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**CITY COUNCIL AGENDA
WEDNESDAY, FEBRUARY 5, 2020
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

Presentations

Holiday Parking Donation to United Way

Proclamations

Proclaiming February 9 - 15, 2020 as Kindness is Contagious Week

Certificates of Appointment

To the Visit Grand Junction Board

Citizen Comments

Individuals may comment regarding items scheduled on the Consent Agenda and items not specifically scheduled on the agenda. This time may be used to address City Council about items that were discussed at a previous City Council Workshop.

City Manager Report

Council Reports

CONSENT AGENDA

The Consent Agenda includes items that are considered routine and will be approved by a single motion. Items on the Consent Agenda will not be discussed by City Council, unless an item is removed for individual consideration.

1. Approval of Minutes

- a. Summary of the January 13, 2020 Workshop
- b. Minutes of the January 15, 2020 Regular Meeting

2. Set Public Hearings

All ordinances require two readings. The first reading is the introduction of an ordinance and generally not discussed by City Council. Those are listed in Section 2 of the agenda. The second reading of the ordinance is a Public Hearing where public comment is taken. Those are listed below.

- a. Legislative
 - i. Introduction of an Ordinance Amending Grand Junction Municipal Code Pertaining to Liquor License Occupational Tax and Business License Classifications, Distance Requirements Near College/University Campuses and the Tasting of Alcoholic Beverages and Set a Public Hearing for February 19, 2020
 - ii. Introduction of an Ordinance Amending Various Sections of the Zoning and Development Code to Increase the Height Limit in the C-1 and C-2 Zone Districts from 40 to 65 Feet and Set a Public Hearing for February 19, 2020
 - iii. Introduction of an Ordinance Amending Ordinance No. 4830 in Part Regarding the Effective Date of International Fire Code Provisions Pertaining to Mobile Food Preparation Trucks and Set a Public Hearing for February 19, 2020
- b. Quasi-judicial

- i. Introduction of an Ordinance Rezoning the Mays Rental Property from PD (Planned Development) to C-1 (Light Commercial) Located at 2389 Riverside Parkway and Set a Public Hearing for February 19, 2020
- ii. Introduction of an Ordinance Zoning the Barnes Electric Annexation Located at 2806 1/2 Perry Drive as I-1 (Light Industrial) and Set a Public Hearing for February 19, 2020

3. Contracts

- a. Purchase of Pierce Enforcer Fire Pumper Truck

4. Resolutions

- a. A Resolution Adopting City Council Agenda, Travel and Proclamation Policies

5. Other Action Items

- a. Memorandum of Understanding for Indoor Golf Facility with Colorado Mesa University

REGULAR AGENDA

If any item is removed from the Consent Agenda by City Council, it will be considered here.

6. Public Hearings

- a. Legislative
 - i. An Ordinance in Regards to the Issuance of \$50,000,000 in General Fund Revenue Bonds and the Refinancing of \$13,980,000, Series 2012 General Fund Revenue Bonds
 - ii. An Ordinance Concerning Section 3.12.020 of Chapter 3 of the Grand Junction Municipal Code Concerning the Taxability of Food Products Sold from Money Operated Machines

7. Non-Scheduled Citizens & Visitors

This is the opportunity for individuals to speak to City Council about items on tonight's agenda and time may be used to address City Council about items that were discussed at a previous City Council Workshop.

8. Other Business

9. Adjournment



City of Grand Junction, State of Colorado

Proclamation

- Whereas,** Grand Junction, Colorado recognizes the value of simple acts of kindness performed without prompting and how these acts can positively impact the giver, the recipient and onlooker of the good deed; and
- Whereas,** all high schools in District 51 recognize the week of Valentines as "Kindness is Contagious;" a week where students hope to inspire the entire community to look for opportunities to spread kind acts through personal effort, conversation, and service; and
- Whereas,** people of any age are encouraged to participate in "Kindness is Contagious" any time, any place and for the unselfish purpose of spreading goodwill; and
- Whereas,** everyone can cultivate caring, kindness and compassion within our community through our youth in "Kindness is Contagious."

NOW, THEREFORE, I, J. Merrick Taggart, by the power vested in me as Mayor of the City of Grand Junction, do hereby proclaim the week of February 9th – 15th, 2020 as

"Kindness is Contagious Week"

in the City of Grand Junction and encourage every individual in the community to contribute to the positive atmosphere of Kindness is Contagious week by conveying the importance of kindness to their organizations, families, and community.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official Seal of the City of Grand Junction this 5th day of February 2020.

A handwritten signature in black ink, appearing to read "J. Merrick Taggart".

Mayor



Grand Junction City Council

Regular Session

Item #

Meeting Date: February 5, 2020

Presented By: Wanda Winkelmann, City Clerk

Department: City Clerk

Submitted By: Wanda Winkelmann

Information

SUBJECT:

To the Visit Grand Junction Board

RECOMMENDATION:

Present the new volunteer with their Certificate of Appointment.

EXECUTIVE SUMMARY:

There is one new member accepting their Certificate of Appointment to the Visit Grand Junction Board.

BACKGROUND OR DETAILED INFORMATION:

Three new members were appointed by City Council at their December 18, 2020 Regular Meeting. Joseph Burtard and Tammy Anderson received their Certificates of Appointment at the January 15, 2020 Regular Meeting and Kelsey Coleman opted to receive hers at the February 5, 2020 Regular Meeting.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

N/A

Attachments

None

CITY COUNCIL WORKSHOP SUMMARY
January 13, 2020

Meeting Convened: 5:35 p.m. in the City Hall Auditorium

Meeting Adjourned: 7:27 p.m.

City Councilmembers present: Kraig Andrews, Chuck McDaniel, Phyllis Norris, Phil Pe'a, Anna Stout, Duke Wortmann, and Mayor President Rick Taggart.

Staff present: City Manager Greg Caton, City Attorney John Shaver, Finance Director Jodi Romero, General Services Director Jay Valentine, Senior Assistant to the City Manager Greg LeBlanc, and City Clerk Wanda Winkelmann.

Mayor Taggart called the meeting to order.

Agenda Topic 1. Discussion Topics

a. Transportation Expansion Debt Discussion

On November 5, 2019, City voters authorized the City to issue debt for transportation expansion projects. D.A. Davidson is the City's underwriter and in coordination with staff has developed a financing and debt issuance plan.

The financing and debt issuance plan takes advantage of historically low interest rates by refinancing the City's current Riverside Parkway 2012 Bonds and issuing new debt for the first phase or \$50 million (of a total \$70 million) in expansion projects.

Kyle Thomas Senior Vice President, D.A. Davidson provided a summary of the next steps and noted that the ratings will be published tomorrow. The City of Grand Junction is in the top-tier of municipalities in terms of its rating. The existing debt service structure for the Riverside debt are between 4.5-5%.

The next step is for this item to be formally considered by City Council at the January 15 Regular City Council meeting.

b. Vending Machine Tax Policy Discussion

On November 29, 2019, the City received a request to reinstate an ordinance exempting from City sales tax certain foods sold from coin operated machines also referred to as vending machines. Approval of the ordinance would align the City's tax rules for sales through vending machines with the State of Colorado and Mesa County.

In February 2014, City Council adopted Ordinance 4621 which temporarily amended the City's Sales and Use Tax Ordinance to exempt from City sales tax certain food products sold through "money operated machines", also known as vending machines. The ordinance included a sunset of three years to allow City Council the option of making it permanent or taking no action which resulted in the expiration of the exemption.

Currently the City requires City sales tax to be charged on all sales (greater than 15 cents) through coin operated machines.

The State and County exempt food sold through coin operated machines. The State and County do not consider the following items food, and therefore are subject to State and County tax when sold through vending machines:

- Carbonated Water
- Soft Drinks
- Chewing Gum
- Candy
- Prepared Salads
- Packaged and Unpackaged Cold Sandwiches
- Hot or Cold Beverages Served in Unsealed Containers or Cups

Recently the City Council adopted standardized definitions that are consistent with the State's definition of food and non-food items such as candy and soft drinks which will be helpful should the Council choose to reinstate the exemption. Reinstatement would exempt from City sales tax certain foods sold through coin operated machines, however, the above items, which are commonly sold in that manner, would still be subject to City sales tax. Because the type of items sold from vending machines are not differentiated on sales tax returns, it is difficult to estimate lost revenue from reinstating this exemption. Total sales tax revenue from the Vending Industry is estimated at approximately \$9,000 per year.

Support was expressed for an ordinance to be placed on the January 15 agenda that would align the City's definitions of food with Mesa County and the State.

c. Holiday Parking Program in Downtown

DDA Executive Director Brandon Stam provided an overview of the program. The City of Grand Junction and Downtown Grand Junction implemented a holiday parking program in 2017 in order to prevent challenges that were occurring from free parking that had historically occurred during the holidays. The new program entailed all parking parameters being enforced, however 50% of the fee revenue collected from parking meters from Thanksgiving through New Year's Day, including the ground floor of the parking garage, was donated to United Way of Mesa County. This recommendation continued into 2018 and is the same approach implemented this holiday season between November 27 and December 31, 2019.

Discussion ensued about how United Way was selected as the agency to receive the proceeds and the possibility of creating an application process so that those organizations whose work benefits downtown could apply for an award. It was suggested that the DDA accept the applications and make the award.

Mr. Stam will discuss this option with the DDA Board. Mr. Caton noted that the proceeds collected in 2019 will still go to the United Way and this new process will begin with the 2020 holiday season.

d. City Council Policies

Mr. Caton noted that City Council has three policies (Agenda, Travel, and Proclamation Process) and tonight's discussion will focus on what changes, if any, Council would like to make to the policies. Recent inquiry by some members of Council about finalizing these drafts has initiated this discussion. These draft policies guide the actions of City Council and provide a framework for efficient communication with citizens and City staff.

The current travel policy permits Council members to attend two national conferences per year. It was noted that, if every member of Council did attend two national conferences per year, the annual travel budget of \$17,000 would be exceeded. Support was expressed for changing the policy to state that any travel over \$1,000 would be reviewed with the City Council, and travel shall not exceed what has been budgeted. It was suggested that the last paragraph in the policy regarding Councilmember informing staff of their work schedules, business trips, and vacations be moved to a different policy.

The agenda policy was discussed, particularly the procedure about placing an item on the agenda. It was noted that the Agenda Committee may place or remove an item on the agenda, or at least four members of Council may direct the City Manager to place an item on the agenda. It was suggested it would be helpful to discuss possible agenda topics at the end of a workshop. This time could also be used to discuss board reports. City Manager Caton will bring back suggested changes to the workshop agenda to facilitate this discussion.

City Council noted they support the Proclamation process policy as presented in the agenda materials regarding requests for proclamations and the designation of proclamations as either civic or social. Civic proclamations (those which pertain to holidays or issues of local significance) are read and presented at City Council meetings and one representative is designated to receive the proclamation. The preferred number of civic proclamations read at a meeting is no more than three. Social proclamations are those which pertain to awareness issues or topics championed by service clubs. These proclamations are mailed to the requester or issued at the event.

It was suggested it would be helpful for City Council to brainstorm those policies that Council should consider.

Agenda Topic 2. Next Workshop Topics

City Manager Caton noted the topics for the February 3 Workshop are updates on recycling and a presentation from Colorado West Land Trust.

Due to Presidents Day, the February 17 Workshop is canceled.

3. Other Business

Discussion ensued about:

- A possible future conversation with Catholic Outreach. Mayor Taggart will follow up with a phone call to Sister Karen.
- The benefits of providing board reports via email vs. an oral report at a Workshop.
- The role of a Councilmember who is a voting member of a board and whether their actions are based on their position as a member of City Council or as a member of the board.

Adjournment

The Workshop adjourned at 7:27 p.m.

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

January 15, 2020

Call to Order. Pledge of Allegiance. Invocation

The City Council of the City of Grand Junction convened into regular session on the 15th day of January 2020 at 6:00 p.m. Those present were Councilmembers Kraig Andrews, Chuck McDaniel, Phyllis Norris, Phillip Pe'a, Anna Stout, Duke Wortmann and Council President Rick Taggart.

Also present were City Manager Greg Caton, City Attorney John Shaver, City Clerk Wanda Winkelmann and Deputy City Clerk Selestina Sandoval.

Council President Taggart called the meeting to order. Several students led the Pledge of Allegiance which was followed by an invocation provided by Reverend Eric Turner of Liberty Baptist Church.

Presentations

2019 Champion of the Arts Award

Champion of the Arts Award was presented to Troy Reynolds and FCI Constructors. Accepting the award on their behalf was Shane Haas, Vice President.

Proclamations

Proclaiming January 20, 2020 as Martin Luther King, Jr. Day in the City of Grand Junction

Councilmember Pe'a read the proclamation. Martin Luther King, Jr. Celebration Committee Chair David Combs accepted the proclamation.

Proclaiming the City of Grand Junction as an Inclusive City

Council President Taggart read the proclamation. Reverend Anna Scott accepted the proclamation.

Proclaiming the Month of January as National Crime Stoppers Month in the City of Grand Junction

Councilmember Andrews read the proclamation. Crime Stoppers Board Member Sean Lynch accepted the proclamation.

Certificates of Appointment**To the Forestry Board**

Councilmember McDaniel presented the Certificates of Appointment to the Forestry Board Members Kamie Long and Bennett Boeschenstein.

To the Visit Grand Junction Board

Councilmember Norris presented the Certificates of Appointment to the Visit Grand Junction Board Members Tammy Anderson and Joseph Burtard.

Citizen Comments

Alora Covault spoke of the need for an American Sign Language and Spanish interpreter during City Council Meetings.

John Stoch spoke of noise complaints regarding “boom cars” and how it is impacting his business.

Bruce Lohmiller spoke on the 241-STOP line, encouraging others to set goals, and code of ethics for the media.

Randy Spydell showed a video about ranked choice voting.

City Manager Report

City Manager Greg Caton said the City of Grand Junction calendars have been mailed and more have been ordered.

Council Reports

Councilmember Wortmann attended several meetings and spoke on the Grand Junction Economic Partnership meeting and how exciting things are coming to Grand Junction.

Councilmember Stout invited citizens to attend Stouts with Stout at the Ale House where they will have the opportunity to address her about anything in regard to City Council and the City of Grand Junction.

CONSENT AGENDA

Councilmember Andrews moved to adopt Consent Agenda items #1 - #5. Councilmember Norris seconded the motion. Motion carried by unanimous voice vote.

1. Approval of Minutes

- a. Minutes of the December 18, 2019 Regular Meeting
- b. Minutes of the January 6, 2020 Executive Session

2. Set Public Hearings

- a. Legislative
 - i. Introduction of an Ordinance in Regards to the Issuance of \$50,000,000 in General Fund Revenue Bonds and the Refinancing of \$13,980,000, Series 2012 General Fund Revenue Bonds, and Set a Public Hearing for February 5, 2020
 - ii. Introduction of an Ordinance Concerning Section 3.12.020 of Chapter 3 of the Grand Junction Municipal Code Concerning the Taxability of Food Products Sold from Money Operated Machines and Set a Public Hearing for February 5, 2020

3. Contracts

- a. 2019 Community Development Block Grant Subrecipient Agreements between Karis, Inc., Housing Resources of Western Colorado and the City of Grand Junction
- b. Construction Contract for the 23 Road Sewer Trunk Line Extension Project

4. Resolutions

- a. A Resolution Designating the Location for the Posting of the Notice of Meetings, Establishing the 2020 City Council Meeting Schedule, and Establishing the Procedure for Calling of Special Meetings for the City Council
- b. A Resolution Vacating Public Easements Within Property Located at 588 North Grand Falls Court
- c. A Resolution Amending the 2020 Redevelopment Policy and Redevelopment Boundary Map
- d. A Resolution Authorizing the City Manager to Submit a Grant Application for

CDOT's Highway Safety Improvement Program for the Horizon Drive at G Road and 27 ½ Road Intersection Improvement Project

- e. A Resolution Adopting the City of Grand Junction 2020 Legislative Agenda

5. Other Action Items

- a. Review and Approval of Amendments to the City of Grand Junction Las Colonias Development Corporation (LCDC) Master Lease

REGULAR AGENDA

Public Hearing - Ordinances Expanding the Boundaries for the Downtown Grand Junction Business Improvement District to Include Properties Known as 701 Main Street, 805 Struthers Avenue and 330 South 2nd Street into the Boundaries of the Business Improvement District and an Ordinance Expanding the Boundaries for the Grand Junction, Colorado Downtown Development Authority to Include Properties Known as 805 Struthers and 330 South 2nd Street into the Boundaries of the Downtown Development Authority

In order to receive the benefits of the Downtown Development Authority (DDA) and Business Improvement District (BID), a property must be part of both special districts. Property owners pay a mill levy (5 mills) to the DDA and a special assessment for the BID. It is a function of the DDA and BID Board of Directors to approve requests for inclusion along with the City Council.

Petitions have been submitted requesting inclusion into the BID for properties located at 701 Main Street, 805 Struthers, and 330 South 2nd Street. Additionally, the property owners of 805 Struthers and 330 South 2nd Street are requesting inclusion into the boundaries of the DDA. The DDA and BID Board of Directors have approved these requests.

DDA Director Brandon Stam presented this item.

The public hearing was opened at 6:52 p.m.

There were no public comments.

The public hearing was closed at 6:52 p.m.

Councilmember Stout moved to adopt Ordinance No. 4896, an ordinance expanding the boundaries for the Downtown Grand Junction Business Improvement District to include properties known as 701 Main Street; and to adopt Ordinance No. 4897, an ordinance expanding the boundaries for the Downtown Grand Junction Business Improvement District to include properties known as 805 Struthers; and to adopt Ordinance No. 4898, an ordinance expanding the boundaries for the Downtown Grand Junction Business Improvement District to

include properties known as 330 South 2nd Street; and to adopt Ordinance No. 4899, an ordinance expanding the boundaries for the Grand Junction, Colorado Downtown Development Authority to include properties known as 805 Struthers Avenue and 330 South 2nd Street on final passage and ordered final publication in pamphlet form. Councilmember Norris seconded the motion. Motion carried by unanimous roll call vote.

Public Hearing - An Ordinance Rezoning to R-8 (Residential 8 Units per Acre) a 1.26-Acre Property Located at 588 North Grand Falls Court

The Applicant, Corey Bendetti, requested a rezone of the 1.26-acre parcel located at 588 North Grand Falls Court from PD (Planned Development with an expired plan) to R-8 (Residential 8 units per acre) to develop the property for 10 attached townhomes (2 buildings, 5 units each), to result in a density of 8 units per acre which is consistent with the Future Land Use Map designation of Residential Medium High 8 to 16 units per acre. Since there were no deviations requested to establish a Final Plan for the existing PD (Planned Development) zoning with an underlying district of R-8, there was no need to apply a Planned Development zoning to this property. Instead, the applicant requested a standard zoning district of R-8 (Residential 8 units per acre zoning) for the property.

Principal Planner Kristen Ashbeck presented this item.

The public hearing opened at 6:57 p.m.

There were no public comments.

The public hearing closed at 6:58 p.m.

Conversation ensued regarding the development review process and ensuring pavement quality in that area.

Councilmember Pe'a moved to adopt Ordinance No. 4900, an ordinance rezoning to R-8 (Residential 8 units per acre) a 1.26-acre parcel located at 588 North Grand Falls Court on final passage and ordered final publication in pamphlet form. Councilmember Wortmann seconded the motion. Motion carried by unanimous roll call vote.

Public Hearing - An Ordinance Rezoning to B-1 (Neighborhood Business) a 1.81-Acre Property Located at 1221 Wellington Avenue

The Applicant, Baseline Capital Investments, LLP requested a rezone of a 1.81-acre parcel of land located at 1221 Wellington Avenue from R-24 (Residential – 24 du/ac) to B-1 (Neighborhood Business) in anticipation of future development. The requested B-1 zone district is consistent with the Comprehensive Plan Future Land Use Map designation of Business Park Mixed Use.

Senior Planner Landon Hawes presented this item.

The public hearing was opened at 7:06 p.m.

There were no public comments.

The public hearing was closed at 7:06 p.m.

Conversation ensued regarding adequate parking in that area, clarification of maps and confirmation of ownership.

Councilmember Andrews moved to adopt Ordinance 4901, an ordinance approving a rezone to B-1 (Neighborhood Business) for a 1.81-acre parcel located at 1221 Wellington Avenue on final passage and ordered final publication in pamphlet form. Councilmember Wortmann seconded the motion. Motion carried by unanimous roll call vote.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

There was none.

Adjournment

The meeting was adjourned at 7:09 p.m.

Wanda Winkelmann, MMC
City Clerk



Grand Junction City Council

Regular Session

Item #2.a.i.

Meeting Date: February 5, 2020

Presented By: John Shaver, City Attorney

Department: City Clerk

Submitted By: Wanda Winkelmann

Information

SUBJECT:

Introduction of an Ordinance Amending Grand Junction Municipal Code Pertaining to Liquor License Occupational Tax and Business License Classifications, Distance Requirements Near College/University Campuses and the Tasting of Alcoholic Beverages and Set a Public Hearing for February 19, 2020

RECOMMENDATION:

To approve the introduction of the ordinance.

EXECUTIVE SUMMARY:

In 2018 certain State Liquor Code laws were amended. This ordinance proposes amendments to the Grand Junction Municipal Code to conform with State law regarding business license classifications and tasting permits. Additionally, the ordinance proposes to waive the State distance restriction in regard to Colorado Mesa University, as a principle college/university campus, for lodging & entertainment and fermented malt beverage (off premises) license types.

BACKGROUND OR DETAILED INFORMATION:

In 2018, amendments were made to State law regarding business classifications for liquor license occupational taxes which transitioned the 3.2% beer (on or off premises) business classification to fermented malt beverage (on or off premises) and added campus liquor complex and lodging & entertainment as new classifications.

Also amended were certain tastings laws and limitations which were expanded to allow tastings to be conducted earlier and later in the day, more days per year and qualified

agents of wholesalers and manufacturer's to conduct tastings.

These proposed amendments seek to conform the City's Code with State law.

In addition, there has been an increase in liquor license applications submitted for businesses near the principle campus of Colorado Mesa University which per State law requires a distance restriction of 500 feet unless waived locally by ordinance. The City currently waives this requirement for hotel & restaurant, beer & wine, brew pub and optional premises license types. This amendment would also waive the distance restriction for lodging & entertainment and fermented malt beverage (off premises) license types.

FISCAL IMPACT:

No direct fiscal impact results from the adoption of the ordinance.

SUGGESTED MOTION:

I move to introduce an ordinance amending Grand Junction Municipal Code Title 3 Chapter 4 pertaining to liquor license occupational tax and business license classifications and Title 5 Chapter 12 pertaining to distance requirements of licenses near college or university campuses and the tasting of alcoholic beverages and set a public hearing on February 19, 2020.

Attachments

1. Ordinance

ORDINANCE NO. _____

**AN ORDINANCE AMENDING GRAND JUNCTION MUNICIPAL CODE TITLE 3
CHAPTER 4 PERTAINING TO LIQUOR LICENSE OCCUPATIONAL TAX AND
BUSINESS LICENSE CLASSIFICATIONS AND TITLE 5 CHAPTER 12 PERTAINING
TO DISTANCE REQUIREMENTS OF LICENSES NEAR COLLEGE OR UNIVERSITY
CAMPUSES AND THE TASTING OF ALCOHOLIC BEVERAGES**

RECITALS:

In 2018, amendments were made to State law regarding the business classifications for liquor license occupational taxes. State law removed the business classification for 3.2% beer (on or off premises). New classifications were included for campus liquor complex, lodging and entertainment and fermented malt beverage (on or off premises).

This ordinance regarding business license classifications proposes amendments to the City's Code to conform with State law.

In 2018, State law was also amended to expand certain tastings laws and limitations. Specifically, tastings are now allowed to be conducted earlier and later in the day (from 11:00 a.m. until 9:00 p.m.) and more days per year (156 days, any day of the week).

This ordinance regarding tasting of alcoholic beverages proposes amendments to the City's Code to conform with State law.

This ordinance also changes some of the requirements of the application procedure, specifically the inclusion of an affidavit of compliance in place of a schedule of the planned tasting(s) and proof of training of the persons conducting the tasting(s) and a log which includes the dates and times of each tasting and the persons conducting the tastings and their training documentation.

Lastly, Colorado Revised Statutes § 44-3-313(1)(d)(III) allows cities and counties to eliminate or reduce the distance restrictions imposed for licensees relating to the proximity of certain liquor licenses to be sold near college or university campuses. A rise in applications for lodging and entertainment and fermented malt beverage (off premise) licenses have been submitted to the City Clerk for businesses near the principal campus of Colorado Mesa University. The Code currently waives distance requirements for hotel and restaurant, beer and wine, brew pub and optional premise licenses near Colorado Mesa University's principal campus. This ordinance amends the Code to include lodging and entertainment and fermented malt beverage (off premise) licenses

in the list of licenses where the distance requirement is waived near the college or university.

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

Chapter 4 of Title 3 Sections 020 and 040 shall be revised as follows (additions are shown in **bold print** and deletions marked with ~~strike-through~~ notations):

3.04.020 Businesses classified.

The business of selling at retail any malt, vinous or spirituous liquor, other than medicinal liquors, for beverage purposes is hereby defined and separately classified as such occupation for the purpose of this chapter as follows:

(a) Class A Operators. All operators who are licensed to sell ~~beer, wine~~ **malt or, vinous** and spirituous liquors for consumption on the premises either as **campus liquor complex**, hotels or restaurants **or lodging and entertainment** ~~or under a beer and wine licenses~~ shall be class A operators.

(b) Class B Operators. All operators licensed to sell malt ~~or~~, vinous **or spirituous** liquors only by the drink for consumption on the premises as taverns shall be class B operators.

(c) Class C Operators. All operators licensed as retail liquor stores **or liquor licensed drug stores** to sell malt, vinous or spirituous liquors in original containers for consumption off the premises shall be class C operators.

(d) Class D Operators. All operators licensed as **beer and wine** ~~drugstores~~ to sell malt **and** vinous ~~or spiritous~~ liquors for consumption on the premises shall be class D operators.

(e) Class E Operators. All operators licensed to sell malt, vinous or spirituous liquors as clubs are class E operators.

(f) Class F Operators. All operators who are licensed to sell ~~beer, wine~~ **malt, vinous** and spirituous liquors for consumption on the premises as racetracks shall be class F operators.

(g) Class G Operators. All operators licensed to sell fermented malt beverages for consumption on the premises ~~where such consumption is in a restaurant to customers of the restaurant and only if meals are actually and regularly served and provide not less than 25 percent of the gross income of the licensed premises~~ are class G operators.

(h) Class H Operators. ~~All operators licensed to sell fermented malt beverages for consumption on the premises, or for both consumption on the premises and in the original package or container for consumption off the premises where the consumption on the~~

~~premises is not to customers in a restaurant where meals are actually and regularly served and provide not less than 25 percent of the gross income of the licensed premises are class H operators.~~ **All operators licensed to sell malt, vinous and spirituous liquors on optional premises or related facilities shall be class H operators. If the operators are a campus liquor complex or hotel and restaurant with an optional premises or related facility, such operator shall be classified under this section.**

(i) Class I Operators. All operators licensed to sell only ~~3.2 percent beer~~ fermented malt beverages ~~and who sell the same solely in the original package or container for consumption off the premises shall be class I operators.~~

(j) Class J Operators. All operators licensed to sell malt, vinous and spirituous liquors under an arts license shall be class J operators.

(k) Class K Operators. All operators licensed to sell malt, vinous and spirituous liquors under a brew pub or distillery pub license shall be class K operators.

(l) Class L Operators. All operators licensed to sell malt, vinous and spirituous liquors under a retail sales room license shall be class L operators.

3.04.040 Tax levied.

There is hereby levied and assessed for the year 1977 and for each year thereafter an annual occupation tax upon the business is selling fermented malt beverages or ~~3.2 percent beer~~, malt, vinous or spirituous liquors, except medicinal liquors, in the City, as such occupation has been classified in this chapter, as follows:

(a) For all class A operators, the sum of \$300.00.

(b) For all class B operators, the sum of \$500.00.

(c) For all class C operators, the sum of \$300.00.

(d) For all class D operators, the sum of \$300.00.

(e) For all class E operators, the sum of \$150.00.

(f) For all class F operators, the sum of \$300.00.

(g) For all class G operators, the sum of \$100.00.

(h) For all class H operators, the sum of \$300.00 **for establishments with 1-5 optional premises/related facilities, \$400.00 for establishments with 6-10 optional premises/related facilities and \$500.00 for establishments with 11 or more optional premises/related facilities.**

(i) For all class I operators, the sum of \$100.00.

(j) For all class J operators, the sum of \$150.00.

(k) For all class K operators, the sum of \$300.00.

(i) For all class L operators, the sum of \$300.00

Chapter 12 of Title 5 Sections 220 and 320 shall be revised as follows (additions are shown in **bold print** and deletions marked with ~~strike through~~ notations):

5.12.220. Distance restrictions.

Under the provisions of § 44-3-313(1)(d)(III), C.R.S., the distance that a hotel and restaurant liquor license premises must be separated from the principal campus of a college or university in the City is reduced to zero feet. The distance that optional premises permits issued in conjunction with hotel and restaurant liquor licenses must be separated from the principal campus of a college or university in the City is also reduced to zero feet.

Under the provisions of § 44-3-313(1)(d)(III), C.R.S., the distance that a brew pub liquor licensed premises must be separated from the principal campus of a college or university in the City is reduced to zero feet.

Under the provisions of § 44-3-313(1)(d)(III), C.R.S., the distance that a beer and wine licensed premises must be separated from the principal campus of a college or university in the City is reduced to zero feet.

Under the provisions of § 44-3-313(1)(d)(III), C.R.S., the distance that a lodging and entertainment licensed premises must be separated from the principal campus of a college or university in the City is reduced to zero feet.

Under the provisions of § 44-3-313(1)(d)(III), C.R.S., the distance that a fermented malt beverage (off premises) licensed premises must be separated from the principal campus of a college or university in the City is reduced to zero feet.

The distance shall be determined in accordance with § 44-3-313(1)(d)(II), C.R.S., and Colorado Liquor Regulation 47-326.

5.12.320. Permit Required.

(a) The City hereby authorizes tastings to be conducted by retail liquor store or liquor-licensed drugstore licensees in accordance with this section and pursuant to Section 44-3-301, C.R.S., as the term “tastings” is defined in said Section 44-3-301, C.R.S.

(b) It is unlawful for any person or licensee to conduct tastings within the City unless a tastings permit has been obtained in accordance with the article. The local

licensing authority for the City is authorized to issue tasting permits in accordance with the requirements of this article.

(c) A retail liquor store or a liquor-licensed drugstore licensee that wishes to conduct tastings shall submit an application for a tastings permit to the local licensing authority. The application shall be accompanied by an application fee of \$100.00.

(d) The local licensing authority may deny the application if the applicant fails to establish that the licensee is able to conduct tastings without violating the provisions of this article or creating a public safety risk.

(e) The local licensing authority shall establish the application procedure. Application forms will be proscribed by the local licensing authority and will include **an affidavit of compliance**, ~~a schedule of the planned tastings, a list of the names of the persons conducting the tastings and documentation that the person conducting the tasting has completed the required training, a written control plan and other such information as the local licensing authority may require. Any change to the information submitted must be submitted to the local licensing authority one week prior to the change being made.~~ **The local licensing authority must be notified in writing if any information on the application is changed.** Failure to do so constitutes a violation.

(f) Renewal of the tastings permit shall be concurrent with renewal of the retail liquor store or liquor-licensed drugstore license. The initial tastings permit shall expire on the date of the retail liquor store or liquor-licensed drugstore license and the initial fee will not be prorated.

(g) Tastings shall be subject to the limitations set forth in Section 44-3-301(10)(c), C.R.S., as amended from time to time. Compliance with the limitations and requirements set forth in Section 44-3-301(10)(c), C.R.S., shall be a term and condition of any tasting permit, whether expressly set forth in the tasting permit or not. Additionally, the following conditions shall apply to all tasting permits issued within the corporate limits of the City of Grand Junction:

1. No more than four individual samples of up to one ounce ~~each of beer,~~ **or malt, wine, vinous or spirituous liquors** may be provided to a customer. The samples must be provided free of charge.
2. Tastings may occur on **days** ~~no more than three of the six days (Monday through Saturday)~~ that the licensee may be open for business and shall not exceed ~~404~~ **156** days per year.
3. Tastings shall not exceed 5 consecutive hours per day.

4. Tastings shall be conducted during the licensee's operating hours and in any event no earlier than ~~4 p.m.~~ **11 a.m.** or later than ~~7 p.m.~~ **9 p.m.**
5. Samples to be tasted shall be served only in single use, disposable cups or containers of a size that contains a one ounce serving.
6. **Each licensee shall maintain a log that shall be subject to the review of the Licensing Authority and shall include (but is not limited to) the dates and times of each tasting, the names of the persons conducting the tastings and documentation that the person conducting the tasting has completed the required training.**

(h) Tastings authorized pursuant to this section shall be allowed only for a retail liquor store or liquor licensed drug store operating within the City whose license is valid, in good standing and in full force and effect.

ALL OTHER PROVISIONS OF TITLE 3 CHAPTER 4 AND TITLE 5 CHAPTER 12 SHALL REMAIN IN FULL FORCE AND EFFECT. THIS ORDINANCE SHALL AMEND ORDINANCE 4345 AND AS NECESSARY REPEAL ANY PART INCONSISTENT THEREWITH.

Introduced on first reading the _____ day of _____, 2020 and ordered published in pamphlet form.

Adopted on second reading this ____ day of _____ 2020 and ordered published in pamphlet form.

ATTEST:

J. Merrick Taggart
Mayor

Wanda Winkelmann
City Clerk



Grand Junction City Council

Regular Session

Item #2.a.ii.

Meeting Date: February 5, 2020

Presented By: Landon Hawes, Senior Planner

Department: Community Development

Submitted By: Landon Hawes

Information

SUBJECT:

Introduction of an Ordinance Amending Various Sections of the Zoning and Development Code to Increase the Height Limit in the C-1 and C-2 Zone Districts from 40 to 65 Feet and Set a Public Hearing for February 19, 2020

RECOMMENDATION:

The Planning Commission heard this request at its January 28, 2020 meeting and voted (6-0) to recommend approval.

EXECUTIVE SUMMARY:

City staff recommends amending the height requirements in the C-1 and C-2 Zone Districts. The proposed amendment is designed to create greater flexibility for commercial developers and to bring the C-1 (Light Commercial) and C-2 (General Commercial) Zone Districts in line with similar Grand Junction zones by increasing the height allowance in C-1 and C-2 from 40 feet to 65 feet. The proposed amendment would modify Section 21.03.070 and the Mixed Use and Industrial Bulk Standards Summary Table in the Zoning and Development Code. It would also remove Section 21.03.070(d)(4), which duplicates regulations pertaining to height allowances in the Horizon Drive area.

BACKGROUND OR DETAILED INFORMATION:

BACKGROUND

Staff believes increasing height allowances in the C-1 and C-2 zone districts will work to establish greater flexibility and promote additional infill and redevelopment within those zone districts. These two zone districts currently allow structures up to 40 feet in

height, while many commercial uses may desire to construct taller buildings, especially as the cost of land increases.

Some of the predominant land uses in the C-1 zone district include hotels, office, and retail, while the C-2 zone district allows similar uses with additional heavier commercial and light industrial uses. Several zone districts in Grand Junction already allow buildings up to 65 feet in height including Community Services and Recreation (CSR), Mixed Use (M-U), Business Park Mixed Use (BP), and Industrial/Office Park (I-O). Increasing the height limit in C-1 and C-2 would match those zones with the four that already allow 65-foot buildings. Section 21.03.070(d)(4) of the Code already allows 65-foot buildings in the C-1 zone along Horizon Drive.

There have been recent development projects that have brought to light this opportunity to consider additional height in these zone districts, including the new Timberline Bank office located near 24 Road and Market Street as well as the recently approved Railyard at Baserock Apartment project. Both projects are located in C-1 zone districts and desired extra building height to construct the type of building they desired. For Timberline Bank, the solution became seeking a rezone from C-1 to M-U to build the proposed four-story building of 64 feet on their site. For the The Railyard at Baserock project, a 196-unit apartment project located just south of the Rimrock Walmart, the applicant desired to construct buildings with a height of 44 feet. The applicant represented that this height allowed it to accommodate higher ceilings in the proposed three-story apartment buildings; however, due to the limitation of the height requirement, the applicant has modified its building plans and the roof pitch/architecture to fit within the height existing requirement but would prefer to be able to exceed the 40-foot height limitation.

The Highlands Apartments located at 805 Bookcliff Avenue are zoned PD and the buildings are 54 feet tall. That project appears to be aesthetically appropriate and visually desirable.

According to the Development Code, the purpose of the C-1 zone is “To provide indoor retail, service and office uses requiring direct or indirect arterial street access, and business and commercial development along arterials. The C-1 district should accommodate well-designed development on sites that provide excellent transportation access, make the most efficient use of existing infrastructure and provide for orderly transitions and buffers between uses.” Similarly, the purpose of the C-2 zone is “To provide for commercial activities such as repair shops, wholesale businesses, warehousing and retail sales with limited outdoor display of goods and even more limited outdoor operations.”

In contrast, the purpose of the R-O (Residential Office) zone is “To provide low intensity, nonretail, neighborhood service and office uses that are compatible with

adjacent residential neighborhoods. Development regulations and performance standards are intended to make buildings compatible and complementary in scale and appearance to a residential environment.”

The C-1 and C-2 zone districts are intended to accommodate a range of commercial development of varying intensities, as well as increase density and intensity, while the R-O zone is intended to provide residential-compatible, low-intensity commercial uses. These are distinctly different goals. However, the height limit for these zones is the same. Staff believes that increasing the height limit for C-1 and C-2 will help differentiate these zones from R-O and will remove a barrier to the development of appropriate uses (as provided in the Use Table) for the C-1 and C-2 zones.

Staff has attached the Mixed Use and Industrial Bulk Standards Summary Table that demonstrates how approval of the proposed amendment would bring the C-1 and C-2 zones in line with other zones in the city that have a 65-foot height allowance.

Should the height for C-1 be increased to 65 feet, Section 21.03.070(d)(4) of the Code would become superfluous. This section currently provides the following:

(4) Height. Maximum height for structures in the C-1 and I-O zone districts which are north of G Road and east of 27 Road along Horizon Drive (including Crossroad Boulevard and Horizon Court) shall be 65 feet, except by special permit for additional height.

This section duplicates the “Applicability” section of the Code, 21.02.120(b)(1), which reads:

(1) A special permit is allowed in those areas designated Neighborhood Center, Village Center, City Center (which includes Downtown) or Mixed Use Opportunity Corridors on the Future Land Use Map of the Comprehensive Plan or in the C-1 and I-O zone districts along Horizon Drive north of G Road including Crossroads Boulevard and Horizon Court. A special permit shall be required prior to:

- (i) Allowing additional height beyond that permitted by a district’s bulk standards; or
- (ii) Allowing additional building area beyond that permitted by a district’s bulk standards.

Because special permits already allow additional height, a separate special permit section for structures along Horizon Drive is not needed, nor would the section need to make a specific allowance for heights of 65 in the Horizon Drive area – an area zoned C-1. Staff therefore proposes removal of Section 21.03.070(d)(4) by this code amendment.

NOTIFICATION REQUIREMENTS

The notice of this public hearing was published on January 21, 2020 in the Grand

Junction Daily Sentinel.

ANALYSIS

In accordance with Section 21.02.140(c), a proposed text amendment shall address in writing the reasons for the proposed amendment. There are no specific criteria for review because a code amendment is a legislative act and within the discretion of the City Council to amend the Code with a recommendation from the Planning Commission. Reasons for the proposed amendments are provided in the Background section of this report.

STAFF RECOMMENDATION AND FINDINGS OF FACT

After reviewing the City of Grand Junction's request for amendment of sections 21.03.070 and the Mixed Use and Industrial Bulk Standards Summary Table of the Development Code, File No. ZCA-2019-715, the following findings of fact have been made:

1. The request is useful in that it refines standards to provide regulations allowing for logical and orderly development, providing for greater opportunity for infill and redevelopment, and works to eliminate regulations that are functionally obsolete or superfluous.

Therefore, Staff recommends approval of the request.

FISCAL IMPACT:

There is no direct fiscal impact related to this request.

SUGGESTED MOTION:

I move to introduce an ordinance approving a Development Code amendment for height requirements in the C-1 and C-2 Zone Districts and setting a public hearing for February 17, 2020.

Attachments

1. C-1 and C-2 Height Allowance Increase Bulk Standards Table, Exhibit 1
2. ORD-C-1 and C-2 height
3. Planning Commission Minutes - 2020 - January 28 - Draft

EXHIBIT 1

Mixed Use and Industrial Bulk Standards Summary Table

	R-O	B-1	B-2	C-1	C-2	CSR	M-U	BP	I-O	I-1	I-2
Lot											
Area (min. ft. unless otherwise specified)	5,000	10,000	n/a	20,000	20,000	1 ac	1 ac	1 ac	1 ac	1 ac	1 ac
Width	50	50	n/a	50	50	100	100	100	100	100	100
Frontage	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Setback											
Principal structure											
Front (min. ft.)	20	20	0	15	15	15	15	15	15	15	15
Side (min. ft.)	5	0	0	0	0	0	0	0	0	0	0
Side – abutting residential (min. ft.)	n/a	10	n/a	10	10	10	10	10	10	10	n/a
Rear (min. ft.)	10	15	0	10	10	10	10	10	10	10	10
Accessory structure											
Front (min. ft.)	25	25	25	25	25	25	25	25	25	25	25
Side (min. ft.)	3	0	0	0	0	0	0	0	0	0	0
Side – abutting residential (min. ft.)	n/a	5	n/a	5	5	5	5	5	5	5	n/a
Rear (min. ft.)	5	15	0	10	10	10	10	10	10	10	10
Other Dimensional Requirements											
Lot coverage (max.)	70%	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Height (max. ft.)	40	40	80	65	65	65	65	65	65	50	50
Density (min. units per acre)	4	8	8	12	n/a	n/a	8	8	n/a	n/a	n/a
Density (max. units per acre)	n/a	16	n/a	24	n/a	n/a	24	24	n/a	n/a	n/a
Building size (max. sf)	10,000	15,000	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Notes											

B-1: Max. building size varies by use; retail – 15,000 sf (unless a CUP is approved), office 30,000

B-2: Parking setback for principal structure – 30 ft., for accessory 6 ft.; first floor min. height – 15 ft.

C-1: Min. rear setback – 0 if an alley is present

CSR: Maximum building height abutting residential – 40 ft.

C-1: Light Commercial.

(1) Purpose. To provide indoor retail, service and office uses requiring direct or indirect arterial street access, and business and commercial development along arterials. The C-1 district should accommodate well-designed development on sites that provide excellent transportation access, make the most efficient use of existing infrastructure and provide for orderly transitions and buffers between uses.

(2) Street Design. Effective and efficient street design and access shall be considerations in the determination of project/district intensity.

(3) Performance Standards.

(i) Service Entrances. Building entrances to service yard and loading areas shall be located only in the rear and side yard.

(ii) Outdoor Storage and Display. Outdoor storage is not allowed within the front yard. Outdoor display of retail merchandise is permitted subject to GJMC [21.04.040\(h\)](#).

~~(4) Height. Maximum height for structures in the C-1 and I-O zone districts which are north of G Road and east of 27 Road along Horizon Drive (including Crossroad Boulevard and Horizon Court) shall be 65 feet, except by special permit for additional height.~~

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 21.03.070 AND THE MIXED USE AND INDUSTRIAL BULK STANDARDS SUMMARY TABLE OF THE ZONING AND DEVELOPMENT CODE TO INCREASE THE HEIGHT ALLOWANCE FOR STRUCTURES IN THE C-1 AND C-2 ZONE DISTRICTS AND AMENDING THE CODE TO IMPLEMENT THE SAME

Recitals:

The City Council desires to maintain effective zoning and development regulations that implement the vision and goals of the Comprehensive Plan while being flexible and responsive to the community's desires and market conditions and has directed that the Code be reviewed and amended as necessary in furtherance of those purposes and for the community's health, safety and welfare.

Amendments to the Zoning and Development Code to increase the height allowance for structures in the C-1 and C-2 zone districts from 40' to 65', allowing citizens the opportunity to develop and utilize their commercial property more effectively, and encouraging more business activity in some of Grand Junction's primary commercial zones are consistent with the Council's goals. The amendments also serve to remove an extraneous provision that duplicates the special permit section of the Development Code.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of the proposed Code amendments.

After public notice and public hearing, the Grand Junction City Council finds that the proposed Code amendments are necessary to maintain effective regulations to implement the Comprehensive Plan.

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

The Mixed Use and Industrial Bulk Standards Summary Table is amended as shown in green highlighting:

Mixed Use and Industrial Bulk Standards Summary Table

	R-O	B-1	B-2	C-1	C-2	CSR	M-U	BP	I-O	I-1	I-2
--	-----	-----	-----	-----	-----	-----	-----	----	-----	-----	-----

Mixed Use and Industrial Bulk Standards Summary Table

	R-O	B-1	B-2	C-1	C-2	CSR	M-U	BP	I-O	I-1	I-2
Lot											
Area (min. ft. unless otherwise specified)	5,000	10,000	n/a	20,000	20,000	1 ac	1 ac	1 ac	1 ac	1 ac	1 ac
Width	50	50	n/a	50	50	100	100	100	100	100	100
Frontage	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Setback											
Principal structure											
Front (min. ft.)	20	20	0	15	15	15	15	15	15	15	15
Side (min. ft.)	5	0	0	0	0	0	0	0	0	0	0
Side – abutting residential (min. ft.)	n/a	10	n/a	10	10	10	10	10	10	10	n/a
Rear (min. ft.)	10	15	0	10	10	10	10	10	10	10	10
Accessory structure											
Front (min. ft.)	25	25	25	25	25	25	25	25	25	25	25
Side (min. ft.)	3	0	0	0	0	0	0	0	0	0	0
Side – abutting residential (min. ft.)	n/a	5	n/a	5	5	5	5	5	5	5	n/a
Rear (min. ft.)	5	15	0	10	10	10	10	10	10	10	10
Other Dimensional Requirements											
Lot coverage (max.)	70%	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Height (max. ft.)	40	40	80	65	65	65	65	65	65	50	50
Density (min. units per acre)	4	8	8	12	n/a	n/a	8	8	n/a	n/a	n/a
Density (max. units per acre)	n/a	16	n/a	24	n/a	n/a	24	24	n/a	n/a	n/a
Building size (max. sf)	10,000	15,000	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Notes											

B-1: Max. building size varies by use; retail – 15,000 sf (unless a CUP is approved), office 30,000

B-2: Parking setback for principal structure – 30 ft., for accessory 6 ft.; first floor min. height – 15 ft.

C-1: Min. rear setback – 0 if an alley is present

CSR: Maximum building height abutting residential – 40 ft.

Section 21.03.070 is amended as follows (deletions struck through):

~~(4) Height. Maximum height for structures in the C-1 and I-O zone districts which are north of G Road and east of 27 Road along Horizon Drive (including Crossroad Boulevard and Horizon Court) shall be 65 feet, except by special permit for additional height.~~

Introduced on first reading this 5th day of February, 2020, and ordered published in pamphlet form.

Adopted on second reading this 19th day of February, 2020 and ordered published in pamphlet form.

ATTEST:

City Clerk

Mayor

GRAND JUNCTION PLANNING COMMISSION
January 28, 2020 MINUTES
6:00 p.m.

The meeting of the Planning Commission was called to order at 6:04pm by Chairman Christian Reece.

Those present were Planning Commissioners; Chairman Christian Reece, Vice Chair Bill Wade, George Gatseos, Kathy Deppe, Keith Ehlers, and Andrew Teske.

Also present were Jamie Beard (Assistant City Attorney), Tamra Allen (Community Development Director), Scott Peterson (Senior Planner), Landon Hawes (Senior Planner), and Jarrod Whelan (Development Engineer).

There were approximately 5 citizens in the audience.

CONSENT AGENDA

Commissioner Wade moved to adopt Consent Agenda items #1. Commissioner Deppe seconded the motion. Motion carried unanimously 6-0.

1. Approval of Minutes

- a. Minutes of the December 10, 2019 Regular Meeting.

REGULAR AGENDA

1. Mays Rental Properties – Rezone

File # RZN-2019-660

Consider a request by Mays Rental Properties, LLC, for a rezone of 3.64 +/- acres from PD (Planned Development) to a C-1 (Light Commercial) zone district in anticipation of future commercial development.

Staff Presentation

Scott Peterson, Senior Planner, introduced exhibits into the record and provided a presentation regarding the request.

Questions for Staff

Commissioner Wade asked a question regarding the infrastructure upgrades of Riverside Parkway.

Commissioner Wade asked if any of the units are occupied now.

Commissioner Reece asked a question regarding the proposed use and traffic ingress/egress.

Applicant's Presentation

Cliff Mays Jr., Mays Rental Properties, LLC, was present and did not make a comment.

Public Comment

The public hearing was opened at 6:18pm.

None.

The public hearing was closed at 6:18pm.

Motion and Vote

Commissioner Gatseos made the following motion, "Madam Chairman, on the Mays Rental Property rezone request to C-1 (Light Commercial) for the property located at 2389 Riverside Parkway, City file number RZN-2019-660, I move that the Planning Commission forward a recommendation of approval to City Council with the findings of fact in the staff report."

Commissioner Deppe seconded the motion.

Discussion

Commissioner Teske made a comment in support of the request.

The motion carried 6-0.

2. Barnes Electric – Annexation

File # ANX-2019-627

Consider a request by Old Rascal, LLC, to annex and zone approximately 0.521-acres from County PUD (Planned Unit Development) to a City I-1 (Light Industrial) for the Barnes Electric Annexation.

Staff Presentation

Landon Hawes, Senior Planner, introduced exhibits into the record and provided a presentation regarding the request.

Questions for Staff

None.

Applicant's Presentation

The Applicant, Old Rascal, LLC, was present and did not make a comment.

Public Comment

The public hearing was opened at 6:28pm.

None.

The public hearing was closed at 6:28pm.

Motion and Vote

Commissioner Deppe made the following motion, "Madam Chairman, on the annexation zoning request for the property located at 2806 ½ Perry Drive, City file number ANX-2019-627, I move that the Planning Commission forward a recommendation of approval to City Council with the findings of fact as listed in the staff report."

Commissioner Wade seconded the motion.

Discussion

Commissioner Reece made a comment in support of the request.

The motion carried 6-0.

3. Code Text Amendment – Height in C-1, C-2 and I-O Zones File # ZCA-2019-715

Consider a request by the City of Grand Junction to amend the Mixed Use and Industrial Bulk Standards Summary Table, as well as Section 21.03.070(d)(4), of the Zoning and Development Code, regarding maximum height of structures in the C-1, C-2, and I-O zone districts.

Staff Presentation

Landon Hawes, Senior Planner, introduced exhibits into the record and provided a presentation regarding the request.

Questions for Staff

None.

Public Comment

The public hearing was opened at 6:37pm.

Ted Ciavonne, Ciavonne Roberts & Associates, made a comment in support of the request.

The public hearing was closed at 6:38pm.

Discussion

Commissioners Reece, Wade, Gatseos made comments in support of the request.

Motion and Vote

Commissioner Wade made the following motion, “Madam Chairman, on the request to amend the Zoning and Development Code regarding height in C-1 and C-2 zone districts, City file number ZCA-2019-715, I move that the Planning Commission forward a recommendation of approval to City Council with the findings of fact as listed in the staff report.”

Commissioner Gatseos seconded the motion. The motion carried 6-0.

4. Other Business

None.

5. Adjournment

The meeting was adjourned at 6:40pm.



Grand Junction City Council

Regular Session

Item #2.a.iii.

Meeting Date: February 5, 2020

Presented By: Ken Watkins, Fire Chief, John Shaver, City Attorney

Department: Fire

Submitted By: Ken Watkins

Information

SUBJECT:

Introduction of an Ordinance Amending Ordinance No. 4830 in Part Regarding the Effective Date of International Fire Code Provisions Pertaining to Mobile Food Preparation Trucks and Set a Public Hearing for February 19, 2020

RECOMMENDATION:

Staff recommends approval of the ordinance.

EXECUTIVE SUMMARY:

This item amends Ordinance No. 4830 in part regarding the effective date of International Fire Code (IFC) provisions pertaining to mobile food preparation trucks. Approval of this ordinance will amend the effective date from July 1, 2020 to January 1, 2021 for mobile food preparation truck providers to come into compliance with the related IFC provisions.

BACKGROUND OR DETAILED INFORMATION:

By way of Ordinance No. 4830, on January 16, 2019, City Council adopted the 2018 edition of the International Fire Code and amended certain provisions including the implementation date for IFC provisions regarding mobile food preparation trucks. The implementation date for these code provisions was set for July 1, 2020. This date was selected to allow for an 18 month period to communicate the code provisions and provide educational information to mobile food preparation truck providers and allow them time to complete requirements of the IFC.

Since adoption of the code, the City Manager's Office and Fire Department has

received feedback from industry requesting more time for adoption of these provisions. This ordinance amends the previous date of July 1, 2020 and will provide an additional six month period to January 1, 2021 for mobile food preparation truck providers to come into compliance.

FISCAL IMPACT:

This change will minimally reduce 2020 revenue for mobile food preparation truck permits charged by the Fire Department at time of inspection.

SUGGESTED MOTION:

I move to introduce an ordinance amending Ordinance No. 4830 in part regarding the effective date of International Fire Code Provisions Chapter 1 Section 105.6.30 and Chapter 3 Section 319 pertaining to mobile food preparation trucks.

Attachments

1. ORD - Mobile Food Preparation Trucks - Fire Code - Effective Date - 012720

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 4830 IN PART REGARDING THE EFFECTIVE DATE OF INTERNATIONAL FIRE CODE PROVISIONS CHAPTER 1 SECTION 105.6.30 AND CHAPTER 3 SECTION 319 PERTAINING TO MOBILE FOOD PREPARATION TRUCKS.

RECITALS:

After public hearing on January 16, 2019, City Council adopted Ordinance No. 4830 regarding the 2018 edition of the International Fire Code and amending certain provisions thereof.

This current ordinance amends the effective date of Chapter 1, §105.6.30 and Chapter 3, §319 pertaining to mobile food preparation trucks from July 1, 2020 to January 1, 2021.

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

Ordinance 4830 shall be amended as follows: (additions are shown in **bold print** and deletions marked with ~~strike through~~ notations):

Section 105.6.30 Mobile food preparation trucks.

Section 105.6.30 will become effective ~~July 1, 2020~~ **January 1, 2021**.

Section 319 Mobile Food Preparation Vehicles.

Section 319 will become effective ~~July 1, 2020~~ **January 1, 2021**.

ALL OTHER PROVISIONS OF ORDINANCE 4830 SHALL REMAIN IN FULL FORCE AND EFFECT. THIS ORDINANCE SHALL AMEND ORDINANCE 4830 AND AS NECESSARY REPEAL ANY PART INCONSISTENT THEREWITH.

Introduced on first reading the 5th day of February 2020 and ordered published in pamphlet form.

Adopted on second reading this ____ day of _____ 2020 and ordered published in pamphlet form.

J. Merrick Taggart
Mayor

ATTEST:

Wanda Winkelmann
City Clerk



Grand Junction City Council

Regular Session

Item #2.b.i.

Meeting Date: February 5, 2020

Presented By: Scott D. Peterson, Senior Planner

Department: Community Development

Submitted By: Scott D. Peterson, Senior Planner

Information

SUBJECT:

Introduction of an Ordinance Rezoning the Mays Rental Property from PD (Planned Development) to C-1 (Light Commercial) Located at 2389 Riverside Parkway and Set a Public Hearing for February 19, 2020

RECOMMENDATION:

The Planning Commission heard this item at its January 28, 2020 meeting and recommended approval (6 - 0).

EXECUTIVE SUMMARY:

The Applicant, Mays Rental Properties LLC, is requesting a rezone of a 3.64-acre lot located at 2389 Riverside Parkway from PD (Planned Development) to C-1 (Light Commercial) in anticipation of future commercial development. The requested C-1 zone district is consistent with the Comprehensive Plan Future Land Use Map designation of Village Center.

BACKGROUND OR DETAILED INFORMATION:

The subject 3.64-acre property is situated west of Redlands Parkway and south of Riverside Parkway. The property which is Lot 1 of the C. L. M. River Road I Subdivision currently contains four (4) manufactured homes that have been on the property for many years. At one time, the property contained five (5) manufactured homes. The property was annexed into the City limits in 1992 as part of the Blue Heron Annexation and zoned PI (Planned Industrial). The PI zoning district at the time was a continuation of previous County zoning of PUD (Planned Unit Development) which permitted the five (5) rental manufactured homes. The PI zoning designation in

1992 allowed the property owner to continue the land use of the rental manufactured homes.

The Applicant has expressed the intent to redevelop the property with a commercial land use(s) and remove the remaining four (4) manufactured homes. The Applicant seeks the C-1 zone due to the allowable land uses provided within the district such as general office, self-service storage, general retail sales and automobile mechanical repair, etc. The Comprehensive Plan Future Land Use Map identifies the property as Village Center. The proposed C-1 (Light Commercial) Zone District is a zone district that implements the Village Center future land use designation. In addition to C-1 (Light Commercial) the following zone districts would also work to implement the Village Center designation.

R-8 (Residential – 8 du/ac)

R-12 (Residential – 12 du/ac)

R-16 (Residential – 16 du/ac)

R-24 (Residential – 24 du/ac)

R-O (Residential Office)

B-1 (Neighborhood Business)

M-U (Mixed Use)

MXR, G & S (Mixed Use Residential, General and Shopfront)

The purpose of the C-1 (Light Commercial) zone district is to provide indoor retail, service and office uses requiring direct or indirect arterial street access and business and commercial development along arterials. The C-1 zone district should accommodate well-designed development on sites that provide excellent transportation access, make the most efficient use of existing infrastructure and provide for orderly transitions and buffers between uses. This property has access to the Riverside Parkway which is classified as a Minor Arterial and proximate to Redlands Parkway which is classified as a Principal Arterial.

Properties adjacent to the subject property to the east and south, across Redlands Parkway are also owned by the Applicant. These properties contain the office, associated shop buildings and outside storage areas for Mays Concrete and is zoned PD (Planned Development). Properties to the west are zoned with I-1 (Light Industrial) and contain a commercial self-storage building along with a multi-tenant office building for contractor and trade shops. To the southwest is the Junior Service League Park and the Blue Heron Riverfront Trail adjacent to the Colorado River that are zoned CSR (Community Services and Recreation). To the north, across Riverside Parkway, Union Pacific Railroad and Highway 6 & 50 rights-of-way is the Mesa Mall area and associated retail stores, restaurants and offices, etc., zoned C-2 (General Commercial) and C-1 (Light Commercial).

NOTIFICATION REQUIREMENTS

Neighborhood Meeting:

A Neighborhood Meeting regarding the proposed rezone request was held on November 5, 2019 in accordance with Section 21.02.080 (e) of the Zoning and Development Code. The Applicant, Applicant's Representative and City staff were in attendance, however no members from the public attended the meeting. To date, the City has not received any public comment concerning the proposed rezone application. The application for the rezone request was submitted to the City on November 15, 2019.

Notice was completed consistent with the provisions in Section 21.02.080 (g) of the Zoning and Development Code. The subject property was posted with an application sign on November 22, 2019. Mailed notice of the public hearings before Planning Commission and City Council in the form of notification cards was sent to surrounding property owners within 500 feet of the subject property on January 17, 2020. The notice of this public hearing was published January 21, 2020 in the Grand Junction Daily Sentinel.

ANALYSIS

The criteria for review of a rezone application is set forth in Section 21.02.140 (a). The criteria provides that the City may rezone property if the proposed changes are consistent with the vision, goals and policies of the Comprehensive Plan and must meet one or more of the following rezone criteria.

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

The property was originally zoned Planned Unit Development (PUD) in the County and was annexed into the City limits with the Blue Heron Annexation in 1992. At the time of annexation, a Planned Industrial (PI) zone was applied in order to allow the existing land use of a manufactured home park to continue. In 2010, the present Comprehensive Plan was adopted which designated this area as a Village Center. That action invalidated the original premises of the PI zone district since there are no industrial zone districts identified that implement the Village Center. Therefore, staff finds 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 character and/or condition of the area has continued to change over the last 28 years including the completion and upgrade of the Riverside Parkway which provides for additional traffic capacity in the area and is classified as a Minor Arterial; and development of more commercial/industrial uses in the area have made the property no

longer conducive to continued single family residential use. Based on changes that have occurred in the vicinity of this property, staff has found this 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 C-1 zone district. City sanitary sewer is presently available within Riverside Parkway and Ute Water is presently available in both Riverside Parkway and the Redlands Parkway Ramp to the west of the site. The property can also be served by Xcel Energy electric and natural gas. To the north, across Riverside Parkway, Union Pacific Railroad and Highway 6 & 50 rights-of-way is the Mesa Mall area and associated retail stores, restaurants, banks and offices, etc. A short distance away, further to the north, on G Road is Community Hospital. The adjacent street network of Riverside Parkway and Redlands Parkway are classified as Minor Arterial and Principal Arterial respectfully, which are adequate to serve any type of commercial development proposed for the property.

In general, staff has found public and community facilities are adequate to serve the type and scope of the commercial land use(s) proposed. As such, staff finds 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

C-1 zoned properties presently comprise approximately 5% of the total acreage within the City limits. Currently, no C-1 zoning exists on the west side of the Riverside Parkway and most C-1 is concentrated at or near the Mesa Mall, near the intersection of North Avenue and 1st street, along the North Avenue corridor with smaller pockets of C-1 near the intersection of SH 340 and Monument Road as well as flanking portions of Ute Avenue. Though there appears to be a deficit of C-1 in the area west of the Riverside Parkway and Redlands Parkway interchange, staff has been unable to determine if there is an inadequate supply of this zone district and therefore has not found this criterion to have been met. Staff finds this criterion has not been met.

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

The community and area will benefit from this proposed rezone request by creating the potential for commercial land uses that are more compatible with the surrounding existing light industrial and commercial properties in the immediate area than the existing single-family homes. The community and area will also benefit from the potential for redevelopment of this underutilized site that, should it develop, will be

required to meet current code standards for such site improvements as landscaping and other on-site improvements. Therefore, Staff finds that this criterion has been met.

The rezone criteria provide the City must also find the request is consistent with the vision, goals and policies of the Comprehensive Plan. Staff has found the request to be consistent with the following goals and policies of the Comprehensive Plan:

Goal 1 / Policy A: Land use decisions will be consistent with Future Land Use Map.

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

Policy A: to create large and small “centers” throughout the community that provide services and commercial areas.

Policy B: Create opportunities to reduce the amount of trips generated for commuting and decrease vehicle miles traveled thus increasing air quality.

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

STAFF RECOMMENDATION AND FINDINGS OF FACT

After reviewing the Mays Rental Property rezone request, RZN-2019-660, from PD (Planned Development) to C-1 (Light Commercial) for the property located at 2389 Riverside Parkway, the following findings of fact have been made:

In accordance with Section 21.02.140 (a) of the Zoning and Development Code, the request meets one or more of the rezone criteria.

The request is consistent with the goals and policies of the Comprehensive Plan.

Therefore, Staff recommends approval of the request.

FISCAL IMPACT:

This land use action does not have any direct fiscal impact. Subsequent actions such as future development and related construction may have direct fiscal impact depending on the type of use.

SUGGESTED MOTION:

I move to introduce an ordinance rezoning 3.64-acres of land located at 2389 Riverside Parkway from PD (Planned Development) to C-1 (Light Commercial) and set a public hearing for February 19, 2020.

Attachments

1. Development Application Dated 11-15-19
2. Site Location, Aerial, Zoning Maps
3. Planning Commission Minutes - 2020 - January 28 - Draft
4. ORD-rezoningMaysRentalProperty

Development Application

We, the undersigned, being the owner's of the property adjacent to or situated in the City of Grand Junction, Mesa County, State of Colorado, as described herein do petition this:

Petition For:

Please fill in blanks below only for Zone of Annexation, Rezones, and Comprehensive Plan Amendments:

Existing Land Use Designation

Existing Zoning

Proposed Land Use Designation

Proposed Zoning

Property Information

Site Location:

Site Acreage:

Site Tax No(s):

Site Zoning:

Project Description:

Property Owner Information

Name:

Street Address:

City/State/Zip:

Business Phone #:

E-Mail:

Fax #:

Contact Person:

Contact Phone #:

Applicant Information

Name:

Street Address:

City/State/Zip:

Business Phone #:

E-Mail:

Fax #:

Contact Person:

Contact Phone #:

Representative Information

Name:

Street Address:

City/State/Zip:

Business Phone #:

E-Mail:

Fax #:

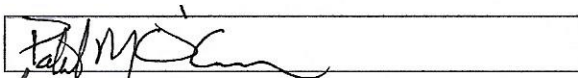
Contact Person:

Contact Phone #:

NOTE: Legal property owner is owner of record on date of submittal.

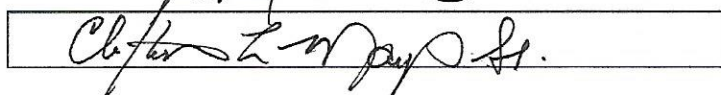
We hereby acknowledge that we have familiarized ourselves with the rules and regulations with respect to the preparation of this submittal, that the foregoing information is true and complete to the best of our knowledge, and that we assume the responsibility to monitor the status of the application and the review comments. We recognize that we or our representative(s) must be present at all required hearings. In the event that the petitioner is not represented, the item may be dropped from the agenda and an additional fee may be charged to cover rescheduling expenses before it can again be placed on the agenda.

Signature of Person Completing the Application



Date

Signature of Legal Property Owner



Date

OWNERSHIP STATEMENT - CORPORATION OR LIMITED LIABILITY COMPANY

(a) MAYS RENTAL PROPERTIES, LLC ("Entity") is the owner of the following property:

(b) 2389 RIVERSIDE PARKWAY, G.J. CO, MESA COUNTY, TAX # 2945-081-29-001, REC # 2428252
LOT 1 OF ~~CLM~~ CLM RIVER ROAD 1 SUBDIVISION

A copy of the deed(s) evidencing the owner's interest in the property is attached. Any documents conveying any interest in the property to someone else by the owner are also attached.

I am the (c) MANAGER for the Entity. I have the legal authority to bind the Entity regarding obligations and this property. I have attached the most recent recorded Statement of Authority of the Entity.

☒ My legal authority to bind the Entity both financially and concerning this property is unlimited.

☐ My legal authority to bind the Entity financially and/or concerning this property is limited as follows:

☐ The Entity is the sole owner of the property.

☐ The Entity owns the property with other(s). The other owners of the property are:

On behalf of Entity, I have reviewed the application for the (d) REZONE TO C-1

I have the following knowledge or evidence of a possible boundary conflict affecting the property:

(e) N/A

I understand the continuing duty of the Entity to inform the City planner of any changes regarding my authority to bind the Entity and/or regarding ownership, easement, right-of-way, encroachment, lienholder and any other interest in the land.

I swear under penalty of perjury that the information in this Ownership Statement is true, complete and correct.

Signature of Entity representative: X *Clifton L. Mays Sr*

Printed name of person signing: Clifton L. Mays Sr

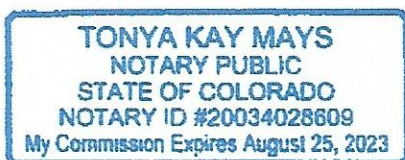
State of Colorado)

County of mesa) ss.

Subscribed and sworn to before me on this 15th day of November, 20 19
by Clifton L. Mays Sr

Witness my hand and seal.

My Notary Commission expires on 8/25/23



Tonya Kay Mays
Notary Public Signature

SPECIAL WARRANTY DEED

THIS DEED, dated March 7th, 2008

Between Clifton L. Mays, Sr.

Of the *County of Mesa and State of Colorado,
grantor(s) and

Whose legal address is Mays Rental Properties, LLC, a
Colorado limited liability company
PO Box 4209
Grand Junction, CO 81502

of the County of Mesa and State of Colorado, grantee(s):

WITNESS, that the grantor(s), for and in consideration of the sum of Ten dollars and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm unto the grantee(s), its heirs and assigns forever, all the real property, together with improvements, if any, located in the County of Mesa and State of Colorado, described as follows:

Lots 1, 2 and 3 C.L.M. River Road I Subdivision
Grand Junction, Mesa County, Colorado

as more particularly described on the Plat filed May 9, 2002 in the Mesa County Clerk and Recorder's Office in
Plat Book Number 18 at Page 397, Reception Number 2055429, Drawer Number LL-137.

Also known by street and number as: 2395 River Road, Grand Junction, CO 81505
Assessor's schedule or parcel number: 2945-081-29-002

TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the grantor(s), either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances;

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the grantee(s), its heirs and assigns forever. The grantor(s), for itself, its heirs, personal representatives, successors and assigns, does covenant and agree that it shall and will **WARRANT AND FOREVER DEFEND** the above bargained premises in the quiet and peaceable possession of the grantee(s), its heirs and assigns, against all and every person or persons claiming the whole or any part thereof, by, through or under the grantor(s).

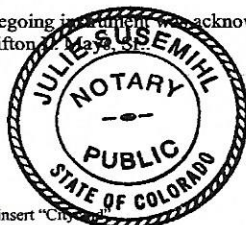
SUBJECT TO real property taxes and assessments for the year 2008 and subsequent years, all easements, reservations, rights of way, encumbrances, liens, covenants, conditions, restrictions, obligations and liabilities appearing of record, if any, including, but not limited to that certain Deed of Trust in favor of Trula A. Mays, concerning Lot 2, dated February 1, 2005 and recorded March 1, 2005 in Book 3845 at page 912 Reception Number 2241268 of the records of the Clerk and Recorder for Mesa County, Colorado, and such matters as would be disclosed by a proper inspection or accurate ALTA survey of the Property; laws, ordinances, and regulations of any governmental entity related to environmental protection, and hazardous waste or substance control; existing soils and geological conditions, topography, area and configurations; and applicable planning, zoning and subdivision statutes, ordinances, regulations and permits.

IN WITNESS WHEREOF, the grantor(s) has executed this deed on the date set forth above.

Clifton L. Mays, Sr.
Clifton L. Mays, Sr.

STATE OF COLORADO)
COUNTY OF MESA) ss.

The foregoing instrument was acknowledged before me this 7th day of March, 2008, by Clifton L. Mays, Sr.



Witness my hand and official seal.

My commission expires: 10/2/2008
Julie Sussemuhl
Notary Public

*If in Denver, insert "City"

General Project Report

November 7, 2019

Mays Rental Properties Rezone

2389 Riverside Parkway

Grand Junction, CO

Prepared for:

Mays Rental Properties

Prepared by:

O'Connor Design Group, Inc.

P.O. Box 501

Fruita, CO

Mays Rental Properties

General Project Report - Rezone

The site is contained within Mesa County Tax Parcel 2645-081-29-001 and consists of approximately 3.64 acres located on the south side of Riverside Parkway and the west side of Redlands Parkway. The address is 2389 Riverside Parkway. A vicinity map is included in the Appendix. Four single family homes (mobile homes) currently exist on the site which at one time contained five. The petitioners are currently requesting a rezone from PD (Planned Development) to C-1 (Light Commercial) to allow development of a commercial building in the northern portion and mini-warehouse storage units in the southern portion.

The mobile homes which have existed on the site for many years have become somewhat of an eyesore and the remainder of the lot is generally vacant and used for material storage for Mays Concrete Construction (main office located on the other side of the Redlands Parkway). Development of a modest commercial building with 5 office/warehouse spaces and a number of self-storage units seems to fit a growing need for the area.

The PD zoning which currently exists seems an odd fit for an area which has steadily become a commercial hub. The proposed C-1 zone will allow development of the type described above and be more compatible with the surrounding area which is almost completely commercial in nature. Mesa Mall exists to the northeast (across the Riverside Parkway and Highway 6 & 50), Mays Concrete Construction to the east, a commercial building and storage unit complex to the west, and a small public park which borders the Colorado River to the south.

Access to the site is excellent with Riverside Parkway bordering the north side and Redlands Parkway wrapping around the south and east sides. A ramp from Redlands Parkway to Riverside Parkway borders the west side creating a site which is enveloped by roadways. Project access would come from Riverside Parkway and possibly the western ramp as Redlands Parkway itself is elevated above the developable property and not directly accessible.

Existing utilities include a sewer main along Riverside Parkway and the site is surrounded by large water mains with two existing fire hydrants along the north and another to the west. Gas, electric, and telephone services are all also available along Riverside Parkway. No unusual demands on these services are foreseen for the proposed development which might require

upgrading or pre-treatment methods. Irrigation water is available to the site which will be used for the future landscaping requirements. There are no known soils or geological hazards at this time which is evident by the number of existing buildings and roadways located in the area.

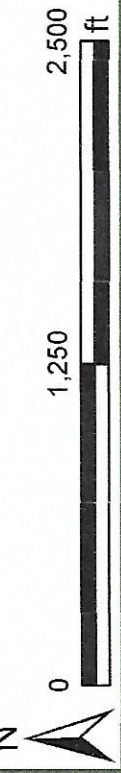
In compliance with the review criteria contained in the Zoning and Development Code the following issues are noted: the existence of single family homes (allowed by the PD Zone) in an area completely surrounded by commercial activity is out of character for the area; vehicular access and utilities service is very well suited for the proposed commercial development; the proposed project will provide additional office/warehouse space and self-storage units which are in short supply and high demand; and the construction of such a facility will provide a benefit to the area by provision of needed additional facilities as proposed.

Timing for the development of this project would begin as soon as possible, after approval of the site plan review. Projected phasing would initially involve construction of the commercial building and a portion of the self-storage units with additional units and completion as dictated by demand over the next two to five years.

Mays Rental Prop. - Vicinity Map 2



Printed: 11/15/2019
1 inch equals 752 feet
Scale: 1:9,028



LEGAL DESCRIPTION

Lot 1 of the C. L. M. River Road 1 Subdivision

2389 Riverside Parkway - Rezone

NEIGHBORHOOD MEETING - SIGN IN SHEET

11/5/2019

	Name	Address	Phone #	Email Address
1	PATRICK O'CONNOR	901 CROWN CT. - FRUITA 81521	970-250-6393	PAT@ODGINGC.NET
2	SCOTT O'BERGREN	CITY PLANTERS	970-244-1447	SCOTT@GTCITY.ORG
3	CLIFF MAYS SR	2399 RIVERSIDE PKWY	970-270-1780	CMAYS@MAYS CONCRETE, COM
4	CLIFF MAYS SR	2399 973 22 RD	970 261-1557	CLIFF AND CHLOE MAYS@MAYS CONCRETE, COM
5				CMAYS SR. @ MAYS CONCRETE, COM
6				
7				
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Neighborhood Meeting Notes

November 5, 2019

Mays Rental Properties Rezone

2389 Riverside Parkway

Grand Junction, CO

The meeting was held at the office of Mays Concrete Construction located at 2399 Riverside Parkway in the upstairs conference room and began at 5:30 p.m. on Tuesday, November 5, 2019.

In attendance were: **Cliff Mays, Sr. and Cliff Mays, Jr.** representing the petitioner, **Scott Peterson** of the City of Grand Junction Planning Department, and **Patrick O'Connor** of O'Connor Design Group, Inc. (project engineer).

No other persons attended although all property owners listed on documents provided by the City were notified by mail.

General issues involved in the rezone and site plan review processes were discussed by the attendees with no major obstacles noted. The meeting was adjourned at 6:00 p.m. as no other invitees had arrived.

City of Grand Junction Review Comments

Date: December 10, 2019 **Comment Round No.** 1 **Page No.** 1 of 4
Project Name: Mays Rental Properties Rezone **File No:** RZN-2019-660
Project Location: 2389 Riverside Parkway

Check appropriate ☒ if comments were mailed, emailed, and/or picked up.

Property Owner(s): Mays Concrete Inc. – Attn: Cliff Mays Jr.

Mailing Address: 2399 Riverside Parkway, Grand Junction, CO 81505

☒ **Email:** cmays@maysconcrete.com **Telephone:** (970) 243-5669

☐ **Date Picked Up:** _____ **Signature:** _____

Representative(s): O'Connor Design Group Inc. – Attn: Pat O'Connor

Mailing Address: 2350 G Road, Suite 113, Grand Junction CO 81505

☒ **Email:** pat@odginc.net **Telephone:** (970) 241-7125

☐ **Date Picked Up:** _____ **Signature:** _____

Developer(s):

Mailing Address:

Email:

Telephone:

Date Picked Up: _____ **Signature:** _____

CITY CONTACTS

Project Manager: Scott Peterson, Senior Planner

Email: scottp@gjcity.org

Telephone: (970) 244-1447

Dev. Engineer: Rick Dorris

Email: rickdo@gjcity.org

Telephone: (970) 256-4034

City of Grand Junction REQUIREMENTS

(with appropriate Code citations)

CITY PLANNING

1. Application is for a Rezone from PD (Planned Development) to C-1 (Light Commercial) in anticipation of future commercial development. Existing property is 3.64 +/- acres in size. Comprehensive Plan Future Land Use Map identifies the property as Village Center. The proposed C-1 (Light Commercial) Zone District is an applicable zone district within the Village Center category. No additional response required.

Applicant's Response:

Document Reference:

2. Public Correspondence Received:

As of this date, City Project Manager has not received any public correspondence concerning the proposed rezone application. If any future correspondence is received, City Project Manager will forward to the applicant and representative for their information and file.

Applicant's Response:

Document Reference:

3. Planning Commission and City Council Public Hearings:

Planning Commission and City Council review and approval required for proposed Rezone request. City Project Manager will **tentatively** schedule application for the following public hearing schedule:

- a. Planning Commission review of request: January 28, 2020.
- b. First Reading of request by City Council: February 5, 2020.
- c. Second Reading of request by City Council: February 19, 2020.

Please plan on attending the January 28th Planning Commission meeting and the February 19th City Council Meeting. The February 5th meeting you do not need to attend as that is only scheduling the hearing date and the item is placed on the Consent Agenda with no public testimony taken. Both the January 28th and February 19th meetings begin at 6:00 PM at City Hall in the Council Chambers.

If for some reason, applicant cannot make these proposed public hearing dates, please contact City Project Manager to reschedule for the next available meeting dates.

Code Reference: Sections 21.02.140 of the Zoning and Development Code.

Applicant's Response:

Document Reference:

4. Outdoor Storage:

As an FYI, outdoor storage related to contractor and trade shops, etc., is prohibited within the proposed C-1 zone district. Indoor operations and storage only. Please keep this in mind when leasing proposed/future office space units, if applicable. Please review Section 21.04.010 of the Zoning & Development Code for a list of other "allowed" and/or "conditional" land uses for your information in developing the site within the proposed C-1 zone district.

Applicant's Response:

Document Reference:

CITY DEVELOPMENT ENGINEER

No engineering concerns with the rezone.

Applicant's Response:

Document Reference:

CITY SURVEYOR – Peter Krick – peterk@gjcity.org (970) 256-4003

No comments or suggestions.

Applicant's Response:

Document Reference:

CITY FIRE DEPARTMENT – Matt Sewalson – mattse@gjcity.org (970) 549-5855

The Grand Junction Fire Department's Fire Prevention Bureau has no objections to the rezoning. All applicable Fire Codes will be addressed through the building permit process. A final inspection by the Fire Department will be required before business operations begin. For questions call the Fire Prevention Bureau at 549-5800.

Applicant's Response:

Document Reference:

CITY ADDRESSING – Pat Dunlap – patd@gjcity.org (970) 256-4030

No comments.

Applicant's Response:

Document Reference:

OUTSIDE REVIEW AGENCY COMMENTS

(Non-City Agencies)

Review Agency: Mesa County Building Department

Contact Name: Darrell Bay

Email / Telephone Number: Darrell.bay@mesacounty.us (970) 244-1651

MCBD has no objections to this project.

Applicant's Response:

Review Agency: Xcel Energy

Contact Name: Brenda Boes

Email / Telephone Number: Brenda.k.boes@xcelenergy.com (970) 244-2698

Xcel has no objections at this time.

Completion of this City/County review approval process does not constitute an application with Xcel Energy for utility installation. Applicant will need to contact Xcel Energy's Builder's Call Line/Engineering Department to request a formal design for the project. A full set of plans, contractor, and legal owner information is required prior to starting any part of the construction. Failure to provide required information prior to construction start will result in delays providing utility services to your project. Acceptable meter and/or equipment locations will be determined by Xcel Energy as a part of the design process. Additional easements may be required depending on final utility design and layout. Engineering and Construction lead times will vary depending on workloads and material availability. Relocation and/or removal of existing facilities will be made at the applicant's expense and are also subject to lead times referred to above. All Current and future Xcel Energy facilities' must be granted easement

Applicant's Response:

Review Agency: Ute Water Conservancy District

Contact Name: Jim Daugherty

Email / Telephone Number: jdaugherty@utewater.org (970) 242-7491

- No objection to rezone.
- ALL FEES AND POLICIES IN EFFECT AT TIME OF APPLICATION WILL APPLY.
- If you have any questions concerning any of this, please feel free to contact Ute Water.

Applicant's Response:

Review Agency: Grand Valley Drainage District

Contact Name: Tim Ryan

Email / Telephone Number: tim.admin@gvdd.org (970) 242-4343

GVDD has no comment or objection.

Applicant's Response:

REVIEW AGENCIES

(Responding with "No Comment" or have not responded as of the due date)

The following Review Agencies have not responded as of the comment due date.

1. Grand Valley Irrigation Company
2. Regional Transportation Planning Office (RTPO)

The Petitioner is required to submit electronic responses, labeled as "**Response to Comments**" for the following agencies:

1. **N/A.**

Date due: **N/A. Application will proceed to public hearing schedule.**

Please provide a written response for each comment and, for any changes made to other plans or documents indicate specifically where the change was made.

I certify that all of the changes noted above have been made to the appropriate documents and plans and there are no other changes other than those noted in the response.

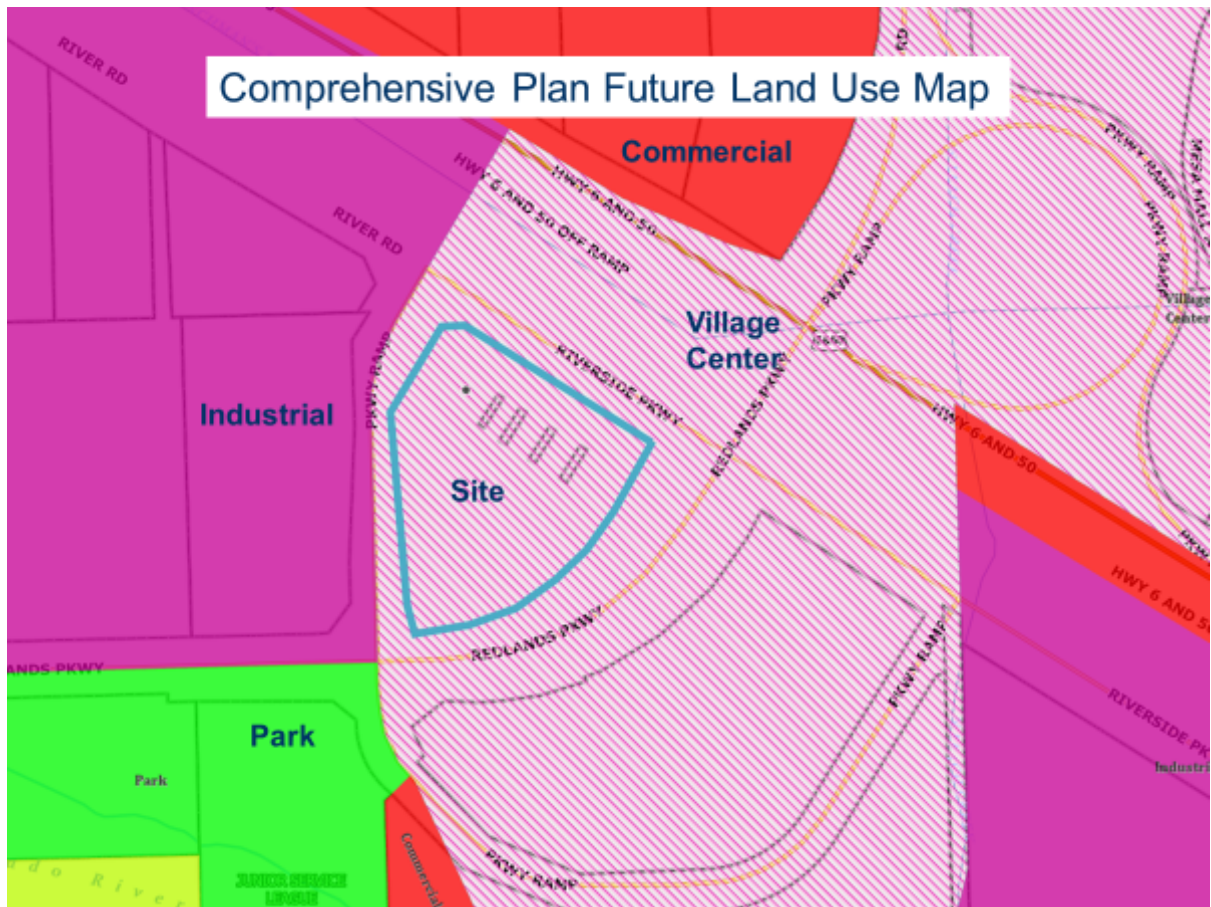
Applicant's Signature

Date





Comprehensive Plan Future Land Use Map



Existing Zoning Map



GRAND JUNCTION PLANNING COMMISSION
January 28, 2020 MINUTES
6:00 p.m.

The meeting of the Planning Commission was called to order at 6:04pm by Chairman Christian Reece.

Those present were Planning Commissioners; Chairman Christian Reece, Vice Chair Bill Wade, George Gatseos, Kathy Deppe, Keith Ehlers, and Andrew Teske.

Also present were Jamie Beard (Assistant City Attorney), Tamra Allen (Community Development Director), Scott Peterson (Senior Planner), Landon Hawes (Senior Planner), and Jarrod Whelan (Development Engineer).

There were approximately 5 citizens in the audience.

CONSENT AGENDA

Commissioner Wade moved to adopt Consent Agenda items #1. Commissioner Deppe seconded the motion. Motion carried unanimously 6-0.

1. Approval of Minutes

- a. Minutes of the December 10, 2019 Regular Meeting.

REGULAR AGENDA

1. Mays Rental Properties – Rezone

File # RZN-2019-660

Consider a request by Mays Rental Properties, LLC, for a rezone of 3.64 +/- acres from PD (Planned Development) to a C-1 (Light Commercial) zone district in anticipation of future commercial development.

Staff Presentation

Scott Peterson, Senior Planner, introduced exhibits into the record and provided a presentation regarding the request.

Questions for Staff

Commissioner Wade asked a question regarding the infrastructure upgrades of Riverside Parkway.

Commissioner Wade asked if any of the units are occupied now.

Commissioner Reece asked a question regarding the proposed use and traffic ingress/egress.

Applicant's Presentation

Cliff Mays Jr., Mays Rental Properties, LLC, was present and did not make a comment.

Public Comment

The public hearing was opened at 6:18pm.

None.

The public hearing was closed at 6:18pm.

Motion and Vote

Commissioner Gatseos made the following motion, "Madam Chairman, on the Mays Rental Property rezone request to C-1 (Light Commercial) for the property located at 2389 Riverside Parkway, City file number RZN-2019-660, I move that the Planning Commission forward a recommendation of approval to City Council with the findings of fact in the staff report."

Commissioner Deppe seconded the motion.

Discussion

Commissioner Teske made a comment in support of the request.

The motion carried 6-0.

2. Barnes Electric – Annexation

File # ANX-2019-627

Consider a request by Old Rascal, LLC, to annex and zone approximately 0.521-acres from County PUD (Planned Unit Development) to a City I-1 (Light Industrial) for the Barnes Electric Annexation.

Staff Presentation

Landon Hawes, Senior Planner, introduced exhibits into the record and provided a presentation regarding the request.

Questions for Staff

None.

Applicant's Presentation

The Applicant, Old Rascal, LLC, was present and did not make a comment.

Public Comment

The public hearing was opened at 6:28pm.

None.

The public hearing was closed at 6:28pm.

Motion and Vote

Commissioner Deppe made the following motion, "Madam Chairman, on the annexation zoning request for the property located at 2806 ½ Perry Drive, City file number ANX-2019-627, I move that the Planning Commission forward a recommendation of approval to City Council with the findings of fact as listed in the staff report."

Commissioner Wade seconded the motion.

Discussion

Commissioner Reece made a comment in support of the request.

The motion carried 6-0.

3. Code Text Amendment – Height in C-1, C-2 and I-O Zones File # ZCA-2019-715

Consider a request by the City of Grand Junction to amend the Mixed Use and Industrial Bulk Standards Summary Table, as well as Section 21.03.070(d)(4), of the Zoning and Development Code, regarding maximum height of structures in the C-1, C-2, and I-O zone districts.

Staff Presentation

Landon Hawes, Senior Planner, introduced exhibits into the record and provided a presentation regarding the request.

Questions for Staff

None.

Public Comment

The public hearing was opened at 6:37pm.

Ted Ciavonne, Ciavonne Roberts & Associates, made a comment in support of the request.

The public hearing was closed at 6:38pm.

Discussion

Commissioners Reece, Wade, Gatseos made comments in support of the request.

Motion and Vote

Commissioner Wade made the following motion, “Madam Chairman, on the request to amend the Zoning and Development Code regarding height in C-1 and C-2 zone districts, City file number ZCA-2019-715, I move that the Planning Commission forward a recommendation of approval to City Council with the findings of fact as listed in the staff report.”

Commissioner Gatseos seconded the motion. The motion carried 6-0.

4. Other Business

None.

5. Adjournment

The meeting was adjourned at 6:40pm.

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE REZONING LOT 1, C.L.M. RIVER ROAD I SUBDIVISION
2389 RIVERSIDE PARKWAY (MAYS RENTAL PROPERTY) FROM PD
(PLANNED DEVELOPMENT) TO C-1 (LIGHT COMMERCIAL)**

Recitals:

After public notice and public hearing as required by the Grand Junction Zoning and Development Code ("Code"), the Grand Junction Planning Commission recommended zoning the Mays Rental Property, Lot 1, C.L.M. River Road I Subdivision, to the C-1 (Light Commercial) zone district, finding that the zoning is consistent with the Code, it conforms to and is consistent with the Future Land Use Map designation of Village Center of the Comprehensive Plan and the Comprehensive Plan's goals and policies and is generally compatible, as defined by the Code, with land uses located in the surrounding area.

After public notice and public hearing, the Grand Junction City Council finds that the C-1 (Light Commercial) zone district is in conformance with at least one of the stated criteria of §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:

Lot 1, C.L.M. River Road I Subdivision shall be zoned C-1 (Light Commercial).

Introduced on first reading this 5th day of February 2020 and ordered published in pamphlet form.

Adopted on second reading this _____ day of _____, 2020 and ordered published in pamphlet form.

ATTEST:

City Clerk

Mayor



Grand Junction City Council

Regular Session

Item #2.b.ii.

Meeting Date: February 5, 2020

Presented By: Landon Hawes, Senior Planner

Department: Community Development

Submitted By: Landon Hawes

Information

SUBJECT:

Introduction of an Ordinance Zoning the Barnes Electric Annexation Located at 2806 1/2 Perry Drive as I-1 (Light Industrial) and Set a Public Hearing for February 19, 2020

RECOMMENDATION:

The Planning Commission heard this request at its January 28, 2020 meeting and voted (6-0) to recommend approval.

EXECUTIVE SUMMARY:

The Applicant, Old Rascal LLC, is requesting to annex 0.521 acres located at 2806 1/2 Perry Drive, and requests a zone of annexation from County PUD (Planned Unit Development) to City I-1 (Light Industrial) Zoning. The subject property contains a temporary modular structure but is otherwise vacant. The owner is requesting annexation in anticipation of a future office/storage building being constructed on the site, which constitutes "Annexable Development" and as such is required to annex in accordance with the Persigo Agreement.

BACKGROUND OR DETAILED INFORMATION:

BACKGROUND

The Barnes Electric Annexation consists of a 0.521-acre parcel of land located at 2806 1/2 Perry Drive. The property contains a temporary modular structure but is otherwise vacant. The Applicant is requesting annexation of the property to the City in anticipation of a future office/storage building being constructed on the site. The Applicant is requesting a zoning for the property of I-1 (Light Industrial). Annexation will be considered in a future action by City Council and requires review and recommendation

of the zoning by the Planning Commission. The proposed office/storage use is allowed in the I-1 zone district.

NOTIFICATION REQUIREMENTS

A Neighborhood Meeting regarding the proposed zone of annexation request was held on October 3, 2019 in accordance with Section 21.02.080 (e) of the Zoning and Development Code. The Applicant, engineer, and staff planner attended the meeting. Several people attended and asked questions regarding the future development and annexation process.

Notice was completed consistent with the provisions in Section 21.02.080 (g) of the Zoning and Development Code. The subject property was posted with an application sign on January 2, 2020. Mailed notice of the public hearings before Planning Commission and City Council in the form of notification cards was sent to surrounding property owners within 500 feet of the subject property, as well as neighborhood associations within 1,000 feet, on January 17, 2020. The notice of this public hearing was published on January 21, 2020 in the Grand Junction Daily Sentinel.

ANALYSIS

The criteria for review of a zone of annexation are the same as for a rezone request as set forth in Section 21.02.140 (a) of the Zoning and Development Code. The criteria provide that the City may rezone property if the proposed changes are consistent with the vision, goals, and policies of the Comprehensive Plan and must meet one or more of the criteria identified below:

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

The applicant has petitioned for annexation into the City limits with a requested zone district of I-1, which is compatible with the existing Comprehensive Plan Future Land Use Map designation of Industrial. Because the property is currently in the County, the annexation of the property is a subsequent event that will invalidate the original premise - a county zoning designation. Further, staff does not believe that a Planned Development (equivalent to the County's PUD zone district) is an appropriate designation, as the purpose of the Planned Development zone district is to create development standards that maximize community and applicant benefit in ways that the standard Zoning and Development Code would not be able to do. Because the I-1 zone is sufficient to accomplish the applicant's objectives, staff finds that the PD district has been invalidated and that 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

Apart from some new nearby commercial/industrial development along the Riverside

Parkway, there has been limited new commercial and industrial development proximate to the applicant's property. However, this development has not been found to have changed the character or condition of the area. Staff finds that this criterion has not been met.

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

Required utilities are available for service to this property which include City sewer and Ute Water lines within the Riverside Parkway right-of-way and electric and natural gas services provided by Xcel Energy. The property is also adjacent to Riverside Parkway which is designated as both a principal arterial and an active transportation corridor which provides adequate access and multimodal opportunities. Staff finds adequate public and community facilities and services are available to serve the type and scope of the uses associated with the I-1 zone district. 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

This property sits next to the Greater Downtown Industrial Corridor Overlay, which has many properties designated as I-1 that could be used for office/warehouse uses like the one proposed by the Applicant. Staff finds that there is an adequate supply of land designated as I-1 and therefore has not found this criterion to have been met.

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

The zoning of this property is intended to allow for expansion of the Applicant's business. Further, the zone of annexation will act to implement the Comprehensive Plan and provide a suitable area for the development of a structure/use consistent with the I-1 zoning district. Therefore, Staff finds this criterion has been met.

Consistency with Comprehensive Plan

The rezone criteria provide that the City must also find the request is consistent with the vision, goals and policies of the Comprehensive Plan. Staff has found the request to be consistent with the following goals and policies of 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.

STAFF RECOMMENDATION AND FINDINGS OF FACT

After reviewing the annexation request by Old Rascal LLC, File No. ANX-2019-627, for the property located at 2806 ½ Perry Drive, the following findings of fact have been made:

1. The request meets one or more of the rezone criteria in accordance with Section 21.02.140(a) of the Zoning and Development Code.
2. The request is consistent with the Comprehensive Plan.

Therefore, Staff recommends approval of the request.

FISCAL IMPACT:

As the property is developed, property tax levies and municipal sales and use tax will be collected, as applicable. For every \$250,000 of actual value, City property tax revenue on residential property at the current assessment rate would be \$144 annually. Sales and use tax revenues will be dependent on construction activity and ongoing consumer spending on City taxable items for residential and commercial uses.

Fire

Currently the property is in the Grand Junction Rural Fire Protection District (Rural District) which is served by the Grand Junction Fire Department through a contract with the Rural District. The Rural District collects a 5.938 mill levy that generates \$252 per year in property taxes that are passed on to the City of Grand Junction per the contract. If annexed, the Rural District mill levy will be removed and the City's 8 mills that will generate property tax revenue of \$340 per year. Property tax will need to pay for not only fire and emergency medical services but also other City services provided to the area. With the small size of this property and proposed development of office/storage, the fire department does not predict an increase in incident volume due to this annexation. Primary response to this property is from Fire Station 1 at 625 Ute Avenue, which is within National Fire Protection Association guidelines for response time.

Utilities

Water and sewer services are available to this property.

This property is within the Ute Water District service area. An 8-inch water serves this property along Riverside Parkway.

The property is currently within the Persigo 201 Sewer Service Area. There is an 8-inch sanitary sewer line that runs along Perry Drive and then north to 2803 Perry drive to the west of the subject property.

The property can be served by the Persigo wastewater system; however, the property does not currently have a sewer connection.

Plant Capacity

Based on the proposed zoning of I-1, additional analysis would be required to confirm

that the plant has sufficient capacity based on the type of industrial activity and the volume of wastewater generation anticipated for this property. The current capacity of the wastewater treatment plant is 12,500,000 gallons per day. The plant currently receives approximately 8 million gallons per day so there is available capacity. The property owner would be assessed the current plant investment fee (PIF) of \$4,776 per equivalent unit (EQU). Industrial connection fees are calculated by formulas based upon the type of industrial activity. These formulas use EQU multiplying factors to assess the total sewer connection fee. This fee is intended to pay the equivalent share of the payments due on bonds for the existing wastewater treatment plant and infrastructure.

Sanitary Sewer Ability to Serve Area

An existing 8-inch sanitary sewer runs along Perry Drive and then north to 2803 Perry Drive to the west of the subject property. The subject property owner would be required to extend sewer to serve their property. Additional analysis would be required to determine if the 8-inch sewer has sufficient capacity to serve this property depending upon the intended use. Further, proposed industrial and commercial activity would require a review by Industrial Pretreatment Program to determine permitting requirements.

Staff have determined that the City can serve the property if sewer is extended from the 2803 Perry Drive subject to capacity analysis of the sewer and review of industrial use and wastewater discharge requirements.

Sewer Service Charges

Monthly sewer service rates for single family units are \$22.40 per equivalent unit (2019 rates). These rates have been determined to be sufficient to cover the cost of service.

Police

The Police Department does not foresee any major impact on police services.

Public Works

The subject property is immediately adjacent to the Riverside Parkway which was completed in 2007 and included a collector section roadway complete with curb, gutter, sidewalks, landscaping and street lighting. The roadway was previously annexed and therefore there are no additional impacts anticipated due to this annexation.

SUGGESTED MOTION:

I move to introduce an ordinance approving an annexation located at 2806 1/2 Perry Drive and setting a public hearing for February 19, 2020.

Attachments

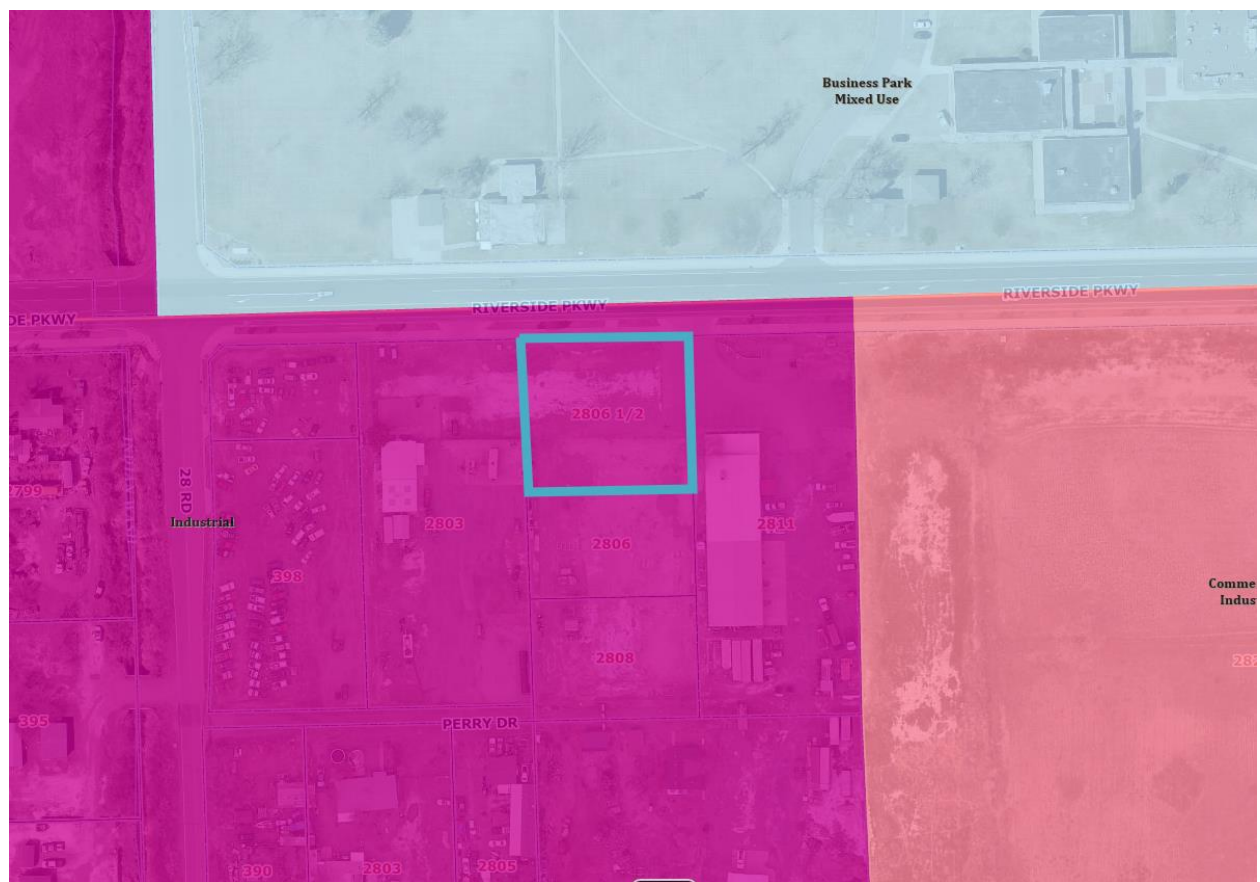
1. Barnes Electric map exhibits

2. Barnes Electric Annexation Schedule Summary
3. Barnes Elec Annex - Zoning Ordinance
4. Planning Commission Minutes - 2020 - January 28 - Draft









BARNES ELECTRIC ANNEXATION SCHEDULE

December 18, 2019	Referral of Petition (30 Day Notice), Introduction of a Proposed Ordinance, Exercising Land Use
January 14, 2020	Planning Commission considers Zone of Annexation
January 15, 2020	Introduction of a Proposed Ordinance on Zoning by City Council
February 5, 2020	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
March 8, 2020	Effective date of Annexation

ANNEXATION SUMMARY

File Number:	ANX-2019-627
Location:	2806 ½ Perry Drive
Tax ID Numbers:	2943-192-00-018
# of Parcels:	1
Existing Population:	0
# of Parcels (owner occupied):	0
# of Dwelling Units:	0
Acres land annexed:	0.521
Developable Acres Remaining:	0.521
Right-of-way in Annexation:	0
Previous County Zoning:	PUD (Planned Unit Development)
Proposed City Zoning:	I-1 (Light Industrial)
Current Land Use:	Modular building
Future Land Use:	Industrial
Values:	Assessed: \$42,380
	Actual: \$146,130
Address Ranges:	2806 ½ Perry Drive
Special Districts:	Water: Ute Water Conservancy District
	Sewer: City of Grand Junction
	Fire: Grand Junction Rural Fire District
	Irrigation/Drainage: Grand Valley Irrigation Company
	School: Grand Junction HS / East Middle / Chipeta Elementary
	Pest: Grand River Mosquito Control District

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

AN ORDINANCE ZONING THE BARNES ELECTRIC ANNEXATION

LOCATED AT 2806 ½ PERRY DRIVE

Recitals

The property owner has requested annexation of the 0.521-acre property into the City limits in anticipation of future non-residential development.

After public notice and public hearing as required by the Grand Junction Zoning & Development Code, the Grand Junction Planning Commission recommended approval of zoning the Barnes Electric Annexation to the I-1 (Light Industrial) zone district, finding that it conforms with the designation of Industrial 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 I-1 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 I-1 (Light Industrial).

BARNES ELECTRIC ANNEXATION

A certain parcel of land lying in the of the Northwest Quarter of the Northwest Quarter (NW 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 Northwest corner of the NW 1/4 NW 1/4 of said Section 19 and assuming the North line of the NW 1/4 NW 1/4 of said Section 19 bears S 89°39'11" E with all other bearings contained herein being relative thereto; thence from said Point of Commencement, S 89°39'11" E, along the North line of the NW 1/4 NW 1/4 of said Section 19, a distance of 342.71 feet; thence S 00°16'49" E, a distance of 30.00 feet to the POINT OF BEGINNING; thence from said Point of Beginning, continue S 00°16'49" E, a distance of 145.00 feet; thence S 89°39'06" E, a distance of 156.51 feet; thence N 00°16'49" W, a distance of 145.00 feet; thence N 89°39'11" W, a distance of 156.51 feet, more or less, to the Point of Beginning.

CONTAINING 22,693 Square Feet or 0.521 Acres, more or less, as described

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

INTRODUCED on first reading on the 5th day of February 2020 and ordered published in pamphlet form.

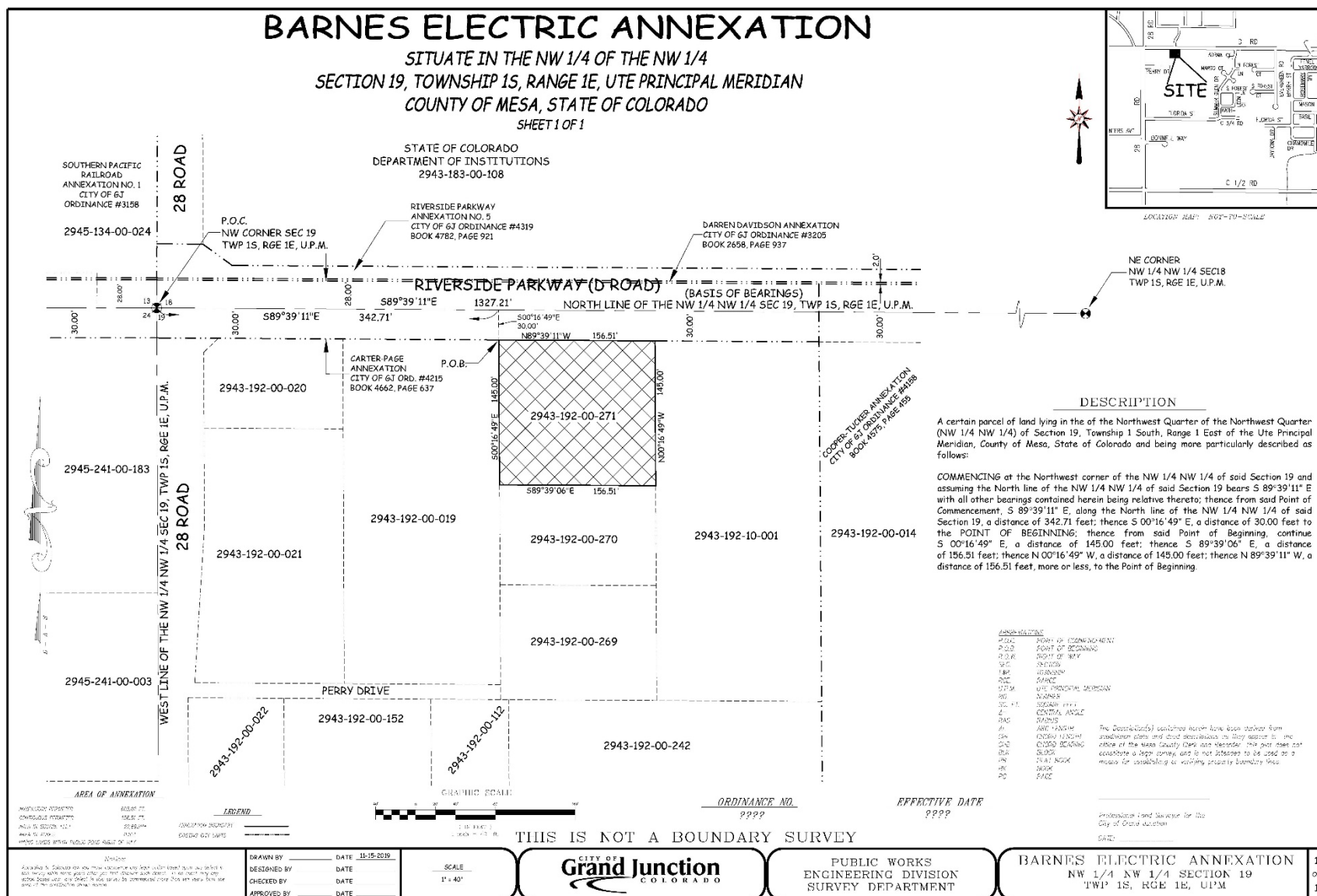
ADOPTED on second reading the ____ day of February 2020 and ordered published in pamphlet form.

President of the Council

Attest:

City Clerk

Exhibit



GRAND JUNCTION PLANNING COMMISSION
January 28, 2020 MINUTES
6:00 p.m.

The meeting of the Planning Commission was called to order at 6:04pm by Chairman Christian Reece.

Those present were Planning Commissioners; Chairman Christian Reece, Vice Chair Bill Wade, George Gatseos, Kathy Deppe, Keith Ehlers, and Andrew Teske.

Also present were Jamie Beard (Assistant City Attorney), Tamra Allen (Community Development Director), Scott Peterson (Senior Planner), Landon Hawes (Senior Planner), and Jarrod Whelan (Development Engineer).

There were approximately 5 citizens in the audience.

CONSENT AGENDA

Commissioner Wade moved to adopt Consent Agenda items #1. Commissioner Deppe seconded the motion. Motion carried unanimously 6-0.

1. Approval of Minutes

- a. Minutes of the December 10, 2019 Regular Meeting.

REGULAR AGENDA

1. Mays Rental Properties – Rezone

File # RZN-2019-660

Consider a request by Mays Rental Properties, LLC, for a rezone of 3.64 +/- acres from PD (Planned Development) to a C-1 (Light Commercial) zone district in anticipation of future commercial development.

Staff Presentation

Scott Peterson, Senior Planner, introduced exhibits into the record and provided a presentation regarding the request.

Questions for Staff

Commissioner Wade asked a question regarding the infrastructure upgrades of Riverside Parkway.

Commissioner Wade asked if any of the units are occupied now.

Commissioner Reece asked a question regarding the proposed use and traffic ingress/egress.

Applicant's Presentation

Cliff Mays Jr., Mays Rental Properties, LLC, was present and did not make a comment.

Public Comment

The public hearing was opened at 6:18pm.

None.

The public hearing was closed at 6:18pm.

Motion and Vote

Commissioner Gatseos made the following motion, "Madam Chairman, on the Mays Rental Property rezone request to C-1 (Light Commercial) for the property located at 2389 Riverside Parkway, City file number RZN-2019-660, I move that the Planning Commission forward a recommendation of approval to City Council with the findings of fact in the staff report."

Commissioner Deppe seconded the motion.

Discussion

Commissioner Teske made a comment in support of the request.

The motion carried 6-0.

2. Barnes Electric – Annexation

File # ANX-2019-627

Consider a request by Old Rascal, LLC, to annex and zone approximately 0.521-acres from County PUD (Planned Unit Development) to a City I-1 (Light Industrial) for the Barnes Electric Annexation.

Staff Presentation

Landon Hawes, Senior Planner, introduced exhibits into the record and provided a presentation regarding the request.

Questions for Staff

None.

Applicant's Presentation

The Applicant, Old Rascal, LLC, was present and did not make a comment.

Public Comment

The public hearing was opened at 6:28pm.

None.

The public hearing was closed at 6:28pm.

Motion and Vote

Commissioner Deppe made the following motion, "Madam Chairman, on the annexation zoning request for the property located at 2806 ½ Perry Drive, City file number ANX-2019-627, I move that the Planning Commission forward a recommendation of approval to City Council with the findings of fact as listed in the staff report."

Commissioner Wade seconded the motion.

Discussion

Commissioner Reece made a comment in support of the request.

The motion carried 6-0.

3. Code Text Amendment – Height in C-1, C-2 and I-O Zones File # ZCA-2019-715

Consider a request by the City of Grand Junction to amend the Mixed Use and Industrial Bulk Standards Summary Table, as well as Section 21.03.070(d)(4), of the Zoning and Development Code, regarding maximum height of structures in the C-1, C-2, and I-O zone districts.

Staff Presentation

Landon Hawes, Senior Planner, introduced exhibits into the record and provided a presentation regarding the request.

Questions for Staff

None.

Public Comment

The public hearing was opened at 6:37pm.

Ted Ciavonne, Ciavonne Roberts & Associates, made a comment in support of the request.

The public hearing was closed at 6:38pm.

Discussion

Commissioners Reece, Wade, Gatseos made comments in support of the request.

Motion and Vote

Commissioner Wade made the following motion, “Madam Chairman, on the request to amend the Zoning and Development Code regarding height in C-1 and C-2 zone districts, City file number ZCA-2019-715, I move that the Planning Commission forward a recommendation of approval to City Council with the findings of fact as listed in the staff report.”

Commissioner Gatseos seconded the motion. The motion carried 6-0.

4. Other Business

None.

5. Adjournment

The meeting was adjourned at 6:40pm.



Grand Junction City Council

Regular Session

Item #3.a.

Meeting Date: February 5, 2020

Presented By: Ken Watkins, Fire Chief, Jay Valentine, General Services Director

Department: General Services

Submitted By: Jay Valentine

Information

SUBJECT:

Purchase of Pierce Enforcer Fire Pumper Truck

RECOMMENDATION:

Staff recommends the sole source purchase of a Pierce Enforcer fire pumper truck from Front Range Fire Apparatus of Frederick, Colorado for \$616,118.00

EXECUTIVE SUMMARY:

This request is to purchase a Pierce Enforcer fire pumper truck with clean cab option for \$616,118.00. The unit will replace a 20-year-old fire pumper truck that has reached the end of its useful life. As part of the Fleet Replacement Program this new unit will be used as a front line fire engine and an older unit will be rotated into reserve status.

BACKGROUND OR DETAILED INFORMATION:

This unit is a replacement engine and will be purchased through accruals in the Fleet Replacement Fund. Fire units are in constant use and put through many adverse conditions. They are custom built vehicles making many of the components obsolete which creates higher repair cost and extended out of service time while waiting on parts to be manufactured. The replacement of this unit will ensure the equipment maintains the highest practical state of suitability, reliability, safety and efficiency.

In 2019, City Council approved a sole source justification for Pierce Manufactured Fire Apparatus. This truck will be identical to the original two Pierce units purchased in 2019 in order to ensure consistency to the Fleet. This includes the clean cab option to minimize carcinogen exposure to our firefighters.

FISCAL IMPACT:

The replacement funds are budgeted in the 2020 Fleet Replacement Budget.

SUGGESTED MOTION:

I move to (authorize/not authorize) the City Purchasing Division to enter into a contract with Front Range Fire Apparatus of Frederick, Colorado for the purchase of one (1) Pierce Enforcer Fire pumper truck in the amount of \$616,118.00.

Attachments

None



Grand Junction City Council

Regular Session

Item #4.a.

Meeting Date: February 5, 2020

Presented By: Greg Caton, City Manager

Department: City Manager's Office

Submitted By: Greg LeBlanc, Sr. Asst. to the City Manager

Information

SUBJECT:

A Resolution Adopting City Council Agenda, Travel and Proclamation Policies

RECOMMENDATION:

Staff recommends approval of the resolution.

EXECUTIVE SUMMARY:

City Council currently has three draft policies: agenda, travel, and proclamation process. Following discussion during the January 13 City Council Workshop, staff has made the recommended changes and prepared the policies for adoption by Council. These draft policies guide the actions of City Council and provide a framework for efficient communication with citizens and City staff.

BACKGROUND OR DETAILED INFORMATION:

City Council currently has three draft policies: Agenda, Travel, and Proclamation Process.

The draft agenda policy allows City Councilmembers to more appropriately respond to constituent inquiries and enhance communication between City Council and City Staff. The draft policy provides City Councilmembers with a procedure for initiating or removing new business, policy issues and other matters that a member desires to be heard or a member desires to sponsor. The draft policy suggests that the Agenda Committee, consisting of the Mayor and Mayor pro tem may place or remove any agreed upon item on meeting agendas. Individual members of City Council may add or remove items from the agenda by approaching members of the Agenda Committee

through normal means of contact. The general public may initiate an agenda item by approaching a member of Council.

The draft travel policy establishes the procedures for travel by members of City Council required for business on behalf of the City of Grand Junction. This draft policy provides City Councilmembers with a procedure and guidelines for making travel arrangements, scheduling payment, and reimbursements. The draft procedure allows for City Staff to adequately aid City Councilmembers plan for travel.

The draft proclamation process policy states that if a Councilmember receives a request for a proclamation, he/she will refer the requester to the Mayor and City Manager for discussion at the next Agenda Review Committee meeting.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I move to (adopt/deny) Resolution 07-20, a resolution adopting City Council Agenda, Travel and Proclamation Policies.

Attachments

1. Council Policy Packet
2. RES-AgendaProc&TravelPolicy

CITY OF GRAND JUNCTION
AGENDA POLICY

1. PURPOSE:

This policy establishes the procedures for agendizing subjects and/or proposed action items on regular and special meeting and work session agendas of the City Council ("Council"). This policy provides City Councilmembers with a procedure for initiating or removing new business, policy issues and other matters that a member(s) desires to be heard or that he/she desires to sponsor. The procedure shall help City Councilmembers respond to constituent inquiries and enhance communication between City Council and City Staff.

2. AGENDA PREPARATION:

A. PROCEDURE FOR REGULAR AND SPECIAL MEETINGS:

The following procedures shall apply to regular and special meeting agendas:

A. The Agenda Committee consisting of the Mayor and Mayor *pro tem* may place or remove any agreed upon item on a regular or special meeting agenda. Members of City Council may add or remove items from the agenda by approaching members of the Agenda Committee through normal means of contact. Alternatively, Councilmembers may bring topics during workshops or at least four (4) Council Members may place an item on a regular meeting agenda. Members of the general public may initiate an agenda item(s) by approaching a Councilmember, who will then work with a member of the Agenda Committee.

B. The agenda as set by the Agenda Committee will be noticed by the City Manager, or designee, in consultation with the City Attorney as the City Manager deems necessary and will be distributed by the City Manager to City Council by at least twenty-four (24) hours before the scheduled meeting.

C. The City Manager, in coordination with the Agenda Committee, shall be responsible for scheduling all regular and special meeting agenda items. If the Agenda Committee or four (4) or more Council Members request that an item be placed on a regular or special meeting agenda, the City Manager shall determine, in coordination with the Agenda Committee which meeting agenda is and practically appropriate for such item(s).

D. Public comment, issues that arise at or during meetings, or topics that Council refers to the City Manager can be responded to in a variety of ways including scheduled meetings with the City Manager, memoranda, or at the Council's next regular meeting or work session. The City Manager, with the consultation with the Agenda Committee if the City Manager deems such consultation necessary, will determine whether referred matters necessitate referral to an agenda or may be addressed separately (through the scheduled meetings, memoranda or by a verbal report to Council or other appropriate means of resolution and/or reporting.)

B. PROCEDURE FOR WORKSHOP SESSIONS:

The following procedures shall apply to workshop session agendas:

A. The Agenda Committee consisting of the Mayor and Mayor *pro tem* may place or remove any agreed upon item on a workshop agenda. Members of City Council may add or remove items from the agenda by approaching members of the Agenda Committee through normal means of contact. Alternatively, Councilmembers may bring topics during workshops or at least four (4) Council Members may place an item on a workshop meeting agenda. Members of the general public may initiate an agenda item(s) by approaching a Councilmember, who will then work with a member of the Agenda Committee.

B. The agenda as set by the Agenda Committee will be noticed by the City Manager, or designee, in consultation with the City Attorney as the City Manager deems necessary and will be distributed by the City Manager to the members of City Council at least twenty-four (24) hours before the scheduled meeting.

C. The City Manager, in coordination with the Agenda Committee, shall be responsible for scheduling all workshop agenda items. In other words, if the Agenda Committee or four (4) or more Council Members request that an item be placed on a workshop agenda, the City Manager shall determine, in coordination with the Agenda Committee, which workshop agenda is and practically appropriate for such item(s).

D. Items pertaining to City strategic goals shall receive priority on work session agendas.

E. Guests and outside presenters shall generally be scheduled before other items on the agenda.

3. METHOD OF NOTIFICATION:

A. The agenda of meetings shall be posted at least twenty-four (24) hours prior to the meeting. Any other notice allowable by law shall be permissible. In addition, a reasonable effort will be made to notify the media normally covering a City Council meeting when a meeting is scheduled or cancelled. Notice of a Council meeting shall be posted at the designated posting location on the City website.

B. Meeting agendas will be distributed to City Council members at least twenty-four (24) hours before the scheduled meeting. Councilmembers who request changes to the agenda must request such changes through the Agenda Committee at least twenty-four (24) hours before the scheduled meeting.

4. AGENDA AND PACKET DISTRIBUTION:

The following procedures shall apply to the distribution of work session, regular and special meeting agendas and packets. Materials included in meeting packets vary based on the type of meeting:

A. Prior to each meeting of the Council, each Councilmember shall receive the following when applicable based on type of meeting:

- A copy of the agenda of the meeting, stating each matter to be discussed by the Council by title, description and/or synopsis.
- A copy, in its latest form or edition, of each ordinance, resolution, or other written or printed document to be presented at the meeting, including background information, analysis and recommendation to City Council when applicable. This policy and respective procedures may not apply to Emergency Meetings.
- A copy of the minutes of the previous meeting.

B. Copies of the agenda also shall be kept at City Hall and shall be available in the City Hall Auditorium on the night of a regular, special or emergency meeting, and shall be made available to any member of the public who so requests.

- A copy of the information provided to City Council will be available in meeting location for any member of the public to inspect with all material for the meeting except the material that is subject to the client/attorney privilege.

CITY OF GRAND JUNCTION
TRAVEL POLICY

1. PURPOSE:

This policy establishes the procedures for travel by members of City Council (“Council”) required for business on behalf of the City of Grand Junction. This policy provides City Councilmembers with a procedure and guidelines for making travel arrangements, scheduling payment, and reimbursements. The procedure shall allow City Staff to adequately aid City Councilmembers plan for travel as required by official business on behalf of the City of Grand Junction.

2. CONFERENCES, SEMINARS, OR SPECIAL MEETINGS:

A. Councilmembers sometimes have an opportunity to attend conferences and seminars related to their duties as a municipal official. Councilmembers shall bring the registration form to the City Manager’s Office and staff will complete necessary registration forms and arrange for fees to be paid by the City or reimbursed if the Councilmember pays the fee directly.

B. Conferences and seminars vary in size and scope depending on the intended purpose. Conferences or seminars with a national focus and are typically held in locations out of the state and require greater amounts of travel arrangements. Since the policy decisions made by City Council revolve around local issues, the attendance of national-level conferences or seminars is limited. Resulting, travel costs for conferences that exceeds \$1,000 shall be brought to Council as a whole for review by the group. Costs associated for travel and registration for conferences is limited by the amount designated in the Annual Budget. Conferences and seminars with a focus on localized or state-wide issues are typically held within the state and attendance requires day-of travel or simple travel arrangements. Councilmembers are encouraged to attend in-state conferences or seminars more frequently than out-of-state conferences or seminars due to the relevance of information presented. Travel may also be required for Councilmembers to attend the meetings of committees that members of City Council have been assigned.

3. TRAVEL ARRANGEMENTS:

A. When attending a City-related out of town conference or meeting, Administrative staff will make travel arrangements in advance of the trip. Please inform staff as soon as possible regarding out-of-town conferences. Staff will make arrangements for convenient travel dates, airline reservations, accommodation preferences, etc.

B. The City makes every effort to get the most economical airfares and room accommodations. Many airline reservations are *non-refundable*. Please be mindful that if cancellations are necessary, the City will end up paying the extra costs. Airfare, hotel, conference registration, car rental or taxis, mileage or shuttle expenses, and meal expenses

will be paid by the City. You may use your City purchasing card for these expenses or you may use cash.

C. Documentation needed for out-of-town travel and in-town meals must include an itemized receipt as well as the names of individuals being fed, the place or location, the business purpose, the time or date and the type of meal (lunch, breakfast or dinner.) However, if a City employee is picking up the tab for a group meal, the names of those individuals attending need to be included on the receipt. This information is required by the City's auditors and is required of both staff and Council.

D. A per diem rate for meal expenses will be issued by Administrative staff for out-of-town trips and conferences. With a per diem, you would not need to provide receipts for meal expenses at the end of your trip.

E. Your guest may travel with you, but the City will only pay for your share of the expenses. For example, airfare for your guest will not be covered, and if the hotel rate is higher for double occupancy, the City will only pay for single occupancy.

4. CITY CREDIT CARDS

A. As a Councilmember, you will be issued a City of Grand Junction purchasing card (P-card) to cover expenses related to official City business. Generally, the appropriate expenses incurred on City credit cards include expenses associated with travel (hotel, meals, car rental); City-related meetings (meals); and seminar registrations.

B. The City Manager's Office will process incurred City credit card expenses. Retain all credit card receipts and bring them to Administrative staff. Documentation needed for out-of-town travel and in-town meals must include an itemized receipt as well as a notation regarding the names of individuals being fed, the place or location, the business purpose, the date and which meal was purchased (lunch, breakfast or dinner).

C. City policy prohibits the use of City funds for purchasing alcohol. Alcoholic beverages must be placed on a separate tab from which City funds are used. If alcoholic beverages are included on a restaurant or hotel bill by accident, Councilmembers shall reimburse that amount to the City through cash or check. If a hotel bill includes charges for entertainment such as in-room movies, Councilmembers shall reimburse these charges to the City.

D. Please be aware that credit card expenses are public information and have been requested for review in the past. These accounts may also be audited.

5. MILEAGE REIMBURSEMENT:

A. Councilmembers are entitled to reimbursement for mileage incurred while attending out of town conferences and seminars. The City reimburses at the same per-mile rate as the IRS allows for tax purposes. Councilmembers may submit a mileage reimbursement form to the City Manager's Office on a monthly basis.

CITY OF GRAND JUNCTION
PROCLAMATION PROCESS POLICY

1. PURPOSE:

This policy establishes the procedures for selecting proclamations to be read by the City Council ("Council"). This policy provides City Councilmembers with a procedure for differentiating between *Civic Proclamations* and *Social Proclamations*. The procedure will help City Councilmembers manage the length of time spent on agenda items during regular meetings while supporting proclamation recipients.

2. PROCLAMATION PROCESS:

When a Councilmember receives a request for a proclamation, he/she will refer the requestor to the Mayor and City Manager for discussion at the next Agenda Review Committee meeting. Proclamations will be designated as *civic* or *social*.

A. PROCEDURE FOR CIVIC PROCLAMATIONS:

The following procedures apply to civic proclamations:

A. The Agenda Review Committee consisting of the Mayor and Mayor *pro tem* may designate proclamations as *civic*. *Civic* proclamations are those which pertain to holidays or issues of local significance. These proclamations are read and presented at City Council meetings and one representative is designated to receive the proclamation.

B. The preferred number of *civic* proclamations read at a meeting is no more than three.

B. PROCEDURE FOR SOCIAL PROCLAMATIONS:

The following procedures apply to social proclamations:

A. The Agenda Review Committee consisting of the Mayor and Mayor *pro tem* may designate proclamations as *social*. *Social* proclamations are those which pertain to awareness issues or topics championed by service clubs. These proclamations are mailed to the requester or issued at the event, when applicable. The titles of the social proclamations issued in a given month will be read aloud by the Mayor at the Council meeting.

B. There is no preferred number of *social* proclamations.

RESOLUTION NO. __-20

**A RESOLUTION ADOPTING CITY COUNCIL AGENDA, TRAVEL AND
PROCLAMATION POLICIES**

RECITALS.

At its work session on January 13, 2020 the City Council considered drafts of policies relating to City Council agendas, a process for City Council proclamations and a City Council travel policy. The City Council recommended changes to the draft policies and the City staff prepared those policies for final consideration and adoption by Council.

The adoption of policies is authorized by the City Charter and consistent with principles of good governance. In the main, adoption of the proposed policies will help guide the actions of City Council and provide a framework for efficient communication with citizens and City staff.

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

The Agenda, Proclamation and Travel policies attached to and incorporated by this reference as if fully set forth are adopted.

Each policy shall serve, until amended or repealed and replaced by subsequent resolution of the City Council, to guide the course of action and conduct of the City Council pertaining to the matters addressed therein.

Adopted this 5th day of February 2020.

J. Merrick Taggart
President of the Council

ATTEST:

Wanda Winkelmann
City Clerk



Grand Junction City Council

Regular Session

Item #5.a.

Meeting Date: February 5, 2020

Presented By: Jay Valentine, General Services Director

Department: General Services

Submitted By: Jay Valentine, General Services Director

Information

SUBJECT:

Memorandum of Understanding for Indoor Golf Facility with Colorado Mesa University

RECOMMENDATION:

To approve the Memorandum of Understanding with Colorado Mesa University

EXECUTIVE SUMMARY:

Colorado Mesa University is requesting the City, through a Memorandum of Understanding, to lease property at Lincoln Park Golf Course to construct a Golf Performance Center at Lincoln Park Golf Course driving range. The vision for the proposed CMU Golf Performance Center includes the following features: 1) a place to practice in inclement weather with roll up doors to the range and indoor putting area, 2) tables for studying, 3) electronics – a place for the student athletes to “hang out” building camaraderie and teamwork, 4) couches/chairs, and 5) lockers for clubs/shoes. Of the three practice bays in the facility, one will be assigned to the City to promote and market to it's golf customers.

BACKGROUND OR DETAILED INFORMATION:

Currently the Colorado Mesa University Men's and Women's golf programs do not have a practice facility in which to work and practice, especially in inclement weather. Because of this, CMU is asking the City, through a Memorandum of Understanding, to construct a Golf Performance Center at Lincoln Park Golf Course. The CMU Golf Performance Center would be the “home” where the men and women golf student athletes can visit for practice regardless of their personal class schedules, and to improve themselves whether to increase their golf skills or to prepare for

class/homework. This facility (rendering attached) is proposed to be located at the Lincoln Park Driving Range. The vision for the proposed CMU Golf Performance Center includes the following features: 1) a place to practice in inclement weather with roll up doors to the range and indoor putting area, 2) tables for studying, 3) electronics – a place for the student athletes to “hang out” building camaraderie and teamwork, 4) couches/chairs, and 5) lockers for clubs/shoes. This facility will be a significant piece to recruiting the best golf talent to Colorado Mesa University, as many competing college golf programs already have the benefit of similar practice facilities.

FISCAL IMPACT:

The annual rent to be paid by CMU to the City will be ten dollars (\$10.00) The City will also retain exclusive use of one of the three practice bays. This will allow Lincoln Park Golf Course to generate additional revenue through the programming of this facility.

The initial term of the Lease will be 25 years. In addition to the Lease payment, CMU will pay for all utilities required for the operation of the CMU Golf Facility; provide for all maintenance and repair, trash service, utility charges and provide for all custodial needs.

SUGGESTED MOTION:

I move to (approve/not approve) the Memorandum of Understanding with Colorado Mesa University for the purposes of constructing a CMU golf facility on Lincoln Park Golf Course property.

Attachments

1. MOU-LPGC CMU City
2. CMU Golf Performance Center Rendering

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding ("MOU") is entered into this ____ day of ____ 2020, by and between the State of Colorado by and through the Trustees of Colorado Mesa University for the benefit of Colorado Mesa University ("CMU") and the City of Grand Junction ("City"). Together CMU and the City may be referred to as "Parties" or "the Parties."

Recitals

- A. CMU is a Colorado public institution of higher education with its main campus located in Grand Junction, Colorado.
- B. The City is a Colorado home rule municipality. The City owns Lincoln Park Golf Course ("LPGC") located close to the CMU campus at the intersection of North Avenue and 12th Street, in Grand Junction.
- C. CMU, for and on behalf of its competitive golf teams, desires to build a facility to be used by the golf teams as the teams' headquarters and to provide locker rooms and a practice/training facility for the teams exclusive use. Collectively and for purposes of this MOU, those improvements are referred to as the "CMU Golf Facility."
- D. CMU and the City have discussed the concept of constructing the CMU Golf Facility on the LPGC property. It is contemplated that the CMU Golf Facility would include a meeting room, locker rooms, restrooms, and covered practice tee boxes all to be used by and for the CMU golf teams. In addition, a single covered practice tee box would be constructed for use by the public.
- E. CMU understands the value in having the LPGC as the home course for CMU golf, although the CMU golf teams will practice and hold events on other regional golf courses, and the City recognizes the value of potential advertising, marketing and concession rights that may result when the CMU golf team establishes LPGC as its home course.
- F. CMU and the City desire to enter into a statement of understanding and general agreement setting forth each party's expectations and understanding of possible opportunities for the financing, construction and operation of the CMU Golf Facility at LPGC.
- G. This MOU provides the basis for further effort by the parties consistent with these Recitals.

Statement of Understanding and General Agreement

The Parties understand and agree as follows.

1. Lease of Tract at Lincoln Park Golf Course. CMU will lease an area of the Lincoln Park golf course from the City on which CMU will construct the CMU Golf Facility. The annual rent to be paid by CMU to the City will be ten dollars (\$10.00). The initial term of the Lease will be 25 years. CMU shall have the right but not the obligation to renew this agreement for an additional 25 years. In the event of non-renewal, the City may a) require CMU to remove the CMU Golf Facility or b) purchase the CMU Golf Facility for a price and on terms mutually agreed to by the City and CMU, all as more particularly set forth in the lease agreement. The size and location of the leased area shall be determined by mutual agreement of CMU and the City, but shall generally be located near the existing driving range and be of sufficient size to accommodate a building that is approximately 40 feet by 40 feet containing a locker room, training room and club room for CMU golf teams. The CMU Golf Facility will include no less than three (3) covered tee boxes for range practice by the CMU golf teams and one (1) covered tee box for public use. The CMU Golf Facility is expected to include restrooms and showers. The City agrees the lease will establish and provide necessary utility easement(s) and arrangements for payment of utility services. The City will at its cost stub utilities (water, sewer, gas, electric, telephone, internet) to the leased parcel.
2. Design Concept for the Golf Facility. The CMU Golf Facility will be designed by CMU in consultation and agreement with the City and in accordance with all applicable zoning, fire, building and life safety codes. All costs of the construction, operation, maintenance and equipment for the CMU Golf Facility shall be paid for by CMU.
3. Obligations of the City. The City will be responsible to provide all landscaping at the CMU Golf Facility, which shall be installed and maintained at a quality that is consistent with the Lincoln Park Golf Course. The City will reasonably provide and pick up, in an amount and on a schedule determined by the City, range balls for use by the CMU golf teams at no cost to CMU.
4. Capital Campaign. CMU will conduct a fund raising campaign to finance the construction of the CMU Golf Facility and all necessary equipment. Such fundraising campaign shall be under the management and control of CMU. The lease between CMU and the City will commence upon written notice from CMU that CMU has sufficient funds raised or pledged to construct the CMU Golf Facility. Upon such notice, the Parties will enter into a written lease agreement, subject to approval by the City Council, providing for CMU to lease the tract of land at Lincoln Park Golf Course in accordance with this MOU and other commercially reasonable terms including but not limited to protection of the City from the attachment of liens to the Lincoln Park Golf Course. In the event that CMU does not notify the City that it has sufficient funds to proceed with the lease within three (3) years of the date of this MOU, the MOU shall expire.
5. Additional Lease Obligations. In addition to the Lease payment set forth above, CMU will pay for all utilities required for the operation of the CMU Golf Facility; provide for all maintenance and repair, trash service, utility charges and provide for all custodial needs. The City will provide and pay for landscaping services, sidewalk and parking maintenance, and basic security. Any security needs of CMU for special events that are

beyond basic building security provided by the City shall be arranged and paid for by CMU.

6. Insurance. CMU shall, at its sole cost and expense, during the entire term hereof, carry and maintain the following insurance coverage in the amounts specified below, or at such other amounts as CMU shall, from time to time, determine, with insurance companies and in a form satisfactory to the City:
 - A. Workers' Compensation Insurance as required by state statute, and Employer's Liability Insurance covering all of CMU's employees acting within the course and scope of their employment.
 - B. Public liability and property damage liability insurance with the following limits.
 - a. \$1,000,000 each occurrence;
 - b. \$2,000,000 general aggregate;
 - c. \$1,000,000 Umbrella insurance
 - C. Fire and extended coverage insurance covering the CMU Golf Facility building and including the public tee box(es) and all of CMU's equipment, trade fixtures, appliances, furniture, furnishings, and personal property in, on, or upon the golf facility in an amount not less than the full replacement cost without deduction for depreciation.

The liability insurance referred to hereinbefore shall name the City as an additional insured. A copy of every policy, endorsement and/or certificate of insurance pertaining to this requirement shall be delivered to City within thirty (30) days of the execution of this Agreement.

7. Building Access. CMU employees and CMU golf team members will have the only keys and exclusive access to the CMU Golf Facility except for the public covered tee box that the City will have access to and oversee.
8. Independent Operation. All decisions concerning CMU staffing, name, events and activities at the CMU Golf Facility shall be the decision of CMU, unless such decisions might negatively impact the City and the golfers at Lincoln Park Golf Course. In those situations, CMU will consult in advance with the City. CMU will, from time to time, consult with the City on the activities and programs of the CMU golf teams to coordinate times and to determine if an opportunity for beneficial collaboration between CMU and the City might exist. CMU staff, volunteers, guests and golf-team members shall have unlimited access to the CMU golf facility, subject to the overall rules and regulations in effect at Lincoln Park Golf Course.
9. Cooperation. The provisions hereof are the basic understandings of CMU and the City; however, this MOU is not a contract as many matters may arise in the negotiation of the lease, the construction and the use of the CMU Golf Facility. On each occasion when CMU and the City find an issue not covered by this MOU, CMU and the City will in good faith negotiate with the guiding principle of each such negotiation being that CMU is to design, construct, operate and pay for all of the costs of the CMU golf team facility to be located at Lincoln Park Golf Course and CMU shall have the exclusive use of the

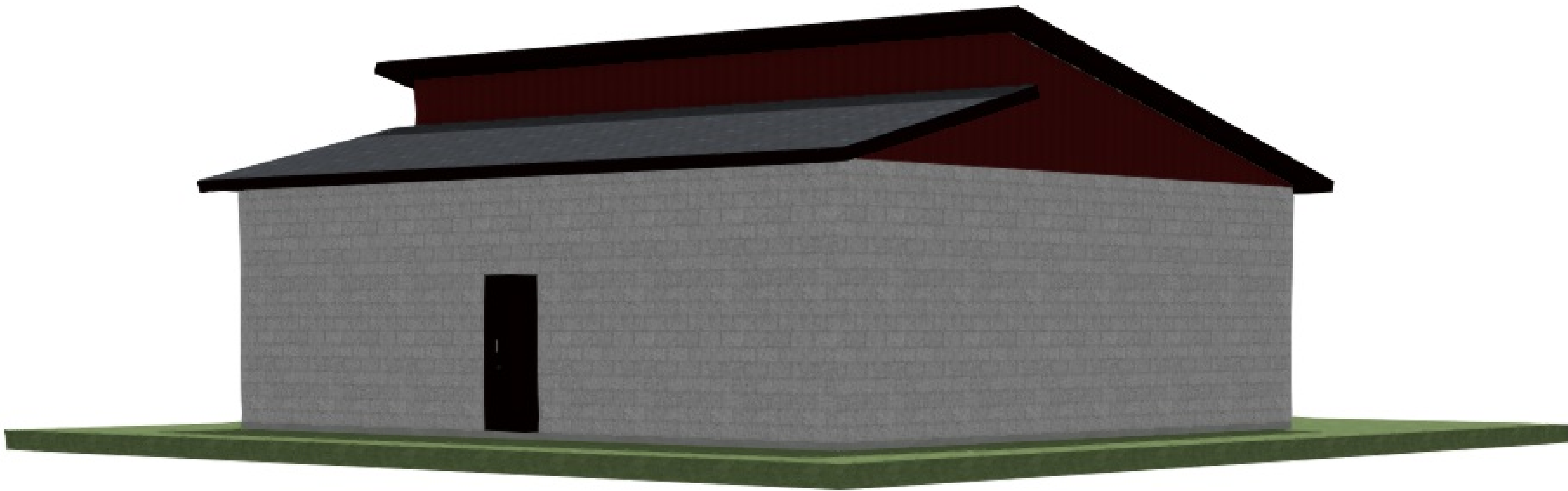
CMU Golf Facility. Subsequent agreements, including but not limited to the lease will control. There may be many opportunities for CMU and the City to further collaborate in the future to benefit either or both CMU and the City, those opportunities may be the subject of separate, additional agreements. CMU and the City agree to discuss issues, concerns and opportunities as they arise and to otherwise communicate and cooperate on all matters relating to the CMU Golf Facility with the mutual goal that it be successful and that it be a positive contributor to the CMU athletic department, students and economic health of the City of Grand Junction.

10. Dispute Resolution. In the event of a dispute about the understandings and general agreements established by this MOU that cannot be resolved by the parties, the parties agree that they shall proceed, in good faith, to mediation. The parties will jointly appoint an acceptable mediator and will share equally in the cost of mediation. The obligation to mediate will terminate if the entire dispute is not resolved within sixty (60) days of the date written notice requesting mediation is delivered by one party to the other.
11. Not Complete and Final Agreement. Subject to Paragraph 9 above, the parties agree that this MOU not the entire agreement between the parties relating to the construction and use of a CMU Golf Facility at Lincoln Park Golf Course and that further agreements, including but not limited to a lease, are required to fully effectuate the understandings stated herein.
12. Inurement. This Agreement shall inure to the benefit of and be binding upon each of the party's heirs, legal representatives and assigns.

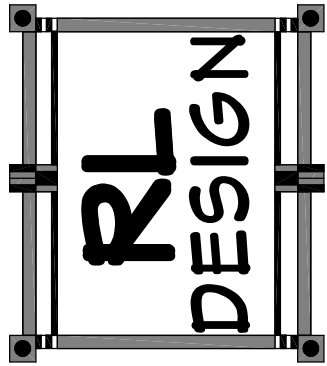
In Witness Whereof, the parties have caused this agreement to be executed this ____ day of _____, 2020.

State of Colorado through the
Trustee of Colorado Mesa University

City of Grand Junction, Colorado



1 PERSPECTIVE VIEWS
1/4"=1'-0"



REVISIONS	BY	DATE

RL Design
STUDIO - GALLERY - SHOWROOM
230 S. Front Street
Sterling, Colorado 80751
470-522-0200

SHEET TITLE:
**PERSPECTIVE
VIEWS**

HITTING BAYS FOR -
COLORADO MESA UNIVERSITY
GRAND JUNCTION, COLORADO

DATE:

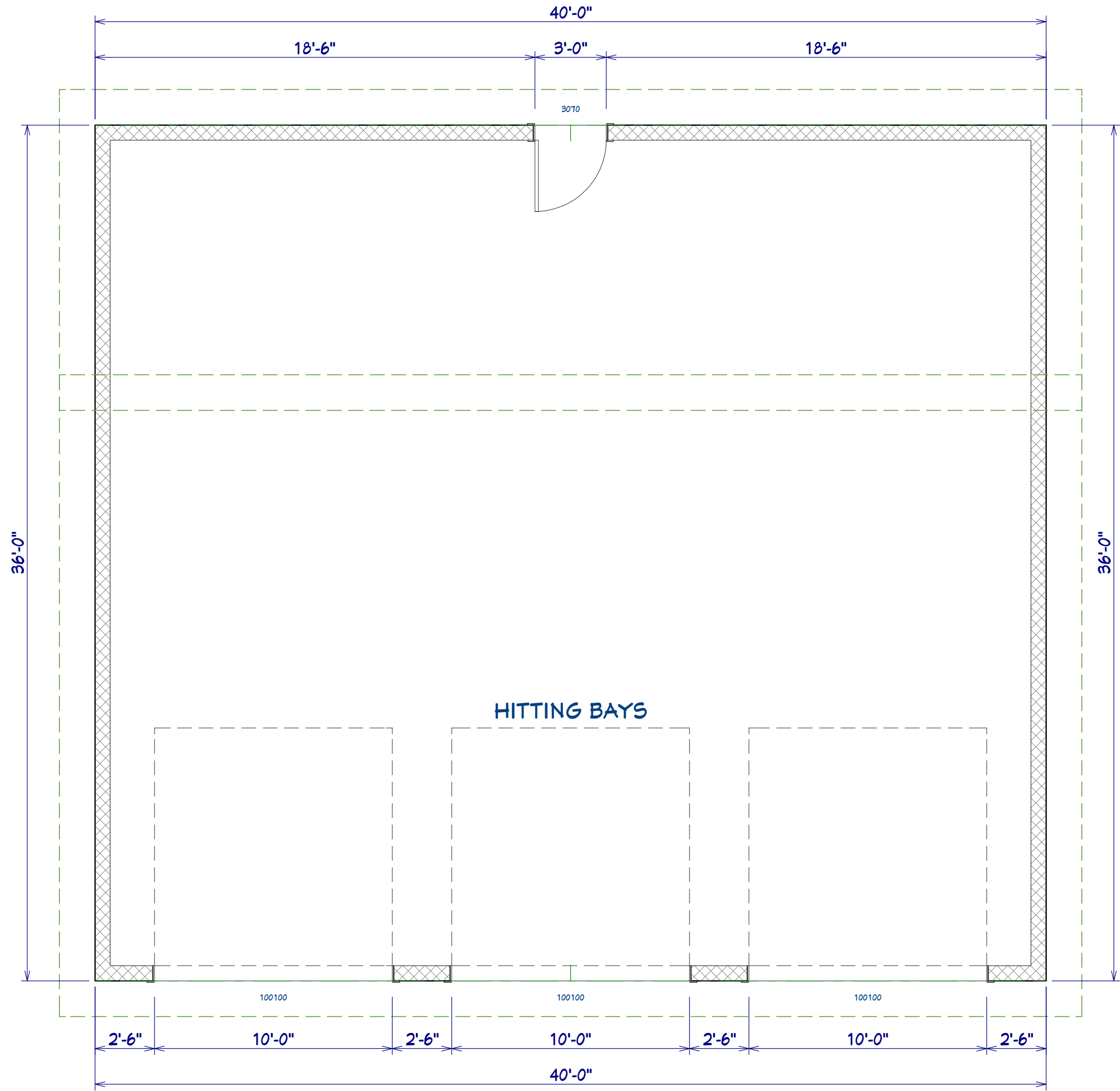
1/24/2019

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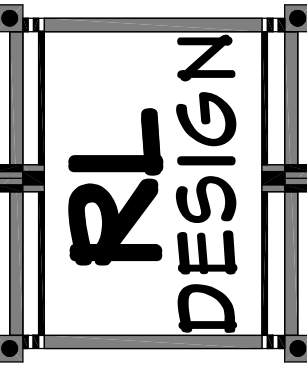
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SHEET #

P-1



1 FLOOR PLAN
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REVISIONS	BY	DATE

RL Design
STUDIO - GALLERY - SHOWROOM
230 S. Front Street
Sterling, Colorado 80751
470-522-0200

SHEET TITLE:
FLOOR PLAN

HITTING BAYS FOR -
COLORADO MESA UNIVERSITY
GRAND JUNCTION, COLORADO

DATE:

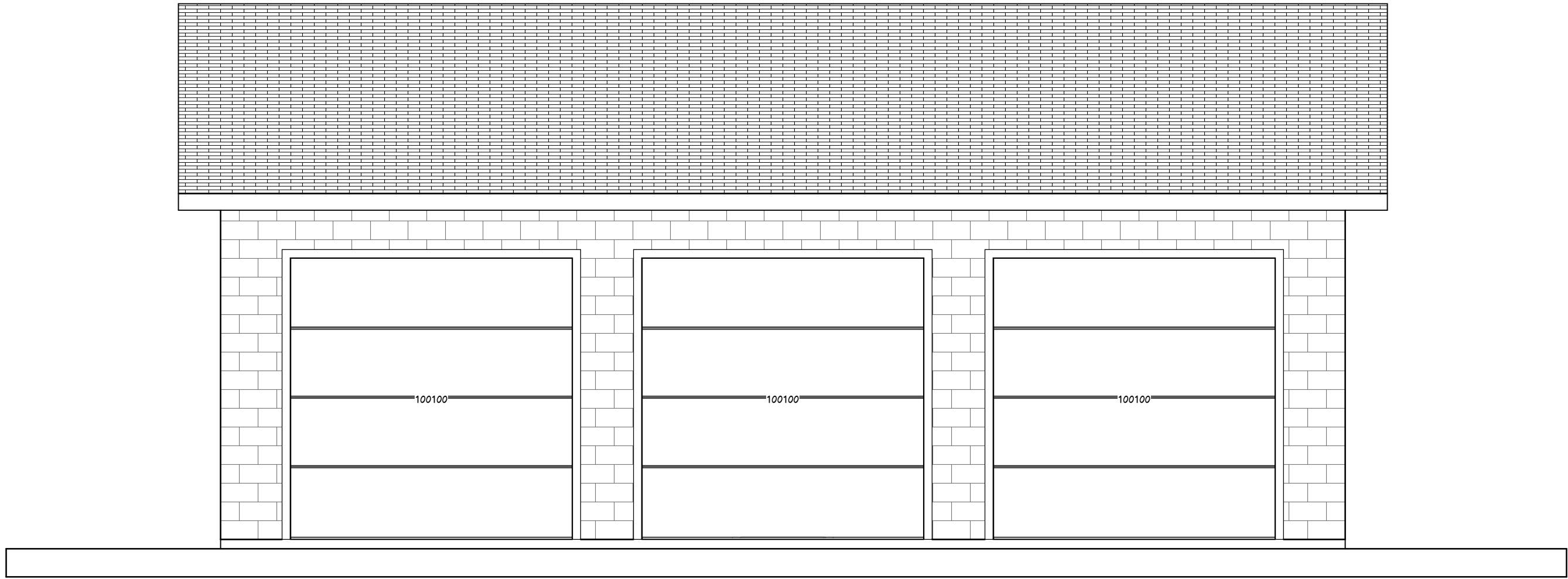
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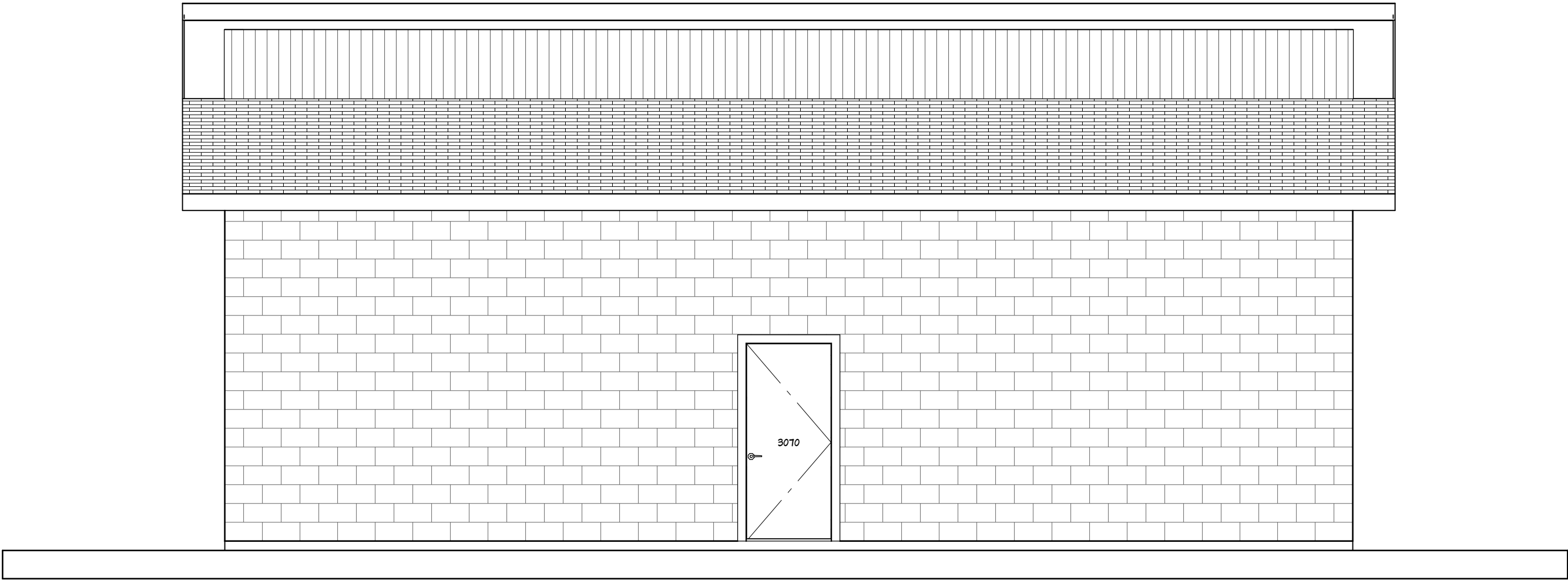
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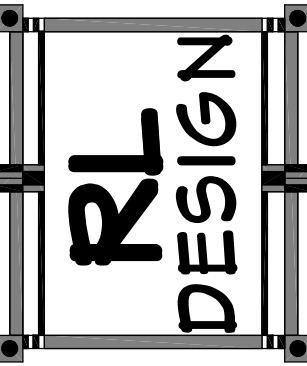
A-1



1 FRONT ELEVATION
1/4"=1'-0"



2 BACK ELEVATION
1/4"=1'-0"



REVISIONS	BY	DATE

RL Design

STUDIO - GALLERY - SHOWROOM

230 S. Front Street

Stirling, Colorado 80151

470-522-0200

SHEET TITLE:

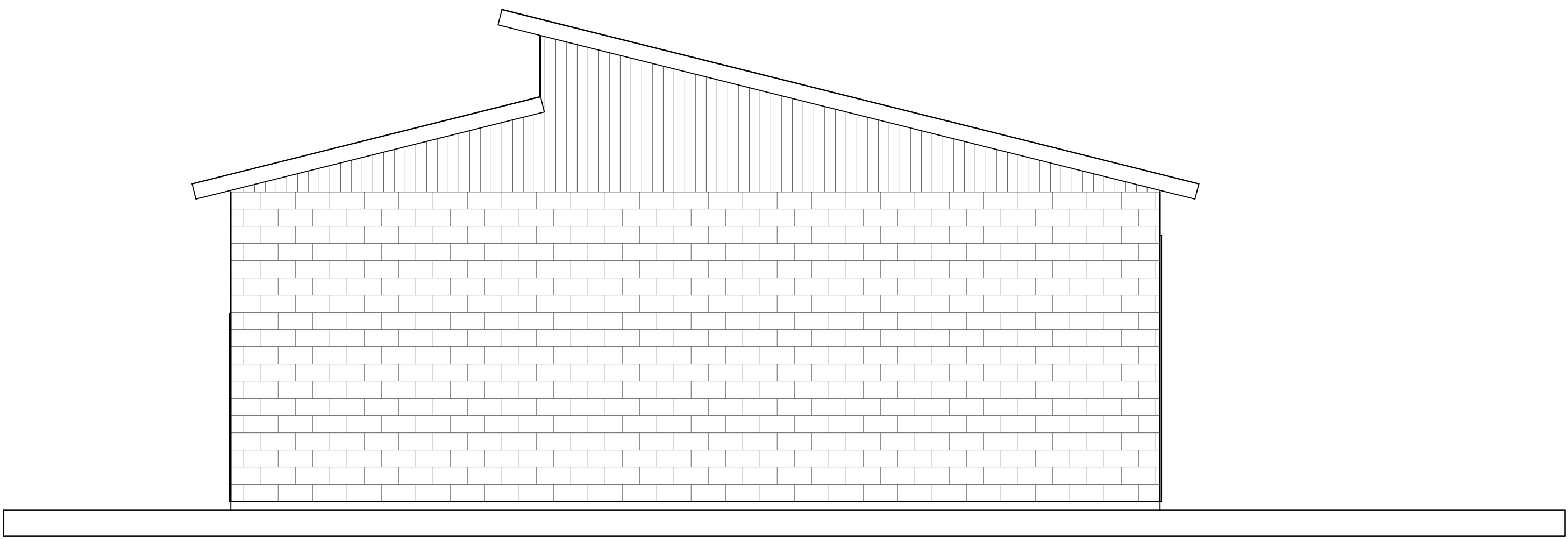
ELEVATIONS

HITTING BAYS FOR -

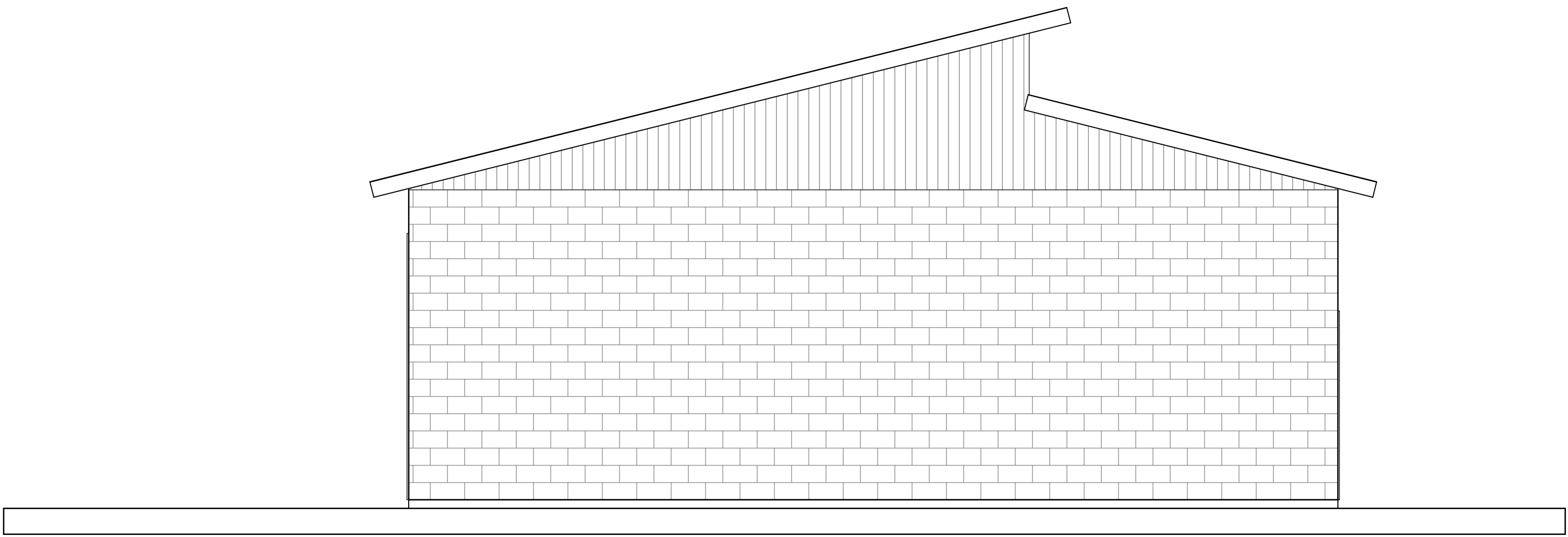
COLORADO MESA UNIVERSITY

GRAND JUNCTION, COLORADO

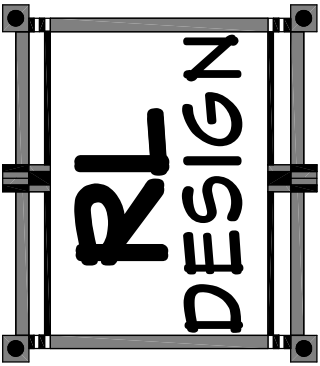
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1/24/2019
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SHEET #
A-2



3 LEFT ELEVATION
1/4"=1'-0"



4 RIGHT ELEVATION
1/4"=1'-0"



REVISIONS	BY	DATE

RL Design

STUDIO - GALLERY - SHOWROOM

230 S. Front Street
Sterling, Colorado 80751
470-522-0280

SHEET TITLE:

ELEVATIONS

HITTING BAYS FOR -

COLORADO MESA UNIVERSITY

GRAND JUNCTION, COLORADO

DATE:
1/24/2019
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SHEET #
A-3



Grand Junction City Council

Regular Session

Item #6.a.i.

Meeting Date: February 5, 2020

Presented By: Greg Caton, City Manager, Jodi Romero, Finance Director, Jay Valentine, General Services Director

Department: General Services

Submitted By: Jodi Romero, Finance Director
Jay Valentine, General Services Director

Information

SUBJECT:

An Ordinance in Regards to the Issuance of \$50,000,000 in General Fund Revenue Bonds and the Refinancing of \$13,980,000, Series 2012 General Fund Revenue Bonds

RECOMMENDATION:

To adopt a proposed ordinance for the issuance of \$50,000,000 in General Fund Revenue Bonds and the refinancing of \$13,980,000, Series 2012 General Fund Revenue Bonds, and set a public hearing for February 5, 2020.

EXECUTIVE SUMMARY:

On November 5, 2019, City voters authorized the City to issue debt for transportation expansion projects. D.A. Davidson is the City's underwriter and in coordination with staff has developed a financing and debt issuance plan.

The financing and debt issuance plan takes advantage of historically low interest rates by refinancing the City's current Riverside Parkway 2012 Bonds and issuing new debt for the first phase of \$50 million (of a total \$70 million) in expansion projects.

BACKGROUND OR DETAILED INFORMATION:

As Council is aware, there is an existing debt obligation from the financing of the Riverside Parkway. That debt is scheduled to be paid off in March 2024 and utilizes existing resources to make the semiannual payments. It is proposed however, that the current debt be refinanced at a lower interest rate and, in turn, free up debt capacity

that will go toward funding the first \$50 million of voter authorized expansion projects. It is then anticipated the additional \$20 million will be issued in 2023 to complete the total of \$70 million in projects.

In 2012, the City refunded its 2004 General Fund Revenue Bonds which provided the original financing for Riverside Parkway. This refunding was completed at a significantly lower interest rate saving \$8 million in debt service costs. As of March 2, 2020, the remaining principal balance on the 2012 Parkway refunding debt will be \$13.98 million. The annual debt service is currently \$3.85 million per year until 2024.

This proposed refinancing of the Series 2012 bonds will obtain a lower interest rate, provide overall net present value savings, extend the final maturity to 2028, and lower the annual payment being made by the City for these bonds. These payments will be reduced from \$3.85 million to \$3.0 million through 2022 at which time the annual payments will be further reduced in years 2023 through 2028 to accommodate the final \$20 million in debt anticipated to be issued in 2023.

As mentioned above, the restructuring of the Series 2012 bonds will add additional debt service capacity for the issuance of the new debt for the first group of expansion projects. The new \$50 million debt issuance is projected for a term of 29 years at a rate of 2.5%. This is estimated to result in annual payments of \$1.8 million per year until the Parkway debt is paid off at which point it increases to \$3.1 million per year.

It is further anticipated that the second and final debt issuance for the remaining transportation projects will be in 2023 for \$20 million par for a period of 27 years at 3.75% interest (the interest rate is higher to allow for potential increases in future interest rates). The total combined debt service is anticipated to be \$4.8 million per year from 2023 through 2024, and \$4.3 million per year from 2025 through 2049.

The existing resources available include: 0.75% sales tax revenue, impact fees, and after 2022, the TABOR excess as authorized by the voters. Currently \$4.8 million is budgeted of those resources in the 2020 Adopted Budget for debt service.

City staff recently completed a rating call with S&P Global in anticipation of restructuring the Parkway debt and issuing new transportation debt. The updated rating is expected to be confirmed by mid-January. If directed and authorized by City Council, D.A. Davidson would expect to sell the 2020 bonds in mid-February.

This item is scheduled to be discussed at the January 13, 2020 City Council Workshop and this information is provided in advance of that meeting.

FISCAL IMPACT:

The new debt issuance for \$50 million is projected for a term of 29 years, at an interest

rate of 2.50%. Combined with the refinancing of the Series 2012 bonds, the annual debt service payments in years 2020 through 2022 will be approximately \$4.8 million. In 2023 the Series 2012 bond payments will be further reduced to accommodate the final \$20 million in debt anticipated to be issued in 2023.

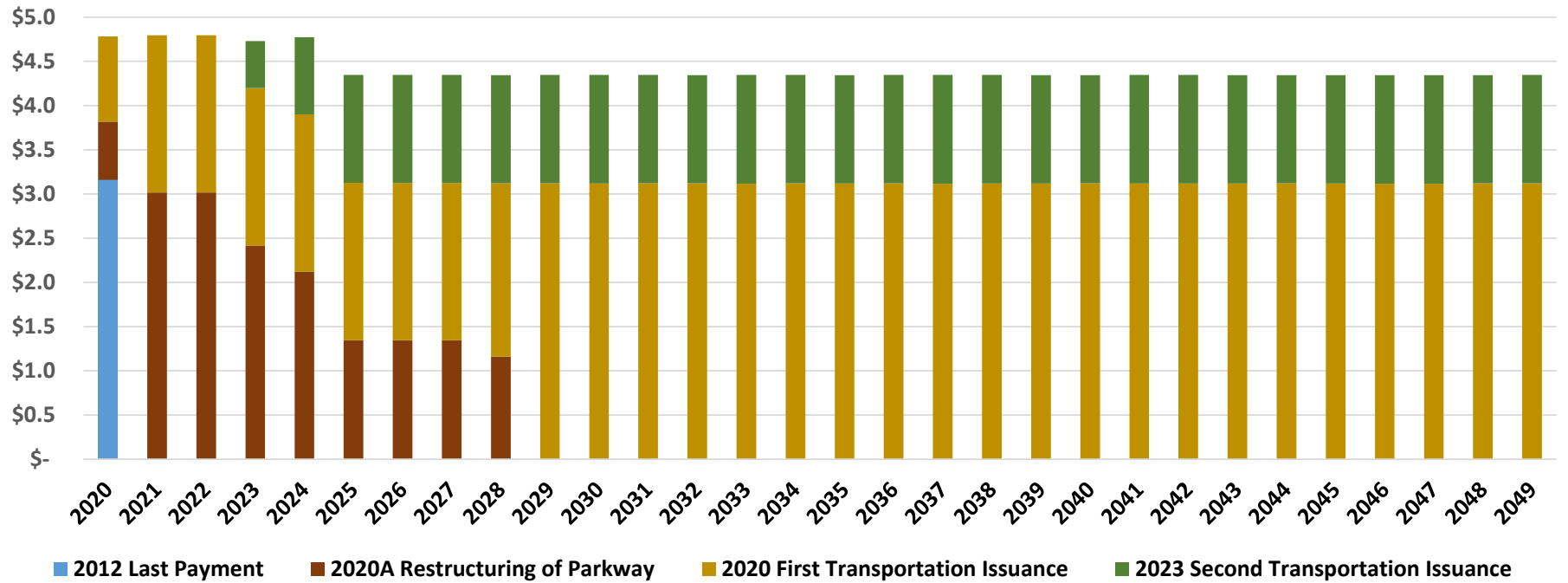
SUGGESTED MOTION:

I move to (adopt/deny) Ordinance No. 4902, an ordinance authorizing the issuance of one or more series of taxable or tax-exempt general fund revenue bonds or general fund revenue refunding bonds, pledging certain revenues of the City for the payment of the bonds, and making other provisions relating thereto on final passage and order final publication in pamphlet form.

Attachments

1. Proposed Total Transportation Debt
2. Ordinance Transportation Debt

Proposed Total Transportation Debt Issuance



ORDINANCE NO. ____

AN ORDINANCE AUTHORIZING THE ISSUANCE OF ONE OR MORE SERIES OF TAXABLE OR TAX-EXEMPT GENERAL FUND REVENUE BONDS OR GENERAL FUND REVENUE REFUNDING BONDS, PLEDGING CERTAIN REVENUES OF THE CITY FOR THE PAYMENT OF THE BONDS, AND MAKING OTHER PROVISIONS RELATING THERETO.

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

Section 1. Definitions. Terms used in this Ordinance shall have the meanings specified in this section for all purposes of this Ordinance and of any ordinance amendatory hereof, supplemental hereto or relating hereto, and of any instrument or document appertaining hereto, except where the context by clear implication otherwise requires. All definitions include the singular and plural and include all genders. Certain terms are parenthetically defined elsewhere herein.

Additional Bonds means the one or more series of bonds or other securities or obligations authorized to be issued by the City pursuant to Section 21 or 22 hereof and having a lien on the Pledged Sales and Use Tax Revenues on a parity with the lien thereon of the Bonds.

Additional Pledged Revenues has the meaning set forth in Section 21.A hereof.

Bond Account means the account by that name created in Section 18.A hereof.

Bond Purchase Agreement means the Bond Purchase Agreement between the City and the Underwriter of any Series of Bonds sold to the public, if required.

Bonds means one or more Series of general fund revenue bonds, general fund revenue refunding bonds, taxable or tax-exempt, or any combination thereof, as so named and with such detail as set forth in a Sale Certificate approved by the City Manager or the Finance Director and issued pursuant to this Ordinance.

Business Day means a day on which banks located in the City and in the cities in which the principal offices of each of the Paying Agent and the Registrar are not required or authorized to be closed and on which the New York Stock Exchange is not closed.

Charter means the home rule Charter of the City, including all amendments thereto prior to the date hereof, adopted pursuant to Article XX of the Constitution of the State.

City means the City of Grand Junction, Colorado.

City Council means the City Council of the City or any successor in functions thereto.

Closing Date means the date of delivery of and payment for the Bonds.

Commercial Bank means any depository for public funds permitted by the laws of the State for political subdivisions of the State which is in good standing and has a capital and surplus of \$10,000,000 or more, and which is located within the United States.

Continuing Disclosure Certificate means the undertaking executed by officers of the City simultaneously with the delivery of the Bonds which enables the Underwriter to comply with Rule 15c2-12 promulgated by the Securities and Exchange Commission.

C.R.S. means the Colorado Revised Statutes, as amended.

Election means the City's election held on November 5, 2019.

Escrow Account means any separate account created and maintained under an Escrow Agreement for payment of the Refunded Bond Requirements on any Series of Refunding Bonds.

Escrow Agreement means any Escrow Agreement between the City and the Escrow Bank concerning any Series of Refunding Bonds.

Escrow Bank means Zions Bancorporation, National Association, Denver, Colorado, acting as escrow agent pursuant to any Escrow Agreement, or any successor.

Federal Securities: only non-callable direct obligations of the United States of America and securities fully and unconditionally guaranteed as to the timely payment of principal and interest by the United States of America, to which direct obligation or guarantee the full faith and credit of the United States of America has been pledged.

Finance Director: the Finance Director of the City.

Fiscal Year means the twelve months commencing on the first day of January of any calendar year and ending on the thirty-first day of December of such calendar year or such other twelve month period as may from time to time be designated by the City Council as the Fiscal Year of the City.

General Fund means the General Fund of the City.

Improvement Project means the construction of the projects and improvements as authorized by the voters of the City at the Election.

Maximum Annual Debt Service Requirement means the maximum amount of all required payments of principal of and interest the Bonds, any Outstanding 2012 Bonds, and any proposed Additional Bonds which will become due in any Fiscal Year.

Official Statement: the Official Statement delivered in connection with the original issuance and sale of the Bonds in substantially the form of the Preliminary Official Statement.

Ordinance means this Ordinance of the City, which provides for the issuance and delivery of the Bonds.

Outstanding means, as of any date of calculation, all Bonds theretofore executed, issued and delivered by the City except:

(i) Bonds theretofore cancelled by the City, Registrar or Paying Agent, or surrendered to the City, Registrar or Paying Agent for cancellation;

(ii) Bonds in lieu of or in substitution for which other Bonds shall have been executed, issued and delivered by the City and authenticated by the Registrar unless proof satisfactory to the Registrar is presented that any such Bonds are duly held by the lawful Registered Owners thereof; or

(iii) Bonds deemed to have been paid as provided in Section 24 hereof or any similar provision of an ordinance authorizing the issuance of Additional Bonds.

For purposes of this definition, the terms Registrar and Paying Agent shall include a registrar or paying agent for any Additional Bonds.

Owner or Registered Owner means the Registered Owner of any Bond as shown on the registration books kept by the Registrar, and, where the context so requires, the Registered Owner of any Additional Bond as shown on the registration books kept by the registrar for such bonds.

Paying Agent means Zions Bancorporation, National Association, being the agent for the City for the payment of the Bonds and interest thereon, or its successors and assigns.

Permitted Investment means any investment or deposit permitted by the Charter and ordinances of the City.

Person means any individual, firm, partnership, corporation, company, association, joint-stock association or body politic; and the term includes any trustee, receiver, assignee or other similar representative thereof.

Pledged Revenues means:

- (i) the revenues derived from the Pledged Sales and Use Tax;
- (ii) all other additional monies deposited into the City's General Fund which are not by law, by contract, or otherwise restricted or required to be used for another purpose and are legally available for payment of the principal of and interest on the Bonds, provided however, that the Pledged Revenues shall not include monies deposited to the General Fund which are the proceeds of any increase in any existing tax and/or any new tax, unless such pledge is expressly authorized by the City's electors at an election called for such purpose;
- (iii) any additional funds or revenues which the City hereafter pledges to the payment of the Bonds;
- (iv) proceeds of the Bonds or other legally available moneys deposited into and held in the Bond Account; and
- (v) interest or investment income on the Bond Account;

all to the extent that such moneys are at any time required by Section 18 hereof to be deposited into and held in the Bond Account.

Pledged Sales and Use Tax means the proceeds of the Sales and Use Tax.

"Pledged Sales and Use Tax" does not include:

- (i) amounts withheld by retailers and vendors to cover their expenses in collecting and remitting the Pledged Sales and Use Tax
- (ii) amounts collected by the City and subsequently determined, pursuant to the applicable Sales and Use Tax Ordinances, to be subject to valid claims for refunds;
- (iii) the proceeds of any increase in the Sales and Use Tax which may be approved in the future, unless such increase is expressly pledged by the City;
- (iv) the proceeds derived by the City from any legally available tax or taxes or fees (other than a general ad valorem tax) which replace or supersede the

Pledged Sales and Use Tax, regardless of whether such tax or taxes or fees are imposed by the City or the State or other political subdivision thereof;

(v) incremental sales taxes which are pledged to the payment of obligations issued pursuant to an urban renewal plan as defined in Section 31-25-103(9), C.R.S., a plan of development as defined in Section 31-25-802(6.4), C.R.S., or a value capture plan as defined in Section 43-4-508, C.R.S.; and

(vi) any amounts payable by the City under any sales tax sharing agreements made in connection with the imposition of public improvement fees.

Pledged Sales and Use Tax Revenues means revenues derived from the Pledged Sales and Use Tax.

Preliminary Official Statement means the Preliminary Official Statement with respect to any Series of Bonds issued pursuant to this Ordinance, with such revisions as are hereafter approved by the City Manager or the Finance Director.

Principal Office means the principal office of the Registrar or Paying Agent, as the case may be, as designated in writing by the City.

Project means the Improvement Project, the Refunding Project, or either, or both as appropriate, and the payment of the costs of issuing any Series of Bonds.

Rebate Account means the account by that name created in Section 18.C hereof.

Redemption Date means the first date or dates on which any Refunded Bonds may be called for redemption as specified in a Sale Certificate.

Refunded Bond Requirements means the payment of (i) the interest due on the Refunded Bonds, both accrued and not accrued, as the same become due on and after the date of delivery of the specific Series of Bonds issued for refunding purposes and on and before maturity or prior redemption on the Redemption Date; and (ii) the principal of the Refunded Bonds upon maturity or prior redemption on the Redemption Date, (iii) any prior redemption premium as specified in a Sale Certificate.

Refunded Bonds means any of the 2012 Bonds which the City has determined to refund with the proceeds of a Series of Bonds as designated in a Sale Certificate.

Refunding Bonds means any Series of general fund revenue refunding bonds, taxable or tax-exempt, issued for the purpose of paying the Refunded Bond Requirements.

Refunding Project means (a) the payment of the Refunded Bond Requirements and (ii) the payment of the costs of issuing the Refunding Bonds.

Registrar means Zions Bancorporation, National Association, Denver, Colorado, being the agent for the City for the registration, transfer and exchange of the Bonds, or its successors.

Registrar Agreement means the Registrar Agreement between the City and the Registrar, dated the Closing Date.

Regular Record Date means the fifteenth day of the calendar month next preceding each interest payment date for the Bonds (other than a special interest payment date hereafter fixed for the payment of defaulted interest).

Sale Certificate means the sale certificate of the City relating to the Bonds issued pursuant to the Supplemental Public Securities Act and described in Section 5 hereto.

Sales and Use Tax means the 2.75% tax upon the sale and use of goods and services which is being levied by the City pursuant to the Sales and Use Tax Ordinances and any future or amended tax levied by the City as a sales and use tax and pledged by the City Council to the payment of the Bonds and for purposes hereof does not include the .50% Sales and Use Tax imposed for public safety purposes effective 1/1/2020.

Sales and Use Tax Ordinances means the ordinances adopted by the City Council of the City for the purpose of adopting and enforcing the Sales and Use Tax and which are in effect on the date of this Ordinance and as amended by this Ordinance or as later amended or supplemented.

Series means each series of Bonds authorized to be issued pursuant to this Ordinance and designated as such in a Sale Certificate.

Special Record Date means a special date fixed to determine the names and addresses of Registered Owners for purposes of paying interest on a special interest payment date for the payment of defaulted interest, all as further provided in Section 6 hereof.

State means the State of Colorado.

Supplemental Public Securities Act means Title 11, Article 57, Part 2, of the C.R.S.

Tax Code means the Internal Revenue Code of 1986, as amended to the date of delivery of the Bonds, and the regulations promulgated thereunder.

Term Bonds means Bonds that are payable on or before their specified maturity dates from sinking fund payments established for that purpose and calculated to retire such Bonds on or before their specified maturity dates.

Trust Bank means a Commercial Bank which is authorized to exercise and is exercising trust powers.

Underwriter means D.A. Davidson & Co.

2012 Ordinance means Ordinance No. 4490 adopted by the City Council on December 7, 2011.

2012 Bonds means the City's General Fund Revenue Refunding Bonds, Series 2012.

Section 2. Recitals.

A. The City is a municipal corporation duly organized and existing under the Charter.

B. Section 85 of the Charter provides that indebtedness of the City shall be incurred and limited as provided in Article XI of the Colorado Constitution.

C. Article XI, Section 6 of the Colorado Constitution provides that no political subdivision of the state shall contract any general obligation debt by loan in any form, whether individually or by contract pursuant to Article XIV, Section 18(2)(a) of the Colorado Constitution except by adoption of a legislative measure which shall be irrevocable until the indebtedness therein provided for shall have been fully paid or discharged, specifying the purposes to which the funds to be raised shall be applied and providing for the levy of a tax which together with such other revenue, assets, or funds as may be pledged shall be sufficient to pay the interest and principal of such debt. Except as may be otherwise provided by the charter of a home rule city and county, city, or town for debt incurred by such city and county, city, or town, no such debt shall be created unless the question of incurring the same be submitted to and approved by a majority of the qualified taxpaying electors voting thereon, as the term "qualified taxpaying elector" shall be defined by statute.

D. Article X, Section 20 of the Colorado Constitution ("TABOR") requires voter approval in advance for the creation of any multiple fiscal year direct or indirect debt or other financial obligation.

E. At the Election, the City's electors approved the following question:

WITHOUT ANY INCREASE OF ANY EXISTING TAX RATE AND WITHOUT IMPOSING ANY NEW TAXES SHALL CITY OF GRAND JUNCTION, COLORADO (CITY) DEBT BE INCREASED UP TO \$70,000,000.00 WITH A REPAYMENT COST OF UP TO \$114,000,000.00 TO PROVIDE FINANCING FOR THE PURPOSE OF PAYING FOR ALL OR ANY PORTION OF THE COSTS OF THE DESIGN, CONSTRUCTION AND MAINTENANCE OF TRANSPORTATION IMPROVEMENTS WHICH INCLUDE SIDEWALK, ROAD, PEDESTRIAN AND BIKE ROUTE IMPROVEMENTS

- TO B 1/2 ROAD FROM 29 TO 29 3/4 ROADS,
- D 1/2 ROAD FROM 29 TO 30 ROAD,
- F 1/2 ROAD PARKWAY FROM 24 ROAD TO PATTERSON ROAD,
- F 1/2 ROAD FROM 30 TO 30 3/4 ROAD,
- G ROAD FROM 23 1/2 TO 24 1/2 ROAD,
- 24 ROAD FROM PATTERSON ROAD TO I-70,
- 24 1/2 ROAD FROM PATTERSON ROAD TO G 1/4 ROAD,
- 26 1/2 ROAD FROM HORIZON DRIVE TO SUMMERHILL WAY AND INCLUDING A BIKE AND PEDESTRIAN BRIDGE AT I-70,
- A ROUNDABOUT AT HORIZON DRIVE, G ROAD AND 27 1/2 ROAD INTERSECTION,
- AND INTERSECTION AND TURN LANE IMPROVEMENTS AT FIVE LOCATIONS ON PATTERSON ROAD, AND
- IMPROVEMENTS TO RIVER ROAD AND THE REDLANDS PARKWAY NEAR THE JUNIOR SERVICE LEAGUE PARK, INCLUDING A BIKE AND PEDESTRIAN PATH TO CONNECT TO CANYON VIEW PARK;

SHALL SUCH DEBT BE PAYABLE FROM SUCH CITY REVENUES AS THE CITY COUNCIL MAY DETERMINE AND BE ISSUED WITH SUCH TERMS AS THE CITY COUNCIL DETERMINES TO BE NECESSARY AND IN THE BEST INTERESTS OF THE CITY; AND WITHOUT ANY INCREASE OF ANY EXISTING TAX RATE AND WITHOUT IMPOSING ANY NEW TAXES, SHALL THE CITY BE AUTHORIZED BEGINNING IN 2023, TO CONTINUE TO COLLECT, RETAIN AND SPEND, UNTIL NO LATER THAN 2037, ALL REVENUES IN EXCESS OF AMOUNTS WHICH THE CITY IS PERMITTED TO COLLECT, RETAIN, AND SPEND UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION (TABOR) FOR THE PURPOSE OF PAYING CITY DEBT ISSUED FOR STREET IMPROVEMENT PROJECTS AND TO MAINTAIN NEW AND EXISTING TRANSPORTATION INFRASTRUCTURE?

F. Pursuant paragraph (4) of TABOR, bonds may not be sold on terms which exceed their share of the maximum repayment costs described in the ballot question or in the notice sent to voters.

G. The notice delivered to voters at the Election (the “Election Notice”) as required by TABOR limits the issuance of bonds authorized at the Election as follows:

Principal Amount of Proposed Bonds:	Not to exceed \$70,000,000
Maximum Annual City Repayment Cost	Not to exceed \$4,798,150
Total City Repayment Cost:	Not to exceed \$114,000,000

H. The City has not previously issued any debt pursuant to the Election authorization.

I. The City Council hereby determines that the City should issue not more than \$48,200,000 of the authorization for the Improvement Project as authorized by the voters of the City at the Election.

J. The City has heretofore issued the 2012 Bonds.

K. The City desires to delegate to the City Manager or the Finance Director the independent ability to authorize the issuance of one or more Series of Bonds of the City for the purpose of effecting the Improvement Project and the Refunding Project, all subject to the parameters set forth in this Ordinance.

L. The City desires to refund, pay, and discharge the maturities and amounts of the 2012 Bonds as may be designated in a Sale Certificate, as may be advantageous to the City subject to the parameter set forth in Section 5 below.

M. The City is not delinquent in the payment of any of the principal of or interest on the 2012 Bonds.

N. Pursuant to TABOR, the Refunding Bonds may be issued without an election if they are issued at a lower interest rate than the Refunded Bonds.

O. The City Council hereby determines that the interest of the City and the public interest and necessity require the refunding, paying and discharging of the Refunded Bonds and the issuance of the Refunding Bonds.

P. The City Council hereby finds and determines that, provided the Refunding Bonds are sold within the parameters and restrictions contained in Section 5 of this Ordinance, the Refunding Bonds will be issued at a lower interest rate than the Refunded Bonds.

Q. The Refunded Bonds will be called for redemption prior to maturity on the Redemption Date at a price equal to the principal amount so redeemed plus accrued interest to the Redemption Date.

R. The City imposes a Sales and Use Tax pursuant to the Charter and the Sales and Use Tax Ordinances.

S. Except for the 2012 Bonds, the City has not pledged the Sales and Use Tax to the payment of any bonds or for any purpose.

T. The City Council has determined, and does hereby determine, that it is necessary and for the best interest of the City that each Series of the Bonds now be authorized to be issued and delivered, and the City Council hereby determines to use the proceeds of any Series of Bonds authorized by this Ordinance to effect the Improvement Project and the Refunding Project.

U. The City Council desires to cause the Bonds to be issued pursuant to its powers as a home rule City under the Charter, to authorize and direct the application of the proceeds thereof as set forth herein, and to provide security for the payment thereof, all in the manner hereinafter set forth.

V. There have been filed with the City Clerk the proposed forms of the following documents, with such changes as hereinafter approved by the City Manager or the Finance Director: the Bond Purchase Agreement, the Continuing Disclosure Certificate, the Escrow Agreement, the Registrar Agreement, and the Preliminary Official Statement.

Section 3. Ratification. All actions heretofore taken (not inconsistent with the provisions of this Ordinance) by the City Council and the other officers of the City directed toward (i) the imposition and collection of the Sales and Use Tax, (ii) the effecting of the Improvement Project, the Refunding Project, or either or both, and (iii) the selling and issuing of one or more Series of Bonds for such purposes be, and the same is hereby ratified, approved and confirmed.

Section 4. Authority for Ordinance; Authorization of the Bonds.

A. This Ordinance is adopted by virtue of the City's powers as a home rule city reorganized and operating pursuant to Article XX of the Colorado Constitution and the Charter thereunder and pursuant to their provisions. Pursuant to Article XX of the Colorado Constitution

and the Charter, all statutes of the State which might otherwise apply in connection with the Project or the Bonds are hereby superseded, other than the Supplemental Public Securities Act.

B. In accordance with the Constitution and laws of the State and the provisions of this Ordinance, and for the purpose of defraying the cost of the Improvement Project, the Refunding Project, either or both, the City hereby authorizes to be issued any Series of general fund revenue bonds, general fund refunding bonds, taxable or tax-exempt, as set forth in a Sale Certificate, in the aggregate principal amount provided in such Sale Certificate, subject to the parameters and restrictions contained in this Ordinance.

Section 5. Election to Apply Supplemental Public Securities Act to the Bonds. Pursuant to Section 11-57-204 of the Supplemental Public Securities Act, the City Council hereby elects to apply the Supplemental Public Securities Act in its entirety to any Series of Bonds. Pursuant to such election and Section 11-57-205 of the Supplemental Public Securities Act, the City Council hereby delegates to the City Manager or the Finance Director the power to make the following determinations with respect to the Bonds and the Project, without any requirement that the City Council approve such determinations, subject to the parameters and restrictions contained in this Ordinance:

A. Refunded Bonds. The 2012 Bonds to be refunded, if any (i.e., the Refunded Bonds).

B. Principal Amount. The aggregate principal amount of each Series of Bonds, provided that:

(i) the principal amount of the Bonds for the Improvement Project shall not exceed \$48,200,000, and

(ii) the principal amount of the Bonds for the Refunding Project shall not exceed \$14,800,000.

C. Interest Rate. The rates of interest to be borne by each Series of Bonds, provided that:

(i) the net effective interest rate on the Bonds for the Improvement Project shall not exceed 4.00%, and

(ii) the net effective interest rate on the Bonds for the Refunding Project does not exceed the net effective interest rate of the Refunded Bonds

D. First Interest Payment Date. The first interest payment date for each Series of Bonds.

E. Maturity Schedule. The amount of principal of each Series of Bonds maturing on March 1 of any particular year (including any principal maturing on Term Bonds as a consequence of any mandatory sinking fund redemption); provided that:

(i) the final maturity of the Bonds for the Improvement Project shall not be later than March 1, 2049, and

(ii) the final maturity of the Bonds for the Refunding Project shall not be later than March 1, 2028;

F. Optional Redemption Provisions. The dates and conditions upon which the Bonds may be called for optional redemption, if at all, subject to the following:

(i) Bonds issued for the Refunding Project shall (a) not be subject to redemption prior to maturity at the option of the City or (b) be subject to optional redemption at such time or times as permitted by State law and as set forth in the Sale Certificate, at a redemption price not to exceed 100%, and

(ii) Bonds issued for the Improvement Project shall be subject to redemption prior to maturity at the option of the City at such time or times as permitted by State law and as set forth in the Sale Certificate, at a redemption price not to exceed 100%

G. Purchase Price. The price at which each Series of Bonds will be sold to the Underwriter, provided that the price shall not be less than 95%.

Such determinations shall be evidenced by the Sale Certificate signed by the City Manager or the Finance Director and dated and delivered as of the Closing Date, which shall not be more than one year from the date of adoption of this Ordinance.

Either of the City Manager or the Finance Director is hereby authorized to determine if obtaining municipal bond insurance with respect to the Bonds is in the best interests of the City, and if so, to select a bond insurer to issue a municipal bond insurance policy, execute a commitment relating to the same and execute any related documents or agreements required by such commitment.

Approval of this Ordinance grants continuing authority to the City Manager or the Finance Director to approve the issuance of one or more Series of Bonds of the City for one year from the date hereof without further action by the Council subject to the parameters set forth herein; the issuance of one Series of Bonds pursuant to this Ordinance does not foreclose the issuance of subsequent Series of Bonds so long as each Series of Bonds issued pursuant to this Ordinance complies with the parameters and restrictions set forth in this Section 5.

Section 6. Bond Details. The Bonds of a Series shall be numbered consecutively as determined by the Registrar. Each Series of Bonds shall be designated as “City of Grand Junction, Colorado, General Fund Revenue Refunding Bonds, General Fund Improvement Bonds, or General Fund Refunding and Improvement Bonds,” either taxable or tax-exempt, followed by the year of issue and a letter beginning with “A” for the first issue and continuing thereafter.

The Bonds shall be issued in fully registered form (i.e., registered as to both principal and interest) initially registered in the name of Cede & Co. as nominee for The Depository Trust Company, and shall be issued in the denomination of \$5,000 or any integral multiple thereof (provided that no Bond may be in a denomination which exceeds the principal coming due on any maturity date, and no individual Bond will be issued for more than one maturity). The Bonds shall be numbered in such manner as the Registrar may determine. The Bonds shall be dated as of the date the Bonds are delivered to the Underwriter for value, and shall bear interest from their dated date until maturity at the rates per annum set forth in the Sale Certificate, payable semiannually on March 1 and September 1 in each year, commencing on the date set forth in the Sale Certificate, except that any Bond which is reissued upon transfer, exchange or other replacement shall bear interest from the most recent interest payment date to which interest has been paid or duly provided for, or if no interest has been paid, from the date of the Bonds. The Bonds shall mature on the dates and in the amounts set forth in the Sale Certificate.

The principal of any Bond shall be payable to the Registered Owner thereof as shown on the registration records kept by the Registrar, upon maturity thereof and upon presentation and surrender at the Paying Agent. If any Bond shall not be paid upon such presentation and surrender at or after maturity, it shall continue to draw interest at the same interest rate borne by said Bond until the principal thereof is paid in full. Payment of interest on any Bond

shall be made by check or draft mailed by the Paying Agent, on or before each interest payment date (or, if such interest payment date is not a business day, on or before the next succeeding business day), to the Registered Owner thereof at the address shown on the registration records kept by the Registrar at the close of business on the Regular Record Date for such interest payment date; but any such interest not so timely paid or duly provided for shall cease to be payable to the Person who is the Registered Owner thereof at the close of business on the Regular Record Date and shall be payable to the Person who is the Registered Owner of the applicable Bond at the close of business on a Special Record Date for the payment of any such defaulted interest. Such Special Record Date and the date fixed for payment of the defaulted interest shall be fixed by the Registrar whenever moneys become available for payment of the defaulted interest. Notice of the Special Record Date and the date fixed for payment of the defaulted interest shall be given to the Registered Owners of the Bonds not less than ten days prior to the Special Record Date by first-class mail to each such Registered Owner as shown on the Registrar's registration records on a date selected by the Registrar, stating the date of the Special Record Date and the date fixed for the payment of such defaulted interest. The Paying Agent may make payments of interest on any Bond by such alternative means as may be mutually agreed to between the Owner of such Bond and the Paying Agent (provided, however, that the City shall not be required to make funds available to the Paying Agent prior to the interest payment dates stated in this Section). All such payments shall be made in lawful money of the United States of America without deduction for the services of the Paying Agent or Registrar.

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

Section 7. Prior Redemption.

A. Each Series of Bonds may be subject to redemption prior to maturity at the option of the City as provided in a Sale Certificate.

B. The Term Bonds, if any, shall be subject to mandatory sinking fund redemption at the times, in the amounts and at the prices provided in the Sale Certificate.

On or before the thirtieth day prior to each such sinking fund payment date, the Registrar shall proceed to call the Term Bonds (or any Term Bond or Term Bonds issued to replace such Term Bonds) for redemption from the sinking fund on the next March 1, and give notice of such call without other instruction or notice from the City.

At its option, to be exercised on or before the sixtieth day next preceding each such sinking fund redemption date, the City may (a) deliver to the Registrar for cancellation Term Bonds subject to mandatory sinking fund redemption on such date in an aggregate principal amount desired or (b) receive a credit in respect of its sinking fund redemption obligation for any Term Bonds of the maturity subject to mandatory sinking fund redemption on such date, which prior to said date have been redeemed (otherwise than through the operation of the sinking fund) and canceled by the Registrar and not theretofore applied as a credit against any sinking fund redemption obligation. Each Term Bond so delivered or previously redeemed will be credited by the Registrar at the principal amount thereof on the obligation of the City on such sinking fund redemption date and the principal amount of Term Bonds to be redeemed by operation of such sinking fund on such date will be accordingly reduced. The City will on or before the sixtieth day next preceding each sinking fund redemption date furnish the Registrar with its certificate indicating whether or not and to what extent the provisions of (a) and (b) of the preceding sentence are to be availed with respect to such sinking fund payment. Failure of the City to deliver such certificate shall not affect the Registrar's duty to give notice of sinking fund redemption as provided in this paragraph B.

C. In the case of Bonds of a denomination larger than \$5,000, a portion of such Bond (\$5,000 or any integral multiple thereof) may be redeemed, in which case the Registrar shall, without charge to the Owner of such Bond, authenticate and issue a replacement Bond or Bonds for the unredeemed portion thereof.

D. Notice of optional or mandatory sinking fund redemption by the City shall be given by the Paying Agent in the name of the City by sending a copy of such notice by first-class, postage prepaid mail, not more than 60 days and not less than 30 days prior to the redemption date to the Underwriter and to each Registered Owner of any Bond all or a portion of which is called for redemption at his address as it last appears on the registration books kept by the Registrar. Failure to give such notice by mailing to the Registered Owner of any Bond or to the

Underwriter, or any defect therein, shall not affect the validity of the proceedings for the redemption of any Bonds.

All official notices of redemption shall be dated and shall state:

- (i) CUSIP numbers of Bonds to be redeemed;
- (ii) the redemption date;
- (iii) the redemption price;
- (iv) if less than all Outstanding Bonds are to be redeemed, the identification of the Bonds (and, in the case of partial redemption, the respective principal amounts and interest rate) to be redeemed;
- (v) that on the redemption date the redemption price will become due and payable upon each such Bond or portion thereof called for redemption, and that interest thereon shall cease to accrue from and after said date; and
- (vi) the place where such Bonds are to be surrendered for payment of the redemption price, which place of payment shall be the Principal Office or such other office as shall be designated by the Paying Agent.

Prior to any redemption date, the City shall deposit with the Paying Agent an amount of money sufficient to pay the redemption price of all the Bonds or portions of Bonds which are to be redeemed on that date.

Official notice of redemption having been given as aforesaid, the Bonds or portions of Bonds so to be redeemed shall, on the redemption date, become due and payable at the redemption price therein specified, and from and after such date (unless the City shall default in the payment of the redemption price) such Bonds or portions of Bonds shall cease to bear interest. Upon surrender of such Bonds for redemption in accordance with said notice, such Bonds shall be paid by the Paying Agent at the redemption price. Installments of interest due on or prior to the redemption date shall be payable as herein provided for payment of interest. Upon surrender for partial redemption of any Bond, there shall be prepared for the Registered Owner a new Bond or Bonds of the same maturity and interest rate in the amount of the unpaid principal. All Bonds which have been redeemed shall be canceled and destroyed by the Registrar and shall not be reissued.

In addition to the foregoing notice, further notice may be given by the Paying Agent in order to comply with the requirements of any registered securities depository holding the Bonds, but no defect in said further notice nor any failure to give all or any portion of such further notice shall in any manner defeat the effectiveness of a call for redemption if notice thereof is given as above prescribed.

Notwithstanding the provisions of this section, any notice of redemption may contain a statement that the redemption is conditioned upon the receipt by the Paying Agent of funds on or before the date fixed for redemption sufficient to pay the redemption price of the Bonds so called for redemption, and that if such funds are not available, such redemption shall be canceled by written notice to the owners of the Bonds called for redemption in the same manner as the original redemption notice was mailed.

Section 8. Bonds Equally Secured. The covenants and agreements herein set forth to be performed on behalf of the City shall be for the equal benefit, protection and security of the Owners of any and all of the Outstanding Bonds, all of which, regardless of the time or times of their maturity, shall be of equal rank without preference, priority or distinction of any of such securities over any other thereof, except as otherwise expressly provided in or pursuant to this Ordinance.

Section 9. Special Obligations. All of the Bonds, together with the interest accruing thereon, shall be payable and collectible solely out of the Pledged Revenues, which Pledged Revenues are hereby so pledged; the Owner or Owners of the Bonds may look only to the designated special accounts herein pledged for the payment of the principal of and interest on the Bonds. The full faith and credit of the City is not pledged to the payment of the Bonds; they shall constitute special, limited obligations of the City. The City has no obligation to increase any City taxes for the purpose of paying the principal of and interest on the Bonds.

Section 10. No Pledge of Property. The payment of the Bonds is not secured by an encumbrance, mortgage or other pledge of property of the City, except for the Pledged Revenues and other funds and accounts pledged for the payment of the Bonds. No property of the City, subject to such exception, shall be liable to be forfeited or taken in payment of the Bonds.

Section 11. No Recourse Against Officers and Agents. No civil recourse shall be available for the payment of the principal of and interest on the Bonds or for any claim based

thereon or otherwise upon this Ordinance or any other ordinance pertaining hereto, against any individual member of the City Council or any officer or agent of the City who acts in good faith, either directly or indirectly through the City 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 their sale or purchase, any Person purchasing or selling such Bonds specifically waives any such recourse.

Section 12. Form of Bonds and Registration Panel. The Bonds and the registration panel shall be substantially as follows (provided that any portion of the Bond text may, with appropriate references, be printed on the back of the Bonds), with such omissions, insertions, endorsements, and variations as to any recitals of fact or other provisions as may be required by the circumstances, be required or permitted by this Ordinance, or be consistent with this Ordinance and necessary or appropriate to conform to the rules and requirements of any governmental authority or any usage or requirement of law with respect thereto:

(Form of Bond)

Unless this certificate is presented by an authorized representative of The Depository Trust Company, a New York corporation (“DTC”), to the City or its agent for registration of transfer, exchange, or payment, and any certificate issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE, OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the Registered Owner hereof, Cede & Co., has an interest herein.

UNITED STATES OF AMERICA

STATE OF COLORADO

COUNTY OF MESA

CITY OF GRAND JUNCTION, COLORADO
[TAX-EXEMPT GENERAL FUND REVENUE BOND/
TAXABLE GENERAL FUND REVENUE REFUNDING BOND]
SERIES 2020[A/B]

R- _____ \$ _____

INTEREST RATE MATURITY DATE DATED DATE CUSIP

_____ % _____, 2020

REGISTERED OWNER:

PRINCIPAL AMOUNT: DOLLARS

The City of Grand Junction, in the County of Mesa and State of Colorado (the “City”), for value received, promises to pay to the Registered Owner specified above, or registered assigns, solely from the special funds and accounts provided therefor, the principal amount specified above, on the maturity date specified above, and to pay from said sources interest thereon on March 1 and September 1 of each year, commencing on _____, at the interest rate per annum specified above, until the principal sum is paid or payment has been provided therefor. This bond will bear interest from the most recent interest payment date to which interest has been paid or provided for, or, if no interest has been paid, from the date of this bond. This bond is one of an authorized series of bonds (the “Bonds”) issued pursuant to an ordinance of the City Council adopted on February 5, 2020 (the “Bond Ordinance”). The Bonds are all issued under and equally and ratably secured by and entitled to the security of the Bond Ordinance. To the extent not defined

herein, terms used in this bond shall have the same meanings as set forth in the Bond Ordinance. This bond bears interest, matures, is payable, and is transferable as provided in the Bond Ordinance.

[INSERT REDEMPTION PROVISIONS].

The principal of this bond is payable upon presentation and surrender hereof at the Principal Office. Interest on this bond will be paid on or before each interest payment date (or, if such interest payment date is not a business day, on or before the next succeeding business day), by check or draft mailed to the person in whose name this bond is registered in the registration records of the City maintained by the Registrar at its Principal Office and at the address appearing thereon at the close of business on the Record Date.

Reference is made to the Bond Ordinance for the provisions, among others, with respect to the custody and application of the proceeds of the Bonds, the receipt and disposition of the Pledged Revenues, the nature and extent of the security for the Bonds, the accounts, funds or revenues pledged to the Bonds, the terms and conditions under which additional obligations payable from the Pledged Revenues or Additional Bonds payable from the Pledged Sales and Use Tax Revenues may be issued, the rights, duties and obligations of the City and the Registrar and Paying Agent, the rights of the Owners of the Bonds, the events of default and remedies, the circumstances under which any Bond is no longer Outstanding, the ability to amend the Bond Ordinance; and by the acceptance of this bond the Owner hereof assents to all provisions of the Bond Ordinance. The principal of and the interest on this bond shall be paid, and this bond is transferable, free from and without regard to any equities between the City and the original or any intermediate Owner hereof or any setoffs or cross-claims.

THE BONDS ARE ISSUED PURSUANT TO AND IN FULL COMPLIANCE WITH THE CONSTITUTION AND LAWS OF THE STATE OF COLORADO, THE CHARTER OF THE CITY, AND PURSUANT TO THE BOND ORDINANCE. THE FULL FAITH AND CREDIT OF THE CITY IS NOT PLEDGED TO THE PAYMENT OF THE BONDS, AND THEY CONSTITUTE SPECIAL, LIMITED OBLIGATIONS OF THE CITY, SECURED ONLY BY THE PLEDGED REVENUES. THE CITY HAS NO OBLIGATION TO INCREASE ANY CITY TAXES FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON

THE BONDS. NEITHER THE MEMBERS OF THE CITY NOR ANY PERSONS EXECUTING THIS BOND SHALL BE PERSONALLY LIABLE FOR THIS BOND.

It is certified, recited and warranted that all the requirements of law have been fully complied with by the proper officers of the City in the issuance of this bond; that it is issued pursuant to and in strict conformity with the Constitution and laws of the State, with the Charter of the City, and with the Bond Ordinance; and that this bond does not contravene any Constitutional, statutory or Charter limitation.

It is also certified, recited, and warranted that the Bonds are issued under the authority of the Bond Ordinance and the Supplemental Public Securities Act. It is the intention of the City, as expressed in the Bond Ordinance, that this recital shall conclusively impart full compliance with all of the provisions of the Bond Ordinance and shall be conclusive evidence of the validity and the regularity of the issuance of the Bonds after their delivery for value and that all of the Bonds issued are incontestable for any cause whatsoever after their delivery for value.

This bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the Bond Ordinance until the Registrar shall have duly executed the certificate of authentication hereon.

IN WITNESS WHEREOF, the City Council of the City of Grand Junction has caused this bond to be signed and executed in its name and upon its behalf with a manual or facsimile signature of the President of the City Council, and to be signed, executed and attested with a manual or facsimile signature of the City Clerk, and has caused a manual or facsimile impression of the seal of the City affixed hereon, all as of the date specified above.

(Manual or Facsimile Signature)
President of the City Council

(MANUAL OR FACSIMILE SEAL)

Attest:

(Manual or Facsimile Signature)
City Clerk

(Form of Registrar's Certificate of Authentication)

This is one of the Bonds described in the within-mentioned Bond Ordinance, and this bond has been duly registered on the registration records kept by the undersigned as Registrar for such Bonds.

ZIONS BANCORPORATION, NATIONAL
ASSOCIATION
as Registrar

Date of Authentication
and Registration:

By: _____
Authorized Officer or Employee

(End of Form of Registrar's Certificate of Authentication)

(Form of Prepayment Panel)

The following installments of principal (or portion thereof) of this bond have been prepaid in accordance with the terms of the Bond Ordinance authorizing the issuance of this bond.

<u>Date of</u> <u>Prepayment</u>	<u>Principal</u> <u>Prepaid</u>	Signature of Authorized <u>Representative of the Depository</u>

(End of Form of Prepayment Panel)

(Form of Assignment)

For value received, the undersigned hereby sells, assigns and transfers unto _____ the within bond and hereby irrevocably constitutes and appoints _____ attorney, to transfer the same on the records of the Registrar, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed:

Address of transferee:

Social Security or other tax
identification number of transferee:

NOTE: The signature to this Assignment must correspond with the name as written on the face of the within bond in every particular, without alteration or enlargement or any change whatsoever.

EXCHANGE OR TRANSFER FEES MAY BE CHARGED

(End of Form of Assignment)

(End of Form of Bond)

Section 13. Negotiability. The Owner or Owners of the Bonds shall possess all rights enjoyed by the holders of investment securities under the provisions of the Uniform Commercial Code-Investment Securities. The principal of and interest on the Bonds shall be paid, and the Bonds shall be transferable, free from and without regard to any equities between the City and the original or any intermediate Owner of any Bonds or any setoffs or cross-claims.

Section 14. Execution and Authentication of the Bonds. The Bonds shall be executed in the name and on behalf of the City by the manual or facsimile signature of the President of the City Council, shall be sealed with the corporate seal of the City or a facsimile thereof thereunto affixed, imprinted, engraved or otherwise reproduced, and shall be attested by the manual or facsimile signature of the City Clerk. Any Bond may be signed (manually or by facsimile), sealed or attested on behalf of the City by any person who, at the date of such act, shall hold the proper office, notwithstanding that at the date of authentication, issuance or delivery, such person may have ceased to hold such office. The President of the City Council and the Clerk may adopt as and for his or her own facsimile signature the facsimile signature of his or her predecessor in office in the event that such facsimile signature appears on any of the Bonds. Before the execution of any Bond, the President of the City Council and the Clerk shall each file with the Secretary of State of the State his or her manual signature certified by him or her under oath.

The authentication certificate upon the Bonds shall be substantially in the form and tenor provided in the form of the Bonds hereinbefore provided. No Bond shall be secured hereby or entitled to the benefit hereof, nor shall any Bond be valid or obligatory for any purpose, unless the certificate of authentication, substantially in such form, has been duly executed by the Registrar and such certificate of the Registrar upon any Bond shall be conclusive evidence that such Bond has been authenticated and delivered hereunder. The certificate of authentication shall be deemed to have been duly executed by the Registrar if manually signed by an authorized officer or employee of the Registrar, but it shall not be necessary that the same officer or employee sign the certificate of authentication on all of the Bonds. By authenticating any of the Bonds initially delivered pursuant to this Ordinance, the Registrar shall be deemed to have assented to the provisions of this Ordinance.

Section 15. Registration, Transfer and Exchange.

A. Any Series of Bonds shall be registered in the name of “Cede & Co.” as nominee for DTC. Subject to the provisions hereof, books for the registration and transfer of any Series of Bonds shall be kept by the Registrar. Upon the surrender for transfer of any Bond at the Registrar, duly endorsed for transfer or accompanied by an assignment duly executed by the Registered Owner or his attorney duly authorized in writing, the Registrar shall authenticate and deliver in the name of the transferee or transferees a new Bond or Bonds of the same Series and of a like aggregate principal amount and of the same maturity and interest rate, bearing a number or numbers not previously assigned. Bonds of the same Series may be exchanged at the Principal Office for an equal aggregate principal amount of Bonds of the same Series, maturity and interest rate of other authorized denominations. The Registrar shall authenticate and deliver a Bond or Bonds which the Registered Owner making the exchange is entitled to receive, bearing a number or numbers not previously assigned. The Registrar may impose reasonable charges in connection with such exchanges and transfers of Bonds, which charges (as well as any tax or other governmental charge required to be paid with respect to such exchange or transfer) shall be paid by the Registered Owner requesting such exchange or transfer.

B. The Person in whose name any Bond shall be registered on the registration records kept by the Registrar shall be deemed and regarded as the absolute Owner thereof for the purpose of making payment thereof and for all other purposes; except as may be otherwise provided in Section 6 hereof with respect to payment of interest; and, subject to such exception, payment of or on account of either principal or interest on any Bond shall be made only to or upon the written order of the Registered Owner thereof or his legal representative, but such registration may be changed upon transfer of such Bond in the manner and subject to the conditions and limitations provided herein. All such payments shall be valid and effectual to discharge the liability upon such Bond to the extent of the sum or sums so paid.

C. If any Bond shall be lost, stolen, destroyed or mutilated, the Registrar shall, upon receipt of such evidence, information or indemnity relating thereto as it and the City may reasonably require, authenticate and deliver a replacement Bond or Bonds of a like aggregate principal amount and of the same maturity and interest rate, bearing a number or numbers not previously assigned. If such lost, stolen, destroyed, or mutilated Bond shall have matured or is

about to become due and payable, the Registrar may direct the Paying Agent to pay such Bond in lieu of replacement.

D. The officers of the City are authorized to deliver to the Registrar fully executed but unauthenticated Bonds in such quantities as may be convenient to be held in custody by the Registrar pending use as herein provided.

E. Whenever any Bond shall be surrendered to the Paying Agent upon payment thereof, or to the Registrar for transfer, exchange or replacement as provided herein, such Bond shall be promptly cancelled by the Paying Agent or Registrar, and counterparts of a certificate of such cancellation shall be furnished by the Paying Agent or Registrar to the City.

Section 16. Book Entry.

A. Notwithstanding any contrary provision of this Ordinance, the Bonds of a specific Series sold to the public initially shall be evidenced by one Bond for each maturity and interest rate in denominations equal to the aggregate principal amount of the Bonds of such Series and of such maturity and interest rate. Any Series of Bonds sold to the public may not thereafter be transferred or exchanged except:

(1) to any successor of The Depository Trust Company or its nominee, which successor must be both a “clearing corporation” as defined in Section 4-8-102(a)(5), C.R.S., and a qualified and registered “clearing agency” under Section 17A of the Securities Exchange Act of 1934, as amended; or

(2) upon the resignation of The Depository Trust Company or a successor or new depository under clause (1) or this clause (2) of this paragraph A, or a determination by the City Council that The Depository Trust Company or such successor or new depository is no longer able to carry out its functions, and the designation by the City Council of another depository institution acceptable to the City Council and to the depository then holding the Bonds, which new depository institution must be both a “clearing corporation” as defined in Section 4-8-102(a)(5), C.R.S., and a qualified and registered “clearing agency” under Section 17A of the Securities Exchange Act of 1934, as amended, to carry out the functions of The Depository Trust Company or such successor new depository; or

(3) upon the resignation of The Depository Trust Company or a successor or new depository under clause (1) or clause (2) of this paragraph A, or a determination of the City Council that The Depository Trust Company or such successor or new depository is no longer able to carry out its functions, and the failure by the City Council, after reasonable investigation, to locate another qualified depository institution under clause (2) to carry out such depository functions.

B. With respect to any Series of Bond sold to the public, in the case of a transfer to a successor of The Depository Trust Company or its nominee as referred to in clause (1) of paragraph A hereof or designation of a new depository pursuant to clause (2) of paragraph A hereof, upon receipt of the Outstanding Bonds by the Registrar, together with written instructions for transfer satisfactory to the Registrar, a new Bond for each maturity and bearing the same rate of interest of the Bonds then Outstanding shall be issued to such successor or new depository, as the case may be, or its nominee, as is specified in such written transfer instructions. In the case of a resignation or determination under clause (3) of paragraph A hereof and the failure after reasonable investigation to locate another qualified depository institution for the Bonds as provided in clause (3) of paragraph A hereof, and upon receipt of the Outstanding Bonds by the Registrar, together with written instructions for transfer satisfactory to the Registrar, new Bonds shall be issued in the denominations of \$5,000 or any integral multiple thereof, as provided in and subject to the limitations of Section 15 hereof, registered in the names of such Persons, and in such authorized denominations as are requested in such written transfer instructions; however, the Bond Registrar shall not be required to deliver such new Bonds within a period of less than 60 days from the date of receipt of such written transfer instructions.

C. The City Council, the Registrar and the Paying Agent shall be entitled to treat the Registered Owner of any Bond as the absolute Owner thereof for all purposes hereof and any applicable laws, notwithstanding any notice to the contrary received by any or all of them and the City Council, the Registrar and the Paying Agent shall have no responsibility for transmitting payments to the beneficial owners of the Bonds held by The Depository Trust Company or any successor or new depository named pursuant to paragraph A hereof.

D. The City Council, the Registrar and the Paying Agent shall endeavor to cooperate with The Depository Trust Company or any successor or new depository named pursuant to clause (1) or (2) of paragraph (A) hereof in effectuating payment of the principal amount of the Bonds upon maturity by arranging for payment in such a manner that funds representing such payments are available to the depository on the date they are due.

Section 17. Delivery of Bonds and Disposition of Proceeds. When the Bonds have been duly executed by appropriate City officers and authenticated by the Registrar, the City shall cause the Bonds to be delivered to the Underwriter on receipt of the agreed purchase price. The Bonds shall be delivered in such denominations as the Underwriter shall direct (but subject to the provisions of Sections 15 and 16 hereof); and the Registrar shall initially register the Bonds in such name or names as the Underwriter shall direct.

The proceeds of the Bonds, including the accrued interest thereon, if any, shall be deposited promptly by the City and shall be accounted for in the following manner and are hereby pledged therefor, but the Underwriter of the Bonds or any subsequent Owner in no manner shall be responsible for the application or disposal by the City or any of its officers of any of the funds derived from the sale:

A. A portion of the proceeds of any Series of Bonds allocable to the Refunding Project shall be credited to the Escrow Account which amount, together with the other City funds contributed for such purpose pursuant to the authority granted by Section 25 hereof, will be sufficient to establish any initial cash balance remaining uninvested and to buy Federal Securities to effect the Refunding Project.

B. A portion of the proceeds of any Series of Bonds allocable to the Improvement Project shall be applied by the City to effect the Improvement Project.

C. The balance of the proceeds shall be applied by the City solely for the payment of all issuance expenses or, after adequate provision therefor is made, any unexpended proceeds shall be deposited into the Bond Account.

Section 18. Use of Pledged Revenues. So long as any Bonds shall be Outstanding, either as to principal or interest, the Pledged Revenues shall, upon receipt by the City, be applied as follows:

A. Bond Account. First, there shall be credited from the Pledged Revenues to a special account of the City previously created and continued herein known as the “City of Grand Junction Revenue Bond, Bond Account” the following amounts, provided however, that upon the issuance of Additional Bonds, the Pledged Sales and Use Tax Revenues pledged to the payment of each respective series of Bonds and any Outstanding 2012 Bonds shall be credited concurrently:

(1) Interest Payments. Monthly, commencing on the first day of the first month following the date of delivery of any of the Bonds, or commencing on the first day of the month six months next prior to the first interest payment date of any of the Bonds, whichever commencement date is later, an amount in equal monthly installments necessary, together with any other moneys from time to time available therefor and on deposit therein from whatever source, to pay the next maturing installment of interest on the Bonds then Outstanding.

(2) Principal Payments. Monthly, commencing on the first day of the first month following the date of delivery of any of the Bonds, or commencing on the first day of the month one year next prior to the first principal payment date of any of the Bonds, whichever commencement date is later, an amount in equal monthly installments necessary, together with any other moneys from time to time available therefor and on deposit therein from whatever source, to pay the next installment of principal of the Bonds coming due at maturity.

If prior to any interest payment date or principal payment date there has been accumulated in the Bond Account the entire amount necessary to pay the next maturing installment of interest or principal, or both, the payment required in subparagraph (1) or (2) (whichever is applicable) of this paragraph, may be appropriately reduced; but the required monthly amounts again shall be so credited to such account commencing on such interest payment date or principal payment date. The moneys in the Bond Account shall be used only to pay the principal of and interest on the Bonds, any Outstanding 2012 Bonds, and any Additional Bonds as the same become due.

B. Termination of Deposits upon Maturity. No payment need be made into the Bond Account if the amount therein totals a sum at least equal to the entire amount of the Outstanding Bonds, both as to principal and interest to their respective maturities, and both accrued

and unaccrued requirements, in which case moneys in the Bond Account in an amount at least equal to such principal and interest requirements shall be used solely to pay such as the same accrue, and any moneys in excess thereof in the Bond Account may be used as provided in Paragraphs D and E of this Section.

C. Rebate Account. Third, there shall be deposited in an account of the “City of Grand Junction General Fund Revenue Bonds, Rebate Account”, which account is hereby created, amounts required by Section 148(f) of the Tax Code to be held until such time as any required rebate payment is made. Amounts in the Rebate Account shall be used for the purpose of making the payments to the United States required by Section 148(f) of the Tax Code. Any amounts in excess of those required to be on deposit therein by Section 148(f) of the Tax Code shall be withdrawn therefrom and deposited into the Bond Account. Funds in the Rebate Account shall not be subject to the lien created by this Ordinance to the extent such amounts are required to be paid to the United States Treasury.

D. Payment for Subordinate Obligations. After the payments required by Paragraphs A and C of this Section, the Pledged Revenues may be used by the City for the payment of interest on and principal of any obligations secured by Pledged Revenues subordinate to the lien of the Bonds hereafter authorized to be issued, including reasonable reserves therefor.

E. Use of Remaining Revenues. After making the payments required to be made by this Section, any remaining Pledged Revenues may be used for any lawful purpose.

Nothing in this Ordinance shall prevent the City from making refunds of amounts collected by the City and subsequently determined, pursuant to the applicable Sales and Use Tax Ordinances, to be subject to valid claims for refunds.

Section 19. General Administration of Accounts. The accounts designated in Section 18 hereof shall be administered as follows, subject to the limitations stated in Section 23.J. hereof:

A. Budget and Appropriation of Accounts. The sums provided to make the payments specified in Section 18 hereof are hereby appropriated for said purposes, and said amounts for each year shall be included in the annual budget and the appropriation ordinance or measures to be adopted or passed by the City Council in each year respectively while any of the Bonds, either as to principal or interest, are Outstanding and unpaid. No provision of any

constitution, statute, charter, ordinance, resolution, or other order or measure enacted after the issuance of the Bonds shall in any manner be construed as limiting or impairing the obligation of the City to keep and perform the covenants contained in this Ordinance so long as any of the Bonds remain Outstanding and unpaid. Nothing herein shall prohibit the City Council, at its sole option, from appropriating and applying other funds of the City legally available for such purpose to the Bond Account for the purpose of providing for the payment of the principal of and interest on the Bonds.

B. Places and Times of Deposits. Each of the special accounts created in Section 18 hereof shall be maintained as a book account kept separate and apart from all other accounts or funds of the City as trust accounts solely for the purposes herein designated therefor. For purposes of investment of moneys, nothing herein prevents the commingling of moneys accounted for in any two or more such book accounts pertaining to the Pledged Revenues or to such accounts and any other funds of the City to be established under this Ordinance. Moneys in any such book account shall be continuously secured to the fullest extent required by the laws of the State for the securing of public accounts. Each periodic payment shall be credited to the proper book account not later than the date therefor herein designated, except that when any such date shall be a Saturday, a Sunday or a legal holiday, then such payment shall be made on or before the next preceding business day.

C. Investment of Accounts. Any moneys in any account established by Section 18 of this Ordinance may be invested or reinvested in any Permitted Investment. Securities or obligations purchased as such an investment shall either be subject to redemption at any time at face value by the holder thereof at the option of such holder, or shall mature at such time or times as shall most nearly coincide with the expected need for moneys from the account in question. Securities or obligations so purchased as an investment of moneys in any such account shall be deemed at all times to be a part of the applicable account. The City shall present for redemption or sale on the prevailing market any securities or obligations so purchased as an investment of moneys in a given account whenever it shall be necessary to do so in order to provide moneys to meet any required payment or transfer from such account. The City shall have no obligation to make any investment or reinvestment hereunder, unless any moneys on hand and accounted for in any one account exceed \$5,000 and at least \$5,000 therein will not be needed for

a period of not less than 60 days. In such event the City shall invest or reinvest not less than substantially all of the amount which will not be needed during such 60 day period, except for any moneys on deposit in an interest bearing account in a Commercial Bank, without regard to whether such moneys are evidenced by a certificate of deposit or otherwise, pursuant to this Section 19.C. and Section 19.E. hereof; but the City is not required to invest, or so to invest in such a manner, any moneys accounted for hereunder if any such investment would contravene the covenant concerning arbitrage in Section 23.J. hereof.

D. No Liability for Losses Incurred in Performing Terms of Ordinance. Neither the City nor any officer of the City shall be liable or responsible for any loss resulting from any investment or reinvestment made in accordance with this Ordinance.

E. Character of Funds. The moneys in any fund or account herein authorized shall consist of lawful money of the United States or investments permitted by Section 20.C. hereof or both such money and such investments. Moneys deposited in a demand or time deposit account in or evidenced by a certificate of deposit of a Commercial Bank pursuant to Section 19.C. hereof, appropriately secured according to the laws of the State, shall be deemed lawful money of the United States.

Section 20. Pledge Securing the Bonds. The Pledged Revenues and any moneys and securities paid or to be paid to or held or to be held in the Bond Account designated in Section 18 hereof are hereby pledged to secure the payment of the principal of and interest on the Bonds, subject only to moneys and securities held in the Rebate Account, to the extent such amounts are required to be paid to the United States. The pledge of the Pledged Sales and Use Tax Revenues (as part of the Pledged Revenues) to secure the payment of the principal of and interest on the Bonds is on a parity with the pledge of the Pledged Sales and Use Tax Revenues for and lien thereon of the Outstanding 2012 Bonds, if any, and any Additional Bonds hereafter issued, as provided herein. This pledge of the Pledged Revenues shall be valid and binding from and after the date of the delivery of the Bonds, and the Pledged Revenues received by the City and hereby pledged shall immediately be subject to the lien of this pledge without any physical delivery thereof, any filing, or further act. The lien of this pledge of the Pledged Revenues shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the City irrespective of whether such parties have notice thereof. The lien of this pledge on the

Pledged Revenues and the obligation to perform the contractual provisions made herein shall have priority over any or all other obligations and liabilities of the City, except with respect to any parity lien on the Pledged Sales and Use Tax Revenues which may be pledged to the Outstanding 2012 Bonds, if any, and any Additional Bonds hereafter authorized, as provided herein.

Section 21. Additional Bonds.

A. Limitations Upon Issuance of Additional Bonds. Nothing in this Ordinance shall prevent the issuance by the City of additional bonds or other obligations payable from and constituting a lien upon the Pledged Sales and Use Tax Revenues on a parity with the lien thereon of the Bonds (the "Additional Bonds"). Such Additional Bonds may be payable solely from Pledged Sales and Use Tax Revenues or they may be payable from Pledged Sales and Use Tax Revenues and another revenue or fund of the City ("Additional Pledged Revenues"). Regardless of whether payable solely from Pledged Sales and Use Tax Revenues or from Pledged Sales and Use Tax Revenues and Additional Pledged Revenues, such bonds or other obligations may be issued only if for the Fiscal Year immediately preceding the issuance of any Additional Bonds, the amount of Pledged Sales and Use Tax Revenues in such Fiscal Year equaled or exceeded 175% of the Maximum Annual Debt Service Requirement on the Outstanding Bonds and the Additional Bonds proposed to be issued. For the purpose of satisfying the aforementioned 175% test, any sales and use tax, now existing or hereafter imposed, which legally becomes a part of the Pledged Sales and Use Tax Revenues during the Fiscal Year preceding the issuance of Additional Bonds, or any tax which is to legally become a part of the Pledged Sales and Use Tax Revenues immediately prior to the issuance of Additional Bonds, or any increase in the rate of any tax which is a part of the Pledged Sales and Use Tax Revenues which increase is imposed during the Fiscal Year preceding the issuance of Additional Bonds or any such increase which is to be imposed immediately prior to the issuance of Additional Bonds can be considered for its estimated effect on the amount of the Pledged Sales and Use Tax Revenues as if such tax or increase had been in effect for the Fiscal Year immediately preceding the issuance of such Additional Bonds. Any tax which is no longer in effect at the time of issuance of the Additional Bonds shall not be considered for purposes of satisfying such tests.

B. Certificate of Revenues. A written certification by an officer or employee of the City that the requirements of Paragraph A of this section have been met shall be conclusively

presumed to be accurate in determining the right of the City to authorize, issue, sell and deliver said Additional Bonds with a pledge of the Pledged Sales and Use Tax Revenues on a parity with the pledge thereof to the Bonds herein authorized.

C. Superior Pledged Sales and Use Tax Revenue Obligations Prohibited.

Nothing in this Ordinance shall be construed so as to permit the City to hereafter issue obligations payable from the Pledged Sales and Use Tax Revenues having a lien thereon prior or superior to the Bonds.

D. Subordinate Pledged Sales and Use Tax Revenue Obligations Permitted.

Nothing in this Ordinance shall be construed in such a manner as to prevent the issuance by the City of additional obligations payable from and constituting a lien upon the Pledged Sales and Use Tax Revenues subordinate or junior to the lien of the Bonds.

E. Superior, Parity, and Subordinate Revenue Obligations Permitted. Nothing in this Ordinance shall be construed in such a manner as to prevent the issuance by the City of additional obligations payable from and constituting a lien upon any of the Pledged Revenues specifically excluding therefrom the Pledged Sales and Use Tax Revenues, superior to, on a parity with, or subordinate or junior to the lien thereon of the Bonds.

Section 22. Refunding Obligations.

A. Generally. If at any time after the Bonds, or any part thereof, shall have been issued and remain Outstanding, the City shall find it desirable to refund any Outstanding Bonds, or any part thereof, such Bonds, or any part thereof, may be refunded, subject to the provisions of Paragraph B of this Section, if (1) the Bonds to be refunded, at the time of their required surrender for payment, shall then mature, or (2) the Owners of the Bonds to be refunded consent to such surrender and payment.

B. Protection of Obligations Not Refunded. Any refunding obligations payable from the Pledged Revenues or from the Pledged Sales and Use Tax Revenues and any Additional Pledged Revenues shall be issued with such details as the City Council may provide, so long as there is no impairment of any contractual obligation imposed upon the City by any proceedings authorizing the issuance of any unrefunded portion of Bonds payable from the Pledged Revenues or the Pledged Sales and Use Tax Revenues and any Additional Pledged Revenues; but so long as any Bonds are Outstanding, refunding obligations payable from the

Pledged Sales and Use Tax Revenues may be issued on a parity with the unrefunded Bonds only if:

(1) Prior Consent. The City first receives the consent of the Owner or Owners of the unrefunded Bonds; or

(2) Requirements Not Increased. The refunding obligations do not increase by more than \$25,000, for any Fiscal Year prior to and including the last maturity date of any unrefunded Bonds, the aggregate principal and interest requirements evidenced by such refunding obligations and by any Outstanding Bonds not refunded, and the lien of any refunding parity obligations on the Pledged Sales and Use Tax Revenues is not raised to a higher priority than the lien thereon of any Bonds thereby refunded; or

(3) Earnings Test. The refunding obligations are issued in compliance with Paragraphs A and B of Section 21 hereof.

Section 23. Protective Covenants. The City hereby additionally represents, covenants, and agrees with each and every Owner of the Bonds that:

A. Payment of Bonds. The City will promptly pay the principal of and interest on every Bond issued hereunder and secured hereby on the dates and in the manner specified herein and in said Bonds according to the true intent and meaning hereof. Such principal of and interest on the Bonds is payable solely from the Pledged Revenues.

B. Amendment of Certain Ordinances; Duty to Impose Sales and Use Tax; Impairment of Contract. The Sales and Use Tax Ordinances are in full force and effect and have not been repealed or amended. The City will not repeal or amend said Sales and Use Tax Ordinances in any manner which would diminish the proceeds of the Pledged Sales and Use Tax by an amount which would materially adversely affect the rights of the Owners of the Bonds.

Notwithstanding any other provision of this Section or this Ordinance, the City shall retain the right to make changes, without any consent of Bond Owners, in the Sales and Use Tax Ordinances, or any ordinance supplemental thereto or in substitution therefor, concerning the use of proceeds of the Pledged Sales and Use Tax remaining after the current requirements of all ordinances authorizing bonds or other securities payable from the Pledged Sales and Use Tax, or any portion thereof, have been met; or concerning changes in applicability, exemptions,

administration, collection, or enforcement of the Sales and Use Tax, if such changes do not materially adversely affect the security for the Bonds.

The foregoing covenants are subject to compliance by the City with orders of courts of competent jurisdiction concerning the validity, constitutionality or collection of such tax revenues, any legislation of the United States or the State or any regulation or other action taken by the federal government, any State agency or any political subdivision of the State pursuant to such legislation, in the exercise of the police power thereof for the public welfare, which legislation, regulation or action applies to the City as a Colorado home rule city and limits or otherwise inhibits the amount of such tax revenues due to the City. All of the Pledged Sales and Use Tax Revenues shall be subject to the payment of the principal of and interest on all Bonds payable from the Pledged Sales and Use Tax Revenues, including reserves therefor, as provided herein or in any instrument supplemental or amendatory hereof.

C. Defense of Legality of Pledged Revenues. There is not pending or threatened any suit, action or proceeding against or affecting the City before or by any court, arbitrator, administrative agency or other governmental authority which affects the validity or legality of this Ordinance, or the Sales and Use Tax Ordinances or the imposition and collection of the Sales and Use Tax, any of the City's obligations under this Ordinance or any of the transactions contemplated by this Ordinance or the Sales and Use Tax Ordinances.

The City shall, to the extent permitted by law, defend the validity and legality of this Ordinance, the Sales and Use Tax and the Sales and Use Tax Ordinances against all claims, suits and proceedings which would diminish or impair the Pledged Revenues. Furthermore, the City shall amend from time to time the provisions of any ordinance or resolution of the City, as necessary to prevent impairment of the Pledged Revenues as required to meet the principal of and interest on the Bonds when due.

D. Further Assurances. At any and all times the City shall, so far as it may be authorized by law, pass, make, do, execute, acknowledge, deliver and file or record all and every such further instruments, acts, deeds, conveyances, assignments, transfers, other documents and assurances as may be necessary or desirable for the better assuring, conveying, granting, assigning and confirming all and singular the rights, the Pledged Revenues and other funds and accounts hereby pledged or assigned, or intended so to be, or which the City may hereafter become bound

to pledge or to assign, or as may be reasonable and required to carry out the purposes of this Ordinance and to comply with any instrument of the City amendatory thereof, or supplemental thereto and the Charter. The City, acting by and through the City Council, or otherwise, shall at all times, to the extent permitted by law, defend, preserve and protect the pledge of the Pledged Revenues and other funds and accounts pledged hereunder and all the rights of every Owner of any of the Bonds against all claims and demands of all Persons whomsoever.

E. Conditions Precedent. Upon the issuance of any of the Bonds, all conditions, acts and things required by the Constitution or laws of the United States, the Constitution or laws of the State, the Charter or this Ordinance, to exist, to have happened, and to have been performed precedent to or in the issuance of the Bonds shall exist, have happened and have been performed, and the Bonds, together with all other obligations of the City, shall not contravene any debt or other limitation prescribed by the Constitution or laws of the United States, the Constitution or laws of the State, or the Charter of the City.

F. Maintenance of Records. So long as any of the Bonds remain Outstanding, proper books of record and account will be kept by the City, separate and apart from all other records and accounts, showing complete and correct entries of all transactions relating to the Pledged Revenues and the accounts created by this Ordinance. Upon the issuance of any series of Additional Bonds, the City shall keep proper books of record and account showing complete and correct entries of all transactions relating to the Pledged Sales and Use Tax Revenues and accounts created or continued pursuant to the ordinance authorizing the issuance of such series of Additional Bonds.

G. Audits Required. The City further agrees that it will, within 210 days following the close of each Fiscal Year, cause an audit of such books and accounts to be made by a certified public accountant, who is not an employee of the City, showing the Pledged Revenues. The City agrees to allow the Owner of any of the Bonds to review and copy such audits and reports, at the City's offices, at his request. Copies of such audits and reports will be furnished to the Underwriter.

H. Performing Duties. The City will faithfully and punctually perform all duties with respect to the Pledged Revenues required by the Charter and the Constitution and laws of the State and the ordinances and resolutions of the City, including but not limited to the proper

collection and enforcement of the Sales and Use Taxes and the segregation of the Pledged Revenues and their application to the respective accounts herein designated.

I. Other Liens. As of the date of issuance of the Bonds, there are no liens or encumbrances of any nature whatsoever on or against any of the Pledged Revenues on a parity with or superior to the lien thereon of the Bonds, except for the lien on the Pledged Revenues of the Outstanding 2012 Bonds, if any, and the Bonds.

J. Tax Covenant. With respect to any Series of tax-exempt bonds, the City covenants for the benefit of the Registered Owners that it will not take any action or omit to take any action with respect to the Bonds of such Series, the proceeds thereof, any other funds of the City or any facilities refinanced with the proceeds of the Bonds of such Series if such action or omission (i) would cause the interest on the Bonds of such Series to lose its exclusion from gross income for federal income tax purposes under Section 103 of the Tax Code, (ii) would cause interest on the Bonds of such Series to lose its exclusion from alternative minimum taxable income as defined in Section 55(b)(2) of the Tax Code, or (iii) would cause interest on the 2012 Bonds to lose its exclusion from Colorado taxable income or Colorado alternative minimum taxable income under present Colorado law. The foregoing covenant shall remain in full force and effect notwithstanding the payment in full or defeasance of the Bonds of such Series until the date on which all obligations of the City in fulfilling the above covenant under the Tax Code and Colorado law have been met.

K. Corporate Existence. The City will maintain its corporate identity and existence so long as any of the Bonds remain Outstanding, unless another political subdivision by operation of law succeeds to the duties, privileges, powers, liabilities, disabilities, immunities and rights of the City and is obligated by law to receive and distribute the Pledged Revenues in place of the City, without materially adversely affecting the privileges and rights of any Owner of any Outstanding Bonds.

L. Performance of Duties. The City will faithfully and punctually perform or cause to be performed all duties with respect to the Pledged Revenues required by the laws of the State and the resolutions of the City, including without limitation the proper segregation of the Pledged Revenues as set forth in Section 18 hereof and their application to the respective accounts as herein provided.

M. Prompt Collections. The City will cause the Pledged Revenues to be collected promptly and accounted for in the accounts as herein provided.

N. Prejudicial Contracts and Action Prohibited. No contract will be entered into, nor will any action be taken, by the City by which the rights and privileges of any Owner are impaired or diminished.

O. Continuing Disclosure. The City further covenants for the benefit of the Owners of the Bonds to comply with the Continuing Disclosure Certificate.

Section 24. Defeasance. If, when any Series of Bonds shall be paid in accordance with their terms (or payment of any such Bonds has been provided for in the manner set forth in the following paragraph), then this Ordinance and all rights granted hereunder shall thereupon cease, terminate and become void and be discharged and satisfied.

Payment of any Outstanding Bond shall prior to the maturity, payment date, or redemption date thereof, as applicable, be deemed to have been provided for within the meaning and with the effect expressed in this section if (a) in case said Bond is to be redeemed on any date prior to its maturity or payment date, as applicable, the City shall have given to the Paying Agent in form satisfactory to it irrevocable instructions to give on a date in accordance with the provisions of Section 7 hereof notice of redemption of such Bond on said redemption date, such notice to be given in accordance with the provisions of Section 7 hereof, (b) there shall have been deposited with the Paying Agent or a commercial bank exercising trust powers either moneys in an amount which shall be sufficient, or Federal Securities which shall not contain provisions permitting the redemption thereof at the option of the issuer, the principal of and the interest on which when due, and without any reinvestment thereof, will provide moneys which, together with the moneys, if any, deposited with or held by the Paying Agent or other commercial bank exercising trust powers at the same time, shall be sufficient to pay when due the principal of or payment amount, as applicable, premium if any, and interest due and to become due on said Bond on and prior to the maturity date, payment date, or redemption date thereof, as applicable, and (c) in the event said Bond is not by its terms subject to redemption within the next sixty days, the City shall have given the Paying Agent in form satisfactory to it irrevocable instructions to give, as soon as practicable in the same manner as the notice of redemption is given pursuant to Section 7 hereof, a notice to the Owner of such Bond that the deposit required by (b) above has been made with the Paying

Agent or other commercial bank exercising trust powers and that payment of said Bond has been provided for in accordance with this section and stating such maturity, payment date, or redemption date, as applicable, upon which moneys are to be available for the payment of the principal of or payment amount, as applicable, premium if any, and interest of said Bond. Neither such securities nor moneys deposited with the Paying Agent or other commercial bank exercising trust powers pursuant to this section or principal or interest payments on any such Federal Securities shall be withdrawn or used for any purpose other than, and shall be held in trust for, the payment of the principal of or payment amount, as applicable, premium if any, and interest of said Bond; provided any cash received from such principal or interest payments on such Federal Securities deposited with the Paying Agent or other commercial bank exercising trust powers, if not then needed for such purpose, shall, to the extent practicable, be reinvested in securities of the type described in (b) of this paragraph maturing at times and in amounts sufficient to pay when due the principal of or payment amount, as applicable, premium if any, and interest to become due on said Bond on or prior to such maturity date, payment date, or redemption date thereof, as applicable. At such time as payment of a Bond has been provided for as aforesaid, such Bond shall no longer be secured by or entitled to the benefits of this Ordinance, except for the purpose of any payment from such moneys or securities deposited with the Paying Agent or other commercial bank exercising trust powers.

The release of the obligations of the City under this Section shall be without prejudice to the right of the Paying Agent to be paid reasonable compensation for all services rendered by it hereunder and all its reasonable expenses, charges and other disbursements incurred on or about the administration of and performance of its powers and duties hereunder.

Upon compliance with the foregoing provisions of this Section with respect to all Bonds Outstanding, this Ordinance may be discharged in accordance with the provisions of this section but the liability of the City in respect of the Bonds shall continue; provided that the Owners thereof shall thereafter be entitled to payment only out of the moneys or Federal Securities deposited with the Paying Agent or other commercial bank exercising trust powers as provided in this Section.

Section 25. Escrow Account; Use of Proceeds. A portion of the proceeds of the Bonds issued for the Refunding Project and other available City moneys shall be deposited by the

City in the Escrow Account. The Escrow Bank is hereby authorized and directed to use moneys credited to the Escrow Account to provide for the payment of the acquired obligations to be held in the Escrow Account and to fund the Escrow Account with the necessary beginning cash, if any, as required in accordance with the escrow sufficiency computations verified by a certified public accountant.

Section 26. Maintenance of Escrow Account. The Escrow Account shall be maintained in an amount, at the time of those initial deposits therein and at all times subsequent at least sufficient, together with the known minimum yield to be derived from the initial investment and any temporary reinvestment of the deposits therein or any part thereof in Federal Securities to pay the Refunded Bond Requirements.

Section 27. Use of Escrow Account. Moneys shall be withdrawn by the Escrow Bank from the Escrow Account in sufficient amounts and at such times to permit the payment without default of the Refunded Bond Requirements. Any moneys remaining in the Escrow Account after provision shall have been made for the payment or redemption in full of the Refunded Bonds shall be applied to any lawful purpose of the City as the City Council may hereafter determine.

Section 28. Exercise of Option. The City Council has elected and does hereby declare its intent to exercise on the behalf and in the name of the City its option to redeem the Refunded Bonds on the Redemption Date. The City hereby authorizes and directs the registrar of the Refunded Bonds to give notice of partial refunding, defeasance and redemption of the Refunded Bonds to the registered owners of the Refunded Bonds as soon as practicable after delivery of the Bonds issued for the Refunding Project and again not more than 60 days nor less than 30 days prior to the Redemption Date, in accordance with the applicable provisions of the 2012 Ordinance.

Section 29. Delegated Powers. The officers of the City shall be, and they hereby are, authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance. The form, terms and provisions of the Bond Purchase Agreement, the Continuing Disclosure Certificate, the Escrow Agreement, and the Registrar Agreement hereby are approved, and the City shall enter into and perform its obligations under the Bond Purchase Agreement, the Continuing Disclosure Certificate, the Escrow Agreement, and the Registrar

Agreement, in the forms of each of such documents previously filed, with only such changes therein as are not inconsistent herewith; and the President of the City Council is hereby authorized and directed to execute the Continuing Disclosure Certificate, the Escrow Agreement and the Registrar Agreement. The President of the City Council, the City Manager or the Finance Director is hereby authorized and directed to execute and deliver the Sale Certificate and the Bond Purchase Agreement and to determine and approve the final determinations contained therein for the Bonds. The City Clerk is hereby authorized to execute and to affix the seal of the City to the Continuing Disclosure Certificate, the Escrow Agreement, and the Registrar Agreement, and the President of the City Council, the City Manager, the Finance Director and the City Clerk are further authorized to execute and authenticate such other documents, instruments or certificates as are deemed necessary or desirable by bond counsel in order to issue and secure the Bonds. Such documents are to be executed in substantially the forms hereinabove approved, provided that such documents may be completed, corrected or revised as deemed necessary by the parties thereto in order to carry out the purposes of this Ordinance. Copies of all of the documents shall be delivered, filed and recorded as provided therein.

The approval hereby given to the various documents referred to above includes an approval of such additional details therein as may be necessary and appropriate for their completion, deletions therefrom and additions thereto as may be approved by bond counsel prior to the execution of the documents. The execution of any instrument by the appropriate officers of the City herein authorized shall be conclusive evidence of the approval by the City of such instrument in accordance with the terms hereof.

The proper officers of the City are hereby authorized and directed to prepare and furnish to bond counsel certified copies of all proceedings and records of the City relating to the Bonds and such other affidavits and certificates as may be required to show the facts relating to the authorization and issuance thereof as such facts appear from the books and records in such officers' custody and control or as otherwise known to them.

Section 30. Events of Default. Each of the following events is hereby declared an "event of default:"

A. Nonpayment of Principal. If payment of the principal of any of the Bonds in connection therewith, shall not be made when the same shall become due and payable at maturity; or

B. Nonpayment of Interest. If payment of any installment of interest on the Bonds shall not be made when the same becomes due and payable; or

C. Incapable to Perform. If the City shall for any reason be rendered incapable of fulfilling its obligations hereunder; or

D. Default of any Provision. If the City shall default in the due and punctual performance of its covenants or conditions, agreements and provisions contained in the Bonds or in this Ordinance on its part to be performed, other than those delineated in Paragraphs A and B of this Section and Section 23.O. hereof, and if such default shall continue for 60 days after written notice specifying such default and requiring the same to be remedied shall have been given to the City by the Owners of not less than 25% in aggregate principal amount of any Series of Bonds then Outstanding.

Section 31. Remedies. Upon the happening and continuance of any event of default as provided in Section 30 hereof, the Owner or Owners of not less than 25% in aggregate principal amount any Series of Outstanding Bonds, or a trustee therefor, may protect and enforce their rights hereunder by proper legal or equitable remedy deemed most effectual including mandamus, specific performance of any covenants, the appointment of a receiver (the consent of such appointment being hereby granted), injunctive relief, or requiring the City Council to act as if it were the trustee of an express trust, or any combination of such remedies. All proceedings shall be maintained for the equal benefit of all Owners. The failure of any Owner to proceed does not relieve the City or any Person of any liability for failure to perform any duty hereunder. The foregoing rights are in addition to any other right available to the Owners of Bonds and the exercise of any right by any Owner shall not be deemed a waiver of any other right.

Section 32. Duties Upon Default. Upon the happening of any of the events of default as provided in Section 30 of this Ordinance, the City, in addition, will do and perform all proper acts on behalf of and for the Owners of the Bonds to protect and preserve the security created for the payment of the Bonds and to insure the payment of the principal of and interest on said Bonds promptly as the same become due. Proceeds derived from the Pledged Revenues, so

long as any of the Bonds herein authorized, either as to principal or interest, are Outstanding and unpaid, shall be paid into the Bond Account pursuant to the terms hereof and to the extent provided herein, and used for the purposes herein provided. In the event the City fails or refuses to proceed as in this section provided, the Owner or Owners of not less than 25% in aggregate principal amount of any Series of Bonds then Outstanding, after demand in writing, may proceed to protect and enforce the rights of such Owners as hereinabove provided.

Section 33. Replacement of Registrar or Paying Agent. If the Registrar or Paying Agent initially appointed hereunder shall resign, or if the City shall reasonably determine that said Registrar or Paying Agent has become incapable of performing its duties hereunder, the City may, upon notice mailed to each Owner of any Bond at his address last shown on the registration records, appoint a successor Registrar or Paying Agent, or both. No resignation or removal of the Registrar or Paying Agent may take effect until a successor is appointed. Every such successor Registrar or Paying Agent shall be the City or a Commercial Bank or Trust Bank. It shall not be required that the same institution serve as both Registrar and Paying Agent hereunder, but the City shall have the right to have the same institution serve as both Registrar and Paying Agent hereunder.

Section 34. Severability. If any one or more sections, sentences, clauses or parts of this Ordinance shall for any reason be held invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance, but shall be confined in its operation to the specific sections, sentences, clauses or parts of this Ordinance so held unconstitutional or invalid, and the inapplicability and invalidity of any section, sentence, clause or part of this Ordinance in any one or more instances shall not affect or prejudice in any way the applicability and validity of this Ordinance in any other instances.

Section 35. Repealer. All bylaws, orders, resolutions and ordinances, or parts thereof, inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any bylaw, order, resolution or ordinance, or part thereof, heretofore repealed.

Section 36. Amendment. After any of the Bonds have been issued, this Ordinance shall constitute a contract between the City and the holders of the Bonds and shall be

and remain irrevocable until the Bonds and the interest thereon have been fully paid, satisfied and discharged except as otherwise provided in this Section.

A. The City may, without the consent of, or notice to the Owners of the Bonds, adopt such ordinances supplemental hereto (which supplemental amendments shall thereafter form a part hereof) for any one or more or all of the following purposes:

(1) to cure any ambiguity, or to cure, correct or supplement any defect or omission or inconsistent provision contained in this Ordinance, or to make any provisions with respect to matters arising under this Ordinance or for any other purpose if such provisions are necessary or desirable and do not adversely affect the interests of the Owners of the Bonds;

(2) to subject to the lien of this Ordinance additional revenues, properties or collateral;

(3) to grant or confer upon the Registrar for the benefit of the Registered Owners of the Bonds any additional rights, remedies, powers, or authority that may lawfully be granted to or conferred upon the Registered Owners of the Bonds; or

(4) to qualify this Ordinance under the Trust Indenture Act of 1939.

B. Exclusive of the amendatory ordinances permitted by Paragraph A of this Section, this Ordinance may be amended or supplemented by ordinance adopted by the City Council in accordance with the law, without receipt by the City of any additional consideration but with the written consent of the Owners of 66% in aggregate principal amount of any Series of Bonds Outstanding at the time of the adoption of such amendatory or supplemental ordinance; provided, however, that, without the written consent of the Owners of all of the Bonds adversely affected thereby, no such Ordinance shall have the effect of permitting:

(1) An extension of the maturity of any Bond authorized by this Ordinance; or

(2) A reduction in the principal amount of any Bond or the rate of interest thereon; or

(3) The creation of a lien upon or pledge of Pledged Revenues ranking prior to the lien or pledge created by this Ordinance; or

(4) A reduction of the principal amount of Bonds required for consent to such amendatory or supplemental ordinance; or

(5) The establishment of priorities as between Bonds issued and Outstanding under the provisions of this Ordinance; or

(6) The modification of or otherwise affecting the rights of the Owners of less than all of the Bonds then Outstanding.

Section 37. Approval of Official Statement. The preparation, distribution and use of Preliminary Official Statement relating to the Bonds is hereby authorized. The President of the City Council or the Finance Director is authorized and directed to approve, on behalf of the City, a final Official Statement for use in connection with the offering and sale of the Bonds. The execution of a final Official Statement by the President of the City Council or the Finance Director shall be conclusively deemed to evidence the approval of the form and contents thereof by the City.

Section 38. Disposition of Ordinance. This Ordinance, as adopted by the City Council, shall be numbered and recorded by the City Clerk in the official records of the City. The adoption and publication shall be authenticated by the signatures of the President of the City Council and City Clerk, and by the certificate of publication.

Section 39. Effective Date. This Ordinance shall be in full force and effect 30 days after publication following final passage.

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INTRODUCED, PASSED ON FIRST READING, APPROVED AND ORDERED
PUBLISHED IN PAMPHLET FORM THIS 15th OF JANUARY, 2020.

CITY OF GRAND JUNCTION, COLORADO

President of the City Council

Attest:

City Clerk

INTRODUCED, PASSED ON SECOND READING, APPROVED AND
ORDERED PUBLISHED IN PAMPHLET FORM THIS 5th OF FEBRUARY, 2020.

CITY OF GRAND JUNCTION, COLORADO

President of the City Council

Attest:

City Clerk

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

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

1. The foregoing pages are a true, correct and complete copy of an ordinance (the “Ordinance”) which was introduced, passed on first reading and ordered published in pamphlet form by the City Council at a regular meeting thereof held on February 15, 2020 and was duly adopted and ordered published in pamphlet form by the City Council at a regular meeting thereof held on February 5, 2020, 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 February 15, 2020, an affirmative vote of a majority of the members of the City Council as follows:

<u>City Councilmember</u>	<u>Voting “Aye”</u>	<u>Voting “Nay”</u>	<u>Absent</u>	<u>Abstaining</u>
Rick Taggart, Mayor				
Duke Wortmann, Mayor Pro Tem				
Phillip Pe’a, District B				
Anna Stout, District C				
Phyllis Norris, District A				
Kraig Andrews, District E				
Chuck McDaniel, District at Large				

3. The Ordinance was duly moved and seconded and the Ordinance was finally passed on second reading at the meeting of February 5, 2020, by an affirmative vote of a majority of the members of the City Council as follows:

<u>City Councilmember</u>	<u>Voting “Aye”</u>	<u>Voting “Nay”</u>	<u>Absent</u>	<u>Abstaining</u>
Rick Taggart, Mayor				
Duke Wortmann, Mayor Pro Tem				
Phillip Pe’a, District B				
Anna Stout, District C				
Phyllis Norris, District A				
Kraig Andrews, District E				
Chuck McDaniel, District at Large				

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

5. The Ordinance was approved and authenticated by the signature of the President of the City Council, sealed with the City seal, attested by the City Clerk and recorded in the minutes of the City Council.

6. There are no bylaws, rules or regulations of the City Council which might prohibit the adoption of said Ordinance.

7. Notices of the meetings of January 15, 2020 and February 5, 2020 in the forms attached hereto as Exhibit A 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 January __, 2020 and February __, 2020, as required by the City Charter. Notice of the hearing on the Ordinance was published on January __, 2020. True and correct copies of the affidavits of publication are attached hereto as Exhibit B.

WITNESS my hand and the seal of the City affixed this ____ day of
February __, 2020.

City Clerk and Clerk to the City Council

(SEAL)

EXHIBIT A

(Attach Notices of Meetings of February 15, 2020 and February 5, 2020)

EXHIBIT B

(Attach Affidavits of Publication)



Grand Junction City Council

Regular Session

Item #6.a.ii.

Meeting Date: February 5, 2020

Presented By: Jodi Romero, Finance Director

Department: Finance

Submitted By: Jodi Romero, Finance Director

Information

SUBJECT:

An Ordinance Concerning Section 3.12.020 of Chapter 3 of the Grand Junction Municipal Code Concerning the Taxability of Food Products Sold from Money Operated Machines

RECOMMENDATION:

Adopt the proposed ordinance regarding the Taxability of Food Products Sold from Money Operated Machines and set a public hearing for February 5, 2020.

EXECUTIVE SUMMARY:

On November 29, 2019, the City received a request to reinstate an ordinance exempting from City sales tax certain foods sold from coin operated machines also referred to as vending machines. Approval of the ordinance would align the City's tax rules for sales through vending machines with the State of Colorado and Mesa County.

On January 13, 2020 City Council discussed this item and directed staff to place the ordinance on the agenda for first reading January 15, 2020.

BACKGROUND OR DETAILED INFORMATION:

In February 2014, City Council adopted Ordinance 4621 which temporarily amended the City's Sales and Use Tax Ordinance to exempt from City sales tax certain food products sold through "money operated machines", also known as vending machines. The ordinance included a sunset of three years to allow City Council the option of making it permanent or taking no action which resulted in the expiration of the

exemption.

Currently the City requires City sales tax to be charged on all sales (greater than 15 cents) through coin operated machines.

The State and County exempt food sold through coin operated machines. The State and County do not consider the following items food, and therefore are subject to State and County tax when sold through vending machines:

- Carbonated Water
- Soft Drinks
- Chewing Gum
- Candy
- Prepared Salads
- Packaged and Unpackaged Cold Sandwiches
- Hot or Cold Beverages Served in Unsealed Containers or Cups

Recently the City Council adopted standardized definitions that are consistent with the State's definition of food and non-food items such as candy and soft drinks which will be helpful should the Council choose to reinstate the exemption. Reinstatement would exempt from City sales tax certain foods sold through coin operated machines, however, the above items, which are commonly sold in that manner, would still be subject to City sales tax. Because the type of items sold from vending machines are not differentiated on sales tax returns, it is difficult to estimate lost revenue from reinstating this exemption. Total sales tax revenue from the Vending Industry is estimated at approximately \$9,000 per year.

As a home rule municipality, there are times when it is important for the local economy and provision of municipal services to have a different tax policy than the State, however, in this situation staff would recommend aligning City tax policy with that of the State and Mesa County.

FISCAL IMPACT:

Because the type of items sold from vending machines are not differentiated on sales tax returns, it is difficult to estimate lost revenue from reinstating this exemption. Total sales tax revenue from the Vending Industry is estimated at approximately \$9,000 per year.

SUGGESTED MOTION:

I move to (adopt/deny) Ordinance No. 4903 concerning Section 3.12.020 of Chapter 3 of the Grand Junction Municipal Code concerning the taxability of food products sold from money operated machines.

Attachments

1. ORD-Taxability of Food Products Sold from Money Operated Machines

ORDINANCE NO. ____

**AN ORDINANCE CONCERNING SECTION 3.12.020 OF CHAPTER 3 OF THE
GRAND JUNCTION MUNICIPAL CODE CONCERNING THE TAXABILITY OF FOOD
PRODUCTS SOLD FROM MONEY OPERATED MACHINES**

RECITALS:

On January 13, 2020 the City Council discussed in a work session a written request from and on behalf of the vending machine association to reinstate Ordinance 4621, an ordinance that eliminated the taxation of food, candy and soft drinks sold through vending machines in the City.

While State law provides that carbonated water, soft drinks, chewing gum, candy, prepared salads, packaged and unpackaged cold sandwiches and beverages vended from machines in unsealed containers or cups are not “food” and accordingly are taxed by the State but other food is tax exempt, the City Council discussed whether to align the City tax code with that of the State and has determined to do so.

The City Council having duly considered this ordinance does find and determine that it is protective of the City’s health and general welfare by establishing rules concerning the taxability of food, candy and soft drinks sold from vending machines.

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

That Section 3.12.020 of the Grand Junction Municipal Code provides certain definitions of terms used in the City’s Sales and Use Tax Code. For ease of reference and in context of this ordinance, certain of those definitions are restated here:

Candy means a preparation of sugar, honey, or other natural or artificial sweeteners, in combination with chocolate, fruit, nuts, or other ingredients or flavorings in the form of bars, drops, or pieces. Candy does not include any preparation containing flour, products that require refrigeration or marijuana infused products.

Food for home consumption means food for domestic home consumption as defined in 7 U.S.C. Section 2012(g), (k) (2014), as amended, for purposes of the supplemental nutrition assistance program, or any successor program, as defined as 7 U.S.C. sec. 2012 (t), as amended; except that “food” does not include carbonated water marketed in containers; chewing gum; seeds and plants to grow food; prepared salads and salad bars; packaged and unpackaged cold sandwiches; delicatessen trays; and hot or cold beverages served in unsealed containers or cups vended by or through machines or non-coin-operated coin-collecting food and snack devices on behalf of a vendor.

Soft drink means a nonalcoholic beverage that contains natural or artificial sweeteners. Soft drink does not include beverages that contain milk or milk products, soy, rice, or similar milk substitutes, or greater than fifty percent of vegetable or fruit juice by volume.

That Section 3.12.070(k) be added to the Grand Junction Municipal Code as follows: (AMENDMENTS ARE SHOWN IN ALL CAPS, ~~deletions are shown in strikethrough~~)

The tax levied by GJMC 3.12.030(a) shall apply to the following:

(k) ALL SALES AND PURCHASES OF CANDY AND SOFT DRINKS AS DEFINED IN 3.12.020 BY AND THROUGH COIN OR OTHER MONEY (BILLS OR CARDS) OPERATED MACHINES

That Section 3.12.070(rr) be added to the Grand Junction Municipal Code as follows: (AMENDMENTS ARE SHOWN IN ALL CAPS, deletions are shown in strikethrough)

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

(rr) ALL SALES AND PURCHASES OF FOOD AS DEFINED IN 3.12.020 BY AND THROUGH COIN OR OTHER MONEY (BILLS OR CARDS) OPERATED MACHINES.

Introduced on first reading this 15th day of January 2020.

J. Merrick Taggart
President of the City Council

ATTEST:

Wanda Winkelmann
City Clerk