they would be able to handle the additional road maintenance work. Mr. Lanning stated if there were to be a ballot question to use the Taxpayer Bill of Rights (TABOR) excess funds, then the Parkway debt would be paid in 2024 which would cost additional interest. He stated with that the TABOR excess and existing resources, there would be \$30 million dollars to be use on road maintenance over five years bringing the PCI up to the goal rating of 73.

Councilmember Traylor Smith said she appreciates the public outreach and that constituents are in favor of additional funding for street maintenance, once explained. She stated a measure has to be clear, have a plan, and be explained to the people. Councilmember Traylor Smith said she is in favor of this funding.

Councilmember Chazen stated this additional funding needs to be voter approved. He asked how is the \$3.5 million is guaranteed as a base amount of funding since it would obligate future Councils.

City Attorney Shaver said from a legal perspective, there is not a guarantee, the amount is subject to change depending on the annual appropriation. He said the question for the ballot would be to obligate the fund overage for a particular use.

Councilmember Chazen said this is as if a promise is broken if the amount cannot be guaranteed. City Manager Caton stated discipline regarding policy and budget is what is needed, to hold the City accountable knowing the time frame and the targeted funding amount.

Councilmember Chazen asked for direction and assurance to the taxpayers that the TABOR excess will be directed only to street repair and maintenance. City Attorney Shaver said if the ballot question is to authorize use of the excess TABOR monies, it will be used for that purpose. Councilmember Chazen asked if the current issue is for Council to authorize to draft the language for the proposal and approval for the use of excess TABOR. City Attorney Shaver said yes, that is the purpose.

Councilmember Taggart asked if the resurfacing of the Riverside Parkway is a part of this proposal. Mr. Lanning said yes, the Riverside Parkway is included.

Councilmember Boeschstein stated the issues of Smart Streets, reduced lanes, underground infrastructure, and bikeways are part of street maintenance.

Councilmember Kennedy moved to direct Staff to draft a ballot question asking the voters to redirect funds accumulating for the early payoff of the Riverside Parkway debt to street maintenance. Councilmember Taggart seconded the motion. Motion carried by roll call vote.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

There was none.

Adjournment

The meeting was adjourned at 10:26 p.m.

Stephanie Tuin, MMC
City Clerk



Grand Junction City Council

Regular Session

Item #2.a.

Meeting Date: December 7, 2016

Presented by: Brian Rusche,
Senior Planner

Submitted by: Brian Rusche,
Senior Planner

Department: Admin. – Com. Dev.

Information

SUBJECT:

Resolution Concerning the Issuance of a Revocable Permit to JDC Real Estate, LLC, for an Existing Residence within the Alley Right-of-Way, Located at 1141 Gunnison Avenue.

RECOMMENDATION:

Staff recommends approval of the Revocable Permit.

EXECUTIVE SUMMARY:

The applicant, JDC Real Estate Group LLC, is requesting that the City issue a Revocable Permit to officially document a portion of an existing residence at 1141 Gunnison Avenue that is located within the alley right-of-way.

BACKGROUND OR DETAILED INFORMATION:

The existing residence was constructed in 1930 on the subject property (Lots 13 and 14, Block 45, City of Grand Junction). The applicant purchased the property in May 2016 and commissioned a survey of the property. The survey shows that the existing residence is 0.12 feet (or 1.44 inches) into the alley right-of-way, with a roof overhang that extends 1.12 feet into the alley right-of-way.

The applicant has received approval to construct a new residence on the front of the property, consistent with the standards of the R-8 (Residential 8 du/ac) zone district and the Greater Downtown Residential Overlay. However, the applicant would like to retain the existing residence as an Accessory Dwelling Unit (ADU). In order to approve the continued use of the residence, a Revocable Permit is necessary for the portion of the residence within the alley right-of-way.

In addition to the survey, the applicant has provided photographs showing the location of the residence in relation to the alley pavement (16' of pavement centered within the 20' alley right-of-way, completed by the City in 1995 as part of an Alley Improvement District). The encroachment does not extend into the improved portion of the alley. There are no overhead power lines along the north side of the alley adjacent to this property.

FISCAL IMPACT:

There is not a financial impact to the City.

SUGGESTED MOTION:

I MOVE to (approve or deny) Resolution No. 51 -16 – A Resolution Concerning the Issuance of a Revocable Permit to JDC Real Estate LLC, Located at 1141 Gunnison Avenue.

Attachments

ATTACHMENT 1 – Staff Report

ATTACHMENT 2 – Proposed Resolution

Attachment 1 – Staff Report

BACKGROUND INFORMATION			
Location:		1141 Gunnison Avenue	
Applicant:		JDC Real Estate Group LLC, Owner	
Existing Land Use:		alley right-of-way	
Proposed Land Use:		Maintain exterior of existing residence within the public right-of-way.	
Surrounding Land Use:	North	Single-family detached residential	
	South	Single-family detached residential	
	East	Single-family detached residential	
	West	Single-family detached residential	
Existing Zoning:		R-8 (Residential 8 du/ac)	
Proposed Zoning:		R-8 (Residential 8 du/ac)	
Surrounding Zoning:	North	R-8 (Residential 8 du/ac)	
	South	R-8 (Residential 8 du/ac)	
	East	R-8 (Residential 8 du/ac)	
	West	R-8 (Residential 8 du/ac)	
Future Land Use Designation:		Residential Medium	
Zoning within density range?	X	Yes	No

Section 21.02.180 (c) of the Grand Junction Zoning and Development Code:

Requests for a revocable permit must demonstrate compliance with all of the following criteria:

- a. There will be benefits derived by the community or area by granting the proposed revocable permit.

Granting the Revocable Permit allows the applicant and the City to officially document this existing building encroachment into the alley right-of-way. The alley right-of-way has already been improved with concrete, therefore, the applicant's existing residence will not interfere with future improvements. The request benefits the community by documenting the encroachment to the current and future property owners, thereby retain the value of the existing structure. Therefore, this criterion has been met.

- b. There is a community need for the private development use proposed for the City property.

The preservation and renovation of the existing residence provides needed housing for residents of the community without impacting the use of the existing right-of-way. Therefore, this criterion has been met.

- c. The City property is suitable for the proposed uses and no other uses or conflicting uses are anticipated for the property.

The applicant has provided photographs showing the location of the residence in relation to the alley right-of-way. The granting of the Revocable Permit does not inhibit the City or other utility companies from maintaining their required infrastructure, if necessary. Therefore, this criterion has been met.

- d. The proposed use shall be compatible with the adjacent land uses.

The surrounding uses are single-family residences, many of which are as old as the existing residence, but with modifications and/or additions over the years. The applicant has received approval to construct a new residence on the front of the property, consistent with the standards of the R-8 (Residential 8 du/ac) zone district and the Greater Downtown Residential Overlay. The preservation and renovation of the existing residence as an Accessory Dwelling Unit (ADU) is also consistent with these standards. Therefore, this criterion has been met.

- e. The proposed use shall not negatively impact access, traffic circulation, neighborhood stability or character, sensitive areas such as floodplains or natural hazard areas.

The existing use has been an encroachment into the alley right-of-way since its construction in 1930, without any evidence of impact to access, circulation, or neighborhood character. In fact, its very existence is illustrative of the neighborhood character, which includes garages and other structures directly adjacent to and accessible from the alley. The alley was improved with a concrete surface in 1995 without any impact by or upon the residence.

No adverse comments concerning the proposed Revocable Permit were received from the utility review agencies during the staff review process, including Xcel Energy. There are no water lines within the alley and the sanitary sewer is located within the center of the alley, outside of the area of the Revocable Permit. Therefore, this criterion has been met.

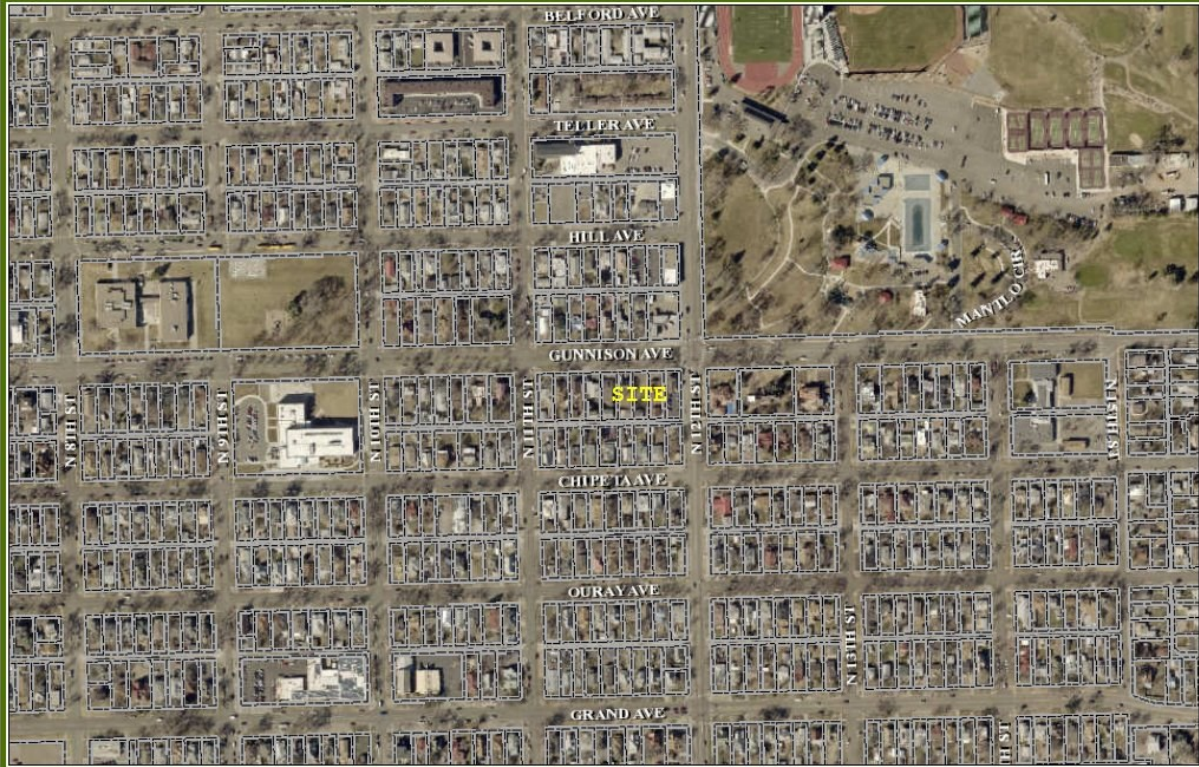
- f. The proposed use is in conformance with and in furtherance of the implementation of the goals, objectives and policies of the Comprehensive Plan, other adopted plans and the policies, intents and requirements of this Code and other City policies.

The proposal conforms to all standards, codes and regulations. A denial of the permit would result in the potential demolition of the building, which is contrary to the goals of the Comprehensive Plan, specifically Goal 6, which states that land use decisions will encourage preservation of existing buildings and their appropriate reuse. Therefore, this criterion has been met.

- g. The application complies with the submittal requirements as set forth in the Section 127 of the City Charter, Chapter Two of the Zoning and Development Code and the SSID Manual.

The application complies with all submittal requirements for a Revocable Permit. Therefore, this criterion has been met.

Site Location Map



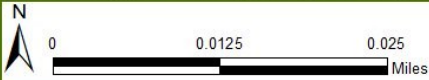
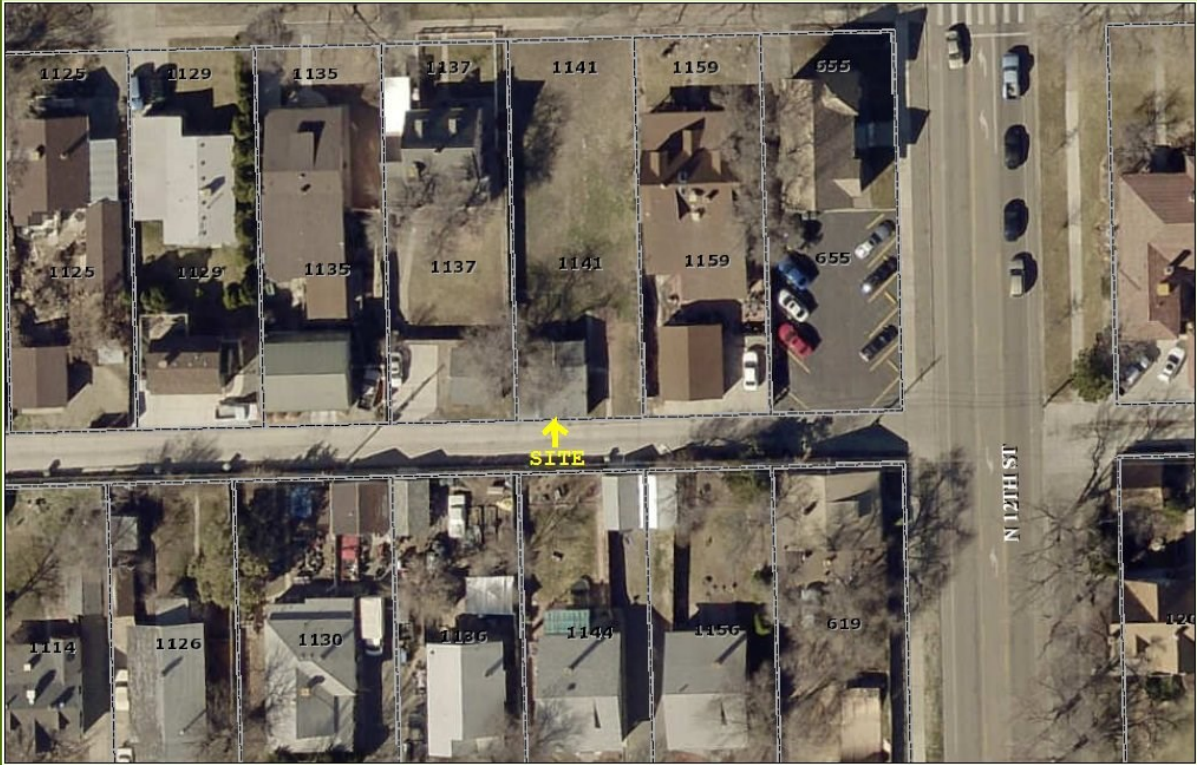
0 0.1 0.2
Miles

Printed: 11/23/2016

1 inch = 358 feet



Aerial Photo Map

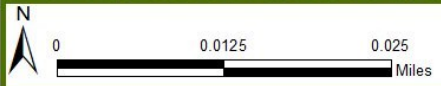
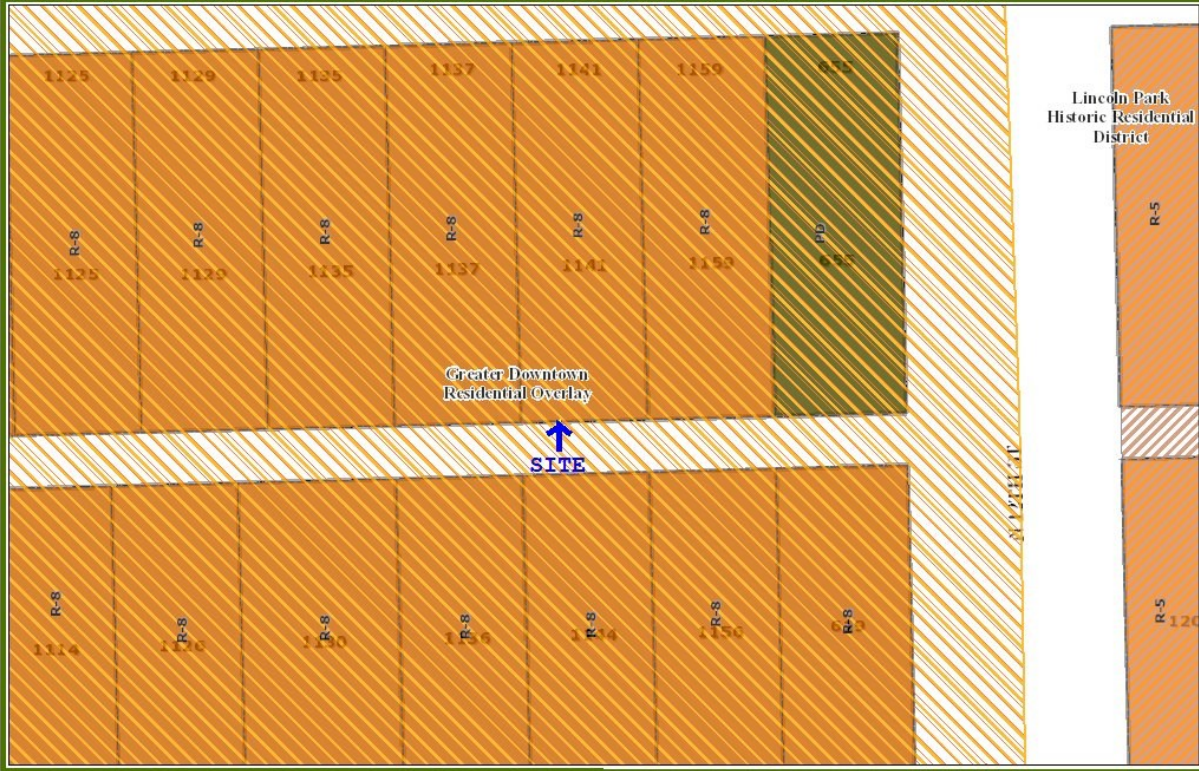


Printed: 11/23/2016

1 inch = 45 feet



Existing Zoning Map



Printed: 11/23/2016

1 inch = 45 feet





Existing building encroaching into the alley right-of-way
Alley right-of-way is 20' wide with 16' of concrete
Building does not encroach into the improved portion of the alley

RESOLUTION NO. ____-16

**A RESOLUTION CONCERNING
THE ISSUANCE OF A REVOCABLE PERMIT TO
JDC REAL ESTATE, LLC, LOCATED AT 1141 GUNNISON AVENUE**

Recitals.

A. JDC Real Estate LLC, hereinafter referred to as the Petitioner, represents it is the owner of the following described real property in the City of Grand Junction, County of Mesa, State of Colorado, to wit:

Lots 13 and 14, Block 45, City of Grand Junction

B. The Petitioner has requested that the City Council of the City of Grand Junction issue a Revocable Permit to allow the Petitioner and the City to officially document an existing residence within the following described public right-of-way:

That portion of the residence located within the alley right-of-way adjacent to Lots 13 and 14, Block 45, City of Grand Junction, as depicted and dimensioned on the attached Boundary Survey signed November 22, 2016.

C. Relying on the information supplied by the Petitioner and contained in File No. RVP-2016-541 in the office of the City's Community Development Division, the City Council has determined that such action would not at this time be detrimental to the inhabitants of the City of Grand Junction.

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

1. That the City Manager is hereby authorized and directed to issue the attached Revocable Permit to the above-named Petitioner for the purpose aforescribed and within the limits of the public right-of-way aforescribed, subject to each and every term and condition contained in the attached Revocable Permit.

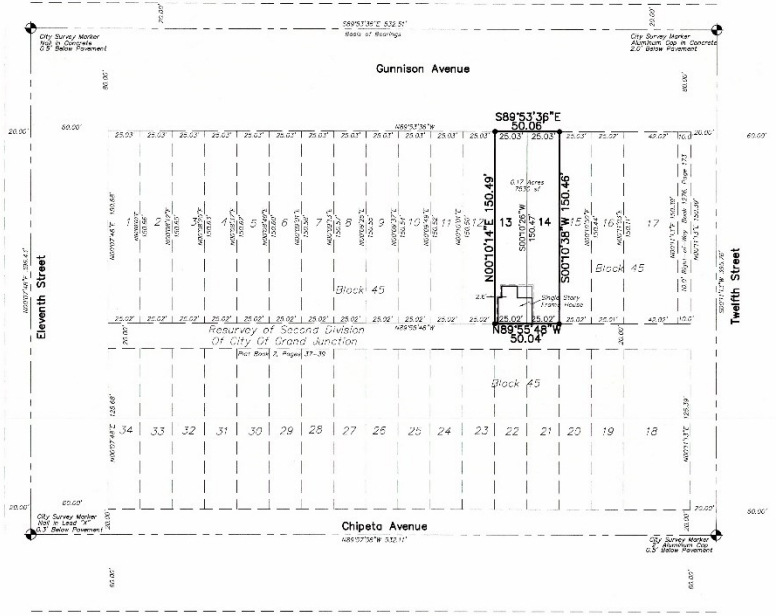
PASSED and ADOPTED this _____ day of _____, 2016.

Attest:

President of the City Council

City Clerk

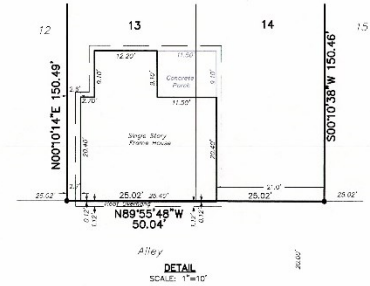
BOUNDARY SURVEY OF PARCELS LOCATED IN SE1/4 NE1/4 SECTION 14, T1S, R1W, UTE MERIDIAN LOTS 13 AND 14, BLOCK 45 CITY OF GRAND JUNCTION, MESA COUNTY, COLORADO



BOUNDARY DESCRIPTION

These parcels of land lying in the Southeast Quarter of the Northeast Quarter (SE1/4 NE1/4) of Section 14, Township 1 South, Range 1 West of the Ute Meridian and more particularly described as follows:

Lots 13 and 14 in Block 45 of the City of Grand Junction, Mesa County, Colorado and also being known as 1141 Gunnison Avenue.



LAND SURVEY DEPOSITS

MESA COUNTY SURVEYOR'S OFFICE
 BOOK _____ PAGE _____
 DATE _____
 DEPOSIT NO. _____

Prepared for:
 JDC Real Estate Group, LLC

GENERAL NOTES

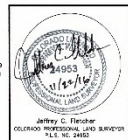
No Easement and Title Information was provided.
 Basis of bearings is the Back Sine on Gunnison Avenue between Eleventh Street and Twelfth Street which bears South 89°53'36" East, a distance of 532.51 feet, established by observation of the MCOPS control network, which is based on the NAD 83 datum for Horizontal and NAVD 88 datum for Vertical information. Both monuments on this line are City Block Survey Markers, as shown on the face of this plat.
 All units shown hereon in U.S. Survey feet.



- ALLOT SURVEY MARKER, AS NOTED
- FOUND REBAR, AS NOTED
- SET ALUMINUM CAP ON No. 5 REBAR, PLS

SURVEYOR'S CERTIFICATION

I hereby certify that this plat represents a field survey completed under my direct supervision during August, 2016, and that both have been completed according to the standards of practice and the laws of the State of Colorado, and are correct to the best of my knowledge.



BOUNDARY SURVEY
 SE1/4 NE1/4 SECTION 14
 T1S, R1W, UTE MERIDIAN
 LOTS 13 AND 14, BLOCK 45
 GRAND JUNCTION, MESA COUNTY, COLORADO

High Desert Surveying, LLC
 1873 Highway 50, Ute, CO
 Grand Junction, Colorado 81503
 Telephone: 970-254-8849 Fax: 970-261-0451

PROJECT NO. 16-78	SURVEYED DRAWN	CHECKED	SHEET	OF
DATE: AUGUST, 2016	JE	BJP	27	1

REVOCABLE PERMIT

Recitals.

A. JDC Real Estate LLC, hereinafter referred to as the Petitioner, represents it is the owner of the following described real property in the City of Grand Junction, County of Mesa, State of Colorado, to wit:

Lots 13 and 14, Block 45, City of Grand Junction

B. The Petitioner has requested that the City Council of the City of Grand Junction issue a Revocable Permit to allow the Petitioner and the City to officially document an existing residence within the following described public right-of-way:

That portion of the residence located within the alley right-of-way adjacent to Lots 13 and 14, Block 45, City of Grand Junction, as depicted and dimensioned on the attached Boundary Survey signed November 22, 2016.

C. Relying on the information supplied by the Petitioner and contained in File No. RVP-2016-541 in the office of the City's Community Development Division, the City Council has determined that such action would not at this time be detrimental to the inhabitants of the City of Grand Junction.

NOW, THEREFORE, IN ACCORDANCE WITH THE ACTION OF THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

There is hereby issued to the above-named Petitioner a Revocable Permit for the purpose aforescribed and within the limits of the public right-of-way aforescribed; provided, however, that the issuance of this Revocable Permit shall be conditioned upon the following terms and conditions:

1. The Petitioner's use and occupancy of the public right-of-way as authorized pursuant to this Permit shall be performed with due care or any other higher standard of care as may be required to avoid creating hazardous or dangerous situations and to avoid damaging public improvements and public utilities or any other facilities presently existing or which may in the future exist in said right-of-way.

2. The City hereby reserves and retains a perpetual right to utilize all or any portion of the aforescribed public right-of-way for any purpose whatsoever. The City further reserves and retains the right to revoke this Permit at any time and for any reason.

3. The Petitioner, for itself and for its successors, assigns and for all persons claiming through the Petitioner, agrees that it shall defend all efforts and claims to hold, or attempt to hold, the City of Grand Junction, its officers, employees and agents, liable for damages caused to any property of the Petitioner or any other party, as a result of the Petitioner's occupancy, possession or use of said public right-of-way or as a result of any City activity

or use thereof or as a result of the installation, operation, maintenance, repair and replacement of public improvements.

4. The Petitioner agrees that it shall at all times keep the above described public right-of-way in good condition and repair.

5. This Revocable Permit shall be issued only upon the concurrent execution by the Petitioner of an agreement that the Petitioner and the Petitioner's successors and assigns shall save and hold the City of Grand Junction, its officers, employees and agents harmless from, and indemnify the City, its officers, employees and agents, with respect to any claim or cause of action however stated arising out of, or in any way related to, the encroachment or use permitted, and that upon revocation of this Permit by the City the Petitioner shall, at the sole cost and expense of the Petitioner, within thirty (30) days of notice of revocation (which may occur by mailing a first class letter to the last known address), peaceably surrender said public right-of-way and, at its own expense, remove any encroachment so as to make the aforescribed public right-of-way available for use by the City or the general public. The provisions concerning holding harmless and indemnity shall survive the expiration, revocation, termination or other ending of this Permit.

6. This Revocable Permit, the foregoing Resolution and the following Agreement shall be recorded by the Petitioner, at the Petitioner's expense, in the office of the Mesa County Clerk and Recorder.

7. Permittee shall obtain all applicable Planning Clearance's from City Planning and Mesa County Building Department.

Dated this _____ day of _____, 2016.

The City of Grand Junction,
a Colorado home rule municipality

Attest:

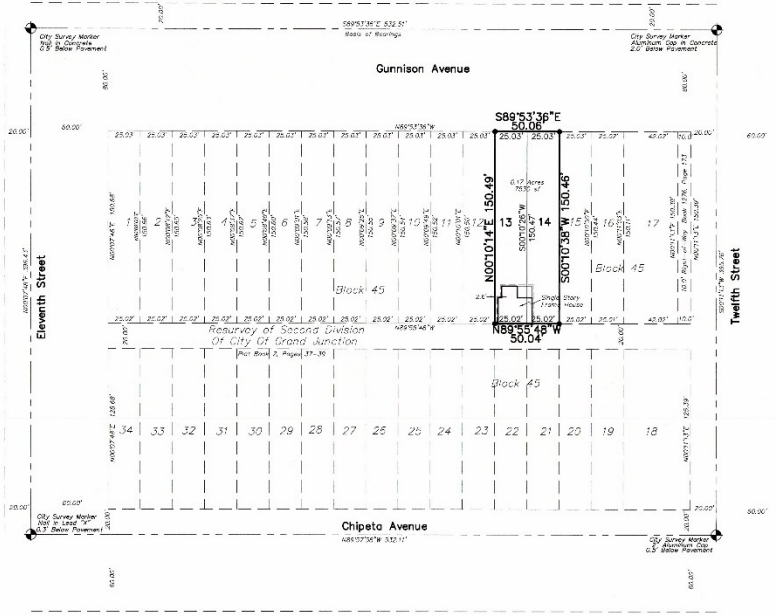
City Clerk

City Manager

Acceptance by the Petitioner:

For JDC Real Estate LLC

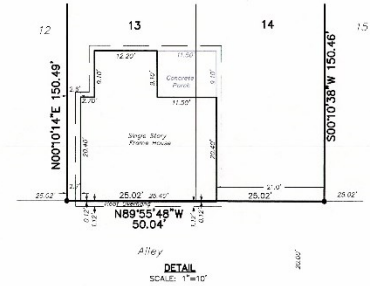
BOUNDARY SURVEY OF PARCELS LOCATED IN SE1/4 NE1/4 SECTION 14, T1S, R1W, UTE MERIDIAN LOTS 13 AND 14, BLOCK 45 CITY OF GRAND JUNCTION, MESA COUNTY, COLORADO



BOUNDARY DESCRIPTION

These parcels of land lying in the Southeast Quarter of the Northeast Quarter (SE1/4 NE1/4) of Section 14, Township 1 South, Range 1 West of the Ute Meridian and more particularly described as follows:

Lots 13 and 14 in Block 45 of the City of Grand Junction, Mesa County, Colorado and also being known as 1141 Gunnison Avenue.



LAND SURVEY DEPOSITS

MESA COUNTY SURVEYOR'S OFFICE
BOOK _____ PAGE _____
DATE _____
DEPOSIT NO. _____

Prepared for:
JDC Real Estate Group, LLC

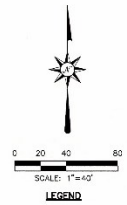
GENERAL NOTES

No Easement and Title Information was provided.

Basis of bearings is the Back Sine on Gunnison Avenue between Eleventh Street and Twelfth Street which bears South 89°53'36" East, a distance of 532.51 feet, established by observation of the MCOPS control network, which is based on the NAD 83 datum for Horizontal and NAVD 88 datum for Vertical information. Both monuments on this line are City Block Survey Markers, as shown on the face of this plat.

All units shown hereon in U.S. Survey feet.

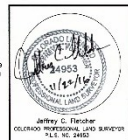
WHERE APPLICABLE TO COLORADO LAW, THIS DOCUMENT MAY BE VOID AS TO THE EXTENT OF ANY INTEREST IN LAND SURVEYED HEREON WHICH IS NOT RECORDED IN THE PUBLIC RECORDS OF THE STATE OF COLORADO, AND ANY INTEREST IN LAND SURVEYED HEREON WHICH IS NOT RECORDED IN THE PUBLIC RECORDS OF THE STATE OF COLORADO, SHALL BE VOID AS TO THE EXTENT OF ANY INTEREST IN LAND SURVEYED HEREON WHICH IS NOT RECORDED IN THE PUBLIC RECORDS OF THE STATE OF COLORADO.



- LEGEND**
- ALIQUOT SURVEY MARKER, AS NOTED
 - FOUND REBAR, AS NOTED
 - SET ALUMINUM CAP ON No. 5 REBAR, PLS

SURVEYOR'S CERTIFICATION

I hereby certify that this plat represents a field survey completed under my direct supervision during August, 2016, and that both have been completed according to the standards of practice and the laws of the State of Colorado, and are correct to the best of my knowledge.



BOUNDARY SURVEY	
SE1/4 NE1/4 SECTION 14 T1S, R1W, UTE MERIDIAN LOTS 13 AND 14, BLOCK 45 GRAND JUNCTION, MESA COUNTY, COLORADO	
High Desert Surveying, LLC	
1873 Highway 50, Unit C Grand Junction, Colorado 81503 Telephone: 970-254-8849 Fax: 970-261-0451	
PROJECT NO. 16-78	DRAWN BY: JCH
DATE: AUGUST, 2016	CHECKED BY: JCH
SHEET NO. 1	TOTAL SHEETS 1

AGREEMENT

JDC Real Estate LLC, for itself and for its successors and assigns, does hereby agree to:

(a) Abide by each and every term and condition contained in the foregoing Revocable Permit;

(b) Indemnify and hold harmless the City of Grand Junction, its officers, employees and agents with respect to all claims and causes of action, as provided for in the approving Resolution and Revocable Permit;

(c) Within thirty (30) days of revocation of said Permit by the City Council, peaceably surrender said public right-of-way to the City of Grand Junction;

(d) At the sole cost and expense of the Petitioner, remove any encroachment so as to make said public right-of-way fully available for use by the City of Grand Junction or the general public.

Dated this _____ day of _____, 2016.

For JDC Real Estate LLC

State of Colorado)

)ss.

County of Mesa)

The foregoing Agreement was acknowledged before me this _____ day of _____, 2016, by _____ for JDC Real Estate LLC.

My Commission expires: _____

Witness my hand and official seal.

Notary Public



Grand Junction City Council

Regular Session

Item #3.a.i.

Meeting Date: December 7, 2016

Presented by: Scott D. Peterson,
Senior Planner

Submitted by: Scott D. Peterson,
Senior Planner

Department: Admin. – Com. Dev.

Information

SUBJECT:

Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation, and Exercising Land Use Control, and Introducing Proposed Annexation Ordinance for the McHugh Annexation, Located at 115 Vista Grande Road.

RECOMMENDATION:

Staff recommends approval.

EXECUTIVE SUMMARY:

A request to annex 1.69 acres located at 115 Vista Grande Road. The McHugh Annexation consists of one (1) parcel of land and 0.49 acres of public right-of-way of Broadway (Hwy. 340) and Vista Grande Road.

BACKGROUND OR DETAILED INFORMATION:

The property owners have requested annexation into the City limits and a zoning of R-4 (Residential – 4 du/ac) in order to re-subdivide the existing platted property to create a second residential lot in anticipation of future single-family residential development. Under the 1998 Persigo Agreement with Mesa County all proposed development within the Persigo Wastewater Treatment Facility boundary requires annexation to and processing by the City.

FISCAL IMPACT:

The provision of municipal services will be consistent with other properties in the area already in the City. Property tax levies and municipal sales/use tax will be collected, as applicable, upon annexation. The annexation includes the full width of Vista Grande Road from Broadway to the property and is in satisfactory condition and has been maintained by Mesa County.

SUGGESTED MOTION:

I MOVE to (approve or deny) Resolution No. 52-16 – 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, McHugh Annexation, Located at 115 Vista Grande Road, Introduce Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, McHugh Annexation, Located at 115 Vista Grande Road, Consisting of One Parcel of Land and 0.49 Acres of Broadway (Hwy. 340) and Vista Grande Road Public Rights-of-Way, and Set a Hearing for January 18, 2017.

Attachments

ATTACHMENT 1 – Staff Report - Background Information which includes the Site Location Map, the Aerial Photo Map, the Comprehensive Plan Future Land Use Map and the Existing Zoning Map

ATTACHMENT 2 – Proposed Resolution

ATTACHMENT 3 – Proposed Ordinance

Annexation Staff Report:

STAFF REPORT / BACKGROUND INFORMATION					
Location:		115 Vista Grande Road			
Applicants:		Richard & Virginia McHugh, Owners			
Existing Land Use:		Single-family detached home			
Proposed Land Use:		Simple Subdivision to re-subdivide the existing property into two (2) lots for future single-family residential development			
Surrounding Land Use:	North	Single-family detached			
	South	Single-family detached			
	East	Single-family detached			
	West	Single-family detached			
Existing Zoning:		County RSF-4 (Residential Single-Family – 4 du/ac)			
Proposed Zoning:		R-4 (Residential – 4 du/ac)			
Surrounding Zoning:	North	County RSF-4 (Residential Single-Family – 4 du/ac)			
	South	County RSF-4 (Residential Single-Family – 4 du/ac)			
	East	County RSF-4 (Residential Single-Family – 4 du/ac)			
	West	County RSF-4 (Residential Single-Family – 4 du/ac)			
Future Land Use Designation:		Residential Medium Low (2 – 4 du/ac)			
Zoning within density/intensity range?		X	Yes		No

This annexation consists of one (1) parcel of land 1.20 acres in size and 0.49 acres of public right-of-way of Broadway (Hwy. 340) and Vista Grande Road.

The property owners have requested annexation into the City and a zoning of R-4 (Residential – 4 du/ac) in order to re-subdivide the existing platted property to create a second residential lot in anticipation of future single-family residential development. Under the 1998 Persigo Agreement with Mesa County, all proposed development within the Persigo Wastewater Treatment Facility boundary requires annexation to and processing by the City.

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

- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;
- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;
- c) A community of interest exists between the area to be annexed and the City. This is so in part because the Central Grand Valley is essentially a single demographic and economic unit and occupants of the area can be expected to, and regularly do, use City streets, parks and other urban facilities;
- d) The area is or will be urbanized in the near future;
- e) The area is capable of being integrated with the City;
- f) No land held in identical ownership is being divided by the proposed annexation;
- g) No land held in identical ownership comprising 20 contiguous acres or more with an assessed valuation of \$200,000 or more for tax purposes is included without the owner's consent.

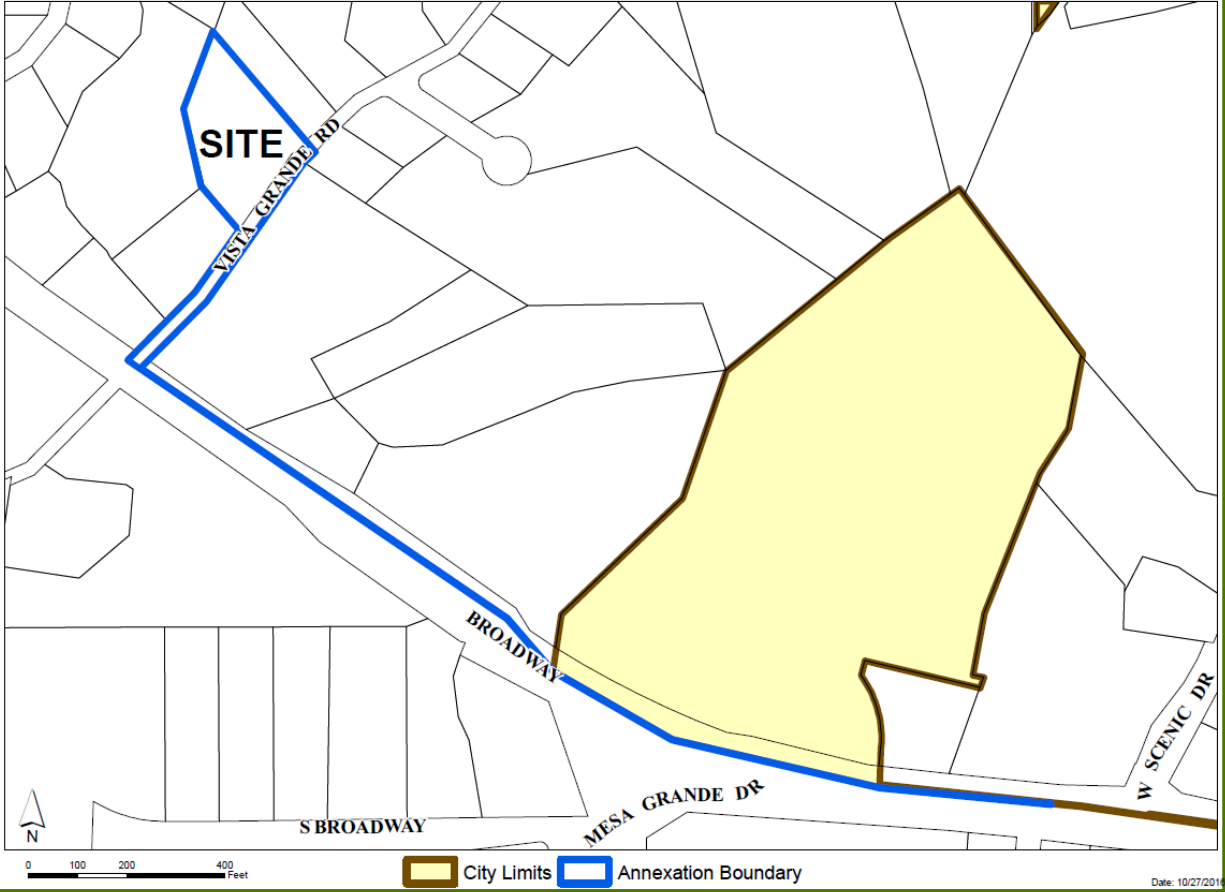
The following annexation and zoning schedule is being proposed:

<u><i>ANNEXATION SCHEDULE</i></u>	
December 7, 2016	Referral of Petition (30 Day Notice), Introduction of a Proposed Ordinance, Exercising Land Use
December 13, 2016	Planning Commission considers Zone of Annexation
January 4, 2017	Introduction of a Proposed Ordinance on Zoning by City Council
January 18, 2017	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
February 19, 2017	Effective date of Annexation and Zoning

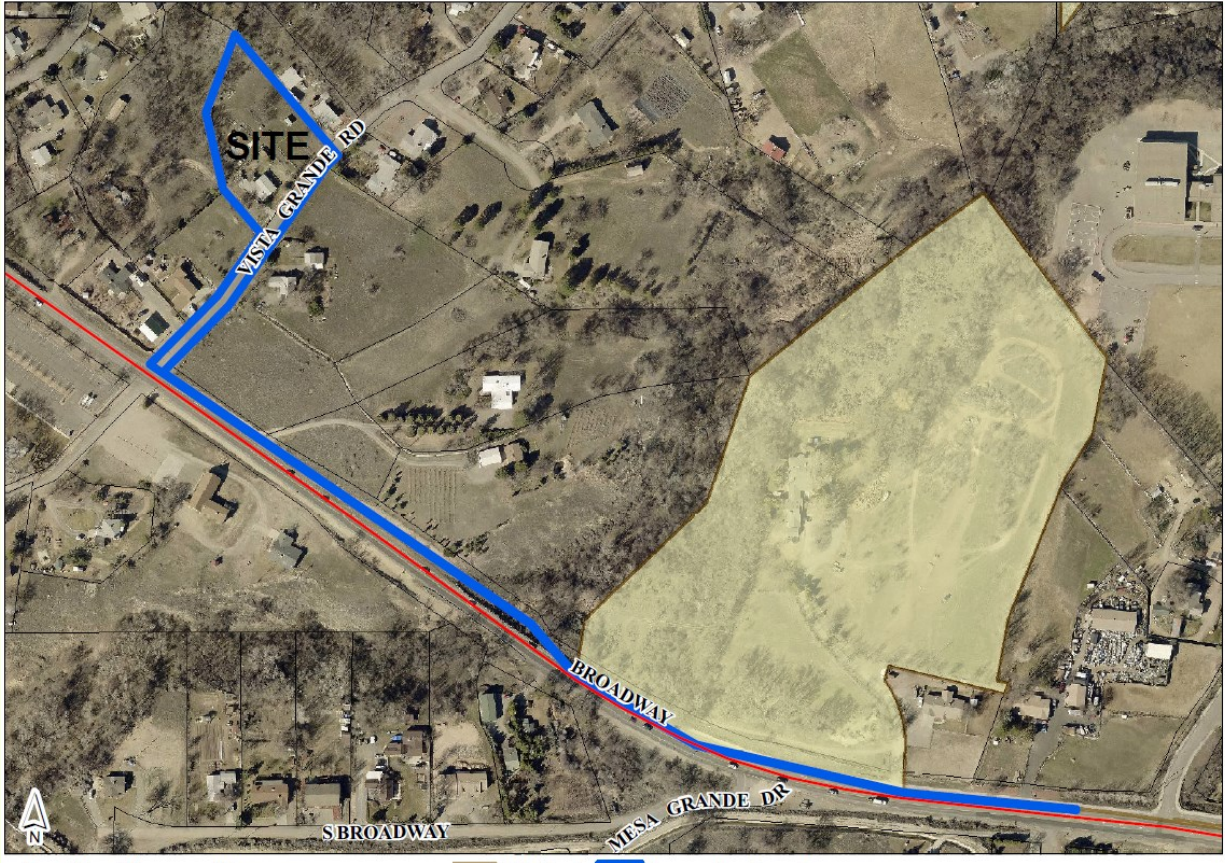
MCHUGH ANNEXATION - BACKGROUND INFORMATION

File Number:	ANX-2016-490	
Location:	115 Vista Grande Road	
Tax ID Number:	2945-172-07-014	
# of Parcels:	1	
Estimated Population:	2	
# of Parcels (owner occupied):	0	
# of Dwelling Units:	1	
Acres land annexed:	1.692	
Developable Acres Remaining:	1.201	
Right-of-way in Annexation:	0.491	
Previous County Zoning:	County RSF-4 (Residential Single-Family – 4 du/ac)	
Proposed City Zoning:	R-4 (Residential – 4 du/ac)	
Current Land Use:	Single-family detached	
Future Land Use:	Residential Medium Low (2 – 4 du/ac)	
Values:	Assessed:	\$15,420
	Actual:	\$193,660
Address Ranges:	115 Vista Grande Road	
Special Districts:	Water:	Ute Water Conservancy District
	Sewer:	Persigo 201 sewer service area
	Fire:	Grand Junction Rural & Redlands Sub Fire Protection District
	Irrigation/ Drainage:	Redlands Water & Power Company
	School:	Mesa County Valley School District #51
	Pest:	Grand River Mosquito Control District

McHugh Annexation

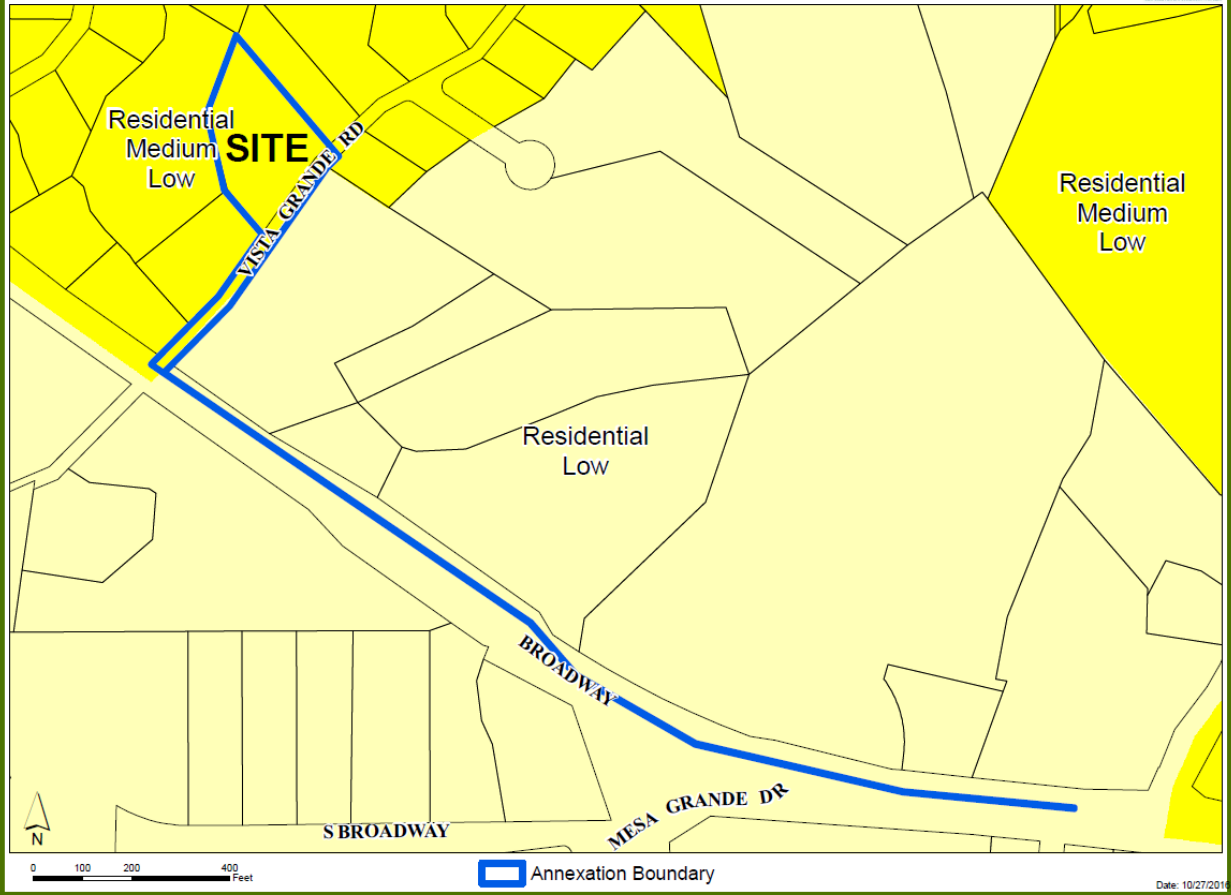


McHugh Annexation

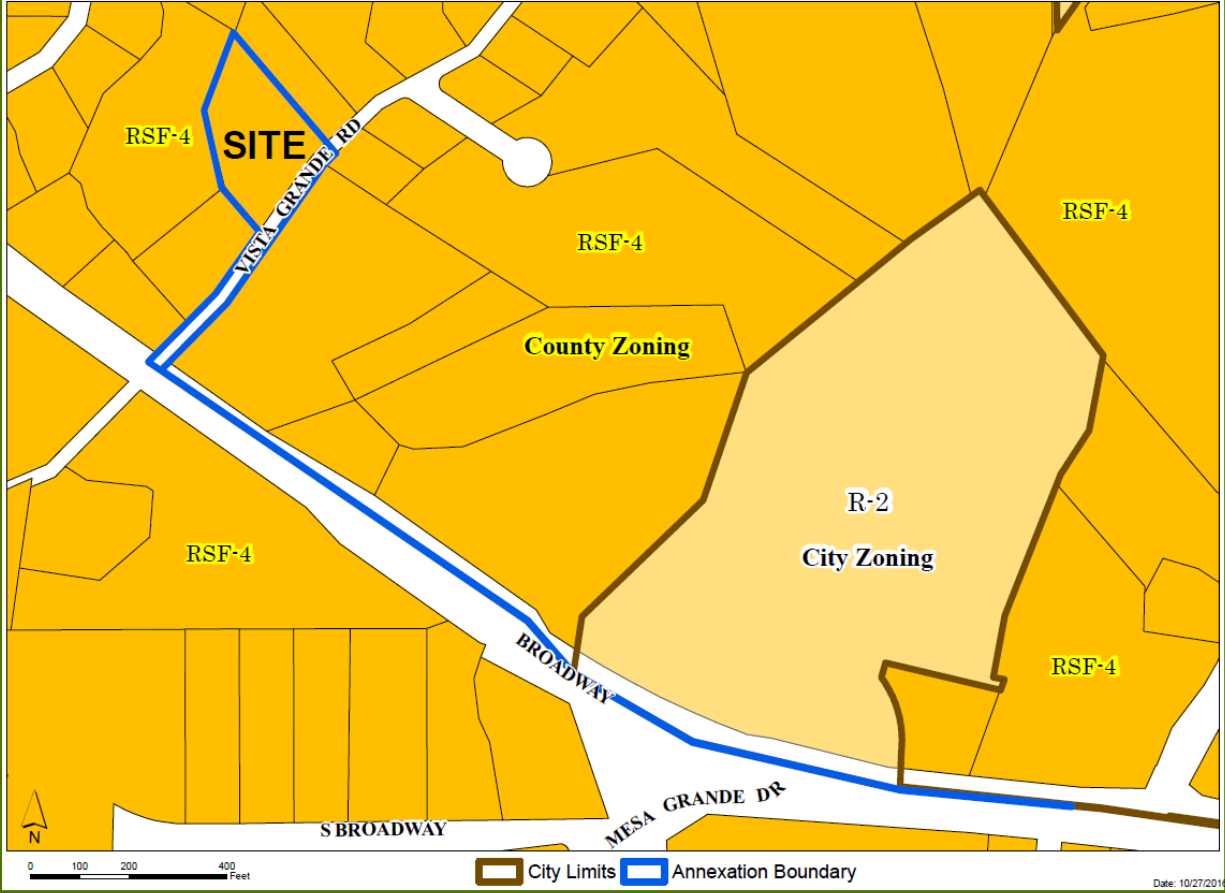


City Limits  Annexation Boundary

McHugh Annexation - Future Land Use



McHugh Annexation - Zoning



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

NOTICE IS HEREBY GIVEN that at a regular meeting of the City Council of the City of Grand Junction, Colorado, held on the 7th day of December, 2016, the following Resolution was adopted:

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. ____

**A RESOLUTION
REFERRING A PETITION TO THE CITY COUNCIL
FOR THE ANNEXATION OF LANDS
TO THE CITY OF GRAND JUNCTION, COLORADO,
SETTING A HEARING ON SUCH ANNEXATION,
AND EXERCISING LAND USE CONTROL**

MCHUGH ANNEXATION

LOCATED AT 115 VISTA GRANDE ROAD

WHEREAS, on the 7th day of December, 2016, a petition was referred to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

MCHUGH ANNEXATION

A certain parcel of land lying in Section 17, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Southeast corner of the Northwest Quarter (NW 1/4) of said Section 17 and assuming the South line of the NW 1/4 of said Section 17 bears S 89°54'49" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, S 74°25'14" E, a distance of 1,359.93 feet to a point on the South line of the Sycamore Creek Annexation No. 2, Ordinance No. 3752, as same is recorded in Book 3881, Page 459, Public Records of Mesa County, Colorado and being the POINT OF BEGINNING; thence from said Point of Beginning, S 05°57'51" W, a distance of 2.00 feet; thence N 84°02'09" W, a distance of 350.13 feet; thence N 76°52'24" W, a distance of 433.19 feet; thence N 60°00'34" W, a distance of 280.23 feet; thence N 40°48'39" W, a distance of 141.51 feet; thence N 55°35'23" W, a distance of 933.06 feet, more or less, to a point on the Westerly right of way of Vista Grande Road extended Southerly, per the Carolina Hills Subdivision, as same is recorded in Plat Book 7, Page 41, Public Records of Mesa County, Colorado; thence N 44°49'33" E, along said right of way and its Southerly extension, a distance of 194.88 feet; thence N 35°12'11" E, continuing along said Westerly right of way, a distance of 154.54 feet to a point being the Southwest corner of Lot 2 of said Carolina Hills Subdivision; thence N 40°30'12" W, along the Southerly line of said Lot 2, a distance of 118.26 feet; thence N 12°43'25" W, along said the Westerly line of said Lot 2, a distance of 160.30 feet; thence N 20°40'50" E, along the Northerly line of said Lot 2, a distance of 168.99 feet, more or less, to a point being the Northeast corner of said Lot 2; thence S 40°16'10" E,

along the Easterly line of said Lot 2 and its Easterly extension, a distance of 322.45 feet, more or less, to a point on the Easterly right of way of said Vista Grande Road; thence S 46°11'09" W, along said Easterly right of way, a distance of 32.43 feet; thence S 35°12'11" W, a distance of 344.55 feet; thence S 44°49'33" W, along said Easterly right of way and its Southerly extension, a distance of 189.85 feet; thence S 55°35'23" E, a distance of 902.45 feet; thence S 40°48'39" E, a distance of 141.43 feet; thence S 60°00'34" E, a distance of 279.59 feet; thence S 76°52'24" E, a distance of 432.77 feet; thence S 84°02'09" E, a distance of 350.00 feet, more or less, to the Point of Beginning.

CONTAINING 73,722 Square Feet or 1.692 Acres, more or less, as described.

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

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

1. That a hearing will be held on the 18th day of January, 2017, in the City Hall auditorium, located at 250 North 5th Street, City of Grand Junction, Colorado, at 7:00 PM to determine whether one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; whether a community of interest exists between the territory and the city; whether the territory proposed to be annexed is urban or will be urbanized in the near future; whether the territory is integrated or is capable of being integrated with said City; whether any land in single ownership has been divided by the proposed annexation without the consent of the landowner; whether any land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; whether any of the land is now subject to other annexation proceedings; and whether an election is required under the Municipal Annexation Act of 1965.
2. Pursuant to the State's Annexation Act, the City Council determines that the City may now, and hereby does, exercise jurisdiction over land use issues in the said territory. Requests for building permits, subdivision approvals and zoning approvals shall, as of this date, be submitted to the Community Development Division of the City.

ADOPTED the _____ day of _____, 2016.

President of the Council

Attest:

City Clerk

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

City Clerk

<i>DATES PUBLISHED</i>
December 9, 2016
December 16, 2016
December 23, 2016
December 30, 2016

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

MCHUGH ANNEXATION, LOCATED AT 115 VISTA GRANDE ROAD,

**CONSISTING OF ONE PARCEL OF LAND AND 0.49 ACRES OF BROADWAY
(HWY. 340) AND VISTA GRANDE ROAD RIGHTS-OF-WAY**

WHEREAS, on the 7th day of December, 2016, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 18th day of January, 2017; and

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

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

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

MCHUGH ANNEXATION

A certain parcel of land lying in Section 17, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Southeast corner of the Northwest Quarter (NW 1/4) of said Section 17 and assuming the South line of the NW 1/4 of said Section 17 bears S 89°54'49" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, S 74°25'14" E, a distance of 1,359.93 feet to a point on the South line of the Sycamore Creek Annexation No. 2, Ordinance No. 3752, as same is recorded in Book 3881, Page 459, Public Records of Mesa County, Colorado and being the POINT OF BEGINNING; thence from said Point of Beginning, S 05°57'51" W, a distance of 2.00 feet; thence N 84°02'09" W, a distance of 350.13 feet; thence N 76°52'24" W, a distance of 433.19 feet; thence N 60°00'34" W, a distance of 280.23 feet; thence N 40°48'39" W, a distance of 141.51 feet; thence N 55°35'23" W, a distance of 933.06 feet, more or less, to a point on the Westerly right of way of Vista Grande

Road extended Southerly, per the Carolina Hills Subdivision, as same is recorded in Plat Book 7, Page 41, Public Records of Mesa County, Colorado; thence N 44°49'33" E, along said right of way and its Southerly extension, a distance of 194.88 feet; thence N 35°12'11" E, continuing along said Westerly right of way, a distance of 154.54 feet to a point being the Southwest corner of Lot 2 of said Carolina Hills Subdivision; thence N 40°30'12" W, along the Southerly line of said Lot 2, a distance of 118.26 feet; thence N 12°43'25" W, along said the Westerly line of said Lot 2, a distance of 160.30 feet; thence N 20°40'50" E, along the Northerly line of said Lot 2, a distance of 168.99 feet, more or less, to a point being the Northeast corner of said Lot 2; thence S 40°16'10" E, along the Easterly line of said Lot 2 and its Easterly extension, a distance of 322.45 feet, more or less, to a point on the Easterly right of way of said Vista Grande Road; thence S 46°11'09" W, along said Easterly right of way, a distance of 32.43 feet; thence S 35°12'11" W, a distance of 344.55 feet; thence S 44°49'33" W, along said Easterly right of way and its Southerly extension, a distance of 189.85 feet; thence S 55°35'23" E, a distance of 902.45 feet; thence S 40°48'39" E, a distance of 141.43 feet; thence S 60°00'34" E, a distance of 279.59 feet; thence S 76°52'24" E, a distance of 432.77 feet; thence S 84°02'09" E, a distance of 350.00 feet, more or less, to the Point of Beginning.

CONTAINING 73,722 Square Feet or 1.692 Acres, more or less, as described.

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

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

ADOPTED on second reading the _____ day of _____, 2017 and ordered published in pamphlet form.

President of the Council

Attest:

City Clerk



Grand Junction City Council

Regular Session

Item #3.a.ii.

Meeting Date: December 7, 2016

Presented by: Brian Rusche, Senior Planner **Submitted by:** Brian Rusche, Senior Planner

Department: Admin. – Com. Dev.

Information

SUBJECT:

Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation, and Exercising Land Use Control, and Introducing Proposed Annexation Ordinance for the Freedom Heights Annexation, Approximately 0.640 Acres of Public Right-of-Way for 26 Road, Located North of H Road.

RECOMMENDATION:

Staff recommends approval.

EXECUTIVE SUMMARY:

A request to annex 0.640 acres of 26 Road Right-of-Way.

BACKGROUND OR DETAILED INFORMATION:

During the process of reviewing the Freedom Heights Subdivision, located at 818 26 Road, it was discovered that the 26 Road right-of-way adjacent to the property had not been annexed as a part of the Pomona Park Annexation in 1995 as it should have been since the property description extended to the center of the right-of-way. The annexation of approximately 900 feet of the east half of the 26 Road right-of-way corrects the error. The strip of land will be dedicated as right-of-way with the recording of the Freedom Heights Subdivision plat.

FISCAL IMPACT:

The annexation of the right-of-way will transfer maintenance responsibilities from Mesa County to the City of Grand Junction. The City already has jurisdiction over 26 Road south of H Road.

SUGGESTED MOTION:

I MOVE to (approve or deny) Resolution No. 53-16 – 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, Freedom Heights Annexation, Approximately 0.640 Acres of Public Right-of-Way for 26 Road, Located North of H Road, Introduce Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Freedom Heights Annexation, Approximately 0.640 Acres of Public Right-of-Way for 26 Road, Located North of H Road, and Set a Hearing for January 18, 2017.

Attachments

ATTACHMENT 1 – Staff Report - Background Information which includes the Site Location Map, the Aerial Photo Map, the Comprehensive Plan Future Land Use Map and the Existing Zoning Map

ATTACHMENT 2 – Proposed Resolution

ATTACHMENT 3 – Proposed Ordinance

Annexation Staff Report:

STAFF REPORT / BACKGROUND INFORMATION					
Location:		A portion of 26 Road located North of H Road			
Applicants:		City of Grand Junction			
Existing Land Use:		Public Road			
Proposed Land Use:		Public Road			
Surrounding Land Use:	North	N/A			
	South	N/A			
	East	Single-Family Residential / Agricultural			
	West	Single-Family Residential / Agricultural			
Existing Zoning:		N/A			
Proposed Zoning:		N/A			
Surrounding Zoning:	North	N/A			
	South	N/A			
	East	R-1 (Residential 1 du/ac)			
	West	County RSF-R (Residential Single-Family Rural)			
Future Land Use Designation:		Residential Low			
Zoning within density/intensity range?		N/A	Yes		No

This annexation area consists of 0.640 acres of land, all of which lies within 26 Road right-of-way. The City of Grand Junction is requesting annexation to correct an error made with the Pomona Park Annexation in 1995.

Under the 1998 Persigo Agreement, the County consents to the annexation of all or a portion of any road, street, easement, right-of-way, open space or other County-owned property within the Persigo Wastewater Treatment boundary.

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

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

- d) The area is or will be urbanized in the near future;
- e) The area is capable of being integrated with the City;
- f) No land held in identical ownership is being divided by the proposed annexation;
- g) No land held in identical ownership comprising 20 contiguous acres or more with an assessed valuation of \$200,000 or more for tax purposes is included without the owner's consent.

Please note that this petition has been prepared by the City. Because the petition annexes right-of-way, the ownership and area requirements of the statute are not applicable.

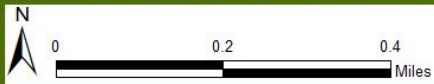
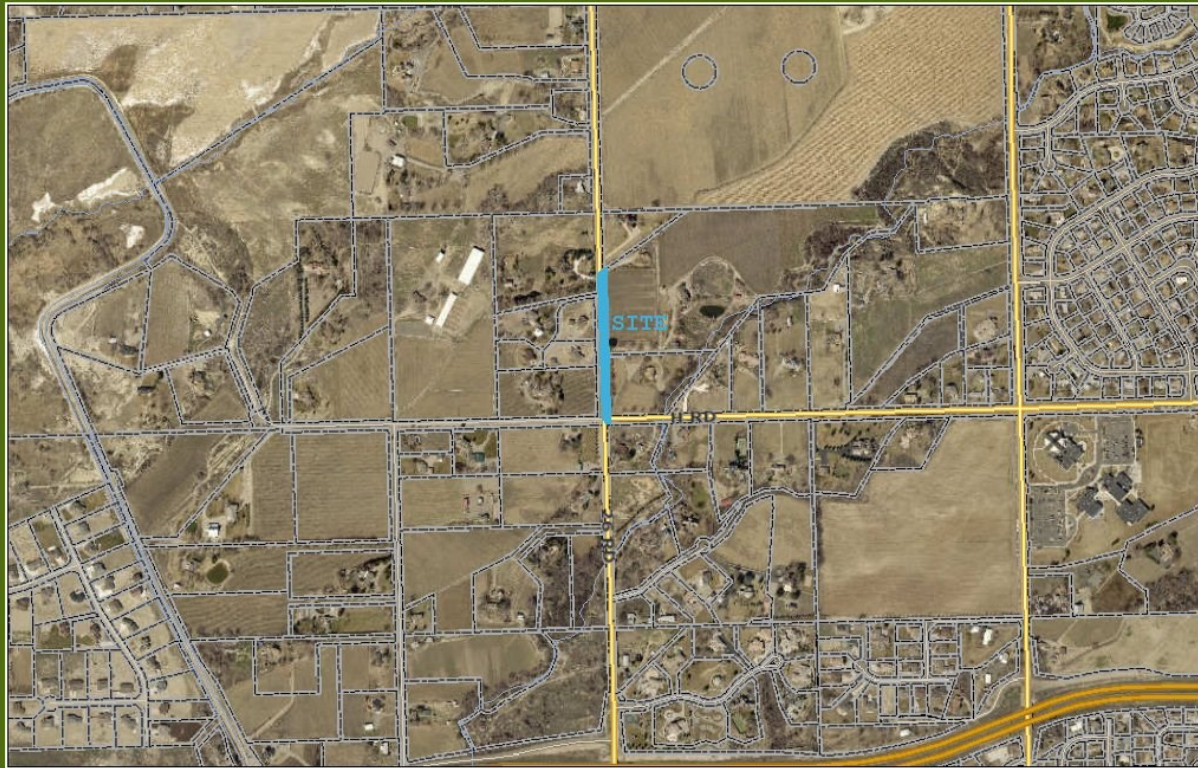
The following annexation and zoning schedule is being proposed:

<i>ANNEXATION SCHEDULE</i>	
December 7, 2016	Referral of Petition (30 Day Notice), Introduction of a Proposed Ordinance, Exercising Land Use
January 18, 2017	Acceptance of Petition and Public Hearing on Annexation by City Council
February 19, 2017	Effective date of Annexation

FREEDOM HEIGHTS ANNEXATION - BACKGROUND INFORMATION

File Number:	ANX-2016-569	
Location:	A portion of 26 Road located North of H Road	
Tax ID Number:	See legal descriptions	
# of Parcels:	0	
Estimated Population:	0	
# of Parcels (owner occupied):	0	
# of Dwelling Units:	0	
Acres land annexed:	0.640	
Developable Acres Remaining:	0	
Right-of-way in Annexation:	0.640 acres	
Previous County Zoning:	N/A	
Proposed City Zoning:	N/A	
Current Land Use:	Right-of-Way	
Future Land Use:	Right-of-Way	
Values:	Assessed:	N/A
	Actual:	N/A
Address Ranges:	N/A	
Special Districts:	Water:	Ute Water Conservancy District
	Sewer:	Persigo 201 sewer service area
	Fire:	Grand Junction Rural Fire Protection District
	Irrigation/ Drainage:	Grand Valley Water Users Association
	School:	Mesa County Valley School District #51
	Pest:	Grand River Mosquito Control District

Site Location Map

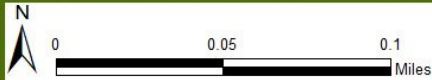


Printed: 11/23/2016

1 inch = 716 feet



Aerial Photo Map

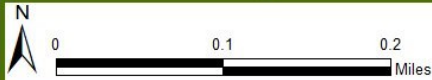
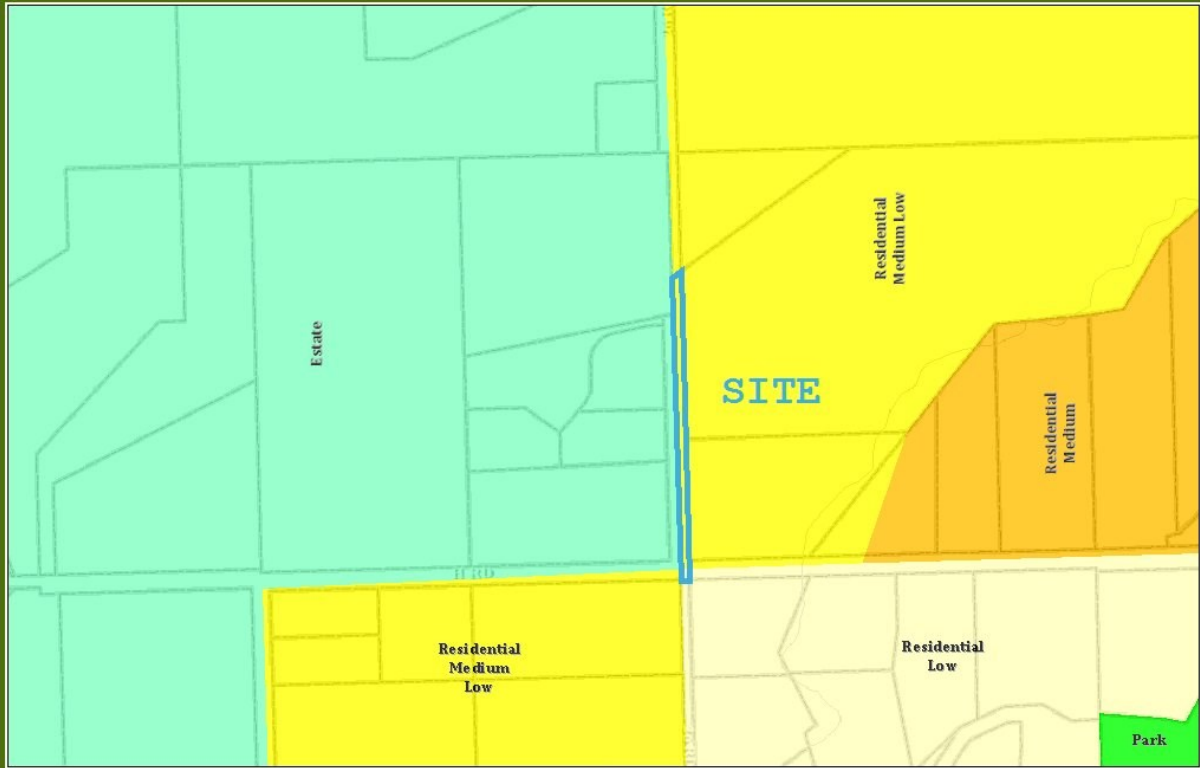


Printed: 11/23/2016

1 inch = 179 feet



Comprehensive Plan Future Land Use Map

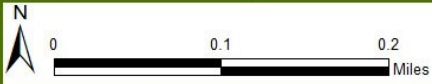
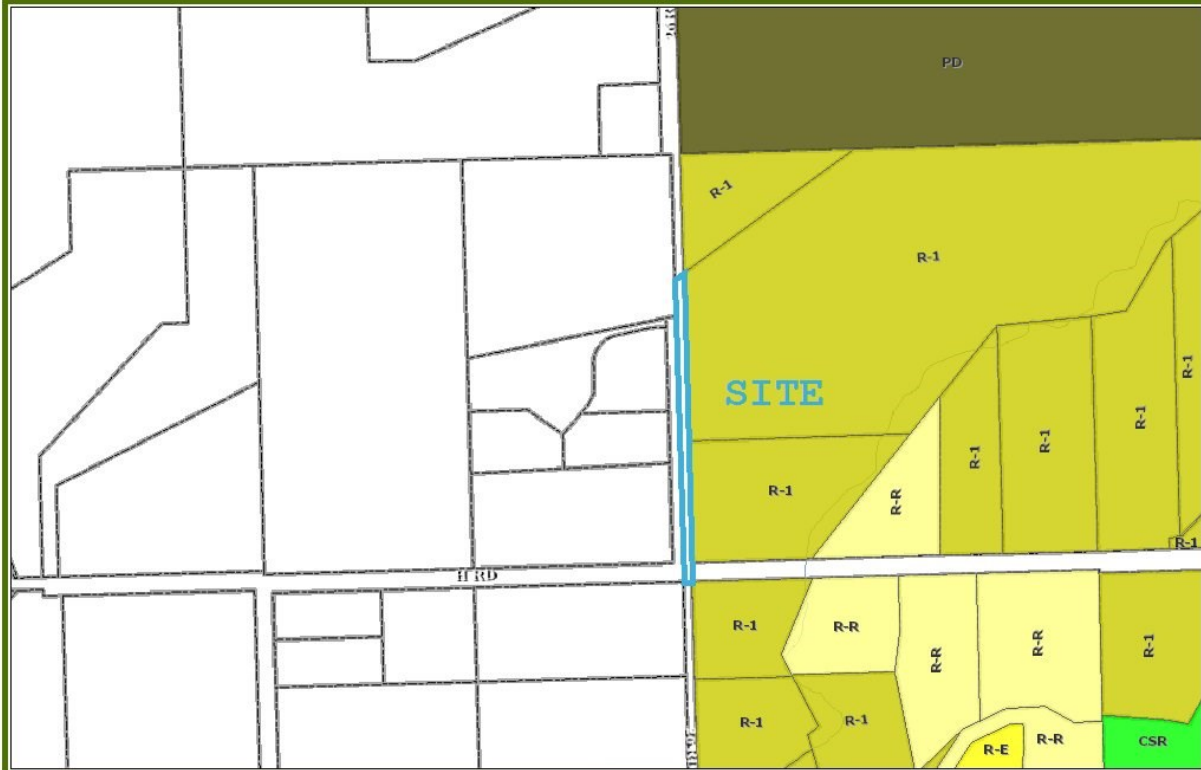


Printed: 11/23/2016

1 inch = 358 feet



Existing Zoning Map



Printed: 11/23/2016

1 inch = 358 feet



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

NOTICE IS HEREBY GIVEN that at a regular meeting of the City Council of the City of Grand Junction, Colorado, held on the 7th day of December, 2016, the following Resolution was adopted:

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. ____

**A RESOLUTION
REFERRING A PETITION TO THE CITY COUNCIL
FOR THE ANNEXATION OF LANDS
TO THE CITY OF GRAND JUNCTION, COLORADO,
SETTING A HEARING ON SUCH ANNEXATION,
AND EXERCISING LAND USE CONTROL**

FREEDOM HEIGHTS ANNEXATION

**APPROXIMATELY 0.640 ACRES OF PUBLIC RIGHT-OF-WAY FOR 26 ROAD
LOCATED NORTH OF H ROAD**

WHEREAS, on the 7th day of December, 2016, a petition was referred to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

FREEDOM HEIGHTS ANNEXATION

A certain parcel of land lying in the Southwest Quarter (SW 1/4) of Section 26, Township 1 North, Range 1 West, Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

BEGINNING at the Southwest corner of said Section 15 and assuming the West line of the SW 1/4 of said Section 26 bears N 00°00'10" W with all other bearings contained herein being relative thereto; thence from said Point of Beginning, N 00°00'10" W along the West line of the SW 1/4 of said Section 26, a distance of 919.50 feet; thence N 53°55'04" E, a distance of 37.12 feet to a point on the West line of the Pomona Park Annexation, City of Grand Junction Ordinance No. 2825, as same is recorded in Book 2138, Page 814, Public Records of Mesa County, Colorado; thence S 00°00'10" E, along said West line, a distance of 941.33 feet to a point on the South line of the SW 1/4 of said Section 26; thence S 89°55'47" W, along said South line, a distance of 30.00 feet, more or less, to the Point of Beginning.

CONTAINING 27,913 Sq. Ft. or 0.640 Acres, more or less, as described.

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

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

1. That a hearing will be held on the 18th day of January, 2017, in the City Hall auditorium, located at 250 North 5th Street, City of Grand Junction, Colorado, at 7:00 PM to determine whether one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; whether a community of interest exists between the territory and the city; whether the territory proposed to be annexed is urban or will be urbanized in the near future; whether the territory is integrated or is capable of being integrated with said City; whether any land in single ownership has been divided by the proposed annexation without the consent of the landowner; whether any land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; whether any of the land is now subject to other annexation proceedings; and whether an election is required under the Municipal Annexation Act of 1965.
2. Pursuant to the State's Annexation Act, the City Council determines that the City may now, and hereby does, exercise jurisdiction over land use issues in the said territory. Requests for building permits, subdivision approvals and zoning approvals shall, as of this date, be submitted to the Community Development Division of the City.

ADOPTED the _____ day of _____, 2016.

President of the Council

Attest:

City Clerk

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

City Clerk

<i>DATES PUBLISHED</i>
December 9, 2016
December 16, 2016
December 23, 2016
December 30, 2016

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

FREEDOM HEIGHTS ANNEXATION

APPROXIMATELY 0.640 ACRES OF PUBLIC RIGHT-OF-WAY FOR 26 ROAD

LOCATED NORTH OF H ROAD

WHEREAS, on the 7th day of December, 2016, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 18th day of January, 2017; and

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

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

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

FREEDOM HEIGHTS ANNEXATION

A certain parcel of land lying in the Southwest Quarter (SW 1/4) of Section 26, Township 1 North, Range 1 West, Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

BEGINNING at the Southwest corner of said Section 15 and assuming the West line of the SW 1/4 of said Section 26 bears N 00°00'110" W with all other bearings contained herein being relative thereto; thence from said Point of Beginning, N 00°00'10" W along the West line of the SW 1/4 of said Section 26, a distance of 919.50 feet; thence N 53°55'04" E, a distance of 37.12 feet to a point on the West line of the Pomona Park Annexation, City of Grand Junction Ordinance No. 2825, as same is recorded in Book 2138, Page 814, Public Records of Mesa County, Colorado; thence S 00°00'10" E, along said West line, a distance of 941.33 feet to a point on the South line of the SW 1/4 of said Section 26; thence S 89°55'47" W, along said South line, a distance of 30.00 feet, more or less, to the Point of Beginning.

CONTAINING 27,913 Sq. Ft. or 0.640 Acres, more or less, as described.

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

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

ADOPTED on second reading the _____ day of _____, 2017 and ordered published in pamphlet form.

President of the Council

Attest:

City Clerk



Grand Junction City Council

Regular Session

Item #4.a.

Meeting Date: December 7, 2016

Presented by: Greg Lanning,
Public Works Director

Submitted by: Jay Vancil,
Wastewater Operations
Supervisor

Department: Public Works/Persigo
Wastewater Treatment
Plant

Information

SUBJECT:

Sole Source Contract for the Purchase of Hydrogen Sulfide Removal Media for Persigo Wastewater Treatment Plant

RECOMMENDATION:

Authorize the Purchasing Division to Procure Hydrogen Sulfide Removal Media from Unison Solutions, Inc. for the Persigo Wastewater Treatment Plant in the Estimated Aggregate Annual Amount of \$67,904.

EXECUTIVE SUMMARY:

The Persigo Wastewater Treatment Plant is producing Compressed Natural Gas (CNG) from the methane gas produced at the treatment plant. This CNG fuel is used to fuel the Grand Valley Transit busses and mutable City and County vehicles. One of the requirements for using this fuel is that the gas is cleaned of any impurities that could damage the engines in these vehicles. Hydrogen Sulfide is one of the impurities that has to be filtered out of the gas and requires a filter media to perform this task.

ADDITIONAL INFORMATION:

Hydrogen Sulfide removal is one of the design features of this CNG process. The City has used three different products to achieve this process. The process requires replacement of the media when a breakthrough of hydrogen sulfide of 50 ppm is

reached. Sole source purchase is required as this product is clearly superior to all other similar products available. As the equipment continues to be tested and processes refined we will continue to evaluate other media for similar performance and competitive pricing.

FISCAL IMPACT:

Funds for this purchase have been budgeted in the chemical account for Persigo.

SUGGESTED MOTION:

I MOVE to (approve or deny) the Purchasing Division to Purchase Hydrogen Sulfide Removal Media from Unison Solutions, Inc. for the Persigo Wastewater Treatment Plant in the Estimated Aggregate Annual Amount of \$67,904.

Attachments

None



Grand Junction City Council

Regular Session

Item #5.a.i.

Meeting Date: December 7, 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:

Consider on Final Passage Proposed Ordinance Including the Property Located at 401 Colorado Avenue into the Downtown Grand Junction Business Improvement District and Order Final Publication in Pamphlet Form.

All Persons Having Objections Shall 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 (adopt or deny) Ordinance No. 4725 – An Ordinance Expanding the Boundaries of and Including Property Located at 401 Colorado Avenue into the Downtown Grand Junction Business Improvement District on Final Passage and Order Final Publication in Pamphlet Form.

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.

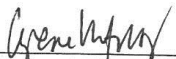
The Petitioners hereby represent to the City Council and verify that they are the owners of the Property described above and that no other persons, entity or entities own an interest therein except as holders of encumbrances.

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

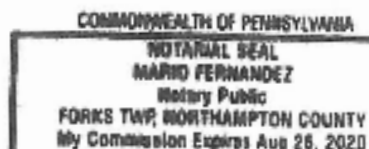
Robert W. Foltz
STATE OF PENNSYLVANIA)
) ss.
COUNTY OF NORTHAMPTON)

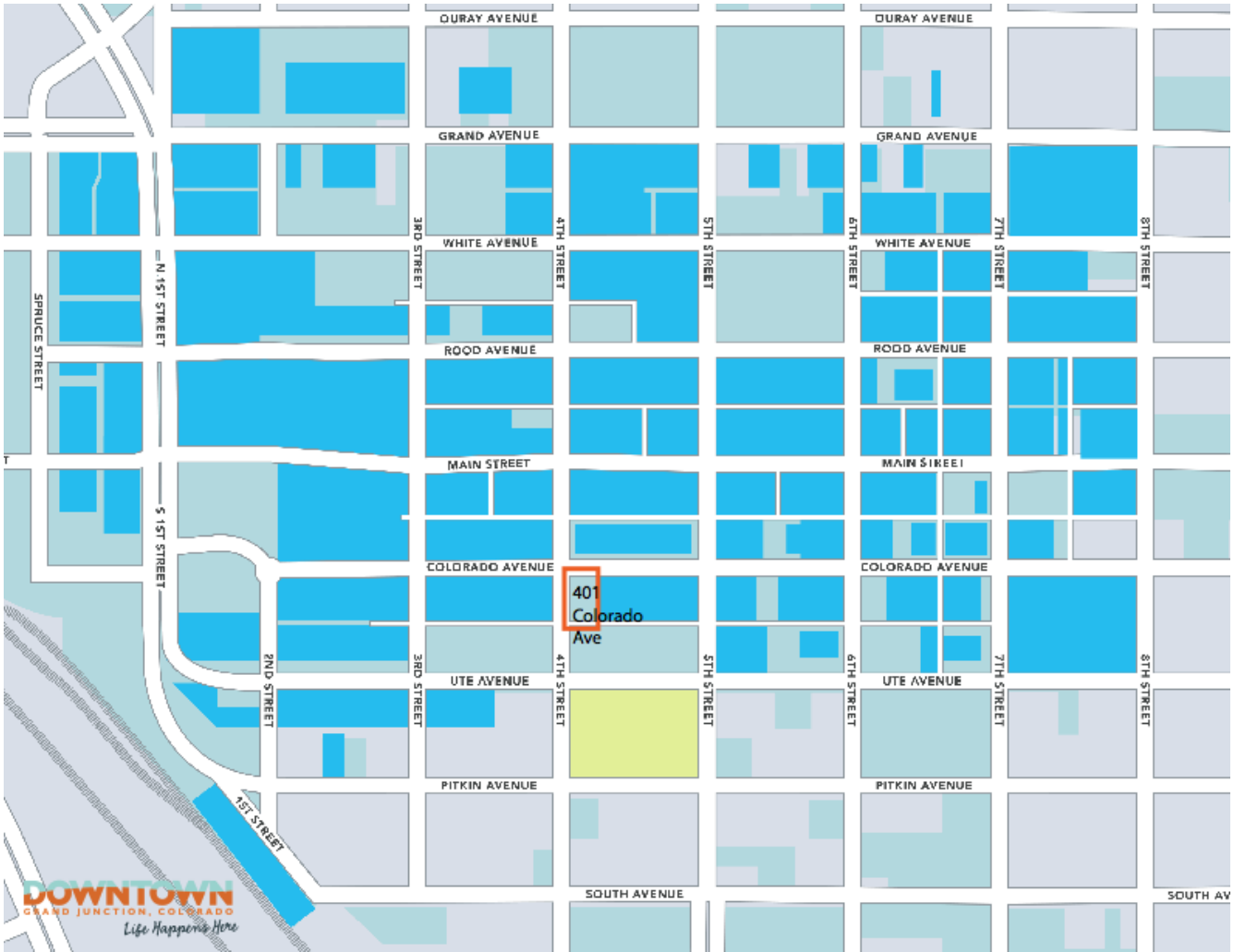
The foregoing instrument was acknowledged and sworn to before me this 8th day of
October, 2016 by Robert W. Foltz.

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 AVENUE 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 16th day of November, 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 #5.a.ii.

Meeting Date: December 7, 2016

Presented by: Scott D. Peterson,
Senior Planner

Submitted by: Scott D. Peterson, Senior
Planner

Department: Admin. – Com. Dev.

Information

SUBJECT:

Resolution Accepting the Petition for Annexation and Ordinances Annexing and Zoning, the Connor Annexation, 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 annex and 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 (approve or deny), a Resolution No. 54-16 – A Resolution Accepting a Petition for the Annexation of Lands to the City of Grand Junction, Colorado, Making Certain Findings, and Determining That Property Known as the Connor Annexation, Located at 2839 Riverside Parkway, is Eligible for Annexation, Ordinance No. 4726 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Connor Annexation, Located at 2839 Riverside Parkway, Consisting of One Parcel of Land, and No Dedicated Right-of-Way, and Ordinance No. 4727 – An Ordinance Zoning the Connor Annexation to R-5 (Residential – 5 du/ac), Located at 2839 Riverside Parkway on Final Passage and Order Final Publication in Pamphlet Form.

Attachments

- ATTACHMENT 1 – Annexation Background Information
- ATTACHMENT 2 – Zone of Annexation Planning Commission Staff Report
- ATTACHMENT 3 – Planning Commission 11-8-16 Meeting Minutes
- ATTACHMENT 4 – Resolution Accepting Petition
- ATTACHMENT 5 – Annexation Ordinance
- ATTACHMENT 6 – Zoning Ordinance

STAFF REPORT / BACKGROUND INFORMATION			
Location:		2839 Riverside Parkway	
Applicants:		Naomi E. Connor, Owner	
Existing Land Use:		Single-family detached home	
Proposed Land Use:		Simple Subdivision to divide the existing property into two (2) lots for future residential development	
Surrounding Land Use:	North	Veterans Memorial Cemetery of Western Colorado	
	South	Single-family detached	
	East	Single-family detached	
	West	Single-family detached	
Existing Zoning:		County RSF-R (Residential Single-Family – Rural)	
Proposed Zoning:		R-5 (Residential – 5 du/ac)	
Surrounding Zoning:	North	CSR (Community Services & Recreation)	
	South	R-8 (Residential – 8 du/ac)	
	East	County RSF-2 (Residential Single-Family – 2 du/ac)	
	West	R-8 (Residential – 8 du/ac)	
Future Land Use Designation:		Residential Medium (4 – 8 du/ac)	
Zoning within density/intensity range?	X	Yes	No

This annexation consists of one 6.35 acre parcel of land and no public right-of-way.

The property owner has requested annexation into the City and a zoning of R-5 (Residential – 5 du/ac) in order to subdivide the existing property to create a second residential lot in anticipation of marketing and selling the property for future residential development. Under the 1998 Persigo Agreement with Mesa County, all proposed development within the Persigo Wastewater Treatment Facility boundary requires annexation to and processing by the City.

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

- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;
- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;
- c) A community of interest exists between the area to be annexed and the City. This is so in part because the Central Grand Valley is essentially a single demographic and economic unit and occupants of the area can be expected to, and regularly do, use City streets, parks and other urban facilities;
- d) The area is or will be urbanized in the near future;
- e) The area is capable of being integrated with the City;
- f) No land held in identical ownership is being divided by the proposed annexation;
- g) No land held in identical ownership comprising 20 contiguous acres or more with an assessed valuation of \$200,000 or more for tax purposes is included without the owner's consent.

The following annexation and zoning schedule is being proposed:

<i>ANNEXATION SCHEDULE</i>	
October 19, 2016	Referral of Petition (30 Day Notice), Introduction of a Proposed Ordinance, Exercising Land Use
November 8, 2016	Planning Commission considers Zone of Annexation
November 16, 2016	Introduction of a Proposed Ordinance on Zoning by City Council
December 7, 2016	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
January 8, 2017	Effective date of Annexation and Zoning

CONNOR ANNEXATION - BACKGROUND INFORMATION

File Number:	ANX-2016-470	
Location:	2839 Riverside Parkway	
Tax ID Number:	2943-192-00-137	
# of Parcels:	1	
Estimated Population:	2	
# of Parcels (owner occupied):	1	
# of Dwelling Units:	1	
Acres land annexed:	6.35	
Developable Acres Remaining:	6.35	
Right-of-way in Annexation:	N/A	
Previous County Zoning:	County RSF-R (Residential Single-Family – Rural)	
Proposed City Zoning:	R-5 (Residential – 5 du/ac)	
Current Land Use:	Single-family detached	
Future Land Use:	Residential Medium (4 – 8 du/ac)	
Values:	Assessed:	\$11,590
	Actual:	\$114,350
Address Ranges:	2839 Riverside Parkway	
Special Districts:	Water:	Ute Water Conservancy District
	Sewer:	Persigo 201 sewer service area
	Fire:	Grand Junction Rural Fire District
	Irrigation/ Drainage:	Grand Valley Irrigation Company/ Grand Junction Drainage District
	School:	Mesa County Valley School District #51
	Pest:	Grand River Mosquito Control District



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 ³/₄ Road. City sanitary sewer is

within the Riverside Parkway and also stubbed to the property at S. Forest Lane and C ¾ 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 and 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.

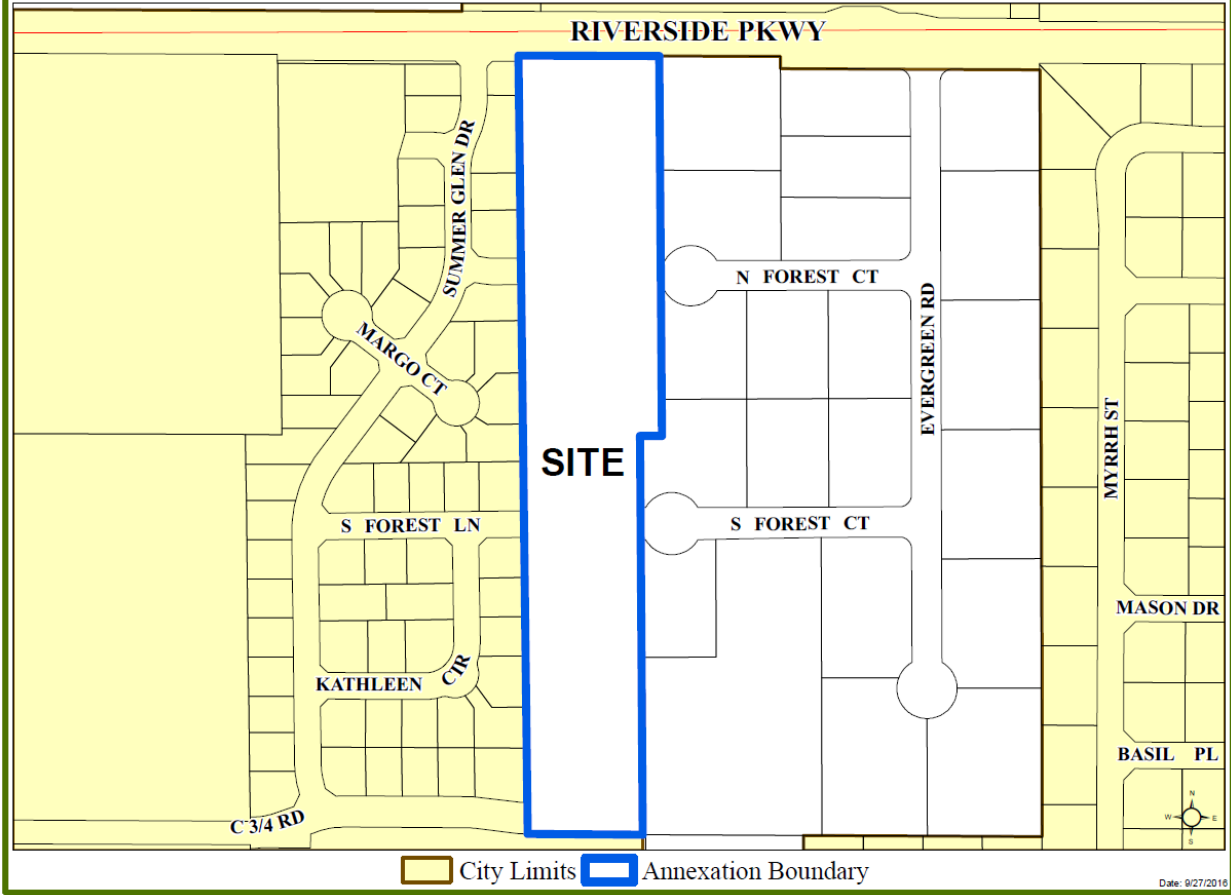
STAFF RECOMMENDATION:

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.

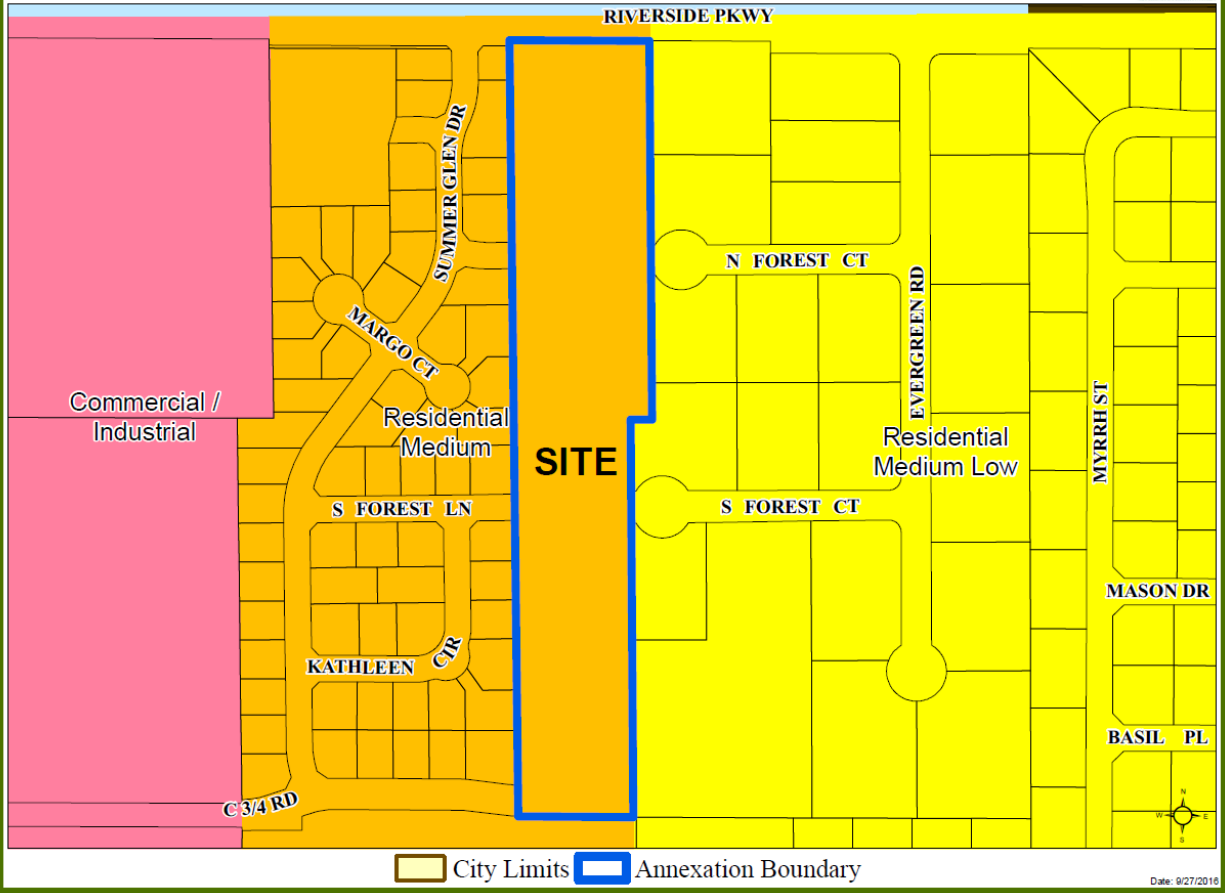
Connor Annexation



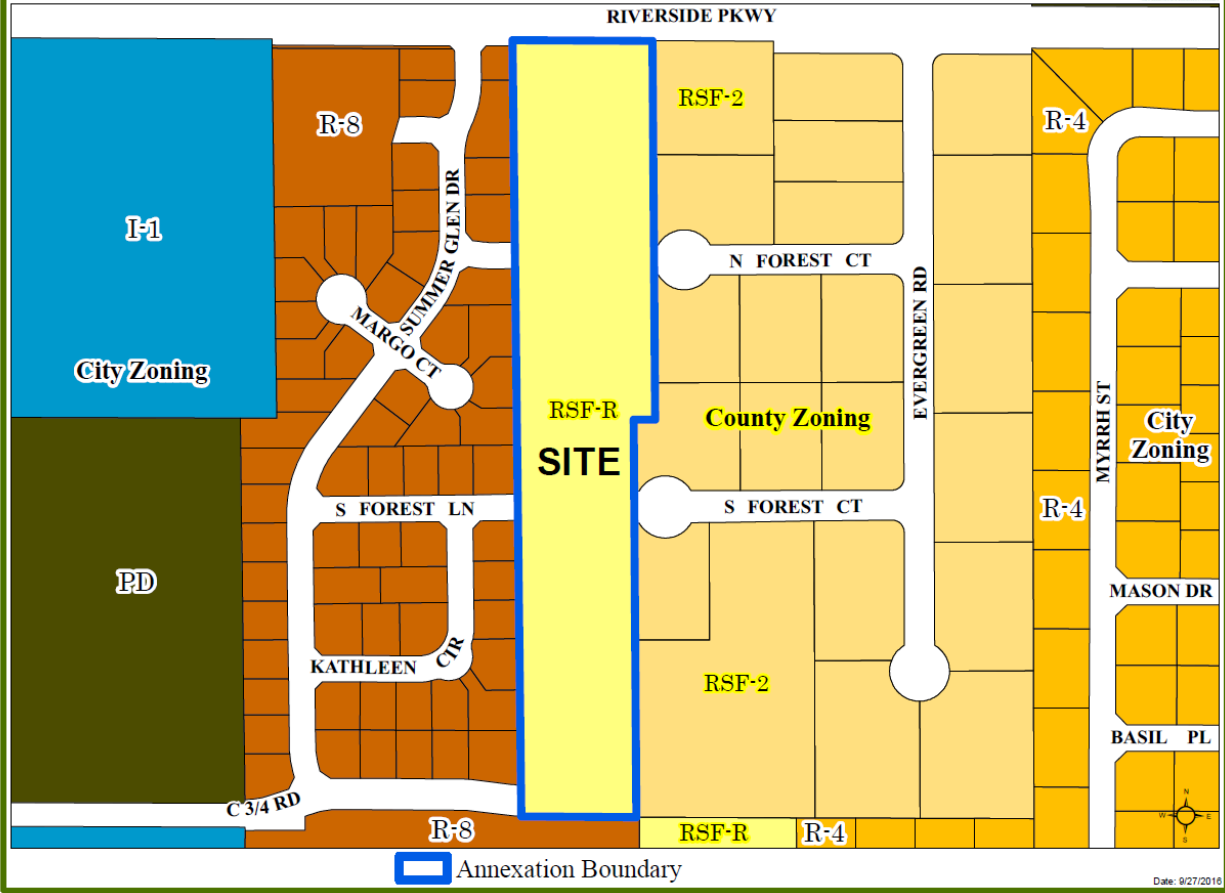
Connor Annexation



Connor Annexation - Future Land Use



Connor Annexation - Zoning



GRAND JUNCTION PLANNING COMMISSION
November 8, 2016 MINUTES
6:00 p.m. to 6:25 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, Ebe Eslami, George Gaseos, Steve Tolle and Bill Wade.

In attendance, representing the City's Administration Department - Community Development, was Greg Moberg, Development Services Manager, and Scott Peterson (Senior Planner).

Also present was Jamie Beard (Assistant City Attorney).

Lydia Reynolds was present to record the minutes.

There were seventeen citizens in attendance during the hearing.

*****CONSENT CALENDAR*****

1. Minutes of Previous Meetings

Action: Approve the minutes from the October 11, 2016 Meeting.

2. Connor Zone of Annexation

[File# ANX-2016-470]

Request 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.

Action: Recommendation to City Council

Applicant: Naomi E. Connor, Owner
Location: 2839 Riverside Parkway
Staff Presentation: Scott Peterson, Sr. Planner

Chairman Reece briefly explained the Consent Agenda and invited the public, Planning Commissioners and staff to speak if they wanted the item pulled for a full hearing. A member of the audience requested that the Connor Zone of Annexation be pulled for a full hearing. Chairman Reece asked for a motion to approve the consent agenda with the modification.

MOTION: (Commissioner Wade) “Madam Chairman, I move to approve the Consent Agenda as amended.”

Commissioner Eslami seconded the motion. A vote was called and the motion passed unanimously by a vote of 6-0.

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

2. Connor Zone of Annexation
470]

[File# ANX-2016-

Request 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.

Action: Recommendation to City Council

Applicant: Naomi E. Connor, Owner
Location: 2839 Riverside Parkway
Staff Presentation: Scott Peterson, Sr. Planner

STAFF PRESENTATION

Mr. Peterson explained that the property owner, Naomi Connor has requested annexation into the City limits. 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).

Mr. Peterson stated that 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.

Mr. Peterson displayed a slide of the site location map and noted that the 6.35 acre property is located in Pear Park and is directly across the street the Veterans Memorial Cemetery of Western Colorado. The property owner has requested annexation and zoning 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. Mr. Peterson explained that 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 next slide Mr. Peterson showed was an aerial photo of the property and explained that the property contains an existing single-family home and various accessory structures. The existing Summer Glen subdivision is located to the west and is zoned R-8. It contains 63 lots with an overall residential density of 4.92 du/ac. To the east is the Pine Estates subdivision within Mesa County jurisdiction that contains 20 lots (1.07 du/ac) (0.55 acre lots).

Mr. Peterson displayed the Comprehensive Plan Future Land Use Map that identifies the property as Residential Medium (4 – 8 du/ac) and the proposed zoning of R-5 implements this land use designation. Mr. Peterson stated that 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.

Mr. Peterson then showed a slide illustrating the existing zoning in the area. In looking at the review criteria for the zoning designation, Mr. Peterson stated that he feels that the proposed zoning of R-5 provides a transition of density between the adjacent existing RSF-2 and R-8 zone district 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 allowed by the Residential Medium category. Mr. Peterson noted that adequate public and community services are available to the property. Both Ute Water and City sanitary sewer are presently stubbed to the property.

Mr. Peterson stated that the proposed R-5 zone district would also implement Goals 1, 3 & 5 of the Comprehensive Plan by creating an opportunity for ordered and balanced growth in a manner consistent with adjacent residential development. In addition, the proposed Annexation and zoning also provides for additional housing opportunities and choices to meet the needs of a growing community.

FINDINGS OF FACT/CONCLUSIONS

Mr. Peterson stated that after reviewing the Connor Zone of Annexation application, a request to zone the property R-5 (Residential – 5 du/ac), the following findings of fact and conclusions have been determined:

- The requested Zone of Annexation is consistent with the goals and policies of the Comprehensive Plan, specifically Goals 1, 3 & 5.
- The review criteria in Section 21.02.140 of the Grand Junction Zoning & Development Code have been met or addressed.

QUESTIONS FOR STAFF

Commissioner Eslami asked Mr. Peterson if the cul-de-sacs of N. Forest Ct. and S. Forest Ct. would be allowed to access the property from the East. Mr. Peterson

explained that the two cul-de-sacs stub directly at the property line and could conceivably connect to the subject property, providing access, in the future.

With no further questions for staff, Chairman Reece opened the public hearing portion of the meeting and asked for those in favor or opposition to proposed annexation/zoning to come forward and sign in to speak.

PUBLIC COMMENT

Nate Richardson, with United Country Realty stated he was there to represent the applicants. Mr. Richardson stated that although the future land use map indicates a recommended zoning of up to R/8, it was felt that the R/5 density would work best with the area.

Commissioner Wade asked if any kind of preliminary development plan had been discussed. Mr. Richardson stated that a preliminary site plan had been discussed with an engineer and the possible connections to the east and west were explored.

Renee Fugere, 382 Evergreen Rd. stated that she has lived in Pine Estates for 24 years. Ms. Fugere pointed out that she is in the neighboring subdivision that is zoned R2 (Residential-2 units/acre) and most of the lots are one half to one acre in size. To the east of her is White Willows which is zoned R4 (Residential-4 units/acre). Ms. Fugere explained that when a neighboring subdivision came in as R8 (Residential-8 units/acre), it highly impacted their area in a negative way. Ms. Fugere asked the Commissioners why the proposed zone couldn't be zoned R4 (Residential-4 units/acre).

Ms. Fugere stated that her biggest concern is the possible connectivity of N. and S. Forest Cul-de-sacs between the two subdivisions. Already, there is a long wait in the mornings with cars stacked trying to get onto Riverside Parkway.

Ms. Fugere asked if it is possible at this point to even consider an R4 (Residential-4 units/acre) zone and pointed out that it was not a consideration at the neighborhood meeting, just an R5-R8 was presented for consideration.

Brent Whitman, 2839 N. Forest Ct., pointed out that his subdivision does not have curb and gutter or related infrastructure and their sprinkler systems go right out to the streets. Mr. Whitman also expressed concern that he thought he heard in the staff presentation that there was no opposition when all of the Pine Estates residents that attending the meeting were opposed to it.

QUESTIONS FOR APPLICANT

Chairman Reece asked Mr. Richardson to address the question of why R4 (Residential-4 units/acre) zoning was not considered. Mr. Richardson replied that they looked at the density of several of the neighboring subdivisions which are R5 and also considered the marketability of selling the lots to developers.

Chairman Reece noted that the difference between an R5 and R4 density in this subdivision would be about 6 lots. Mr. Richardson stated that six lots is about the difference, however they may lose a lot or two based on the need for a detention area if that comes into play down the road.

Commissioner Eslami stated that it is his experience that they may not even get to five additional lots and that 3.5 or 4 additional lots is probably more realistic.

Commissioner Wade asked if the applicant has shared a preliminary development plan with the neighboring residents at this point. Mr. Richardson stated that the plans are too preliminary at this point and discussions are still on-going with their engineers.

Commissioner Wade stated that it has been his experience that the more information the applicant shares with the neighboring subdivisions, the more likely it is to be accepted.

QUESTIONS FOR STAFF

Noting that there has not been a development plan or request to subdivide the property, Commissioner Wade asked if a traffic study of the area has been conducted. Mr. Peterson replied that only the zone of annexation is being considered at this time. Mr. Peterson noted that they will be doing a simple subdivision, however that process is done through administrative review and does not require a public hearing. The simple subdivision application is to carve off the existing home and create a lot that can be marketed for future development.

Mr. Peterson stated that there has not been a subdivision layout design and if or when they get to that stage, another neighborhood meeting would be required.

Commissioner Eslami thanked the students that were in the audience for attending. With no further questions from the public or for staff, Chairman Reece closed the public hearing portion of the meeting.

COMMISSIONER DISCUSSION

Commissioner Eslami noted that since there are no plans to discuss, his comments are limited to the zone of annexation. Commissioner Eslami indicated that he is in support of the proposed zoning and that it is an appropriate density for the area.

Addressing the citizens in attendance that spoke in opposition of the proposal, Commissioner Wade suggested that they stay on top of the process, adding that it is in review of the site plan where their concerns expressed can have the most impact.

Commissioner Gatseos noted that he understands that the citizens opposed wanted an R4 zoning, however the range for Medium Density is R4 to R8.

Commissioner Tolle stated that safety is always a big concern with him and he hopes that the potential traffic will be reviewed carefully if it moves to another phase.

MOTION: (Commissioner Wade) “Madam Chairman, I move that file ANX-2016-470 be approved and moved on to the City Council.”

Commissioner Eslami seconded the motion. A vote was called and the motion passed unanimously by a vote of 6-0.

Adjournment

The meeting was adjourned at 6:25 p.m.

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. ____

**A RESOLUTION ACCEPTING A PETITION
FOR THE ANNEXATION OF LANDS
TO THE CITY OF GRAND JUNCTION, COLORADO,
MAKING CERTAIN FINDINGS,
AND DETERMINING THAT PROPERTY KNOWN AS THE
CONNOR ANNEXATION, LOCATED AT 2839 RIVERSIDE PARKWAY,
IS ELIGIBLE FOR ANNEXATION**

WHEREAS, on the 19th day of October, 2016, a petition was referred to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

CONNOR ANNEXATION

A certain parcel of land lying in the Northeast Quarter of the Northwest Quarter (NE 1/4 NW 1/4) of Section 19, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Northeast corner of the NE 1/4 NW 1/4 of said Section 19 and assuming the North line of the NE 1/4 NW 1/4 of said Section 19 bears N 89°39'18" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 89°39'18" W, along the North line of the NE 1/4 NW 1/4 of said Section 19, a distance of 630.40 feet to a point on the Northerly projection of the West line of Pine Estates Filing No. Two, as same is recorded in Plat Book 11, Page 155, Public Records of Mesa County, Colorado; thence S 00°07'23" E, along said line, a distance of 30.00 feet to a point on the South right of way for Riverside Parkway and the POINT OF BEGINNING; thence from said Point of Beginning, continue S 00°07'23" E along said line, a distance of 631.92 feet; thence N 89°52'58" W, a distance of 33.21 feet; thence S 00°07'10" E, along the West line of said Pine Estates Filing No. Two, a distance of 662.01 feet to a point on the South line of the NE 1/4 NW 1/4 of said Section 19; thence N 89°38'55" W, along said South line, a distance of 192.34 feet, more or less, to a point being the Southeast corner of Summer Glen Subdivision, as same is recorded in Book 4055, Page 547, Public Records of Mesa County, Colorado; thence N 00°36'18" W, along the East line of said Summer Glen Subdivision, a distance of 1294.18 feet, more or less, to a point on the South right of way for Riverside Parkway; thence S 89°39'18" E, along said South right of way, a distance of 236.48 feet, more or less, to the Point of Beginning.

CONTAINING 6.358 Acres or 276,964 Square Feet, more or less, as described.

WHEREAS, a hearing on the petition was duly held after proper notice on the 7th day of December, 2016; and

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

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

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

ADOPTED the _____ day of _____, 2016.

Attest:

President of the Council

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

CONNOR ANNEXATION, LOCATED AT 2839 RIVERSIDE PARKWAY,

CONSISTING OF ONE PARCEL OF LAND AND NO DEDICATED RIGHT-OF-WAY

WHEREAS, on the 19th day of October, 2016, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 7th day of December, 2016; and

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

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

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

CONNOR ANNEXATION

A certain parcel of land lying in the Northeast Quarter of the Northwest Quarter (NE 1/4 NW 1/4) of Section 19, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Northeast corner of the NE 1/4 NW 1/4 of said Section 19 and assuming the North line of the NE 1/4 NW 1/4 of said Section 19 bears N 89°39'18" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 89°39'18" W, along the North line of the NE 1/4 NW 1/4 of said Section 19, a distance of 630.40 feet to a point on the Northerly projection of the West line of Pine Estates Filing No. Two, as same is recorded in Plat Book 11, Page 155, Public Records of Mesa County, Colorado; thence S 00°07'23" E, along said line, a distance of 30.00 feet to a point on the South right of way for Riverside Parkway and the POINT OF BEGINNING; thence from said Point of Beginning, continue S 00°07'23" E along said line, a distance of 631.92 feet; thence N 89°52'58" W, a distance of 33.21 feet; thence S 00°07'10" E, along the West line of said Pine Estates Filing No. Two, a distance of 662.01 feet to a point on the South line of the NE 1/4 NW 1/4 of said Section 19; thence N 89°38'55" W, along said South line, a distance of 192.34 feet, more or

less, to a point being the Southeast corner of Summer Glen Subdivision, as same is recorded in Book 4055, Page 547, Public Records of Mesa County, Colorado; thence N 00°36'18" W, along the East line of said Summer Glen Subdivision, a distance of 1294.18 feet, more or less, to a point on the South right of way for Riverside Parkway; thence S 89°39'18" E, along said South right of way, a distance of 236.48 feet, more or less, to the Point of Beginning.

CONTAINING 6.358 Acres or 276,964 Square Feet, more or less, as described

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

INTRODUCED on first reading on the 19th day of October, 2016 and ordered published in pamphlet form.

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

President of the Council

Attest:

City Clerk

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 16th day of November, 2016 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 #5.b.i.

Meeting Date: December 7, 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 adoption of 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 (approve or deny) Ordinance No. 4728 – 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 on Final Passage and Order Final Publication in Pamphlet Form.

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 16th day of November, 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 #5.b.ii.

Meeting Date: December 7, 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 adoption of 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 (approve or deny) Ordinance No. 4729 – 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 on Final Passage and Order Final Publication in Pamphlet Form.

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 16th day of November, 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 #5.b.iii.

Meeting Date: December 7, 2016

Presented by: Greg Caton, City Manager
Jodi Romero, Financial Operations Director

Submitted by: Jodi Romero, Financial Operations Director

Department: Administration

Information

SUBJECT:

Presentation of 2017 Budget; Public Hearing for Ordinance Approving the 2017 Appropriation; Resolution Setting Rates and Fees for 2017; Resolution Certifying Mill Levies of the City of Grand Junction (City) and the Downtown Development Authority (DDA) for the 2017 Budget Year.

RECOMMENDATION:

- a) Adopt the ordinance approving the 2017 appropriation and budget.
- b) Adopt the resolution setting rates and fees.
- c) Adopt the resolutions certifying mill levies.

EXECUTIVE SUMMARY:

Appropriation Ordinance:

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

Rates and Fees Resolution:

Recommended fee and rate changes were discussed in the Council budget workshops. Utility rate changes are in accordance with the financial plan and rate studies conducted and approved last year. Recommended changes for the Two Rivers Convention Center and Avalon Theatre are for space rentals and service club meals. Golf changes include increases to green fees and a new unlimited play pass at Lincoln Park. Ambulance Transport fees are set by the County in the first quarter of each year.

Mill Levy Certification Resolution:

The resolutions set the mill levies for operations for both the City and DDA.

BACKGROUND OR DETAILED INFORMATION:

Appropriation Ordinance:

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.

Rates and Fees Resolution:

Water- Increase in water rates will accelerate pipeline replacement and fund other major capital projects including the repair of the Purdy Mesa Dam and the filter replacement at the water treatment plant (aren't we done with these two projects?). These projects will provide more consistent delivery of water and improved drinking water quality. Rates will increase on average 9.5% which for a single family home on City water using the 3,000 gallons or less is an additional \$1.60 per month.

Ridges irrigation rates will increase 4.4% which for a single family home is an additional 67 cents per month.

Sewer- Increase in sewer rates will also accelerate pipeline replacement and fund other major capital projects including the completion of the sewer outfall at the sewer treatment plant. Rates will increase 3.7% which for a single family home is an additional 80 cents a month. The Board of County Commissioners and City Council support the sewer rate changes as discussed at the Joint Persigo meeting on October 20, 2016.

Solid Waste- Increase in solid waste rates will cover the increased cost of doing business including increase in landfill fees. Rates will increase 3.5% which for a 96-gallon container is an additional 50 cents per month.

Two Rivers Convention Center and Avalon Theatre- The proposed rates are based on the facilities being managed by the City. Increase in space rentals for Two Rivers Convention Center average 5%. Increase in service club meals average 3.5%. Rates for Avalon Theatre rental have been adjusted to better match demand for different type of spaces and range from 33% to no change.

Golf- Increase in green fees and the addition of a new unlimited play pass for Lincoln Park. Green fees increase \$1 for 9 hole and 18 hole rounds.

Ambulance Transport- By prior resolution the City Council established ambulance transport fees in accordance with and pursuant to the Mesa County Ambulance and Emergency Medical Services Resolution. For 2017 the City Council affirms the prior action of said City Council resolution.

Mill Levy Certification Resolution:

The adoption of the Tax Levy Resolutions will generate property tax revenue for the City and the DDA. The amount of property tax generated is calculated by taking the adopted mill levy multiplied by the assessed valuation of property located within the taxing area. The 2016 mill levy will be assessed and collected in 2017. The mill levy for both the City and DDA will be the same as the 2015 levy.

FISCAL IMPACT:

Appropriation Ordinance:

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.

Rates and Fees Resolution:

The recommended rates and fees are incorporated in the revenues of the 2017 proposed budget.

Mill Levy Certification Resolution:

The revenue generated by the City's 8 mills is estimated to be \$7.5 million. The revenue generated by the Downtown Development Authority's 5 mills is estimated to be \$252,000.

SUGGESTED MOTIONS:

Appropriation Ordinance:

I MOVE to (approve or deny) the adoption of Ordinance No. 4730 – 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 on Final Passage and Order Final Publication in Pamphlet Form.

Rates and Fees Resolution:

I MOVE to (approve or deny) the adoption of Resolution No. 55-16 – A Resolution Adopting Fees and Charges for Water, Wastewater, Solid Waste, Two Rivers Convention Center, Avalon Theatre, Golf, and Ambulance Transport.

Mill Levy Certification Resolution:

I MOVE to (approve or deny) the adoption of Resolution No. 56-16 – A Resolution Levying Taxes for the Year 2016 in the City of Grand Junction.

I MOVE to (approve or deny) the adoption of Resolution No. 57-16 – A Resolution Levying Taxes for the Year 2016 in the Downtown Development Authority.

Attachments

Attachment A-Appropriation Ordinance

Attachment B-Rates and Fees Resolution

Attachment C-Mill Levy Resolutions with Tax Levy Certifications

ATTACHMENT A

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	\$ 65,865,932
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
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INTRODUCED AND ORDERED PUBLISHED IN PAMPHLET FORM this 16th day of November, 2016.

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

President of the Council

Attest:

City Clerk

ATTACHMENT B

**RESOLUTION NO. ____-16
A RESOLUTION ADOPTING FEES AND CHARGES FOR WATER, WASTEWATER,
SOLID WASTE, TWO RIVERS CONVENTION CENTER, AVALON THEATRE, GOLF,
AND AMBULANCE TRANSPORT**

Recitals:

The City of Grand Junction establishes rates for utility service, convention services, golf, and ambulance service on a periodic basis, and by this resolution, the City Council establishes these rates to implement decisions made in the long-term financial plans for the Utilities, Convention and Visitor Services, Parks and Recreation, and Fire Departments.

Now, therefore, be it resolved that:

Effective January 1, 2017 rates for utility services, convention services, golf, and ambulance service change according to the following schedule:

Water			
City Water System	2016 Current	2017 Proposed	Change
0 - 3,000 Gallons	\$16.50	\$18.10	\$1.60
3,000 – 10,000 Gallons (per 1,000)	\$2.35	\$2.60	\$.25
10,000 - 20,000 Gallons (per 1,000)	\$2.80	\$3.10	\$.30
> 20,000 Gallons (per 1,000)	\$3.25	\$3.60	\$.35
Kannah Creek Water System			
0 - 3,000 Gallons	\$41.00	\$44.90	\$3.90
3,000 – 10,000 Gallons (per 1,000)	\$4.50	\$4.90	\$.40
10,000 - 20,000 Gallons (per 1,000)	\$5.35	\$5.85	\$.50
> 20,000 Gallons (per 1,000)	\$6.25	\$6.85	\$.60
Ridges Irrigation System			
Single Family	\$15.33	\$16.00	\$.67
Multiple Family (Per Unit)	\$10.97	\$11.45	\$.48

Wastewater			
Description	2016 Current	2017 Proposed	Change
Per Residential Equivalent Unit (EQU)	\$21.60	\$22.40	\$.80
Plant Investment Fee	\$4,371	\$4,502	\$131

Solid Waste			
Automated Monthly Container Prices	2016 Current	2017 Proposed	Change
1-64 Gallon Container	\$11.25	\$11.65	\$.40
1-96 Gallon Container	\$14.25	\$14.75	\$.50
2-64 Gallon Container	\$17.21	\$17.81	\$.60
1-64, 1-96 Gallon Container	\$20.21	\$20.92	\$.71
2-96 Gallon Container	\$23.23	\$24.05	\$.82
Commercial Monthly Dumpster Prices			
1-2 Cubic Yard - Pick-Up 1 Time Per Week	\$59.95	\$62.06	\$2.11
1-4 Cubic Yard - Pick-Up 1 Time Per Week	\$97.13	\$100.53	\$3.40
1-6 Cubic Yard - Pick-Up 1 Time Per Week	\$131.41	\$136.00	\$4.59
1-8 Cubic Yard - Pick-Up 1 Time Per Week	\$165.26	\$171.04	\$5.78

Two Rivers Convention Center and Avalon Theatre			
Description	2016 Current	2017 Proposed	Change
Meeting Rooms	\$85-\$4,415	\$90-\$4,640	\$5-\$225
Service Club Meals (per person)	\$13-\$17.50	\$13.50-\$18	\$.50

Golf			
Description	2016 Current	2017 Proposed	Change
Green Fees, Tiara Rado, Mon-Thurs, 9-hole	\$19	\$20	\$1
Green Fees, Tiara Rado, Mon-Thurs, 18-hole	\$35	\$36	\$1
Green Fees, Tiara Rado, Fri-Sun, 9-hole	\$21	\$22	\$1
Green Fees, Tiara Rado, Fri-Sun, 18-hole	\$38	\$39	\$1
Green Fees, Lincoln Park, Mon-Sun, 9-hole	\$16	\$17	\$1
Green Fees, Lincoln Park, Mon-Sun, 18-hole	\$26	\$27	\$1
Unlimited Annual Green Fee Pass, Lincoln Park	New	\$995	n/a

Ambulance Transport: See attached copy of Resolution No. 33-10 and the current (2016/2017) fee schedule. The 2017/2018 Fees will be established by the County on or about April 1, 2017.

PASSED and ADOPTED this _____ day of _____, 2016.

President of the Council

Attest:

City Clerk

RESOLUTION NO. 33-10

A RESOLUTION AMENDING AMBULANCE FEES IN THE CITY OF GRAND JUNCTION, COLORADO AND CREATING A MECHANISM FOR THOSE FEES TO INCREASE AS INCREASES ARE APPROVED BY MESA COUNTY

Recitals.

In February 2006 the City Council and the Mesa County Board of Commissioners established the City as the ambulance service provider for the designated City Ambulance Service Area (ASA). The City ASA was established in accordance with Resolution 2004-220-2 (Mesa County EMS Resolution).

By and through the Mesa County EMS Resolution Mesa County regulates inter alia the fees that may be charged by the ambulance service providers operating in the County, including the City operating within the City ASA. The Mesa County EMS Resolution provides that ambulance transport fees are adjusted in March of each year. The adjustments are based on the National Consumer Price Index (CPI) over the most recent 12 month period.

Currently the City implements changes to its ambulance transport fees as part of its annual budget adoption in December of each year. Because the City's fees become effective early January of each year those fees are different than the County authorized fees for a period of at least nine months. That difference causes confusion and results in the City's fees being less than authorized for a majority of a year.

With this Resolution the City, by and through the Grand Junction Fire Department, will be authorized to charge the most current Mesa County ambulance transport fees at the time the fees are set and going forward the City Council authorizes the Fire Department to adjust and implement its ambulance transport fees on the schedule set by the County resolution.

The City Council does desire to review the ambulance fees during its budget deliberations and accordingly does hereby request the City Manager to provide information about the ambulance fees (such as percentage change) during the City's annual budget process. Notwithstanding such review the terms of this Resolution shall control unless or until this Resolution is amended or rescinded.

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

1. The City of Grand Junction, Grand Junction Fire Department ambulance transport fees shall be set in accordance with the fees set annually by the Mesa County EMS Resolution.
2. The ambulance transport fees for the balance of 2010 shall be increased in accordance with the following schedule (attached). The fees provided for in the schedule shall become effective immediately.

3. 3. Fees set by prior resolution that are in conflict with this resolution are hereby repealed and all other fees not in conflict or specifically allowed shall be set in accordance with the maximum allowable rates in the Mesa County EMS Resolution.

All other terms of any other applicable resolution not modified herein shall remain in full force and effect. PASSED AND ADOPTED this 16th day of August, 2010.

/s/: Teresa A. Coons President of the Council

ATTEST:

/s/: Stephanie Tuin
City Clerk

Service	Fee
Advanced Life Support (ALS)	\$851.00
Basic Life Support (BLS)	\$624.00
ALS Critical Care Transport	\$927.00
BLS Critical Care Transport	\$709.00

Mesa County Sheriff's Office

Sheriff Matt Lewis



215 Rice Street
P.O. Box 20,000
Grand Junction, CO 81502

970-244-3500 Phone
970-244-3503 Fax
www.sheriff.mesacounty.us

2/22/2016

Chief,

In accordance with the Mesa County EMS Resolution and the CPI formula, an annual review of maximum ambulance rates has been conducted. This review was conducted February 22nd, 2016 using the most recent calendar year Consumer Price Index data (January - December 2015, published February 19th, 2016). This review indicated a 1.44% increase in maximum ambulance rates. The following table illustrates the CPI factors that are considered and how the increase is calculated.

CPI Factor	% Increase	Ratio	Adjustment
All Items	1.2	0.2	0.24%
Transportation	0.0	0.4	0.00%
Medical Care	3.0	0.4	1.20%
		Total Adjustment	1.44%

The following schedule of maximum ambulance rates becomes effective March 1, 2016.

Service	New 2016 Maximum Rates
Advanced Life Support (ALS)	\$1022
Basic Life Support (BLS)	\$750
ALS Critical Care Transport	\$1114
BLS Critical Care Transport	\$851
Critical Care / Specialty Care	\$3396

Please feel free to contact me if you have any questions.

Sincerely,

Michael D. Hill, B.S., EMT-P
Mesa County EMS System Coordinator
Mesa County Sheriff's Office / OEM
215 Rice Street, Grand Junction, CO 81501
970-255-5078
Mike.Hill@mesacounty.us

ATTACHMENT C

RESOLUTION NO. _____

**A RESOLUTION LEVYING TAXES FOR THE YEAR 2016 IN THE
CITY OF GRAND JUNCTION, COLORADO**

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

That there shall be and hereby is levied upon all taxable property within the limits of the **City of Grand Junction**, Colorado, for the year 2016 according to the assessed valuation of said property, a tax of eight **(8.000)** mills on the dollar (\$1.00) upon the total assessment of taxable property within the City of Grand Junction, Colorado for the purpose of paying the expenses of the municipal government of said City for the fiscal year ending December 31, 2017.

ADOPTED AND APPROVED THIS ___ day of _____, 2016.

TAX LEVY CERTIFICATION

TO COUNTY COMMISSIONERS AND ASSESSOR

STATE OF COLORADO
COUNTY OF MESA
CITY OF GRAND JUNCTION

To the Commissioners of Mesa County, Colorado:

This is to certify that the tax levy to be assessed by you upon all property within the limits of the **City of Grand Junction** for the year 2016, as determined and fixed by the City Council by Resolution duly passed on the _____ day of _____, 2016, is eight **(8.000)** mills, the revenue yield of said levy to be used for the purpose of paying the expenses of the municipal government, and you are authorized and directed to extend said levy upon your tax list.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Grand Junction, Colorado, this _____ day of _____, 2016.

City Clerk, City of Grand Junction

C: County Assessor

RESOLUTION NO. _____

**A RESOLUTION LEVYING TAXES FOR THE YEAR 2016 IN THE
DOWNTOWN DEVELOPMENT AUTHORITY**

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

That there shall be and hereby is levied upon all taxable property within the Grand Junction, Colorado, **Downtown Development Authority** limits, for the year 2016 according to the assessed valuation of said property, a tax of five **(5.000)** mills on the dollar (\$1.00) upon the total assessment of taxable property within the City of Grand Junction, Colorado, Downtown Development Authority, for the purpose of paying the expenses of said Authority for the fiscal year ending December 31, 2017.

ADOPTED AND APPROVED THIS ___ day of _____, 2016.

President of the Council

ATTEST:

City Clerk

TAX LEVY CERTIFICATION

TO COUNTY COMMISSIONERS AND ASSESSOR

STATE OF COLORADO
COUNTY OF MESA
CITY OF GRAND JUNCTION

To the Commissioners of Mesa County, Colorado:

This is to certify that the tax levy to be assessed by you upon all property within the Grand Junction, Colorado, **Downtown Development Authority** limits, for the year 2016, as determined and fixed by the City Council by Resolution duly passed on the _____ day of _____, 2016, is five **(5.000)** mills, the revenue yield of said levy to be used for the purpose of paying the expenses of the Grand Junction, Colorado, Downtown Development Authority, and you are authorized and directed to extend said levy upon your tax list.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Grand Junction, Colorado, this _____ day of _____, 2016.

City Clerk, City of Grand Junction

C: County Assessor