

ORDINANCE NO. 4772

AN ORDINANCE AUTHORIZING THE ISSUANCE OF THE CITY OF GRAND JUNCTION, COLORADO, DOWNTOWN DEVELOPMENT AUTHORITY TAX INCREMENT REVENUE AND REFUNDING BONDS, SERIES 2017, AND TAX INCREMENT REVENUE BONDS, SERIES 2018; PLEDGING THE TAX INCREMENT REVENUES OF THE CITY FOR THE PAYMENT OF SUCH BONDS; APPROVING THE FORM OF A LOAN AGREEMENT RELATING TO EACH SERIES OF BONDS; AND RELATED MATTERS

WHEREAS, the City of Grand Junction, Colorado (the "City") is a home rule city duly existing under the Constitution and laws of the State of Colorado and its City Charter; and

WHEREAS, the Grand Junction, Colorado, Downtown Development Authority (the "Authority") was organized by the City pursuant to Title 31, Article 25, Part 8, of the Colorado Revised Statutes, as amended (the "Act"), as a "downtown development authority" for the purposes of the Act, including the improvement of that certain area (the "Plan of Development Area") subject to the Downtown Development Authority Plan of Development (the "Plan") approved by a resolution of the City Council of the City (the "Council") adopted on December 16, 1981 (the "Resolution"); and

WHEREAS, the Authority proposed and submitted the Plan to the Council and the Plan was approved by the Council in the Resolution; and

WHEREAS, the Plan has been modified from time to time by amendments to the Resolution for the purpose of including additional property within the Plan of Development Area and other relevant changes; and

WHEREAS, the Plan provides for a division of taxes pursuant to Section 31-25-807(3) of the Act; and

WHEREAS, pursuant to Section 31-25-807(3)(a)(IV) of the Act and Ordinance No. 4494 duly adopted by the Council on January 4, 2012, such division of taxes (with the modifications required by Section 31-25-807(3)(a)(IV) of the Act) was extended for an additional twenty years beginning with the taxes levied in 2012 and collectible in 2013; and

WHEREAS, the Resolution established the Tax Increment Fund (defined below) for the deposit of the Tax Increments (defined below) resulting from such division of taxes; and

WHEREAS, the Tax Increments are defined as: (i) one hundred percent of the property taxes produced by the levy at the rate fixed each year by or for the City upon the valuation for assessment of taxable property within the boundaries of the Plan of Development Area which is in excess of the valuation for assessment of taxable property within the boundaries of the Plan of Development Area certified as the base amount by the Mesa County Assessor pursuant to Sections 31-25-807(3)(a)(IV) and 31-25-807(3)(f) of the Act and pledged herein for the repayment of and as security for the Bonds (defined herein); (ii) fifty percent, or such greater amount as may be set forth in an agreement negotiated between the City and the respective public bodies, of the property taxes produced by the levy at the rate fixed each year by or for each public body (excluding the City, which is covered by clause (i) of this definition) upon the valuation for assessment of taxable property within the boundaries of the Plan of Development Area which is in excess of the valuation for assessment of taxable property within the boundaries of the Plan of Development Area certified as the base amount by the County Assessor pursuant to Sections 31-25-807(3)(a)(IV) and 31-25-807(3)(f) of the Act and pledged herein for the repayment of and as security for the Bonds; and (iii) one hundred percent of the municipal sales taxes produced within each sales tax collection area within the Plan of Development Area which are in excess of the amount certified as the base amount for such collection area by the Finance Director of the City pursuant to Section 31-25-807(3) of the Act and pledged herein for the repayment of and as security for the Bonds. "Tax Increments" also include specific ownership taxes, if and to the extent received by the City in connection with the property tax increment described above; and

WHEREAS, pursuant to the Act, the City is permitted to issue securities made payable from the Tax Increments for the purposes of a project if the issuance of such bonds and the pledge of such revenues are first submitted for approval to the qualified electors of the Authority at a special election held for such purpose; and

WHEREAS, in addition, Article X, Section 20 of the Colorado Constitution requires voter approval in advance for the creation of any multiple-fiscal year direct or indirect debt or other financial obligation (except that refundings of existing debt at lower interest rates do not require an election); and

WHEREAS, at a special election held by the City within the boundaries of the Authority on April 3, 2007 (the "2007 Election"), a majority of the qualified electors of the

Authority voting thereon authorized the City to issue bonds or other indebtedness not to exceed \$18,000,000, with a repayment cost of \$20,000,000, for the purpose of financing certain capital improvements within the Plan of Development Area and authorized the pledge of the Tax Increment Fund for payment of principal, interest and any premiums due in connection with such bonds or other indebtedness, said pledge of funds not to exceed the maximum time permitted by law; and

WHEREAS, the ballot question submitted to the qualified electors of the Authority at the 2007 Election was as follows:

SHALL CITY OF GRAND JUNCTION DEBT BE INCREASED \$18,000,000 WITH A REPAYMENT COST OF \$20,000,000, WITHOUT RAISING ADDITIONAL TAXES, TO FINANCE STREETS, PARKS, PLAZAS, PARKING FACILITIES, PLAYGROUNDS, CAPITAL FACILITIES, PEDESTRIAN MALLS, RIGHTS-OF-WAY, STRUCTURES, WATERWAYS, BRIDGES, ACCESS ROUTES TO ANY OF THE FOREGOING, DESIGNED FOR USE BY THE PUBLIC GENERALLY OR USED BY ANY PUBLIC AGENCY WITH OR WITHOUT CHARGE; SUCH DEBT TO BE EVIDENCED BY BONDS, LOANS, ADVANCES OR INDEBTEDNESS PROVIDED THAT THE SPECIFIC TERMS OF THE DEBT, INCLUDING A PROVISION FOR EARLY REPAYMENT WITH OR WITHOUT A PREMIUM, AND THE PRICE AT WHICH IT WILL BE SOLD SHALL BE DETERMINED BY THE CITY AS NECESSARY AND PRUDENT; SHALL THE PLEDGE OF THE TAX INCREMENT FUND TO SUCH DEBT BE AUTHORIZED FOR A PERIOD NOT TO EXCEED THE MAXIMUM TIME PERMITTED BY LAW; AND IF THIS QUESTION IS APPROVED, THE AUTHORITY TO ISSUE DEBT PURSUANT TO BALLOT ISSUE 5T AT THE CITY'S NOVEMBER 2, 2004 ELECTION SHALL BE OF NO FURTHER EFFECT?

; and

WHEREAS, at a special election held by the City within the boundaries of the Authority on April 5, 2011 (the "2011 Election"), a majority of the qualified electors of the Authority voting thereon authorized the City to issue bonds or other indebtedness not to exceed \$65,000,000, with a repayment cost of \$72,000,000, for the purpose of financing certain capital improvements within the Plan of Development Area and authorized the pledge of the Tax Increment Fund for payment of principal, interest and any premiums due in connection with such

bonds or other indebtedness, said pledge of funds not to exceed the maximum time permitted by law; and

WHEREAS, the ballot question submitted to the qualified electors of the Authority at the 2011 Election was as follows:

SHALL CITY OF GRAND JUNCTION DEBT BE INCREASED NOT TO EXCEED \$65,000,000 WITH A REPAYMENT COST OF \$72,000,000, WITHOUT RAISING ADDITIONAL TAXES, TO FINANCE STREETS, PARKS, PLAZAS, PARKING FACILITIES, PLAYGROUNDS, CAPITAL FACILITIES, PEDESTRIAN MALLS, RIGHTS-OF-WAY, STRUCTURES, WATERWAYS, BRIDGES, ACCESS ROUTES TO ANY OF THE FOREGOING, DESIGNED FOR USE BY THE PUBLIC GENERALLY OR USED BY ANY PUBLIC AGENCY WITH OR WITHOUT CHARGE; SUCH DEBT TO BE EVIDENCED BY BONDS, LOANS, ADVANCES OR INDEBTEDNESS PROVIDED THAT THE SPECIFIC TERMS OF THE DEBT, INCLUDING A PROVISION FOR EARLY REPAYMENT WITH OR WITHOUT A PREMIUM, AND THE PRICE AT WHICH IT WILL BE SOLD SHALL BE DETERMINED BY THE CITY AS NECESSARY AND PRUDENT; SHALL THE PLEDGE OF THE TAX INCREMENT FUND TO SUCH DEBT BE AUTHORIZED FOR A PERIOD NOT TO EXCEED THE MAXIMUM TIME PERMITTED BY LAW?

; and

WHEREAS, the City has previously issued \$17,125,000 of the indebtedness authorized at the 2007 Election, which indebtedness was represented by: (i) its \$10,000,000 "City of Grand Junction, Colorado, Downtown Development Authority, Tax-Increment Revenue Bonds, Series 2009" (the "2009 Bonds"), all of which were repaid as of December 15, 2012; (ii) its \$4,070,000 "City of Grand Junction, Colorado, Downtown Development Authority, Tax-Exempt Tax Increment Revenue Bonds, Series 2012A" (the "2012A Bonds"), all of which will be repaid upon the issuance of the 2017A Bonds (defined herein); and (iii) its \$3,055,000 City of Grand Junction, Colorado, Downtown Development Authority, Taxable Tax Increment Revenue Bonds, Series 2012B," all of which will be repaid as of December 15, 2017; and

WHEREAS, the City has not previously issued any of the indebtedness authorized at the 2011 Election; and

WHEREAS, the City has determined to issue its “City of Grand Junction, Colorado, Downtown Development Authority, Tax Increment Revenue and Refunding Bonds, Series 2017 (the “2017 Bonds”), in the maximum aggregate principal amount of \$10,000,000 for the purpose of: (i) refunding the 2012A Bonds (the “Refunding Project”); (ii) financing (or reimbursing the costs of) certain additional improvements described in the Plan and the 2007 Election and/or the 2011 Election (the “Project”); (iii) funding a debt service reserve for the 2017 Bonds; and (iv) paying the costs of issuing the 2017 Bonds; and

WHEREAS, the 2017 Bonds are authorized to be issued pursuant to Section 31-28-809 of the Act, and the portion of the 2017 Bonds being used to accomplish the Refunding Project is permitted by Section 31-25-811 of the Act; and

WHEREAS, the portion of the 2017 Bonds allocable to the Refunding Project constitutes a refunding at a lower interest rate under Article X, Section 20 of the Colorado Constitution and does not require prior voter authorization for its issuance; and

WHEREAS, the portion of the 2017 Bonds allocable to the Project has been authorized by the 2007 Election and/or the 2011 Election; and

WHEREAS, the City has further determined to issue its “City of Grand Junction, Colorado, Downtown Development Authority, Tax Increment Revenue Bonds, Series 2018 (the “2018 Bonds,” and together with the 2017 Bonds, the “Bonds”) in the maximum aggregate principal amount of \$9,120,000 for the purpose of: (i) financing that portion of the Project not otherwise financed by the 2017 Bonds; (ii) funding debt service reserve for the 2018 Bonds; and (iii) paying the costs of issuing the 2018 Bonds; and

WHEREAS, the 2018 Bonds are authorized to be issued pursuant to Section 31-28-809 of the Act; and

WHEREAS, the 2018 Bonds have been authorized by the 2007 Election and/or the 2011 Election; and

WHEREAS, the 2017 Bonds shall be issued on or after December 15, 2017 and before December 31, 2017, with terms such that they meet the requirements of the ballot questions submitted at the 2007 Election and/or the 2011 Election; and

WHEREAS, the 2018 Bonds shall be issued on or after January 1, 2018, with terms such that they meet the requirements of the ballot questions submitted at the 2007 Election and/or the 2011 Election; and

WHEREAS, the Council has determined that in order to finance the Refunding Project, finance a portion of the Project, fund a debt service reserve fund for the 2017 Bonds, and pay the costs of issuing the 2017 Bonds it is necessary, advisable, and in the best interests of the City to issue the 2017 Bonds pursuant to this Bond Ordinance and the further terms and conditions of a Loan Agreement (the "2017 Loan Agreement") with ANB Bank (the "Lender"), pursuant to which 2017 Loan Agreement the Lender will purchase the 2017 Bonds and will loan to the City the proceeds thereof in an amount not to exceed \$10,000,000 (the "2017 Loan") for the purposes hereinabove stated; and

WHEREAS, the City's repayment obligations under the 2017 Loan Agreement shall be evidenced by the 2017 Bonds; and

WHEREAS, the Council has further determined that in order to finance the balance of the Project, fund a debt service reserve fund for the 2018 Bonds, and pay the costs of issuing the 2018 Bonds it is necessary, advisable, and in the best interests of the City to issue the 2018 Bonds pursuant to this Bond Ordinance and the further terms and conditions of a Loan Agreement (the "2018 Loan Agreement," and together with the 2017 Loan Agreement, the "Loan Agreements") with ANB Bank (the "Lender"), pursuant to which 2018 Loan Agreement the Lender will purchase the 2018 Bonds and will loan to the City the proceeds thereof in an amount not to exceed \$9,120,000 (the "2018 Loan," and together with the 2017 Loan, the "Loans") for the purposes hereinabove stated; and

WHEREAS, the City's repayment obligations under the 2018 Loan Agreement shall be evidenced by the 2018 Bonds; and

WHEREAS, the Tax Increments (less 20% of the Tax Increments originating from municipal sales tax revenues for a portion of the Plan of Development Area and 30% of such increments from another portion of the Plan of Development Area as provided in Grand Junction City Resolution No. 28-83), all funds deposited in the special fund created by the Resolution into which the Tax Increments are to be deposited by the City (the "Tax Increment Fund") and any bond account established by the City for the Bonds pursuant to the Loan Agreements (the "Bond

Account”), and investment income from such Bond Account and the Tax Increment Fund, subject to Federal tax laws regarding arbitrage rebate, shall be pledged to the repayment of the Bonds (collectively, the “Pledged Revenues”); and

WHEREAS, forms of the Loan Agreements have been filed with the City Clerk; and

WHEREAS, the Council desires to approve the forms of the Loan Agreements and authorize the execution thereof and further authorize the execution and delivery of the Bonds.

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

Section 1. Approvals, Authorizations, and Amendments. The forms of the Loan Agreements (and the forms of the Bonds contained therein) filed with the City Clerk are incorporated herein by reference and are hereby approved. The City shall enter into and perform its obligations under the Loan Agreements in the forms of such documents, with such changes as are not inconsistent herewith and as are hereafter approved by the Mayor Pro Tem. The Mayor Pro Tem and City Clerk are hereby authorized and directed to execute the Bonds and the Loan Agreements and to affix the seal of the City thereto, and further to execute and authenticate such other documents or certificates as are deemed necessary or desirable in connection therewith. The Bonds and the Loan Agreements shall be executed in substantially the forms approved at this meeting and, in any event, shall not contain terms inconsistent with the terms of this Bond Ordinance.

The execution by the Mayor Pro Tem, the City Clerk, or other appropriate officers of the City of any instrument or certificate or other document in connection with the matters referred to herein shall be conclusive evidence of the approval by the City of such instrument or certificate or other document.

Section 2. Election to Apply Supplemental Act. Section 11-57-204 of the Supplemental Public Securities Act, constituting Title 11, Article 57, Part 2, of the Colorado Revised Statutes, as amended (the “Supplemental Act”), provides that a public entity, including the City, may elect in an act of issuance to apply all or any of the provisions of the Supplemental Act. The Council hereby elects to apply all of the provisions of the Supplemental Act to the Bonds and the Loan Agreements.

Section 3. Delegation and Parameters.

(a) Pursuant to Section 11-57-205 of the Supplemental Act, the Council hereby delegates to the President, the Financial Operations Manager, or any member of the Council the authority to make the following determinations relating to and contained in the Bonds and the Loan Agreements, subject to the restrictions contained in paragraph (b) of this Section 3:

(i) the interest rate on the 2017 Bonds and the 2017 Loan and the interest rate on the 2018 Bonds and the 2018 Loan;

(ii) the principal amount of the 2017 Bonds and the 2017 Loan and the principal amount of the 2018 Bonds and the 2018 Loan;

(iii) the amount of principal of the 2017 Bonds and the 2017 Loan maturing in any given year and the final maturity of the 2017 Bonds and the 2017 Loan, and the amount of principal of the 2018 Bonds and the 2018 Loan maturing in any given year and the final maturity of the 2018 Bonds and the 2018 Loan;

(iv) the conditions on which and the prices at which the 2017 Bonds and the 2017 Loan may be paid prior to maturity, and the conditions on which and the prices at which the 2018 Bonds and the 2018 Loan may be paid prior to maturity;

(v) the dates on which the principal of and interest on the 2017 Bonds and the 2017 Loan are paid, and the dates on which the principal of and interest on the 2018 Bonds and the 2018 Loan are paid; and

(vi) the existence and amount of reserve funds or capitalized interest for the 2017 Bonds and the 2017 Loan, if any, and the existence and amount of reserve funds or capitalized interest for the 2018 Bonds and the 2018 Loan, if any.

(b) The delegation in paragraph (a) of this Section 3 shall be subject to the following parameters and restrictions: (i) the interest rate on the 2017 Bonds and the 2017 Loan shall not exceed 3.36%; (ii) the interest rate on the 2018 Bonds and the 2018 Loan shall not exceed 3.36%; (iii) the principal amount of the 2017 Bonds and the 2017 Loan shall not exceed \$10,000,000; (iv) the principal amount of the 2018 Bonds and the 2018 Loan shall not exceed \$9,120,000; (v) the Bonds shall be subject to redemption prior to maturity on any date at a redemption price of not more than 101% of the principal amount thereof; (vi) the respective reserve funds for the 2017 Bonds and the 2018 Bonds may not exceed the maximum amount permitted for

each series of Bonds under the Internal Revenue Code of 1986, as amended; and (vii) the final maturity of the Bonds and the Loans shall not be later than December 31, 2032.

Section 4. Conclusive Recital. Pursuant to Section 11-57-210 of the Supplemental Act, the Bonds and the Loan Agreements shall contain a recital that they are issued pursuant to the Supplemental Act. Such recital shall be conclusive evidence of the validity and the regularity of the issuance of the Bonds and the Loan Agreements after their delivery for value.

Section 5. Pledge of Revenues. The Bonds constitute a pledge of, and an irrevocable first lien (but not an exclusive first lien), on all of the Pledged Revenues. The Bonds are equitably and ratably secured by a pledge of and lien on the Pledged Revenues. All of the Bonds, together with the interest accruing thereon shall be payable and collectible solely out of the Pledged Revenues, which are hereby irrevocably so pledged; neither the Lender nor any other registered owner of the Bonds may not look to any general or other fund of the City or the Authority for the payment of the principal of and interest on the Bonds, except the designated special funds and accounts pledged therefor. The Bonds shall not constitute an indebtedness nor a debt within the meaning of the Charter or any State constitutional or statutory provision or limitation; nor shall they be considered or held to be general obligations of the City or the Authority.

Pursuant to Section 11-507-208(1) of the Supplemental Act, a public entity may pledge all or any portion of its revenues to the payment of its securities unless the use of such revenues is restricted by other laws of the state. Pursuant to such authority, together with the authority granted by the 2007 Election, the 2011 Election, and Section 31-25-807(3)(a)(IV)(B) of the Act, the City hereby irrevocably pledges to the repayment of the Bonds one hundred percent of the property taxes produced by the levy at the rate fixed each year by or for the City upon the valuation for assessment of taxable property within the boundaries of the Plan of Development Area which is in excess of the valuation for assessment of taxable property within the boundaries of the Plan of Development Area certified as the base amount by the County Assessor pursuant to Sections 31-25-807(3)(a)(IV) and 31-25-807(3)(f) of the Act. Such amounts shall constitute Pledged Revenues for all purposes of this Ordinance.

The creation, perfection, enforcement, and priority of the Pledged Revenues to secure or pay the Bonds as provided herein shall be governed by Section 11-57-208 of the Supplemental Act and this Bond Ordinance. The Pledged Revenues, as received by or otherwise

credited to the City or the Authority, shall immediately be subject to the lien of such pledge without any physical delivery, filing, or further act.

Section 6. Appropriations to Replenish Reserve Funds. Within 45 days of receiving notice from the Lender that the reserve fund for the 2017 Bonds and/or the reserve fund for the 2018 Bonds has been utilized, in whole or in part, the Financial Operations Manager shall prepare and submit a request for an appropriation of a sufficient amount of funds to replenish such reserve funds to the applicable reserve requirement (as more particularly described in the Loan Agreements). It is the present intention and expectation of the Council to appropriate such funds as requested, within the limits of available funds and revenues, but this declaration of intent shall not be binding upon the Council or any future Council in any future fiscal year of the City. The City Council may determine in its sole discretion, but shall never be required, to make the appropriations requested. All sums appropriated by the Council for such purpose shall be deposited in the reserve funds established by the Loan Agreements. Nothing provided in this Section 6 shall create or constitute a debt, liability or multiple fiscal year financial obligation of the City.

Section 7. Limitation of Actions. Pursuant to Section 11-57-212 of the Supplemental Act, no legal or equitable action brought with respect to any legislative acts or proceedings in connection with the Bonds or the Loan Agreements shall be commenced more than thirty days after the date of adoption of this Ordinance.

Section 8. No Recourse against Officers and Agents. Pursuant to Section 11-57-209 of the Supplemental Act, if a member of the Council, or any officer or agent of the City acts in good faith, no civil recourse shall be available against such member, officer, or agent for payment of the principal of or interest on the Bonds. Such recourse shall not be available either directly or indirectly through the Council or the City, or otherwise, whether by virtue of any constitution, statute, rule of law, enforcement of penalty, or otherwise. By the acceptance of the Bonds and as a part of the consideration of its sale or purchase, the Lender and any other registered owner of the Bonds specifically waives any such recourse.

Section 9. Disposition and Investment of Loan Proceeds. The proceeds of the 2017 Loan shall only be applied for the purposes described in the recitals hereto, and the proceeds of the 2018 Loan shall only be applied for the purposes described in the recitals hereto. Neither

the Lender nor any subsequent owner(s) of the Bonds shall be responsible for the application or disposal by the City or any of its officers of the funds derived from the Loans.

Section 10. Direction to Take Authorizing Action. The appropriate officers of the City and members of the Council are hereby authorized and directed to take all other actions necessary or appropriate to effectuate the provisions of this Ordinance, including but not limited to the execution and delivery of such certificates and affidavits as may reasonably be required by the Lender.

Section 11. Ratification and Approval of Prior Actions. All actions heretofore taken by the officers of the City and members of the Council, not inconsistent with the provisions of this Ordinance, relating to the Bonds, the Loan Agreements, Documents, or actions to be taken in respect thereof, are hereby authorized, ratified, approved, and confirmed.

Section 12. Repealer. All acts, orders, ordinances, or resolutions, or parts thereof, in conflict herewith are hereby repealed to the extent of such conflict.

Section 13. Severability. Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such determination shall not affect, impair, or invalidate the remaining provisions hereof, the intention being that the various provisions hereof are severable.

Section 14. Ordinance Irrepealable. After the Bonds are issued, this Ordinance shall constitute an irrevocable contract between the City and the owners from time to time of the Bonds, and shall be and remain irrepealable until the Bonds and the interest thereon shall have been fully paid, satisfied, and discharged. No provisions of any constitution, statute, charter, ordinance, resolution, or other measure enacted after the issuance of the Bonds shall in any way be construed as impairing the obligations of the City to keep and perform its covenants contained in this Ordinance.

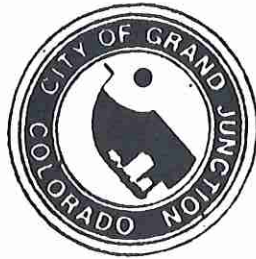
Section 15. Effective Date. This Ordinance shall be in full force and effect 30 days after publication following final passage.

[The remainder of this page intentionally left blank.]

INTRODUCED, PASSED ON FIRST READING, APPROVED AND ORDERED
PUBLISHED IN PAMPHLET FORM this 18th day of October, 2017.

CITY OF GRAND JUNCTION, COLORADO

[SEAL]



Bruce B. Smith

Mayor Pro Tem of the City Council

Attest:

W Winkelman

City Clerk

INTRODUCED, PASSED ON SECOND READING, APPROVED AND
ORDERED PUBLISHED IN PAMPHLET FORM this 1st day of November, 2017.

CITY OF GRAND JUNCTION, COLORADO

[SEAL]



Bruce B. Smith

Mayor Pro Tem of the City Council

Attest:

W Winkelman

City Clerk

STATE OF COLORADO)
)
 COUNTY OF MESA) SS.
)
 CITY OF GRAND JUNCTION)

I, Wanda Winkelman, the City Clerk of the City of Grand Junction, Colorado (the “City”) and Clerk to the City Council of the City (the “Council”), do hereby certify as follows:

(1) The foregoing pages are a true, correct and complete copy of an ordinance (the “Ordinance”) that was introduced, passed on first reading and ordered published in full by the Council at a regular meeting thereof held on October 18, 2017 and was duly adopted and ordered published in full by the Council at a regular meeting thereof held on November 1, 2017, which Ordinance has not been revoked, rescinded or repealed and is in full force and effect on the date hereof.

(2) The Ordinance was duly moved and seconded and the Ordinance was passed on first reading at the meeting of October 18, 2017, by an affirmative vote of a majority of the members of the Council as follows:

<u>Councilmember</u>	<u>Voting “Aye”</u>	<u>Voting “Nay”</u>	<u>Absent</u>	<u>Abstaining</u>
Rick Taggart	X			
Bennett Boeschstein	X			
Phyllis Norris	X			
Barbara Traylor Smith	X			
Duke Wortmann			X	
Duncan McArthur	X			
Chris Kennedy	X			

(3) The Ordinance was duly moved and seconded and the Ordinance was finally passed on second reading at the meeting of November 1, 2017, by an affirmative vote of a majority of the members of the Council as follows:

<u>Councilmember</u>	<u>Voting "Aye"</u>	<u>Voting "Nay"</u>	<u>Absent</u>	<u>Abstaining</u>
Rick Taggart			X	
Bennett Boeschstein	X			
Phyllis Norris	X			
Barbara Traylor Smith			X	
Duke Wortmann	X			
Duncan McArthur			X	
Chris Kennedy	X			

(4) The members of the Council were present at such meetings and voted on the passage of the Ordinance as set forth above.

(5) The Ordinance was approved and authenticated by the signature of the Mayor Pro Tem, sealed with the City seal, attested by the City Clerk, and recorded in the minutes of the Council.

(6) There are no bylaws, rules, or regulations of the Council that might prohibit the adoption of the Ordinance.

(7) Notices of the meetings of October 18, 2017 and November 1, 2017 in the forms attached hereto as Schedule I were posted at City Hall in accordance with law.

(8) The Ordinance was published in pamphlet form in The Daily Sentinel, a daily newspaper of general circulation in the City, on October 20, 2017 and November 3, 2017, as required by the City Charter. True and correct copies of the affidavits of publication are attached hereto as Schedule II.

WITNESS my hand and the seal of the City affixed this 13 day of November, 2017.

[SEAL]



W Winkelmann
City Clerk and Clerk to the Council

SCHEDULE I

(Attach Notices of Meetings of October 18, 2017 and November 1, 2017)

To access the Agenda and Backup Materials electronically, go to www.gjcity.org



CITY COUNCIL AGENDA
WEDNESDAY, OCTOBER 18, 2017
250 NORTH 5TH STREET
5:15 PM – PRE-MEETING – ADMINISTRATION CONFERENCE ROOM
6:00 PM – REGULAR MEETING – CITY HALL AUDITORIUM

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

Call to Order, Pledge of Allegiance, Invocation

First Councilor Dale Rooks, The Church of Jesus Christ of Latter-day Saints, Fruita
2nd Ward

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

Proclamations

Proclaiming October 2017 as "National Homeless Awareness Month" in the City of
Grand Junction

Appointments

Appointment to the Grand Junction Housing Authority

Appointments to the Planning Commission

Appointments to the Parks & Recreation Advisory Board

Appointment to the Downtown Development Authority/Downtown Grand Junction
Business Improvement District Boards

Citizen Comments

Council Reports

REVISED

Consent Agenda

1. Approval of Minutes

- a. Summary of the October 2, 2017 Workshop
- b. Minutes of the October 4, 2017 Special Session
- c. Minutes of the October 4, 2017 Regular Meeting

2. Set Public Hearing

- a. Quasi-judicial
 - i. Introduction of a Proposed Ordinance Approving an Outline Development Plan (ODP) and a Rezone to Planned Development (PD) with an R-2 (Residential - 2 du/ac) Default Zone District for Weeminuche Subdivision Located between 26 & 26 1/2 Roads, South of H 3/4 Road, and Setting a Hearing for November 1, 2017
 - ii. Introduction of a Proposed Ordinance Zoning the Holder Annexation, Located at 3040 E Road, and Setting a Hearing for November 1, 2017
 - iii. Introduction of a Proposed Ordinance Approving the Downtown Development Authority Tax Increment Debt Financing and Setting a Public Hearing for November 1, 2017

3. Contracts

- a. 2017 Community Development Block Grant Subrecipient Agreement between St. Mary's Hospital Foundation Gray Gourmet Program, Karis, Inc., HomewardBound of the Grand Valley, Marillac Clinic, Grand Valley Catholic Outreach, and Housing Resources of Western Colorado and the City of Grand Junction

4. Resolution

- a. New Outdoor Dining Lease for The Goat and Clover Tavern, LLC Located at 336 Main Street, Suite 104

Regular Agenda

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

5. Other Action Items

- a. Discussion and Possible Direction Regarding North Avenue/University Boulevard and CMU 20000

6. Public Hearing

- a. Quasi-judicial
 - i. Ordinance Vacating Right-of-Way and Easements Located in the Jarvis Subdivision Plat

7. Non-Scheduled Citizens & Visitors

8. Other Business

9. Adjournment

To access the Agenda and Backup Materials electronically, go to www.gjcity.org



CITY COUNCIL AGENDA
WEDNESDAY, NOVEMBER 1, 2017
250 NORTH 5TH STREET
5:15 PM – PRE-MEETING – ADMINISTRATION CONFERENCE ROOM
6:00 PM – 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

Proclamation

Proclaiming November 11, 2017 as "A Salute to All Veterans 2017" in the City of Grand Junction

Certificate of Appointments

Certificate of Appointment to the Downtown Development Authority/Downtown Grand Junction Business Improvement District Boards

Certificate of Appointment to the Parks and Recreation Advisory Board

Certificates of Appointment to the Planning Commission

Citizen Comments

Council Reports

Consent Agenda

1. **Approval of Minutes**
 - a. Minutes of the October 13, 2017 Special Session
 - b. Summary of the October 16, 2017 Workshop
 - c. Minutes of the October 18, 2017 Regular Meeting
2. **Set Public Hearing**

- a. Legislative
 - i. 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, 2018 and Ending December 31, 2018 and Setting a Public Hearing for November 15, 2017 and December 6, 2017
- b. Quasi-judicial
 - i. Ordinance Expanding the Boundaries of and Including Property Located at 118 S 7th Street into the Downtown Grand Junction Business Improvement District and Setting a Hearing for November 15, 2017

3. Continue Public Hearing

- a. Quasi-judicial
 - i. Request for Continuance of Public Hearing to December 6, 2017 for an Ordinance Approving an Outline Development Plan (ODP) and a Rezone to Planned Development (PD) with an R-2 (Residential - 2 du/ac) default zone district for Weeminuche Subdivision located between 26 & 26 1/2 Roads, south of H 3/4 Road

4. Resolutions

- a. Resolution Supporting the Re-Authorization of Lottery Proceeds by the General Assembly in 2018 According to Constitutional, Voter Approved Formula: 50% Great Outdoors Colorado, 40% Conservation Trust Fund and 10% Colorado Parks and Wildlife
- b. Resolution Authorizing the City Manager to Submit a Grant Request to Great Outdoors Colorado for the Local Park and Outdoor Recreation grant program for completion of the Las Colonias Park Boat Launch
- c. Resolution Authorizing the City Manager to Submit a Grant Request to Colorado State Recreational Trails Grant for Matching Funds for the Lunch Loop Trail Project
- d. Resolution Authorizing a Telecommunication Facility at Columbine Park

5. Other Action Items

- a. Prohibition of Parking Along Main Street During Parade of Lights

Regular Agenda

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

6. Resolutions

- a. A Resolution Rescinding Resolution No. 47-17 Renaming North Avenue to University Boulevard Between I-70 (on the east) to 1st Street (on the west)
- b. Resolution Regarding CMU 20000 Initiatives

7. Public Hearing

- a. Quasi-judicial
 - i. Resolution Accepting the Petition for Annexation and Ordinances Annexing and Zoning the Holder Annexation Located at 3040 E Road

8. Public Hearing: Downtown Development Authority Tax Increment Debt Financing

- a. Resolution and Ordinance Approving the Downtown Development Authority Tax Increment Debt Financing

9. Other Action Items

- a. Downtown Holiday Parking Request

10. Non-Scheduled Citizens & Visitors

11. Other Business

12. Adjournment

SCHEDULE II (Attach Notice of Meeting)

State PROOF OF PUBLICATION

STATE OF COLORADO

County of (Mesa)

Terry Flanagan

Being duly sworn, says that I am Legal Secretary of The Daily Sentinel, a daily newspaper, published and duly printed in The County of Mesa, State of Colorado; that said newspaper has a general circulation in said County and has been continuously and uninterruptedly published therein, during a period of at least fifty-two consecutive weeks next prior to the first publication of the annexed notice; that said newspaper is a newspaper within the meaning of the act of the general Assembly of the State of Colorado, entitled "An Act to regulate the printing of legal notices and advertisements," and amendments thereto; that the notice of which the annexed is a printed copy taken from said newspaper, was published in said newspaper, and in the regular and entire issue of every number thereof once a week for 1 successive week; that said notice was so published in said newspaper proper and not in any supplement thereof, and that first publication of said notice as aforesaid, was on the 20th day of October, 2017, and the last, on the 20th day of October, 2017. Copies of each number of said paper in which said notice and/or list was published were delivered by carriers or transmitted by mail to each of the subscribers of said newspaper, The Daily Sentinel, according to the accustomed mode of business in this office.



NOTICE OF PUBLIC HEARING
 NOTICE IS HEREBY GIVEN THAT:
 The City Council of the City of Grand Junction, Colorado, at its regular convened meeting on October 18, 2017 passed on first reading the following entitled proposed ordinance:
 ANY ORDINANCE AUTHORIZING THE ISSUANCE OF THE CITY OF GRAND JUNCTION, COLORADO, DOWNTOWN DEVELOPMENT AUTHORITY TAX INCREMENT REVENUE AND REFUNDING BONDS, SERIES 2017, AND TAX INCREMENT REVENUE BONDS, SERIES 2018; PLEDGING THE TAX INCREMENT REVENUES OF THE CITY FOR THE PAYMENT OF SUCH BONDS; APPROVING THE FORM OF A LOAN AGREEMENT RELATING TO EACH SERIES OF BONDS; AND RELATED MATTERS and authorized the publication in pamphlet form.
 NOTICE IS FURTHER GIVEN THAT the public hearing will be held November 1, 2017 at 6:00 p.m. in the City Auditorium, 250 North 5th Street, at which time public comments will be taken and considered before the final adoption of the proposed ordinance.
 Copies of the proposed ordinance are available for public inspection in the City Clerk's Office, 250 North 5th Street, City Hall, at any time Monday through Friday between the hours of 7:30 a.m. and 5:00 p.m. or on the web at www.gjcity.org.
 BY THE ORDER OF THE CITY COUNCIL
 /s/ Wanda Winkelmann
 City Clerk
 Published: October 20, 2017.

Subscribed and sworn to before me, this 20th day of October, 2017

Karen McLeish

KAREN McLEISH
 NOTARY PUBLIC
 STATE OF COLORADO
 NOTARY ID #20134002084
 My Commission Expires January 17, 2021

State PROOF OF PUBLICATION

NOTICE OF ADOPTION OF ORDINANCE NO. 4772 AN ORDINANCE OF THE CITY OF GRAND JUNCTION TO BE PUBLISHED IN PAMPHLET FORM NOTICE IS HEREBY GIVEN:

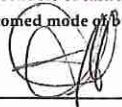
That on the 1st day of November, 2017, at 8:00 p.m. in the City Hall Auditorium, 250 N. 5th Street, Grand Junction, Colorado, the City Council of the City of Grand Junction held a public hearing, after proper notice, to consider the final passage of an Ordinance, the title of which is: AN ORDINANCE AUTHORIZING THE ISSUANCE OF THE CITY OF GRAND JUNCTION, COLORADO, DOWNTOWN DEVELOPMENT AUTHORITY TAX INCREMENT REVENUE AND REFUNDING BONDS, SERIES 2017, AND TAX INCREMENT REVENUE BONDS, SERIES 2018; PLEDGING THE TAX INCREMENT REVENUES OF THE CITY FOR THE PAYMENT OF SUCH BONDS; APPROVING THE FORM OF A LOAN AGREEMENT RELATING TO EACH SERIES OF BONDS; AND RELATED MATTERS. Copies of the adopted Ordinance are available for public inspection in the office of the City Clerk, 250 N. 5th Street, Grand Junction, CO between 7:30 a.m. and 5:00 p.m., Monday through Friday or on the web at www.gjcity.org.

/s/ Wanda Winkelmann
City Clerk
Published, November 3, 2017.

STATE OF COLORADO
County of (Mesa)

Terry Flanagan

Being duly sworn, says that I am Legal Secretary of The Daily Sentinel, a daily newspaper, published and duly printed in The County of Mesa, State of Colorado; that said newspaper has a general circulation in said County and has been continuously and uninterruptedly published therein, during a period of at least fifty-two consecutive weeks next prior to the first publication of the annexed notice; that said newspaper is a newspaper within the meaning of the act of the general Assembly of the State of Colorado, entitled "An Act to regulate the printing of legal notices and advertisements," and amendments thereto; that the notice of which the annexed is a printed copy taken from said newspaper, was published in said newspaper, and in the regular and entire issue of every number thereof once a week for 1 successive week; that said notice was so published in said newspaper proper and not in any supplement thereof, and that first publication of said notice as aforesaid, was on the 3rd day of November, 2017, and the last, on the 3rd day of November, 2017. Copies of each number of said paper in which said notice and/or list was published were delivered by carriers or transmitted by mail to each of the subscribers of said newspaper, The Daily Sentinel, according to the accustomed mode of business in this office.



Subscribed and sworn to before me, this 3rd day of November, 2017

Linda Wilson

LINDA WILSON
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID #20154028882
My Commission Expires July 22, 2019

I HEREBY CERTIFY THAT the foregoing Ordinance, being Ordinance No. 4772 was introduced by the City Council of the City of Grand Junction, Colorado at a regular meeting of said body held on the 18th day of October, 2017 and that the same was published in The Daily Sentinel, a newspaper published and in general circulation in said City, in pamphlet form, at least ten days before its final passage.

I FURTHER CERTIFY THAT a Public Hearing was held on the 1st day of November, 2017, at which Ordinance No. 4772 was read, considered, adopted and ordered published in pamphlet form by the Grand Junction City Council.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 15th day of November, 2017.

W Winkelmann

City Clerk

Published: October 20, 2017
Published: November 03, 2017
Effective: December 03, 2017

