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**CITY COUNCIL AGENDA
WEDNESDAY, AUGUST 19, 2020
250 NORTH 5TH STREET
5:00 PM – DINNER
5:30 PM – PRE-MEETING – CITY HALL AUDITORIUM
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

Appointments

To the One Riverfront Commission

Ratify Appointments to the Mesa County Building Code Board of Appeals

Certificates of Appointment

To the Parks and Recreation Advisory Board

To the Grand Junction Downtown Development Authority/Business Improvement District Boards

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 August 3, 2020 Workshop
- b. Minutes of the August 5, 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 to Amend Chapter 8.20 and Chapter 9.04 of the Grand Junction Municipal Code by Increasing the Distance Requirements for Smoking in Entryways from 15 Feet to 25 Feet, Prohibiting Smoking in Hotels and Motels and Changing the Regulation of Tobacco Products by Amending the Term "Minor" to "Minimum Legal Sale Age", Increasing the Minimum Age for Purchase/Sale of Tobacco from 18 to 21, and Removal of the Provision that Punishes the Purchase, Use, or Possession of Tobacco Products by Persons Under the Minimum Legal Sale Age and Set a Public Hearing for September 2, 2020
 - ii. Introduction of an Ordinance Amending the Grand Junction Municipal Code Title 21, Zoning and Development Code, to Revise Sections Related to Mini-Warehouses and Set a Public Hearing for September 2, 2020
- b. Quasi-judicial

- i. Introduction of an Ordinance Zoning the Fairview Glen Annexation R-8 (Residential - 8 du/ac), Located at 2767 C Road and Vacant Properties Located North of B 1/2 Road between Allyce Avenue and Nashua Lane/Court and Set a Public Hearing for September 2, 2020

3. Contracts

- a. Contract Extension for OVG Facilities d.b.a. Pinnacle Venue Services for the Management of the Grand Junction Convention Center, Avalon Theatre and the Las Colonias Amphitheater
- b. Deed of Conservation Easement - Jurassic Flats Property

REGULAR AGENDA

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

4. Public Hearings

- a. Legislative
 - i. A Resolution Adopting the 2020 Program Year Annual Action Plan as a Part of the Grand Junction Five-Year Consolidated Plan for the Community Development Block Grant (CDBG) Program
- b. Quasi-judicial
 - i. Resolution to Vacate Public Utility and Irrigation Easements and Ordinance to Vacate the Platted Public Right-of-Way of West Cliff Drive as Identified on the 2nd Addition to O'Nan Subdivision Located by Horizon Drive, N. 12th Street, Midway Avenue and Budlong Street

5. Items Relating to the November 2020 Coordinated Election

- a. A Resolution Setting a Title and Submitting to the Electorate on November 3, 2020 a Measure to Allow the City to Collect, Retain and Spend Revenues as a Voter Approved Revenue Change as Provided for and Defined by Article X, Section 20 of the Colorado Constitution

- b. A Resolution Calling a Special Election in the City of Grand Junction, Colorado Concerning and Providing for the Submission to the Electorate on November 3, 2020 a Measure to Allow the City to Collect, Retain and Spend Revenues as a Voter Approved Revenue Change Provided for and Defined by Article X, Section 20 of the Colorado Constitution and Other Details Relating Thereto

6. 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.

7. Other Business

8. Adjournment



Grand Junction City Council

Regular Session

Item #

Meeting Date: August 19, 2020

Presented By: Wanda Winkelmann, City Clerk

Department: City Clerk

Submitted By: Wanda Winkelmann

Information

SUBJECT:

To the One Riverfront Commission

RECOMMENDATION:

Appoint members to the One Riverfront Commission.

EXECUTIVE SUMMARY:

There are four vacancies on the One Riverfront Commission.

BACKGROUND OR DETAILED INFORMATION:

Vacancies are due to terms expiring.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I move to (appoint/not appoint) the interview committee's recommendations to the One Riverfront Commission.

Attachments

None



Grand Junction City Council

Regular Session

Item #

Meeting Date: August 19, 2020

Presented By: Wanda Winkelmann, City Clerk

Department: City Clerk

Submitted By: Wanda Winkelmann

Information

SUBJECT:

Ratify Appointments to the Mesa County Building Code Board of Appeals

RECOMMENDATION:

Ratify recommended applicants by the Mesa County Board of County Commissioners.

EXECUTIVE SUMMARY:

Mesa County Board of Commissioners recommended the appointments of David Reinertsen, Ray Rickard and Thomas Cronk for three-year terms to the Mesa County Building Code Board of Appeals at their July 27, 2020 meeting.

BACKGROUND OR DETAILED INFORMATION:

N/A

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I move to (ratify/not ratify) the Mesa County Board of County Commissioners recommended appointments of David Reinertsen, Ray Rickard and Thomas Cronk to the Mesa County Building Code Board of Appeals for three-year terms ending July 27, 2023.

Attachments

None



Grand Junction City Council

Regular Session

Item #

Meeting Date: August 19, 2020

Presented By: Wanda Winkelmann, City Clerk

Department: City Clerk

Submitted By: Wanda Winkelmann

Information

SUBJECT:

To the Parks and Recreation Advisory Board

RECOMMENDATION:

Recognize appointments.

EXECUTIVE SUMMARY:

Two members were appointed to the Parks and Recreation Advisory Board.

BACKGROUND OR DETAILED INFORMATION:

Byron Wiehe was reappointed and Lisa Whalin was appointed by City Council at their August 5, 2020 regular meeting.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

N/A

Attachments

None



Grand Junction City Council

Regular Session

Item #

Meeting Date: August 19, 2020

Presented By: Wanda Winkelmann, City Clerk

Department: City Clerk

Submitted By: Wanda Winkelmann

Information

SUBJECT:

To the Grand Junction Downtown Development Authority/Business Improvement District Boards

RECOMMENDATION:

Recognize appointments.

EXECUTIVE SUMMARY:

Two members were appointed to the Grand Junction Downtown Development Authority/Business Improvement District Boards.

BACKGROUND OR DETAILED INFORMATION:

Vance Wagner was reappointed and Cole Hanson was appointed by City Council at their August 5, 2020 regular meeting.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

N/A

Attachments

None

CITY COUNCIL WORKSHOP SUMMARY
August 3, 2020

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

Meeting Adjourned: 7:09 p.m.

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

Staff present: City Manager Greg Caton, City Attorney John Shaver, Public Works Director Trent Prall, Development Engineer Rick Doris, Principal Planner David Thornton, Planning Technician Isabella Vaz, Deputy City Clerk Janet Harrell, Finance Director Jodi Welch, Senior Assistant to the City Manager Greg LeBlanc, and City Clerk Wanda Winkelmann.

Mayor Wortmann called the meeting to order.

Agenda Topic 1. Discussion Topics

a. Presentation and Discussion on the Draft Patterson Road Access Control Plan

Mr. Prall noted that Patterson Road is a primary street in the city. The goal of access management is to optimize the performance of the corridor, improve the level of safety, reduce traffic congestion, and improve the overall functionality. The Access Control Plan (ACP) works to plan, coordinate, regulate, and design access to and from adjacent property including future development.

Janet Lundquist and Michelle Hansen, consultants with Stolfus and Associates, have been working for over seven months to inventory access points, count traffic, determine existing and future traffic demands, and perform a safety analysis for Patterson Road. Ms. Lundquist reviewed the elements of the draft plan and the overall project.

1. Study Area. The study area consists of approximately 7.0 miles of Patterson Road (F Road) between 1-70B (23.75 Road) and Lodgepole Street (30.75 Road).
2. Plan Goals. Effective and efficient travel, access, alternative modal choices, options for phasing, and compatibility.
3. Plan Development and Approach. Restrictions/changes to access points and out of direction travel. Additionally, several new streets will be proposed.
4. Public Involvement. Property owners, partner agencies, and the general public will be involved in this project.
5. Implementation. Cases that will trigger construction include an increase in traffic of 20% or more, a City project that is publicly funded, or safety/operational issues that can be mitigated.

6. Plan Adoption. The ACP will be presented to the Planning Commission and City Council, with public hearings being held in April 2021.

ACP's provide predictability to developers and landowners. Proposed access points were reviewed for 24 Road and Market Street, the new development at 25 ½ Road, and St. Mary's Hospital.

Discussion ensued about the timeliness of the ACP, the need to make improvements to Patterson Road, funding mechanisms for improvements, time frame for expansion, multi-modal transportation, combined vehicle and bicycle traffic, additional bike and walking paths, access to 24 Road and Market Street businesses, and U-turn movements for traffic.

b. De-Brucing Discussion

Mr. Caton introduced the topic. The Taxpayers Bill of Rights (TABOR), which was approved by voters in November 1992 amended the Colorado Constitution to, among other things, require voter approval on all tax increases in all taxing districts within the state. Included are tax rate increases, imposition of new taxes, and increases in property tax assessment ratios. The law also explicitly prohibits the implementation of certain types of taxes including new or increased real estate transfer taxes, local income taxes, state property taxes, and state income tax surcharges. TABOR also requires voter approval to change any existing spending limits or revenue growth limits.

"De-Brucing" is a term that refers to a process local governments across the State have approved in order to use all the tax revenue that comes in for public service and projects. Currently, 230 Colorado communities have de-Bruiced, and the City is one of the only municipalities of its size and that provides a full scope of services that has not permanently de-Bruiced.

Mr. Caton stated that since the City's 2020 Sales and Use Tax revenues are reduced due to the pandemic it will create a situation in which the TABOR "ratchet down" will require the City to refund tax collected in excess of a specific calculated TABOR limit that will further reduce 2020 City revenues. The other option is to ask voters if the City can retain it.

Discussion ensued about requesting a 15-year sunset or permanent de-Brucing, Gallagher Amendment question on the Statewide ballot in November, tax questions must still go to a vote, assumptions regarding reduced sales tax collected in 2020, specificity in ballot language regarding debt, and the timing of the ballot question.

Support was expressed to go forward with a ballot question for a permanent de-Brucing in November.

c. Tobacco & Vaping Discussion

City Manager Caton noted that there have been several discussions with City Council regarding a possible tax on tobacco and vaping products. Mr. Shaver reviewed the current draft ballot language of a \$4/pack tax and 40% tax on other tobacco products.

Discussion ensued about the amount of the tax per pack, the use of the tax proceeds for parks and recreation and enforcement of underage use, the timing of the ballot question, receiving feedback from the community regarding the amount of the tax, utilizing a graduated schedule for tax increases, and an ordinance regarding the distance to doorways for outdoor smoking.

Support was expressed for a tax question requesting a lower amount that would come forward for the regular municipal election in April 2021.

Agenda Topic 2. City Council Communication

There was none.

Agenda Topic 3. Next Workshop Topics

Mr. Caton stated that the August 17 workshop will be an update on recycling.

Agenda Topic 4. Other Business

Councilmember Norris mentioned the past request from the Avalon.

Adjournment

The Workshop adjourned at 7:09 p.m.

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

August 5, 2020

Call to Order. Pledge of Allegiance. Moment of Silence

The City Council of the City of Grand Junction convened into regular session on the 5th day of August 2020 at 6:00 p.m. Those present were Councilmembers Kraig Andrews, Chuck McDaniel, Phyllis Norris, Phillip Pe'a, Anna Stout, Rick Taggart and Council President Duke Wortmann.

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

Council President Wortmann called the meeting to order. Councilmember Andrews led the Pledge of Allegiance which was followed by a moment of silence.

Presentations

2019 Auditor's Report to City Council - Ty Holman, Haynie & Company

Haynie & Company Partner Ty Holman reviewed the City's Audit Report's scope and methodology, required communications, financial highlights and general observations.

Mr. Holman clarified the "client" to whom his firm reports is City Council.

City Manager Caton recognized City Finance Director Jodi Welch, Finance Supervisor Tatiana Gilbertson and Accountant/Analyst II Ashley McGowen for their work on the audit.

Councilmember Stout moved to accept the Auditor's Report and Financial Statements for the City of Grand Junction, Colorado for the year ended December 31, 2019. Councilmember Pe'a seconded the motion. Motion carried by unanimous voice vote.

Appointments

To the Parks and Recreation Advisory Board

Councilmember Pe'a moved to reappoint Byron Wiehe for a three-year term ending June 2023 and appoint Lisa Whalin for a two-year term ending June 2022 to the Parks and Recreation Advisory Board. Councilmember Andrews seconded the motion. Motion carried by unanimous voice vote.

To the Grand Junction Downtown Development Authority/Business Improvement District

Councilmember Stout moved to reappoint Vance Wagner and appoint Cole Hanson to the Downtown Development Authority/Downtown Grand Junction Business Improvement District Boards for four-year terms ending June 2024. Councilmember Andrews seconded the motion. Motion carried by unanimous voice vote.

Citizen Comments

Jay Freeman expressed concerns regarding the Latino Chamber of Commerce's request for funds.

Ken Herrera thanked City staff for their dedication and support.

Geneva Smith said she would like to be more involved in local government and work toward progress.

Steve Moore came to show support and unity for neighbors, community and City Council and would like to work toward a common goal.

Melinda Brown thanked City Council and City staff and encouraged Council to hear everyone.

Don Pettygrove asked everyone to work together and understand that compromises need to be made.

Ron Arellano said he doesn't want local rioting and expressed concerns regarding the goals of the Black Lives Matter founders.

Bob Jackson expressed concerns regarding the local political climate and the safety of his business.

Mary Lou Lawson thanked local law enforcement and City Council.

Marc Coutu said the local Patriots group represent the community's core which is made up of patriotic, hardworking, tax paying citizens and are not adversarial.

Mike Anton said he has been actively involved in many local organizations, thanked City Council and expressed concerns regarding the local discontent.

Matt Crowe said he and fellow RAW (Right and Wrong) members are peaceful but are not content with the status quo; he would like to see policies that support minorities.

Jeff McCloskey spoke about COVID-19, that the government's response is disproportionate to the threat and inaccurate testing, all of which have negatively affected the economy.

Sarah Covell said America was founded on liberty, justice and freedom and has been a bastion of hope to many, however our country and this hope is being threatened by a vocal minority that does not represent the majority.

Council Reports

Councilmember Stout said she was encouraged by citizen messages of unity and said the purpose of the (yet to be named) "task force" is to bring disparate community/institution members together in order to implement system changes that will ensure equal access for the community as a whole. She noted this organization has the power to listen but is still in the forming stages and asked citizens to be patient while it gets established.

Councilmember Norris said in May the City funded \$540,000 to the COVID-19 related Business Stabilization and Recovery Loan program for local business and noted several minority owned businesses applied for and benefited from this program. She then encouraged the Latino Chamber of Commerce (LCC) to communicate this information (funds are still available) and to become involved with the Grand Junction Economic Partnership.

Mayor Wortmann thanked citizens for attending the meeting and announced a City proclamation was issued for National Health Center Week.

City Manager Report

City Manager Greg Caton said he and former Mayor Taggart met with the LCC last year and as the City is starting the budget process for 2021 encouraged them to submit a request for non-profit business-related grants. He then explained the purpose and goals of City allocated economic development funds. Also, in response to Mr. Jackson's citizen comment Mr. Caton noted the City is here to listen and serve the community.

City Manager Caton also reported a City Wildland Fire Team has been deployed to the Apple Fire in Riverside County California.

CONSENT AGENDA

Councilmember Andrews moved to adopt Consent Agenda items #1 - #3. Councilmember Pe'a seconded the motion. Motion carried by unanimous voice vote.

1. Approval of Minutes

- a. Summary of the July 13, 2020 Workshop

- b. Minutes of the July 15, 2020 Regular Meeting

2. Set Public Hearings

- a. Quasi-judicial
 - i. Introduction of an Ordinance to Vacate the Platted Public Right-of-Way of West Cliff Drive as Identified on the 2nd Addition to O'Nan Subdivision Located by Horizon Drive, N. 12th Street, Midway Avenue and Budlong Street and Set a Public Hearing for August 19, 2020

3. Resolutions

- a. A Resolution to Designate the Colorado Fruit and Commercial Association Building at 601 Pitkin Avenue in the City Register of Historic Structures, Sites and Districts

REGULAR AGENDA

An Ordinance Expanding the Boundaries for the Downtown Grand Junction Business Improvement District to Include Property Known as 863 Colorado Avenue into the Boundaries of the Business Improvement District and an Ordinance Expanding the Boundaries for the Grand Junction, Colorado Downtown Development Authority to Include Property Known as 863 Colorado Avenue into the Boundaries of the Downtown Development Authority

Consideration of a request by Anton and Theresa Englbrecht for the property located 863 Colorado Avenue to be included in the boundaries of the Downtown Grand Junction Business Improvement District (BID) and the Downtown Development Authority (DDA).

City Attorney John Shaver provided legal background of the DDA/BID entities and City Manager Greg Caton reviewed the property mil rates for the DDA/BID.

Discussion included that this petitioned inclusion was approved by the DDA Board.

The public hearing opened at 7:11 p.m.

There were no public comments.

The public hearing closed at 7:11 p.m.

Councilmember Pe'a moved to adopt Ordinance No. 4945, an ordinance expanding the boundary of and including property located at and known as 863 Colorado Avenue into the Downtown Grand Junction Business Improvement District; and Ordinance No. 4946, an ordinance expanding the boundary of the Grand Junction, Colorado Downtown Development Authority to include the property located at and known as 863 Colorado Avenue on final passage and ordered final publications in pamphlet form. Councilmember Stout seconded the motion. Motion carried by unanimous roll call vote.

An Ordinance for Supplemental Appropriations

The budget is adopted by City Council through an appropriation ordinance to authorize spending at a fund level based on the line item budget. Supplemental appropriations are also adopted by ordinance and are required when the adopted budget is increased to approve new projects or expenditures. When a project includes a transfer from one fund to another, both the transfer and expenditure must be appropriated.

Supplemental appropriations are requested for two projects; the Riverfront at Dos Rios Phase II project \$8,457,118 and for the Fire Station 3 Replacement project, \$5,500,000.

Finance Director Jodi Welch presented this item.

Discussion included the total cost for Fire Station 3 (\$5.5 million to be transferred from General Fund Reserves to the Capital Fund), the grant amount to be requested from DOLA (maximum of \$1 million to be returned to General Fund Reserves), that Council approval is required before the grant application submission, concern budget requests are submitted outside of the City's annual budget process, that Fire Station 3 is included in both the Five and Ten Year Capital Improvement Plans and the Five Year Plan is balanced, that after the First Responder tax was approved the City planned to open three new fire stations every other even numbered year in order to stagger staff implementation, employee health and safety concerns moved Station 3 up in priority to 2021 and how COVID-19 affected the funding strategy and some aspects of timing for this project.

The public hearing opened at 7:22 p.m.

There were no public comments.

The public hearing closed at 7:22 p.m.

Councilmember Andrews moved to adopt Ordinance No. 4947, an ordinance making Supplemental Appropriations to the 2020 Budget of the City of Grand Junction, Colorado and the Downtown Development Authority for the year beginning January 1, 2020 and ending December 31, 2020 on final passage and ordered final publication in pamphlet form.

Councilmember Norris seconded the motion. Motion carried by unanimous roll call vote.

An Ordinance by the City of Grand Junction to Amend Ordinance No. 4929 Vacating Portions of Public Right-of-Way Within the Proposed Riverfront at Dos Rios Development

The City of Grand Junction, as applicant, requested an amendment to Ordinance No. 4929, which conditionally vacated seven portions of public right-of-way within or adjacent to the Riverfront at Dos Rios planned development. The requested amendment would revise the vacation of those portions of the Lawrence Street and Lila Avenue rights-of-way that are adjacent to property not owned by the City.

Principal Planner Kris Ashbeck presented this item.

Discussion included that Ordinance No. 4929 included property the City was in the process of purchasing but was unsuccessful and thus necessitated the amendments, that the parcels will stay intact and the Riverside residents were notified through outreach meetings which were noticed through a mailing and community communications.

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

Sonya Gutierrez who helped facilitate communications between the City and property owners during the aforementioned sale negotiations felt if the Riverside residents were better informed of the Dos Rios Development Project it would have been more favorably received by the neighborhood.

The public hearing closed at 7:38 p.m.

Councilmember Andrews moved to adopt Ordinance No. 4948, an ordinance amending Ordinance No. 4929 vacating previously-platted public rights-of-way within the Riverfront at Dos Rios Development located along the northeast bank of the Colorado River between Hale Avenue and near the 5th Street/Highway 50 viaduct on final passage and ordered final publication in pamphlet form. Councilmember Norris seconded the motion. Motion carried by unanimous roll call vote.

A Resolution to Approve a Service Plan for the Proposed West Junction Metropolitan District on 177 Acres Northwest of the Highway 6 and 50 and Patterson Road Intersection

Applicant Foothills Housing 2, LLC proposed to form a Metropolitan District called the West Junction Metropolitan District. Per Title 32 of the Colorado Revised Statutes (C.R.S.), the first step is to develop a Service Plan for the District, which is to be considered and, if found acceptable, approved by the City. Prior to consideration by the City Council and in accordance

with State statute, the Council must take action to set a date for the public hearing to consider the formation of the Service Plan for the Metropolitan District. The actual composition and distribution of future development shall be reflected in site development approvals to be issued by the City and nothing in the proposed Metropolitan District Service Plan shall be construed as the City granting prior approval for any site development.

Associate Planner Jace Hochwalt and applicant representatives Stuart Borne (Foothills Housing 2, LLC), Michael Lund (Stifel), Ted Steers (Vail Real Estate Center) and Joan Fritsche (Fritsche Law) presented this item.

Discussion included if the required Intergovernmental Agreements (IGA) will come before Council (administrative procedure unless determined otherwise), that the recreational IGA may come to Council since it will be more operational in nature, that the mill levy will start at 50 but may drop with continued investment, the District must become a legal entity (Service Plan approved locally, filed with District Court and TABOR questions voter approved (intended to be on 11/3 ballot)) before it can enter into an agreement, that the District cannot get financing until the required IGA's are complete, how the City will cost share some of the project's infrastructure in order to eliminate phased construction of roads, that IGA two and three come back before Council and that large projects be presented at Council Workshops before being on the regular meeting agenda.

The public hearing opened at 8:41 p.m.

Joseph Coleman spoke on behalf of the property owners and said they are in favor of the project.

The public hearing closed at 8:45 p.m.

Councilmember McDaniel moved to adopt Resolution No. 49-20, a resolution approving the Service Plan for the West Junction Metropolitan District with the following condition that shall be met prior to the District Service Plan becoming effective and before the proposed District may exercise the powers and authority described herein: Condition 1: Approval and execution of one or more Intergovernmental Agreement describing the improvements and responsibilities of the City of Grand Junction and the West Junction Metropolitan District. Councilmember Stout seconded the motion. Motion carried by unanimous roll call vote.

An Ordinance Amending Ordinance No. 4938 Annexing Territory to the City of Grand Junction, Colorado for the Annexation Known as the Magnus Court Annexation of 45.543-Acres, Located at the West End of Magnus Court

Ordinance No. 4938, and specifically the exhibit and plat regarding the Magnus Court Annexation are being amended to include the work prepared by City Surveyor Renee Parent.

Senior Planner Scott Peterson presented this item.

The public hearing opened at 8:50 p.m.

There were no public comments.

The public hearing closed at 8:50 p.m.

Councilmember Andrews moved to adopt Ordinance No. 4949, an ordinance amending Ordinance No. 4938 concerning the Magnus Court Annexation of approximately 45.543-acres, located at the West End of Magnus Court, to the City of Grand Junction, Colorado on final passage and ordered final publication in pamphlet form. Councilmember Pe'a seconded the motion. Motion carried by unanimous roll call vote.

Non-Scheduled Citizens & Visitors

President of the Latino Chamber of Commerce Jorge Pantoja requested the City be more transparent and to speak with staff.

Sonya Gutierrez expressed concerns regarding the City's grant application process and would like the Latino Chamber of Commerce to be included with the other economic development partners that receive City funds.

Other Business

There was none.

Adjournment

The meeting adjourned at 8:59 p.m.

Wanda Winkelmann, MMC
City Clerk



Grand Junction City Council

Regular Session

Item #2.a.i.

Meeting Date: August 19, 2020

Presented By: John Shaver, City Attorney

Department: City Attorney

Submitted By: John Shaver

Information

SUBJECT:

Introduction of an Ordinance to Amend Chapter 8.20 and Chapter 9.04 of the Grand Junction Municipal Code by Increasing the Distance Requirements for Smoking in Entryways from 15 Feet to 25 Feet, Prohibiting Smoking in Hotels and Motels and Changing the Regulation of Tobacco Products by Amending the Term "Minor" to "Minimum Legal Sale Age", Increasing the Minimum Age for Purchase/Sale of Tobacco from 18 to 21, and Removal of the Provision that Punishes the Purchase, Use, or Possession of Tobacco Products by Persons Under the Minimum Legal Sale Age and Set a Public Hearing for September 2, 2020

RECOMMENDATION:

City Council consideration of and approval of the amendment to the Grand Junction Municipal Code.

EXECUTIVE SUMMARY:

An ordinance to amend Chapter 8.20 of the Grand Junction Municipal Code in an effort to be consistent with House Bill 19-1076 and the amendments to the *Colorado Clean Indoor Air Act* by changing the definition of "entryway" from 15 feet to 25 feet and disallowing smoking in all hotel and motel rooms.

An ordinance to amend Chapter 9.04 of the Grand Junction Municipal Code in an effort to be consistent with Public Law 116-94 and the amendments to the Federal Food, Drug, and Cosmetic Act by changing the term "minor" to "minimum legal sales age" and amending the minimum age for the sale/purchase of tobacco products from 18 to 21.

An ordinance to amend Chapter 9.04 in an effort to be consistent with HB 20-1001, HB 19-1076 and Public Law 116-94 and at the request of the Mesa County Health Department by striking Section 210(b) regarding the possession, consumption or use of tobacco products by persons under the legal sale age.

BACKGROUND OR DETAILED INFORMATION:

House Bill 19-1076 updated the *Colorado Clean Indoor Air Act* ("CCIAA") by increasing the protections available to the public for involuntary exposure to emissions from secondhand smoke and electronic smoking devices in areas open to the public. The purpose of the revisions was to preserve and improve the health, comfort and environment of the people in the state by protecting the right of people to breath clean, smoke-free air.

The definition of "entryway" was amended to increase the radius outside the doorway of a public or private property from 15 feet to 25 feet. The law provides that local authorities may determine the specified radius for entryways in its jurisdiction. Chapter 8.20 of the Grand Junction Municipal Code ("GJMC") presently defines the entryway radius as 15 feet. This ordinance amends the GJMC to define an entryway radius to uniformly be 25 feet.

Chapter 8.20 of the GJMC allows smoking in twenty five percent of the rooms available in hotels and motels. This ordinance amends the GJMC to be consistent with the CCIAA by disallowing smoking in all hotel and motel rooms. Nothing in this ordinance is intended to inhibit a person's ability to take medicine using an inhaler or a similar device, nor to prevent an employer or business owner from making reasonable accommodation for the medical needs of an employee, customer, or other person in accordance with the Americans with Disabilities Act.

Public Law 116-94 known as the *Further Consolidated Appropriations Act 2020* amends Section 906(d) of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 387f(d)) increasing the minimum age for any retailer to sell tobacco products from 18 to 21 years of age. Chapter 9.04 of the GJMC currently defines "minor" as a person under the age of 18. This ordinance amends the GJMC to be consistent with the federal requirements by changing the term "minor" to "minimum legal sales age" and amends the minimum age for the sale/purchase of tobacco products from 18 to 21.

On July 14, 2020 Governor Polis signed HB 20-1001 concerning nicotine product regulation and as provided by that law, HB 19-1076 and Public Law 116-94 and a request from the Mesa County Health Department, this ordinance is being proposed to integrate various provisions of law.

This ordinance amends the GJMC by striking Section 210(b) of Chapter 9.04 regarding the possession, consumption or use of tobacco products by persons under the legal

sale age. According to research by the *Campaign for Tobacco Free Kids*, youth purchase, use, or possession ("PUP") laws are ineffective in reducing youth tobacco use. Mesa County Health and the *Campaign for Tobacco Free Kids* assert that a) purchase, use or possession laws can inappropriately shift the responsibility for underage tobacco use from the tobacco industry and retailers to young persons; b) young people often become addicted to tobacco products because of aggressive marketing by the tobacco industry; and c) penalizing youth could deter them from seeking support for cessation. This ordinance proposes amendment of the GJMC by deletion of the provisions that punish the purchase, use, or possession of tobacco products by persons under the minimum legal sales age.

FISCAL IMPACT:

Decrease in revenue from fines assessed in the Municipal Court for punishment of violating the sale, possession and consumption of tobacco by a person under the minimum sale age. Decrease in revenue is minimal based on violations issued.

SUGGESTED MOTION:

I move to introduce on first reading, pass for publication and set a public hearing on September 2, 2020:

- a) an Ordinance amending Chapter 8.20 of the Grand Junction Municipal Code changing the definition of an "entryway" from 15 feet to 25 feet;
- b) an Ordinance amending Chapter 8.20 of the Grand Junction Municipal Code disallowing smoking in all hotel and motel rooms;
- c) an Ordinance amending Chapter 9.04 of the Grand Junction Municipal Code changing the term "minor" to "minimum legal sales age";
- d) an Ordinance amending Chapter 9.04 of the Grand Junction Municipal Code changing the minimum age for sale/purchase of tobacco products from 18 to 21;
- e) an Ordinance amending Chapter 9.04 of the Grand Junction Municipal Code striking Section 201(b) regarding the possession, consumption or use of tobacco products by persons under the legal sale age.

Attachments

1. ORD-Tobacco Cleanup - 080420

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 8.20 REGARDING SMOKING IN WORKPLACES TO INCREASE THE DISTANCE REQUIREMENTS FOR SMOKING NEAR ENTRYWAYS AND TO PROHIBIT SMOKING IN HOTELS AND MOTELS AND TO AMEND CHAPTER 9.04 REGARDING THE REGULATION OF TOBACCO PRODUCTS BY CHANGING THE TERM “MINOR” TO “MINIMUM LEGAL SALE AGE”, INCREASING THE MINIMUM LEGAL SALE AGE FROM 18 TO 21 AND REMOVING TERMS RELATING TO THE POSSESSION, CONSUMPTION AND USE OF TOBACCO PRODUCTS BY PERSONS UNDER THE LEGAL SALE AGE.

RECITALS:

House Bill 19-1076 updated the *Colorado Clean Indoor Air Act* (“CCIAA”) by increasing the protections available to the public for involuntary exposure to emissions from secondhand smoke and electronic smoking devices in areas open to the public. The purpose of the revisions was to preserve and improve the health, comfort and environment of the people in the state by protecting the right of people to breath clean, smoke-free air.

The definition of an “entryway” was amended to increase the entryway radius outside the doorway of a public or private property from 15 feet to 25 feet. The law provides that local authorities may determine the specified radius for entryways in its jurisdiction; Chapter 8.20 of the Grand Junction Municipal Code (“GJMC”) presently defines the entryway radius as 15 feet. This ordinance amends the GJMC to define an entryway radius to uniformly be 25 feet.

Chapter 8.20 of the GJMC allows smoking in twenty five percent of the rooms available in hotels and motels. This ordinance amends the GJMC to be consistent with the CCIAA and disallow smoking in all hotel and motel rooms. Nothing in this ordinance is intended to inhibit a person’s ability to take medicine using an inhaler or a similar device, nor to prevent an employer or business owner from making reasonable accommodation for the medical needs of an employee, customer, or other person in accordance with the Americans with Disabilities Act.

Public Law 116-94 known as the *Further Consolidated Appropriations Act 2020* amends Section 906(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 387f(d)) increasing the minimum age for any retailer to sell tobacco products from 18 to 21 years of age. Chapter 9.04 of the GJMC currently defines a “minor” as a person under the age of 18. This ordinance amends the GJMC to be consistent with the federal requirements by changing the term “minor” to “minimum legal sales age” and amends the minimum age for the sale/purchase of tobacco products from 18 to 21.

41 On July 14, 2020 Governor Polis signed HB 20-1001 concerning nicotine product
42 regulation and as provided by that law, HB19-1076 and Public Law 116-94 and a request
43 from the Mesa County Health Department, this ordinance is being proposed to integrate
44 the various provisions of law.

45 Furthermore, the ordinance amends the GJMC by striking §(b) of Chapter 9.04.210
46 regarding the possession, consumption or use of tobacco products by persons under the
47 legal sale age.

48 According to research by the *Campaign for Tobacco Free Kids* youth purchase, use, or
49 possession ("PUP") laws are ineffective in reducing youth tobacco use. Mesa County
50 Health and the *Campaign for Tobacco Free Kids* assert that a) purchase, use or
51 possession laws can inappropriately shift the responsibility for underage tobacco use from
52 the tobacco industry and retailers to young persons'; b) young people often become
53 addicted to tobacco products because of aggressive marketing by the tobacco industry;
54 and, c) penalizing youth could deter them from seeking support for cessation. This
55 ordinance proposes amendment of the GJMC by the deletion of provisions that punish
56 the purchase, use, or possession of tobacco products by persons under the minimum
57 legal sales age.

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

60 Chapter 8.20 shall be amended and revised as follows (additions shown in **bold print**
61 and deletions marked with ~~strike-through~~):

62 CHAPTER 8.20 SMOKING IN WORKPLACES AND PUBLIC PLACES

63

64 8.20.020 Smoking in workplaces and public places.

65

66 (a) Definitions. The following words and phrases, whenever used in this section, shall
67 have the following meanings:

68 *Bar* means an area which is devoted to the serving of alcoholic beverages for
69 consumption by guests on the premises and in which the serving of food is only
70 incidental to the consumption of such beverages.

71 *Bingo hall* means any enclosed area used for the management, operation or conduct of
72 a game of bingo by any organization holding a license to manage, operate or conduct
73 games of bingo pursuant to Colorado law and in which food service for consumption on
74 the premises is incidental to the games of bingo.

75 *Bowling alley* means a business open to the public which offers the use of bowling
76 lanes, typically equipped with operable automatic pin setting apparatus and in which

77 food service for consumption on the premises is incidental to bowling and related
78 activities.

79 *Business* means any sole proprietorship, partnership, joint venture, corporation or other
80 entity formed for profit-making or nonprofit purposes, including retail establishments
81 where goods or services are sold, as well as professional corporations and limited
82 liability companies. *Business* includes entities where legal, accounting, financial,
83 planning, medical, dental, engineering, architectural or other services are delivered.

84 *Electronic smoking device* means an electric or battery-operated device, which can be
85 used to deliver substances, including but not limited to, nicotine, tobacco, or marijuana,
86 to the person using such device. Electronic smoking devices shall include, without
87 limitation, electronic cigarettes, cigars, cigarillos, pipes, and hookahs.

88 *Employee* means any person whether such person is referred to as an employee,
89 contractor, independent contractor, volunteer or by any other designation who:

90 (1) Performs any type of work for benefit of another in consideration of direct
91 or indirect wages or profit; or

92 (2) Provides uncompensated work or services to a business or nonprofit entity.

93 *Employer* means any person, partnership, association, corporation, or nonprofit entity
94 that employs one or more persons.

95 *Enclosed area* means all space between a floor and ceiling within a structure or building
96 which is closed in on all sides by solid walls, doors or windows which extend from the
97 floor to the ceiling.

98 *Indoor area* means any enclosed area or portion thereof. The opening of windows or
99 doors, or the temporary removed of wall panels, does not convert an indoor area to an
100 outdoor area.

101 *Lighted* means to illuminate by electricity, battery or fire; to ignite by electricity, battery
102 or fire; to burn by electricity, battery or fire; or to emit light by electricity, battery or fire.

103 *Marijuana* (which may alternatively be spelled as “*marihuana*”) shall have the same
104 meaning as set forth in Article XVIII, Section 16 of the Colorado Constitution or as may
105 be more fully defined in any applicable State law or regulation.

106 *Person* means a natural person or any entity or business recognized by law or formed
107 to do business of any sort.

108 *Place of employment* means any indoor place and any public place or portion thereof
109 under the control of an employer in which employees of the employer perform services
110 for, or on behalf of, the employer.

111 *Private club* means any establishment which restricts admission to members of the club
112 and their guests. See *Public place*.

113 *Private function* means any activity which is restricted to invited guests in a nonpublic
114 setting and to which the general public is not invited.

115 *Public meetings* means any meeting open to the public pursuant to Part 4 of Article 6 of
116 Title 24, C.R.S., or any other applicable law.

117 *Public place* means any area to which the public is invited or in which the public is
118 permitted, including but not limited to banks, educational facilities, schools, health
119 facilities, laundromats, public transportation facilities including bus stations and stops,
120 taxis, shelters, airports, train stations, reception areas, restaurants, retail food
121 production and marketing/grocery establishments, retail service establishments, retail
122 stores, theaters and waiting rooms. A private club is considered a *public place* when
123 functions are held at the club which are open to the general public and are not restricted
124 to the members of the club. A private residence is not a *public place* except during times
125 when it is being used as a child care, adult care or health care facility.

126 *Restaurant* means a business in which the principal business is the sale of food or
127 meals prepared on-site, typically for consumption on-site. Examples of restaurants,
128 without limitation, are coffee shops, cafeterias, sandwich stands, private or public school
129 or other cafeterias, and other eating establishments which give or offer food for sale to
130 the public, guests, or employees, as well as kitchens in which food is prepared on the
131 premises for serving elsewhere, including catering facilities.

132 *Retail tobacco store* means a business utilized primarily for the sale of tobacco and
133 accessories and in which the sale of other products is incidental.

134 *Service line* means any indoor or outdoor line at which one or more persons are waiting
135 for or receiving service of any kind, whether or not such service involves the exchange
136 of money.

137 *Smoke* or *smoking* means and includes, but is not limited to:

- 138 1) the carrying or possession of smoking instrument in one's mouth for the purpose
139 of inhaling or exhaling smoke or vapor or blowing smoke rings;

2) the placing of a lighted smoking instrument in an ashtray or other receptacle, and allowing smoke or vapor to diffuse in the air;

3) the possession, carrying or placing of a lighted smoking instrument in one's hands or any appendage or device and allowing smoke or vapor to diffuse in the air; or

4) the inhaling or exhaling of smoke or vapor from a lighted smoking instrument.

Smoking instrument means an instrument of any kind which can be used to deliver substances, including but not limited to nicotine, tobacco, or marijuana, to the person using such instrument. Smoking instrument shall include, without limitation, cigarettes, cigars, cigarillos, pipes and hookahs. Smoking instrument shall specifically include electronic smoking devices.

Smoke-free means that air in an enclosed area is free from smoke caused by smoking.

Sports arena means sports pavilions, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, bowling alleys and other similar places where members of the general public assemble either to engage in physical exercise, participate in athletic competition, or witness sports events.

Structure is defined in the International Building Code, including the International Residential Code, ("IBC") as adopted by the City from time to time. The term *structure* includes the term *building*, also defined by the IBC.

Tobacco is defined in § [25-14-203](#)(17), C.R.S.

Work area means an enclosed area in which one or more employees are routinely assigned and perform services for or on behalf of the employer.

(b) Application to City Property. All enclosed areas and motor vehicles that are owned or leased by the City shall be subject to the provisions of this section as though such areas and vehicles were public places.

(c) Prohibition of Smoking in Public Places and Indoor Areas.

(1) Except as provided herein, smoking shall be prohibited in all public places and indoor areas within the City, including, but not limited to, the following:

(i) Elevators.

(ii) Restrooms, lobbies, reception areas, hallways and any other common-use areas.

- 172 (iii) Buses, taxicabs, other means of public transit while operating within
173 the City limits, and ticket, boarding and waiting areas of public transit
174 systems including stops, bus benches, shelters and depots.
- 175 (iv) Service lines.
- 176 (v) Retail stores.
- 177 (vi) All areas available to and customarily used by the public in all
178 businesses and nonprofit entities patronized by the public, including, but not
179 limited to, professional and other offices, banks, and laundromats.
- 180 (vii) Restaurants and bars except that smoking is allowed in outdoor
181 seating areas of restaurants and bars that are not enclosed and are not
182 under a roof or a projection of a roof as defined by the IBC as a *roof*
183 *assembly*, such as patios, and any person smoking is at least ~~15~~ **25** feet
184 from the front or main doorway.
- 185 (viii) Aquariums, galleries, libraries, museums and similar facilities.
- 186 (ix) Any structure primarily used for exhibiting any motion picture, stage,
187 drama, lecture, musical recital or other similar performance.
- 188 (x) Sports arenas whether enclosed or outdoors.
- 189 (xi) Public meeting places.
- 190 (xii) Health care facilities including hospitals, clinics, therapists' offices and
191 facilities, physical therapy facilities, doctors' offices, dentists' offices and the
192 offices and facilities of other health care providers.
- 193 (xiii) Restrooms, lobbies, hallways, and other common areas in public and
194 private buildings including but not limited to apartment buildings,
195 condominiums, trailer parks, retirement facilities, nursing homes, and other
196 multiple-unit residential facilities.
- 197 (xiv) Billiard or pool halls.
- 198 (xv) Polling places.
- 199 (xvi) Facilities in which games of chance are conducted, including but not
200 limited to bingo halls.

201 (xvii) To the extent not otherwise provided in § [25-14-103.5](#), C.R.S., public
202 and nonpublic schools.

203 (xviii) Other educational and vocational institutions.

204 (xix) Restrooms, lobbies, hallways, and other common areas in hotels and
205 motels. ~~and in at least 75 percent of the sleeping quarters within a hotel or~~
206 ~~motel that are rented to guests.~~

207 (xx) Any place of employment that is not exempted in subsection (f) of this
208 section-, **whether or not open to the public and regardless of the**
209 **number of employees.**

210 (xxi) The indoor area of a private club. Smoking is allowed in the outdoor
211 areas of a private club, except where otherwise prohibited in this section.

212 **(xxii) Hotel and motel rooms.**

213 (2) Notwithstanding any other provision of this section, any person or business
214 who controls any business or facility may declare that entire establishment,
215 facility or grounds as smoke-free.

216 (d) Smoke-Free Workplace. In the case of employers who own facilities otherwise
217 exempted by subsection (f) of this section, each such employer shall provide a smoke-
218 free area for each employee requesting a smoke-free area **that is free from**
219 **secondhand smoke and emissions from electronic smoking devices.** Every
220 employee shall have the right to work in a smoke-free area.

221 (e) Smoke-Free Exits and Entrances. Smoking shall not occur in or so close to
222 exterior exits or entrances that the free flow of pedestrian traffic may be affected or so
223 close that the operation of the doors, exits or entrances is affected or diminished. No
224 smoking shall occur within ~~15~~ **25** feet of the front or main doorway leading into a
225 building or facility.

226 (f) Where Indoor Smoking Is Not Prohibited.

227 (1) Notwithstanding any other provision of this section to the contrary, the
228 following areas shall be exempt from the prohibition contained in subsection (c)
229 of this section:

230 (i) Private homes and residences; except when used as a child care, adult
231 day care or health care facility.

232 (ii) Retail tobacco stores.

(iii) Private vehicle, except if the private vehicle is being used for the public transportation of children or as part of health care or day care transportation.

~~(iv) A hotel or motel room rented to one or more guests if the total percentage of such hotel or motel rooms in such hotel or motel does not exceed 25 percent.~~

~~(v) A place of employment that is not open to the public and that is under the control of an employer that employs three or fewer employees.~~

(~~v~~iv) A private, nonresidential building on a farm or ranch, as defined in § [39-1-102](#), C.R.S., that has annual gross income of less than \$500,000.

(2) Notwithstanding any other provision of this section, any owner, operator, manager or other person who controls any establishment described in this subsection (f) may declare that entire establishment, facility, or grounds as smoke-free.

(g) Signs.

(1) Each owner, operator, manager and other person having control of an enclosed area or public place subject to the provisions hereof shall be jointly and severally responsible to clearly and conspicuously post:

(i) “No Smoking” signs or the international “No Smoking” symbol (consisting of a pictorial representation of a burning cigarette enclosed in a circle with a bar across it) in every public entrance or other areas where smoking is prohibited by this section.

(ii) In public places where smoking is allowed pursuant to this section, a sign with the words “Smoking is Allowed Inside” at each public entrance to, or in a position clearly visible on entering, the enclosed area in which smoking is permitted.

(2) All signs referred to in this subsection (g) shall be a minimum size of 20 square inches and must be placed at a height of between four and six feet above the floor.

(3) All signs at public parks or unenclosed public places shall be visible to persons entering from the primary entrance or shall be posted at reasonable intervals along the property boundary. The primary entrance shall be referred to as the location where a sign identifies the park name, hours it is open to the

266 public and other rules and regulations. For purposes of this section, "reasonable
267 intervals" shall be presumed to be no less than 300 feet.

268 (h) Optional Prohibitions. The owner or manager of any place not specifically listed in
269 subsection (c) of this section, including a place otherwise exempted in subsection (f) of
270 this section, may post signs prohibited smoking or providing smoking and nonsmoking
271 areas. Such posting shall have the effect of including such place, or the designated
272 nonsmoking portion thereof, in the places where smoking is prohibited pursuant to this
273 section.

274 (i) No Retaliation. No person or employer shall discharge, refuse to hire or retaliate in
275 any manner against any employee, applicant for employment, or customer because
276 such employee, applicant, or customer exercises any right to, or complains about the
277 lack of, a smoke-free environment afforded by this chapter.

278 (j) Violations and Penalties.

279 (1) It shall be unlawful for any person or business that owns, manages,
280 operates or otherwise controls the use of any premises, enclosed area, public
281 place, or place of employment subject to regulation under this section to fail to
282 comply with any of its provisions.

283 (2) It shall be unlawful for any person to smoke in any area where smoking is
284 prohibited by the provisions of this section.

285 (3) Each violation of any provision of this section shall be deemed to be a
286 separate violation. Each day shall be treated as a separate violation for
287 continuing violations of subsections (d), (g) and (i) of this section.

288 (k) Other Applicable Laws. This section shall not be interpreted or construed to permit
289 smoking where it is otherwise restricted by other applicable laws.

290 (l) Severability. If any provision, clause, sentence or paragraph of this section or the
291 application thereof to any person or circumstances shall be held invalid, such invalidity
292 shall not affect the other provisions of this section which can be given effect without the
293 invalid provision or application, and to this end the provisions of this section are
294 declared to be severable.

295 Chapter 9.04 shall be revised as follows (additions documented in bold print and deletions
296 marked with strike-through notations):

297 9.04.210 Regulation of tobacco products.

298

299 (a) Definitions. For the purposes of this section, the following words or phrases shall
300 have the meanings set forth.

301 (1) *Tobacco product* shall include, but is not limited to, cigars, cigarillos,
302 chewing tobacco, pipe tobacco, roll-your-own tobacco, snus, bidi, snuff, tobacco-
303 containing shisha, and dissolvable tobacco product. *Tobacco product* shall also
304 include electronic smoking devices that deliver substances to the user by turning
305 liquid into vapor that is inhaled. Electronic smoking devices include but are not
306 limited to electronic cigarettes, cigars, cigarillos, pipes, and hookahs. This
307 definition does not include any products that the Food and Drug Administration
308 of the United States Department of Health and Human Services has approved
309 as a tobacco use cessation product.

310 (2) *Smoking* means, but is not limited to:

311 (i) The carrying or possession of a smoking instrument in one's mouth for
312 the purpose of inhaling or exhaling smoke or vapor or blowing smoke or
313 vapor rings;

314 (ii) The placing of a lighted smoking instrument in an ashtray or other
315 receptacle, and allowing smoke or vapor to diffuse in the air;

316 (iii) The possession, carrying or placing of a lighted smoking instrument in
317 one's hands or any appendage or device and allowing smoke or vapor to
318 diffuse in the air; or

319 (iv) The inhaling or exhaling of smoke or vapor from a lighted smoking
320 instrument.

321 (3) *Self-service display* means any retail tobacco display to which customers
322 have direct physical access, including cigarette vending machines.

323 (4) ~~Minor means any person under the age of 18.~~ **Minimum Legal Sales Age**
324 **is 21 years of age; (MLSA) means minimum legal sales age which is 21**
325 **years of age.**

326 (5) *Vending machine* means any mechanical, electric or electronic self-service
327 device which, upon insertion of money, tokens or other form of payment,
328 dispenses a tobacco product.

329 (6) *Smoking instrument* means an instrument of any kind which can be used to
330 deliver substances, including but not limited to nicotine, tobacco, marijuana, or
331 any other substance, or a combination thereof to the person using the

instrument. *Smoking instrument* shall include, but not limited to, cigarettes, cigars, cigarillos, pipes and hookahs. *Smoking instrument* shall include electronic smoking devices.

(7) *Lighted* means to illuminate by electricity, battery, or fire; to ignite by electricity, battery or fire; to burn by electricity, battery or fire; or to emit light by electricity, battery or fire.

(8) *Electronic smoking device* means an electric or battery-operated device which can be used to deliver substances, including but not limited to nicotine, tobacco, or marijuana, to the person using such device. Electronic smoking devices shall include, without limitation, electronic cigarettes, cigars, cigarillos, pipes, and hookahs. An electronic smoking device includes any component, part or accessory of such device whether or not sold separately, regardless of nicotine content or any other substance intended to be vaporized for human inhalation during the use of the device.

~~(b) Possession and Use of a Tobacco Products by Minors.~~

~~(1) It shall be unlawful for any minor to knowingly possess, consume, or use, either by smoking, ingesting, absorbing, vaping or chewing, any tobacco product.~~

~~(2) It shall be unlawful for any minor to knowingly obtain or attempt to obtain any tobacco product by misrepresentation of age or by any other method.~~

~~(3) It shall be rebuttably presumed that the substance within a package or container is a tobacco product if the package or container has affixed to it a label which identifies the package or container as containing a tobacco product.~~

~~(c)~~(b) Furnishing Tobacco Products Prohibited.

(1) Any person who knowingly furnishes any tobacco product to any minor **person under the MLSA** by gift, sale, or any other means commits a violation hereof.

(2) It shall be an affirmative defense to a prosecution under this section that the person furnishing the tobacco product was presented with and reasonably relied upon a document which identified the person receiving the tobacco product as being ~~18~~ **21** years of age or older.

363 ~~(d)~~ **(c)** Vending Machines. It shall be unlawful for any person to sell a tobacco product
364 by use of a vending machine or other coin-operated machine; except that cigarettes
365 may be sold at retail through vending machines only in:

366 (1) Factories, businesses, offices, or other places not open to the public; or

367 (2) Places to which ~~minors~~ **persons under the MLSA** are not permitted
368 access.

369 ~~(e)~~ **(d)** Retail Sale of Tobacco Products.

370 (1) It shall be unlawful for any business proprietor, manager, or other person in
371 charge or control of a retail business of any kind to engage, employ or permit
372 any ~~minor~~ **person under the MLSA** to sell any tobacco product from such retail
373 business.

374 (2) It shall be unlawful for any business proprietor, manager or other person in
375 charge or control of a retail business of any kind to use a self-service display of
376 tobacco products or stock a tobacco product in any way which allows a
377 customer to access such tobacco product without first securing the physical
378 assistance of an adult business employee for each transaction. The provisions
379 of this subsection ~~(e)~~(2) shall not apply to stores possessing a valid retail liquor
380 store license, as defined by the Colorado Liquor Code, issued by the City and to
381 vending machines meeting the requirements of subsection ~~(d)~~ of this section.

382 (3) Any person who sells or offers to sell any cigarettes or tobacco products at
383 retail shall display a warning sign, as specified in this subsection.

384 (4) Said warning sign shall be displayed in a prominent place in the building
385 and on such machine at all times and shall have a minimum height of three
386 inches and a width of six inches, and shall read as follows:

387 WARNING:

388 IT IS ILLEGAL FOR ANY PERSON UNDER ~~EIGHTEEN~~ **TWENTY-ONE**
389 YEARS OF AGE TO PURCHASE OR POSSESS CIGARETTES AND
390 TOBACCO PRODUCTS. UPON CONVICTION A FINE OF UP TO \$500
391 PLUS NOT MORE THAN 48 HOURS OF USEFUL PUBLIC SERVICE
392 MAY BE IMPOSED.

393 ~~(f)~~ **(e)** Sale of Single Cigarettes Prohibited. It shall be unlawful for any business
394 proprietor, manager or other person in charge or control of a retail business of any kind

395 to sell or offer to sell single cigarettes or any pack of cigarettes containing fewer than 20
396 cigarettes.

397 ~~(g)~~ **(f)** False or Altered Identification. It shall be unlawful for any person under the age
398 ~~of 18 years of age~~ **MLSA** to misrepresent that person's identity or age, or use any false
399 or altered identification for the purpose of purchasing any tobacco product.

400 ~~(h)~~ **(g)** Penalty. Any person who violates any provision hereof is guilty of a petty
401 offense and upon conviction shall be subject to:

402 (1) A fine of up to \$50.00 for the first offense; a fine of up to \$100.00 for the
403 second offense; a fine of up to \$500.00 for a third offense; and up to \$1,000 for
404 each subsequent offense; and one year in jail;

405 (2) Except that a ~~minor~~ **person under the age of eighteen years** shall not be
406 subject to any jail time but may be required to pay a fine not to exceed \$500.00,
407 as provided, and may be required to perform not more than 48 hours useful
408 public service (which may include educational efforts or programs) or any
409 combination of fine, public service and education.

410 ~~(i)~~ **(h)** Savings Clause. Should any provision of said ordinance be found by a court of
411 competent jurisdiction to be unconstitutional or otherwise unenforceable, the rest of the
412 provisions hereof shall remain in full force and effect.

413 **ALL OTHER PROVISIONS OF CHAPTERS 8.20 AND 9.04 SHALL REMAIN IN FULL**
414 **FORCE AND EFFECT.**

415
416 Introduced on first reading the ___ day of August 2020 and ordered published in pamphlet
417 form.

418
419 Adopted on second reading this ____ day of _____ 2020 and ordered published in
420 pamphlet form.

421

422

423

424 ATTEST:

425

426

427

428 _____
Wanda Winkelmann

429 City Clerk

430

431

C.E. "Duke" Wortmann
President of City Council



Grand Junction City Council

Regular Session

Item #2.a.ii.

Meeting Date: August 19, 2020

Presented By: Jace Hochwalt, Associate Planner

Department: Community Development

Submitted By: Jace Hochwalt, Associate Planner

Information

SUBJECT:

Introduction of an Ordinance Amending the Grand Junction Municipal Code Title 21, Zoning and Development Code, to Revise Sections Related to Mini-Warehouses and Set a Public Hearing for September 2, 2020

RECOMMENDATION:

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

EXECUTIVE SUMMARY:

Staff is proposing amendments to various sections of the Zoning and Development Code (Title 21) to address mini-warehouse uses and use specific standards. The proposed standards will create new landscaping, architectural, and site design requirements that are intended to help mini-warehouses become more aesthetically attractive. In addition, the proposed amendments will modify the required parking for mini-warehouses uses, and will remove redundancies related to mini-warehouse and self-storage descriptions and standards.

BACKGROUND OR DETAILED INFORMATION:

BACKGROUND

Staff proposes to amend Section 21.04.030(g) with revised standards for the mini-warehouse use. The purpose of the amendment is to establish mini-warehouses as both functional and aesthetically attractive uses that contribute to improved urban form, especially when located along commercial corridors or in neighborhood business areas. The implementation of various use specific design standards is consistent with

the adopted Goal 8 of the Comprehensive Plan which provides that the City should work to “create attractive public spaces and enhance the visual appeal of the community through quality development.”

While there are existing use specific standards in place for mini-warehouse uses, these will be removed in favor of new standards. The new standards contain seven subsections as follows:

1. Purpose. This subsection explains what the standards do and applies them to all mini-warehouses, including climate-controlled indoor storage units. While the city does not currently have any indoor storage facilities, staff feels it is important to plan for the future by applying these standards to any type of mini-warehouse facility.

2. Accessory uses. This subsection already exists in the Code but has been taken from the redundant “Self-Service Storage” use standards and placed in this section. Accessory uses defined by this subsection include living quarters for a resident manager and security/leasing offices. Non-accessory uses defined by this subsection include sales, service and repair operations, manufacturing, and truck/equipment rental.

3. Uses Prohibited. This subsection already exists in the Code but has been edited for redundancy. This section prohibits commercial activity within mini-warehouse developments except for foreclosure sales, as well as outside storage except in the case of licensed vehicles within approved areas. Staff recognizes that it is important to allow owners of mini-warehouse developments to offer for sale stored items if/when storage tenants are evicted through lien foreclosure, but also ensure that storage is the primary use conducted on site.

4. Landscaping and Screening. The new requirement in this subsection provides that a 30-inch-high by 10-feet-wide landscaped berm is to be constructed between storage units and the abutting public right of way, with trees planted every 40 feet. It also requires that, for outdoor mini-warehouse units, landscaping islands be provided at the end of each row of storage units and that these islands shall be planted with shrubs that reach at least 5 feet of height at maturity. These standards are proposed to help new mini-warehouse developments enhance the visual appeal of the community through quality development.

5. Off-Street Parking and Drive Aisle Standards. This subsection continues the current Code standard that drive aisles within outdoor mini-warehouse facilities be a minimum of 26 feet wide for single-load aisles and 30 feet for double-load aisles. This is to ensure adequate traffic circulation and fire access. Additionally, this subsection will continue to require that a minimum of two parking spaces shall be provided adjacent to the primary entry structure which, in most cases, will likely be the structure that

contains a management office.

6. Architectural and Site Design Standards. This subsection provides for new requirements related to standards for architecture and site design. For instance, mini-warehouses that front public rights-of-way must provide a “primary entry structure” at the development entrance that has no parking between the primary entry structure and the street; windows or similar architectural features covering a minimum of 30% of the street-facing façade; building materials such as brick, stone, wood, architectural-grade metal, or similar exterior on the street-facing façade; and two of four different architectural features such as a tower or decorative lighting.

7. Signage. This subsection requires individual mini-warehouse units be clearly labeled and that signs or other advertising may not be placed on walls or fences in the mini-warehouse development. This standard is currently in the Code.

Additionally, staff is proposing the removal of Section 21.04.020(s), “Self Service Storage,” from the Development Code. This section is redundant and duplicates many of the standards for mini-warehouses in Section 21.04.030(g), and is therefore being merged into that section.

Staff also proposes to modify Section 21.06.050(c), Off-Street Required Parking, to reduce the required minimum number of vehicle spaces for a mini-warehouse development to 2 parking spaces per development. This is similar to how other communities regulate parking for mini-warehouses. For instance, the City of Fruita and City of Colorado Springs do not have a minimum parking requirement for mini-warehouses, while the City of Lakewood requires 0.1 parking spaces per 1000 square feet of buildings on a mini-warehouse site. Given that these communities have greatly reduced parking requirements for mini-warehouses, staff recommends that parking requirements for mini-warehouses in Grand Junction be reduced. However, staff also feels it is important to require at least two parking spaces for the benefit of both employees and customers checking in/out of the storage facility. In addition, the parking aisle dimensions allow for short term loading/unloading parking in front of individual storage units.

NOTIFICATION REQUIREMENTS

Notice was completed as required by Section 21.02.080(g). Notice of the public hearing was published on July 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.

RECOMMENDATION AND FINDINGS OF FACT

After reviewing the City of Grand Junction's request to amend Title 21 of the Grand Junction Municipal Code regarding use standards and parking requirements for mini-warehouses, ZCA-2020-175, the following findings of fact have been made:

Staff and Planning Commission find that the proposed amendments to the Zoning and Development Code are useful in that they modernize the Code, enhance the visual appeal of the community through quality development while ensuring the health, safety, and general welfare of the population, and providing regulations that are clear and consistent and that assist in logical and orderly development.

Therefore, Planning Commission 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 amending sections of Title 21 of the Grand Junction Municipal Code regarding 21.10.020 the definition and use specific standards for mini-warehouse uses in the City of Grand Junction and set a public hearing for September 2, 2020.

Attachments

1. Planning Commission Minutes 7-28 - Mini-Warehouse Standards
2. Mini-Warehouse Draft Ordinance

Zoning Code Amendment – Mini-Warehouse Design Standards File # ZCA-2020-175

[Agenda item can be viewed at 3:14:36](#)

Consider a request by the City of Grand Junction to amend Title 21 of the Grand Junction Municipal Code regarding use specific standards for Mini-Warehouses.

Staff Presentation

Jace Hochwalt, Associate Planner, introduced exhibits into the record and provided a presentation regarding the request.

Questions for Staff

None.

Public Hearing

The public hearing was opened at 5 p.m. on Tuesday, July 21, 2020 via www.GJSpeaks.org. Option for public comment via voicemail was also available starting Tuesday, July 21, 2020 as described on the meeting notice as well as the agenda.

None.

The public hearing was closed at 9:25 p.m. on July 28, 2020.

Discussion

None.

Motion and Vote

Commissioner Susuras made the following motion, “Mr. Chair, on the amendment to Title 21, City file number ZCA-2020-175, 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. The motion carried 6-0.

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTIONS OF TITLE 21 OF THE GRAND JUNCTION MUNICIPAL CODE REGARDING 21.10.020 THE DEFINITION AND USE SPECIFIC STANDARDS FOR MINI-WAREHOUSE USES IN THE CITY OF GRAND JUNCTION

Recitals:

The City Council desires to maintain effective zoning and development regulations that implement the vision and goals of the Comprehensive Plan while being responsive to the community's desires and market conditions. Accordingly, the City works to review and amended the Code as necessary to achieve those objectives.

The proposed amendments modernize the code and reduce redundancy while modify the standards for the mini-warehouse use with landscaping, architectural, and site design requirements that are intended to help mini-warehouses become more aesthetically attractive. The proposed Code revisions also modify the amount of parking required for mini-warehouses and make the definition of "Mini-Warehouse" consistent with the definition currently provided in the use specific standards.

After public notice and public hearing, the Grand Junction City Council finds that the Code amendments provided for in this ordinance 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:

Section 21.04.010 Use Table is amended as follows (deletions struck through):

Key: A = Allowed; C = Conditional; Blank Cell = Not Permitted																								
USE CATEGORY	PRINCIPAL USE	R-R	R-E	R-1	R-2	R-4	R-5	R-8	R-12	R-16	R-24	R-O	B-1	B-2	C-1	C-2	CSR	M-U	BP	I-O	I-1	I-2	MX-	Std.
Self-Service Storage uses providing separate storage areas for individual or business uses	Mini-Warehouse									C	C		C		A	A			A	A	A	A		21.04.030 (g)& 21.04.020 (e)

Section 21.04.020 (s) is amended as follows (deletions struck through):

~~(s)~~ **Self-Service Storage.**

~~(1) Characteristics. Self-service storage uses provide separate storage areas for individual or business uses. The storage areas are designed to allow private access by the tenant for storing or removing personal property.~~

~~(2) Accessory Uses. Accessory uses may include living quarters for a resident manager or security and leasing offices. Use of the storage areas for sales, service and repair operations, or manufacturing is not considered accessory to the self-service storage use. The rental of trucks or equipment is also not considered accessory to a self-service storage use.~~

~~(3) Examples. Examples include facilities that provide individual storage areas for rent. These uses are also called mini-warehouses.~~

~~(4) Exceptions. A transfer and storage business where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred is in the warehouse and freight movement category.~~

Section 21.04.030 (g) is amended as follows (additions underlined, deletions struck through):

(g) Mini-Warehouse.

~~(1) Purpose. This subsection sets standards for the establishment and maintenance of safe and attractive mini-warehouse developments that will remain a long-term asset to the community. A “mini-warehouse” shall mean a structure or group of structures for the dead storage of customers’ goods and wares where individual stalls or lockers are rented out for storage and where one or more stalls or lockers has less than 500 square feet of floor area.~~

~~(2) Fencing and Screening.~~

~~(i) Screening and buffering shall be provided in accordance with GJMC 21.06.040(e) and (f).~~

~~(ii) Signs or other advertising mediums shall not be placed upon, attached to, or painted on any required walls or fences.~~

~~(3) Landscaping. All setbacks shall be landscaped in conformance with GJMC 21.06.040(b) and shall provide appropriate visual screening and/or buffering for adjacent properties.’~~

~~(4) Architectural Standards. Mini-warehouse units provided in conjunction with multifamily housing shall be similar in architectural design and materials to the multifamily structure.~~

~~(5) Commercial Activity Prohibited. Sales, other than an occasional sale, estate sale or lien foreclosure sale from or at a mini-warehouse is specifically prohibited.~~

~~(i) It shall be unlawful for any owner, operator or lessee of any mini-warehouse or portion thereof to offer for sale, or to sell any item of personal property, or to conduct any type of commercial activity of any kind whatsoever, other than leasing of the storage units, or to permit same to occur upon any area designated as a mini-warehouse; except, one estate sale or other sale of two days or less per calendar quarter shall be allowed per property.~~

~~(ii) The Director may take appropriate legal or administrative action necessary to halt or prohibit any commercial activity from any mini-warehouse other than the leasing of storage units.~~

~~(6) Storage Only.~~

~~(i) No activity other than storage and rental of storage units shall be conducted on the premises.~~

~~(ii) No outside storage shall be permitted except the storage of licensed vehicles within approved areas designated for such storage and meet outdoor storage requirements of GJMC [21.04.040](#).~~

~~(7) Signage. Signage shall conform to the provisions of GJMC [21.06.070](#). Storage units shall be clearly marked with numbers or letters identifying the individual units and a directory of the unit locations shall be posted at the entrance or office of the facility.~~

~~(8) Accessibility/Circulation. Vehicular ingress-egress shall provide for safe access by customers and emergency vehicles and shall be paved.~~

~~(9) Height. Building height shall not exceed 18 feet.~~

~~(10) Off-Street Parking and Driveways Standards.~~

~~(i) Parking shall be provided by parking/driving lanes adjacent to the buildings. These lanes shall be at least 26 feet wide when cubicles open onto one side of the lane only and at least 30 feet wide when cubicles open onto both sides of the lane.~~

~~(ii) Two parking spaces shall be provided adjacent to the manager's office.~~

~~(iii) One parking space for every 200 storage cubicles or fraction thereof shall be located adjacent to the project office. A minimum of two such spaces shall be provided.~~

~~(iv) Required parking spaces may not be rented as or used for vehicular storage; however, additional parking areas may be provided for recreational vehicle storage or trucks rented for moving storage items, provided that it is adequately screened in conformance with this code.~~

(1) Purpose. This subsection sets standards for the establishment of safe and attractive mini-warehouse developments. These standards apply to all mini-warehouses, including those that provide indoor and/or outdoor units.

(2) Accessory uses. Accessory uses may include living quarters for a resident manager or security and leasing offices.

(3) Uses prohibited.

(i) No owner, operator or lessee of any mini-warehouse or portion thereof shall offer for sale, or sell any item of personal property, or conduct any type of commercial activity of any kind whatsoever including such uses as sales, service and repair operations, manufacturing, or truck/equipment rentals, other than leasing of the units, or permit same to occur upon any area designated for the mini-warehouse use, except that estate or foreclosure sales held by the mini-warehouse owner or operator shall be allowed.

(ii) No outside storage shall be permitted except the storage of licensed vehicles within approved areas designated for such storage. This storage shall meet the requirements of GJMC 21.04.040.

(4) Landscaping and Screening. All mini-warehouses shall provide the following in addition to meeting standards of GJMC 21.06.040:

(i) A 30-inch-high by 10 feet wide landscaped berm is required between storage units and the abutting public right-of-way. The berm shall include trees that are planted every 30 feet.

(ii) For outdoor mini-warehouse units, landscaping islands shall be provided at the end of each row of storage units. Landscape islands shall be planted with shrubs that reach at least 5 feet of height at maturity.

(5) Off-Street Parking and Driveways Standards.

(i) Drive aisles within outdoor mini-warehouses facilities shall be a minimum of 26 feet wide for single-load aisles and 30 feet for double-load aisles.

(ii) A minimum of two parking spaces shall be provided adjacent to the primary entry structure.

(6) Architectural and Site Design Standards. All mini-warehouses shall meet the following standards.

(i) Mini-warehouses that front public rights-of-way shall provide a primary entry structure at the entrance of the development that meets the following standards:

(A) No parking shall be placed between the building and the street.

(B) Windows or similar architectural features shall cover at least 30% of the street-facing façade.

(C) Building materials such as brick, stone, wood, architectural-grade metal, or similar exterior shall be used.

(D) Two of the following features shall be utilized in the design of the primary entry structure:

(a) tower feature.

(b) façade articulations on the street-facing façade.

(c) roofline articulations in the street-facing façade.

(d) decorative lighting on the street-facing façade. This lighting must comply with all standards found in GJMC 21.06.080.

(ii) Any street-facing façade of each storage unit must be covered with building materials such as brick, stone, wood, architectural-grade metal, or similar exterior.

(7) Signage. All mini-warehouses shall provide the following in addition to meeting standards of GJMC 21.06.070:

(i) Individual mini-warehouses shall be clearly marked with numbers or letters identifying the individual units and a directory of the unit locations shall be posted at the entrance or office of the facility.

(ii) Signs or other advertising shall not be placed upon, attached to, or painted on any walls or fences required for landscaping and buffering in the mini-warehouse development.

Section 21.06.050 (c) is amended as follows (additions underlined, deletions struck through):

USE CATEGORIES	SPECIFIC USES	MINIMUM NUMBER OF VEHICLE SPACES
Self-Service Storage	Self-Service Storage <u>Mini-Warehouse</u>	4 per 6 storage units + 4 per employee on maximum shift <u>2 per development</u>

Section 21.10.020 is amended as follows (additions underlined, deletions struck through):

Mini-warehouse means a structure or group of structures containing separate, individual, and private storage spaces of varying sizes, leased or rented on individual leases for varying periods of time.

Comment [TA1]: I think this should say "structure or group of structures"

Introduced on first reading this _____ day of _____, 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.i.

Meeting Date: August 19, 2020

Presented By: Scott D. Peterson, Senior Planner

Department: Community Development

Submitted By: Scott D. Peterson, Senior Planner

Information

SUBJECT:

Introduction of an Ordinance Zoning the Fairview Glen Annexation R-8 (Residential - 8 du/ac), Located at 2767 C Road and Vacant Properties Located North of B 1/2 Road between Allyce Avenue and Nashua Lane/Court and Set a Public Hearing for September 2, 2020

RECOMMENDATION:

The Planning Commission heard this item at their July 28, 2020 meeting and voted (6 - 0) to recommend approval of the request.

EXECUTIVE SUMMARY:

The Applicants, Five Star Homes and Development Inc. are requesting a zone of annexation to R-8 (Residential – 8 du/ac) for the Fairview Glen Annexation. The approximately 19.259-acre parcels of land are located at 2767 C Road along with additional vacant properties located north of B ½ Road between Allyce Avenue and Nashua Lane and Court in Orchard Mesa. The properties have a Comprehensive Plan Future Land Use Map designation of Residential Medium (4 – 8 du/ac). The subject properties currently contain one single-family detached home along with various accessory structures.

The Applicant is requesting annexation into the City limits per the Persigo Agreement between Mesa County and the City of Grand Junction in anticipation of future residential subdivision development. The zone district of R-8 is consistent with the Comprehensive Plan. The request for annexation will be considered separately by City Council.

BACKGROUND OR DETAILED INFORMATION:

The Applicants, Five Star Homes and Development Inc., have requested annexation of 19.259-acres of land into the City limits, located at 2767 C Road along with additional vacant properties located north of B ½ Road between Allyce Avenue and Nashua Lane & Court in Orchard Mesa, in anticipation of future residential subdivision development. The Fairview Glen Annexation consists of one property of 9.84-acres along with the undeveloped Birks Blue Estates Subdivision which was recorded in 1978. The Birks Blue Estates subdivision contained the platting of 30 residential lots on 10.013-acres, however, the subdivision was never developed nor infrastructure constructed and remains vacant land. At time of future residential development, the applicant would request to vacate the existing, but never developed, platted rights-of-way of Cara Street and Newport Lane along with associated utility easements as identified on the Birks Blue Estates plat which are no longer necessary and re-subdivide the lots in coordination with their new requested lot layout. The Applicant is currently only requesting a zone of annexation for all properties to R-8 (Residential – 8 du/ac).

The Applicant's properties are currently in the County and retains a County zoning of RSF-4 (Residential Single Family – 4 du/ac) and PUD (Planned Urban Development). Surrounding properties are also zoned PUD in the County and R-8 in the City ranging in size from 0.16 to 0.66-acres. The subject properties have a Comprehensive Plan Future Land Use designation of Residential Medium (4 – 8 du/ac). The requested zone district of R-8 is in conformance with the Future Land Use designation for the area.

The surrounding area both within the City limits and County are largely developed with single-family detached homes on each platted lot or parcel. Properties immediately adjacent to the west and north have been annexed into the City and are currently zoned R-8. Further subdivision development and/or lot splits are possible in the future for other properties in the area, specifically to the north of Unaweep Avenue that are large enough to accommodate such development.

NOTIFICATION REQUIREMENTS

Neighborhood Meeting:

A Neighborhood Meeting regarding the proposed Annexation and Zoning was held on July 2, 2020 in accordance with Section 21.02.080 (e) of the Zoning and Development Code. Public comment was also offered through the GJSpeaks platform. The Applicant, Applicant's Representative and City staff were in attendance along with eleven (11) citizens. No concerns were voiced by the neighbors concerning the proposed annexation and zoning at the Neighborhood Meeting. Questions at the Neighborhood Meeting centered mainly on the proposed future subdivision of the properties. The City has also received two (2) emails concerning the proposed residential development and are attached for reference. An official application for

annexation and zoning was submitted to the City of Grand Junction for review on May 4, 2020.

Notice was completed consistent with the provisions in Section 21.02.080 (g) of the City's Zoning and Development Code. The subject property was posted with an application sign on April 27, 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 on July 17, 2020. The notice of this public hearing was published July 21, 2020 in the Grand Junction Daily Sentinel.

ANALYSIS

The criteria for review is set forth in Section 21.02.140 (a) and includes 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 as identified:

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

The property owner has petitioned for annexation into the City limits with a requested zoning district of R-8 which is compatible with the existing Comprehensive Plan Future Land Use Map designation of Residential Medium (4 – 8 du/ac). Since the Applicant's properties are currently in the County, the annexation of the properties is a subsequent event that will invalidate the original premise; a county zoning designation. Therefore, Staff has found this criterion has been met.

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

The adoption of the Comprehensive Plan in 2010, designated these properties as Residential Medium (4 – 8 du/ac). The Applicant is requesting an allowable zone district that is consistent with the higher end of the density range allowed by the Residential Medium category. Adjacent properties to the west and north are already annexed and zoned R-8. The character and/or condition of the surrounding area has not changed in recent years as the area continues to be largely developed with single-family detached homes on each lot in a density ranging from approximately 5 to 8.

Because there has been no apparent change of character and/or condition and the area has not significantly changed, 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

Adequate public and community facilities and services are available to the properties and are sufficient to serve land uses associated with the R-8 zone district. City Sanitary Sewer and City Water/Ute Water are presently both available within the Unaweep Avenue, B ½ Road and Milo Drive rights-of-way. Properties can also be served by Xcel Energy electric and natural gas. A short distance away on Unaweep Avenue is Orchard Mesa Middle School and further to the south, across B ½ Road is a City Market grocery store and other associated restaurants and retail/office establishments along with a branch of the Mesa County Library. Further to the south is the Mesa County Fairgrounds, across Highway 50. Staff has found the public and community facilities are adequate to serve the type and scope of the residential land use proposed and therefore has found 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

The properties and surrounding area to the north, east and west are designated on the Comprehensive Plan Future Land Use Map as Residential Medium (4 – 8 du/ac) with Neighborhood Center to the south. The proposed zoning designation of R-8 meets the intent of achieving the desired density for the properties, with this request, to develop at the high end of the Residential Medium (4 – 8 du/ac) category. For properties already annexed into the City limits, this area of Orchard Mesa is predominately zoned R-8. The R-8 zone district also comprises the largest amount of residential acreage within the City limits. Because a majority of this area is currently zoned R-8, staff is unable to find that an inadequate supply of R-8 zoning and therefore 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.

Annexation and zoning of the properties will create consistent land use jurisdiction within the City and is consistent with the City and County Persigo Agreement. The requested zone district will also provide an opportunity for housing within a range of density that is consistent with the Comprehensive Plan in this area to meet the needs of the growing community. This principle is supported and encouraged by the Comprehensive Plan and furthers the plan's goal of promoting a diverse supply of housing types; a key principle in the Comprehensive Plan. Therefore, Staff finds that this criterion has been met.

Section 21.02.160 (f) of the Grand Junction Zoning and Development Code provides that the zoning of an annexation area shall be consistent with the adopted Comprehensive Plan and the criteria set forth. Though other zone districts could be considered, the R-8 zone district is consistent with the recommendations of the Plan's Future Land Use Map.

In addition to the zoning requested by the petitioner, the following zone districts would also be consistent with the Comprehensive Plan designation of Residential Medium (4 – 8 du/ac) for the subject properties.

R-4 (Residential – 4 du/ac)

R-5 (Residential – 5 du/ac)

Further, the zoning request is 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 B: Create opportunities to reduce the amount of trips generated for shopping and commuting and decrease vehicle miles traveled thus increasing air quality.

Goal 5: To Provide a broader mix of housing types in the community to meet the needs of a variety of incomes, family types and life stages.

Policy C: Increasing the capacity of housing developers to meet housing demand.

STAFF RECOMMENDATION AND FINDINGS OF FACT

After reviewing the Fairview Glen Annexation, ANX-2020-222, for a Zone of Annexation from County RSF-4 (Residential Single Family – 4 du/ac) and PUD (Planned Unit Development) to a City R-8 (Residential – 8 du/ac), the following findings of fact have been made:

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

In accordance with Section 21.02.160 (f) of the Zoning and Development Code, the application is consistent with the adopted Comprehensive Plan.

Therefore, the Planning Commission and City Staff recommends approval of the requested Zone of Annexation.

FISCAL IMPACT:

Utilities

The proposed Fairview Glen annexation is located at 2767 C Road. Proposed zoning for the property is R-8 (Residential – 8 du/ac) which could provide a potential of a

maximum of 154 dwelling units.

Water and sewer services are available to this property.

This property is within the Ute Water District service area. An 18-inch water line runs along B ½ Road on the southern property boundary and a 6-inch water line is stubbed out at Milo Drive at the eastern property boundary.

The property is currently within the Persigo 201 Sewer Service Area. The northern parcel (2945-251-00-081) has an existing sewer tap while the southern parcel does not have a sewer connection.

Plant Capacity: Based on the proposed zoning designation and proposal for 154 dwelling units, the maximum anticipated additional flow associated with 154 equivalent units (EQUs) is about 43,120 gallons per day. The Persigo wastewater treatment plant has sufficient capacity to accommodate this development. The current capacity of the wastewater treatment plant is 12,500,000 gallons per day. The plant currently only receives approximately 8 million gallons per day. Therefore, the plant has ample capacity to accommodate this additional flow. The property would be assessed the current plant investment fee (PIF) of \$4,919 per equivalent unit (2020 rate) or \$757,526. This fee is intended to pay the equivalent share of the payments due on bonds for the existing wastewater treatment plant and infrastructure.

Ability to Serve Area: 12-inch sewer mains are located along both Unaweeep Avenue and B ½ Road so the property would have direct access for sewer taps. There is available capacity in this sewer collection system to accommodate future development of this property with 154 dwelling units.

Sewer Service Charges: Monthly sewer service rates for single family units are \$22.62. These rates have been determined sufficient to cover the cost of service.

Fire Department

This property is in the Grand Junction Rural Fire Protection District (rural fire district), which is served by the Grand Junction Fire Department through a contract with the rural fire district. The rural fire district collects mill levies of 5.223 generating a total of \$215.50 per year in property taxes that are then passed on to the City of Grand Junction per the contract. If annexed, the rural fire district mill levies will be removed, and the City's 8 mills will be assessed. Based on the service plan of the development, provided by the developer, and a build-out for a total of \$_____ in construction/market value, the City's 8 mills would generate annual property tax revenue of \$_____. Property tax will need to pay for not only fire and emergency medical services, but also other City services provided to the area. With an estimated build out of 154 housing units, the fire department will see a minimal increase in calls for service to this area. Primary fire and EMS response to this area is from Fire Station

4 at 2884 B ½ Road, which is approximately 1 mile to the east and within National Fire Protection Association response time guidelines.

SUGGESTED MOTION:

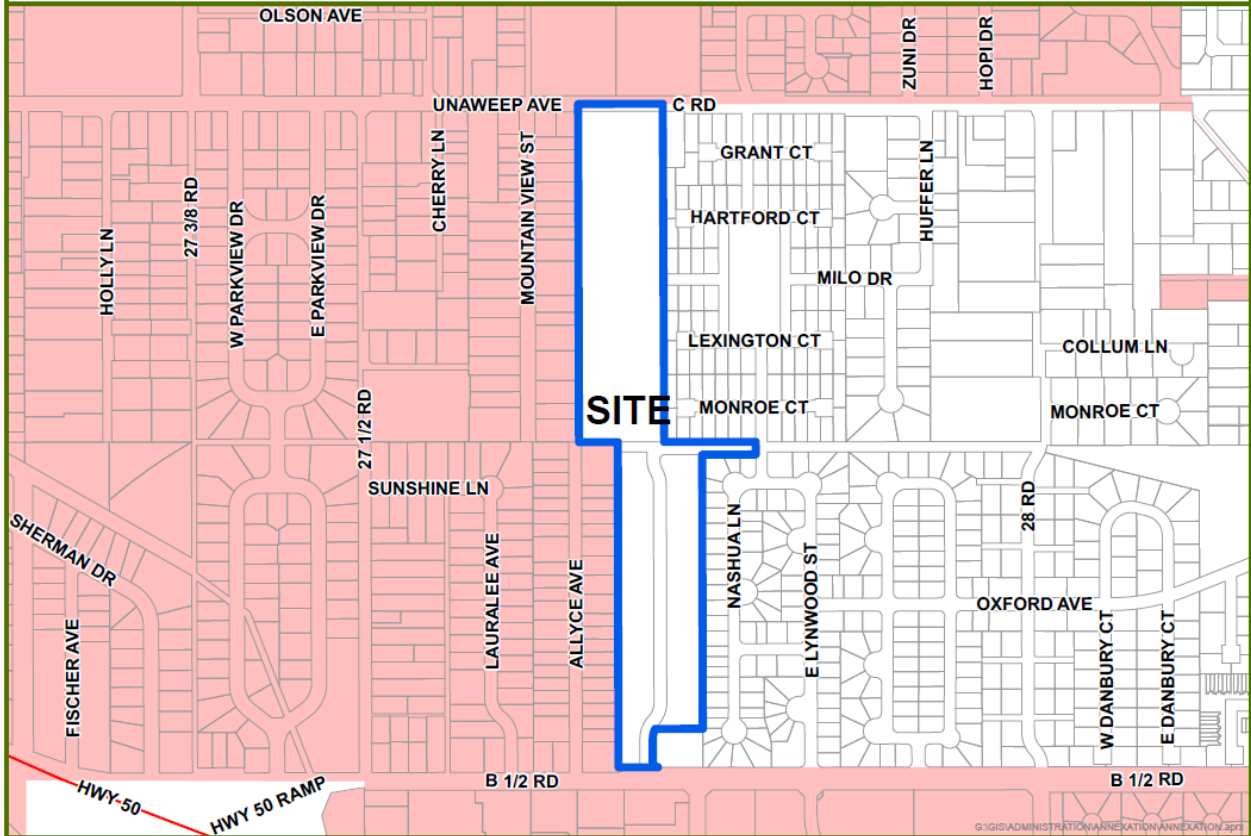
I move to introduce an ordinance zoning the Fairview Glen Annexation to R-8 (Residential - 8 du/ac) Zone District, located at 2767 C Road and vacant properties north of B 1/2 Road between Allyce Avenue and Nashua Lane/Court and set a public hearing for September 2, 2020.

Attachments

1. Site Location, Zoning, Annexation Maps, etc
2. Neighborhood Meeting Notes & Sign-In Sheets
3. Public Correspondence Received
4. Fairview Glen Annexation - Minutes - Planning Commission - 2020 - July 28
5. Zone of Annexation Ordinance

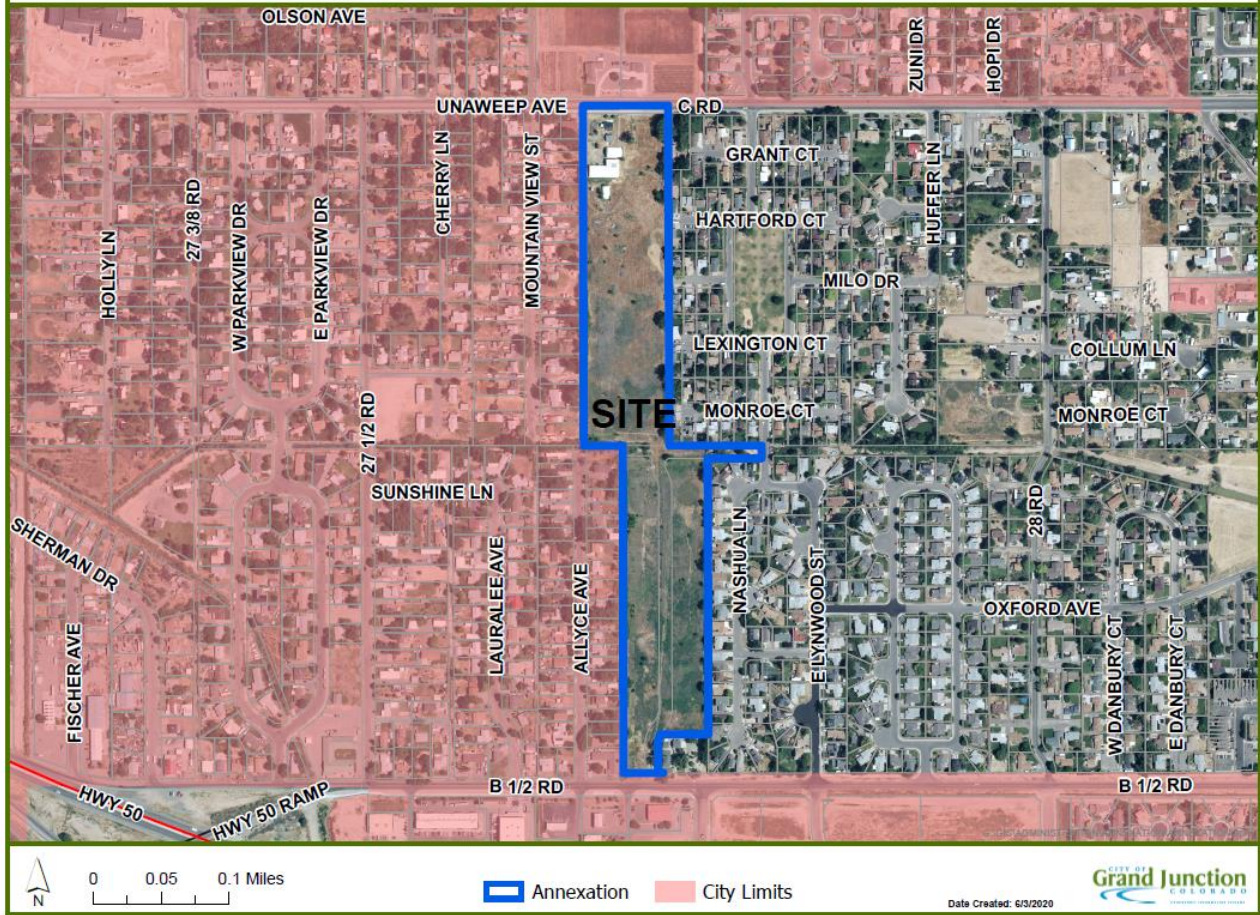


FAIRVIEW GLEN ANNEXATION

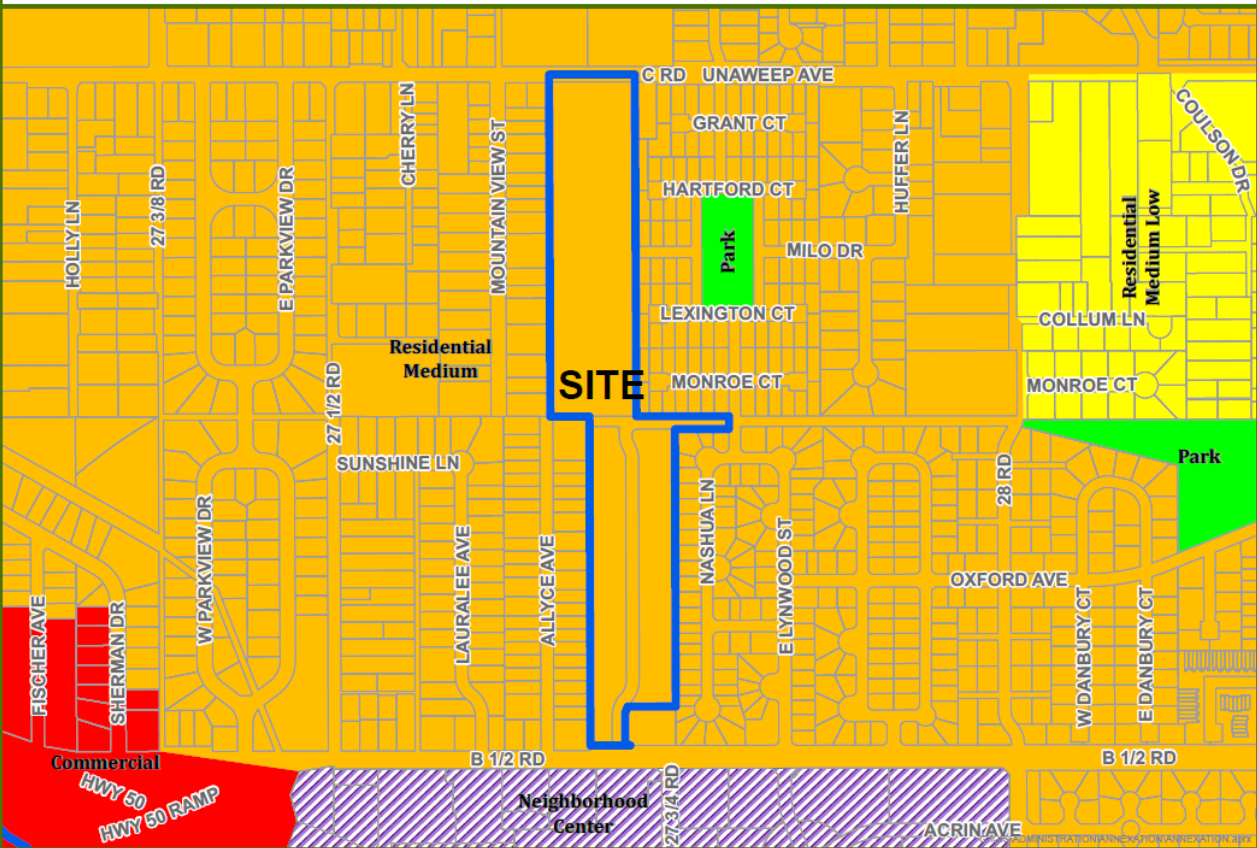




FAIRVIEW GLEN ANNEXATION



FAIRVIEW GLEN ANNEXATION - FUTURE LAND USE



0 0.05 0.1 Miles

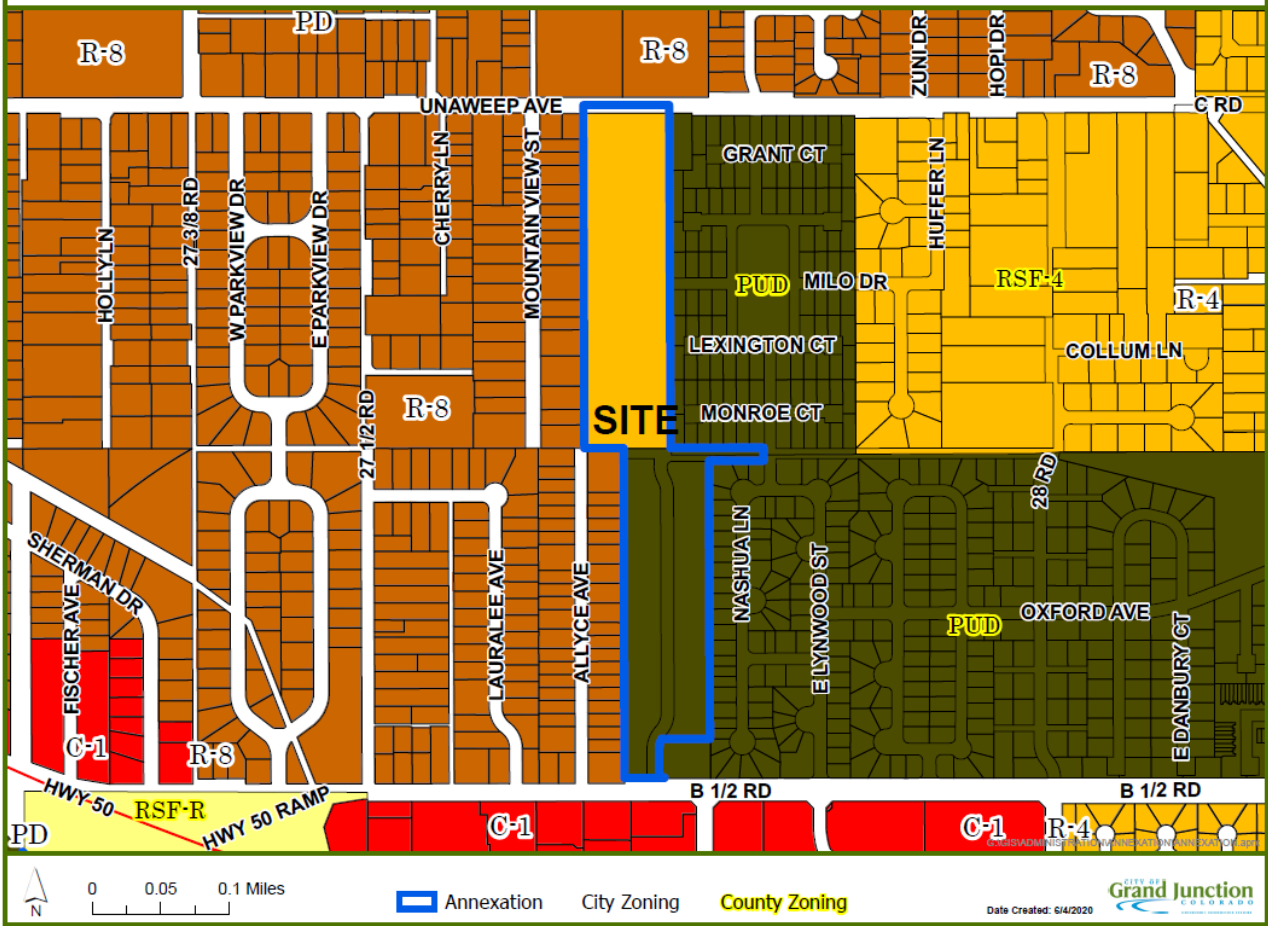


Annexation Boundary

Date Created: 6/4/2020



FAIRVIEW GLEN ANNEXATION - ZONING





Google Street View of Property looking south from C Road/UnawEEP Avenue (July 2019).



Google Street View of Property looking north from B ½ Road (August 2012)

FAIRVIEW GLEN NEIGHBORHOOD MEETING NOTES

July 2nd, 2020 @ 5:30pm & 7:00pm

Two Neighborhood Meetings were held on July 2nd, 2020 regarding a proposed Annexation, Rezone, ROW Vacation, and Major Subdivision at 2767 C Road, 2945-251-26-031 & 2945-251-26-032.

In Attendance:

Representatives: Karie Padilla (Five Star Homes and Development Inc.)
Robert Padilla (Five Star Homes and Development Inc.)
Darren Davidson Five Star Homes and Development Inc.)
Ted Ciavonne (Ciavonne, Roberts & Associates Inc.)
Scott Peterson (City of Grand Junction)

5 Neighbors attended the first meeting at 5:30pm and 6 neighbors attended the second meeting at 7:00 pm and had the following comments and concerns:

5:30pm Meeting:

- Why do you have to do looped lanes? – Don't have to, we wanted to in order to get a curve in the road.
- So you won't have a connecting road on the south half going east/west? – No. Can't because there is not a road stub.
- Irrigation Request from Lynwood Subdivision – The pump house is on the back side of the property on Milo Drive. The previous owner allowed access on his property to get to the pump house. Will you continue to allow us access by easements or whatever needs to be done?
– Yes, we will make sure your access remains.
- There is a 10' easement with an irrigation line on the west side of Lynwood sub and goes south all the way down your property line? – Good to know.
- FYI there is a ditch at the halfway point of your property and turns and goes south along the west property line? – Good to know.
- Will the neighborhood still have access to the ditch? – Don't know, not far along enough in design.
- Will the new neighborhood have easements? – Yes, possibly an irrigation line along their back property.
- Have you decided if you are doing fencing yet? – We are required to do perimeter fencing, but haven't decided if the developer will build it or the new homeowner.
- Will we be informed on fencing and irrigation decisions? – You will get notified when we submit for subdivision. Details will be worked out by then. You will then be able to see plans and get in touch with the developer to work out details.
- Also, there's an OVH electrical line on the east side for services to houses? – Good to know
- Will there be sidewalks? – Yes, they will be on both sides on the south half and on one side on the north half.

- What's a detention area? – For stormwater/drainage and is located where the land naturally drains.
- Obviously this will increase traffic, but where will the entrances be? – One on B ½ Road aligning with the curb cut across the street, one on Milo Dr. and one on Unaweeep.
- Who's the Developer? – Five Star Development Inc.
- Is the Developer a Colorado based company? – Yes
- Will this subdivision have an HOA? – Yes, all new subdivisions have to have an HOA.
- Will there be retention? – No.
- FYI, on the north end of Allyce, some have piped their irrigation while others still have a ditch which messes up the flow. – Good to know
- For dust control, can we get your contact in case there is an issue? – Yes, we can provide that. Also the city monitors closely and will fine the developer if they don't comply.
- Will these be for sale or rentals? – No rentals, all will be for sale.
- What's the timeline? – Annexation approvals will be in September. Subdivision design will run concurrent, but can't be approved before Annexation. Hopefully plan to start construction this fall.
- Phases? – No definite on that yet, but will have to address that during the submittal process.
- What are the hours of construction? – Either 6am-8pm or 7am-7pm
- Is the purpose of this meeting to inform or is there a vote? – No vote, just want feedback from neighbors, but it is also required by the city.
- Is there a way to meet with us when you all get closer to design? – Yes we will be in touch
- What zone is the Lynwood Subdivision? – It is zoned PD in the county which is a unique zone, but there's always an underlying zone to follow for dimensional standards (setbacks)
- How did you figure out the density of the PD? – Was approximate. Drew a box around an area and did the math to figure out density.

7:00pm Meeting:

- Does "vacate" mean you are not going to use that road? – No, we are going to put in a new road in with a different configuration, but since this one has been platted it needs to be officially vacated.
- Does Milo Drive go through? – Yes
- So Lynwood is a 7.5/acre density? – No, came up with 5.5 but its approximate
- So you are putting in a little bit less density than what is already there? – Yes
- Will streets and utilities be built before the homes? – Yes
- Do we get to stay in the county? – Yes
- Starting date? – September is approval date for Annexation, but late fall for construction.
- What is the process for construction? – (1) clearing and grubbing of the site or 1st phase (2) utilities (3) curb and gutter (4) asphalt (5) homes. Will have to work with the city through the entire process.
- Irrigation water? – Yes it is available but not designed yet.
- FYI the father of the previous land owner apparently gave his water rights to Lynwood Sub – Good to know, we will look into it, but we are fairly certain this land has water rights.

- How close will the houses be to surrounding subdivisions? Assuming they will put up a back fence? – Yes, there will be a perimeter fence that will be worked out with adjacent neighbors. The zone has required setbacks that the homes must follow.
- The south half used to be for sale for 21 lots? – Yes, that was old back when it was still part of a PD.
- Who is responsible for building/paying for a fence? Existing trees have damaged our fences. Huge tree trunks will have to come out if a new fence needs to be put in. – Either developer or homeowner will be paying for the new fence. As far as building it to work with adjacent neighbors, it will have to be looked at on a one on one basis.
- Will we be involved when that time comes? – Certainly, we will work with you as the design is further along.
- Will all of the existing trees be taken out? – Yes they will be removed if they are on the property, if they are elms, and if everyone is in favor for it.
- One neighbor has a back gate that opens up to the field. Will it have to go? – If the fence is on the property line, it will need to go. If it is set back a few feet, it's possible it can remain.
- Will the homes be single story or two story? – On average, 95% are single story
- Concerned if we tap into the ditch, there won't be pressure. Already have issues with that. – We will look into the pressure issues.
- We can show you where the cleanout is for the people to the south. – Sounds good.
- How will this subdivision affect the value of surrounding homes? – The intention is to build a nice, but affordable home. Certainly won't hurt the surrounding values.
- Square footage of homes? – 1200-1500sf
- Is Darren going to build all of the homes? – Yes
- What half will be built first? – Probably south half.
- Will there still be access to the Lynwood Subdivision pump house? – Yes
- Stucco? – Not sure yet
- Stem wall? – Probably

SIGN-IN SHEET

FAIRVIEW GLEN NEIGHBORHOOD MEETING

Thursday July 2nd, 2020 @ 7:00pm

FOR: Annexation, Rezone, Right of Way/Easement Vacation and
Subdivision

<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE # OR EMAIL</u>
Lucky Vidanovic	261 1/2 Nashua Lane	970-424-0703
Connie Lynca	261 Nashua Lane	970 712 0205
Dorely Schnapp	2772 Moroe Ct	970 245-7565
Roland Smith	257 1/2 E Lynwood St	640-0271
Kim Willis	2772 Lexington Ct	970 210-2093

SIGN-IN SHEET

FAIRVIEW GLEN NEIGHBORHOOD MEETING

Thursday July 2nd, 2020 @ 7:00pm

FOR: Annexation, Rezone, Right of Way/Easement Vacation and
Subdivision

NAME	ADDRESS	PHONE # OR EMAIL
Betty Joan White	259 Nashua Ct	970-256-7056

SIGN-IN SHEET

FAIRVIEW GLEN NEIGHBORHOOD MEETING

Thursday July 2nd, 2020 @ 5:30pm

FOR: Annexation, Rezone, Right of Way/Easement Vacation and
Subdivision

NAME	ADDRESS	PHONE # OR EMAIL
Marie White	254 Allyce Ave	970-210-0513
SCOTT PETERSON	CITY PLANNING	SCOTT.P@GJLITY. ORG
DIANA GUTIERREZ	293 Mountain View	baileybob7@usa.com
Karie Padilla	Developer	rkpadilla1@charter.net
Robert Padilla	"	"
DARREN DUBBSO	"	Darren5515@AZL.com
LINDA GARCIA	2784 GANTCH	lindag@hlsb.com (970) 254-0845
Robyn Correia	264 Allyce Ave	970.819.2249
Dylan Correia	458 30 Rd	ououtagme@yahoo.com dylan.correia1134@gmail.com
Ted + Mallory	Ciavanne	

Scott Peterson

From: katbonnet@juno.com
Sent: Thursday, July 2, 2020 2:19 PM
To: Scott Peterson
Subject: neighborhood meeting for fairview glen subdivision

**** - EXTERNAL SENDER. Only open links and attachments from known senders. DO NOT provide sensitive information. Check email for threats per risk training. - ****

Dear Planning committee,

My husband and I live at 254 1/2 Allyce Ave. because of our age we would rather not attend the meeting tonight at the Courtyard Marriot in regard to the Fairview Glen Subdivision. But we have concerns.

When we purchased this property years ago it was partly due to the open field in back of us. It made us feel like we weren't closed in on all sides by neighbors. We also liked the view of the Mesa and the Bookcliffs. The current zoning for this area in back of us at 4 units per acre is bad enough but if you put 6.2 to 6.5 units in there that will be too many.

Our other concerns are these. You would need to have the Department of Wildlife come in and relocate at least 3 deer that are calling that field home plus any other wild life that might be there.

Also irrigation water. We have had problems with water getting down our ditch as it is would these people be taking water away from us and would they be responsible to take care of the ditch?

4 units would be bad enough 6.2 is too many.

Thanks for listening to us.

Sincerely,
Chuck and Kathy Bonnet
254 1/2 Allyce Ave.

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- [For Ghislaine Maxwell, 6 Counts of Wrongdoing](#)
- [Russia Investigation Material to Remain Secret Past Election](#)

Scott Peterson

From: Eddie <ehavener@aol.com>
Sent: Friday, July 3, 2020 1:31 PM
To: ted@ciavonne.com; Scott Peterson
Subject: Fairview Glen Subdivision

**** - EXTERNAL SENDER. Only open links and attachments from known senders. DO NOT provide sensitive information. Check email for threats per risk training. - ****

Dear Gentlemen;

We live at 2772 1/2 Milo Drive.

We are concerned with the additional traffic that will be using Milo Drive as access to the Fairview Glen subdivision. The streets in Lynwood subdivision were built to 1980 specifications. They are narrow and quite often have vehicles parked on both sides of the streets. We are concerned about the safety of these streets at this time let alone with additional traffic. Another concern is that at this time Milo Drive is a dead-end street with 8 houses on it, it is a place that is safe for the children that live here to play in the street and if it become one of three access to the Fairview Glen subdivision the additional traffic will compromise there safety.

Edwin was a firefighter and He realizes that there is a need for an emergency access on Milo Drive, but we would like to see it restricted to emergencies only.

Thank you for your time.

Edwin can be reached at EHavener@aol.com or called or texted at 970-376-3713. Nona can be reached at Nona.Wiley@ymail .com or called or texted at 970-901-8626

Edwin Havener
Nona Wiley

Scott Peterson

From: Sharon Amheiser <sharonlamheiser@gmail.com>
Sent: Tuesday, July 28, 2020 6:11 PM
To: Scott Peterson
Subject: Fairfield Glen Annexation

**** - EXTERNAL SENDER. Only open links and attachments from known senders. DO NOT provide sensitive information. Check email for threats per risk training. - ****

Dear Scott and the other Owners of this property.

I live on Nashua Ct and my backyard faces West.

I have been enjoying watching the deer this year especially with seeing 6 bucks this summer.

I agree that developing this land parcel would allow more affordable homes in orchard Mesa for Seniors and young families starting out. I agree that the original proposed annexation of

4 single family homes on 1 acre is a good thing and I Absolutely appose the zoning it to R-8

would be a disaster to both Unawep and B 1/2 Rd. and way too many buildings, too many cars and traffic on both streets. I also feel it will decrease our property values if it looks like apartments or condos.

I do Not want anything 2 story behind my home. I enjoy my privacy and dont want people peering into my back yard or obstructing my view of the Valley and Monument..

I met Darren late winter regarding the overgrown Elm tree right behind my fence,. he informed me it would be cut down and removed.. theres also tumble weeds, leaves and broken branches that are 3+ feet tall, wide and deep that hold all the water and snow moisture which has rotted all the cedar fence posts. the pickets are ok but Darren it would be fixed. Speaking of the fence, are you putting in a whole new fence around the 19.5 acres?

Vinyl would look much better, but everybody has something different. Just wondering.

Sincerely,

Sharon L. Amheiser

255 1/2 Nashua Ct

Grand Junction, Co. 81503

970 250-8783

sharonlamheiser@gmail.com

Grand Junction Speaks
Published Comments for July 28, 2020 Planning
Commission Meeting
Fairview Glen Zone of Annexation

I realize Grand Junction is a growing City and housing is in demand; however, everyone is aware that there are only three routes for traffic to take between OM and GJ and all three are experiencing significant traffic already. There are multiple large subdivisions already being rapidly developed and under construction and we have yet to experience the traffic impact these new residents will create on our congested roads/bridges. We just built a new school to accommodate the population we have now with limited room for additional students. We vote NO to rezoning and doubling this subdivision that has already been approved to a barely acceptable limit of four units per acre.

07/26/2020 9:11 pm

Chris & Jeanie McGillivray
2877 Fall Creek Dr
Grand Junction, 81503

To: Planning Commission,

My wife and I own the property across Unaweepe from 2767 Unaweepe. We have real concern about the additional traffic on a busy Unaweepe Avenue due to a City R-8 (Residential 8 du/ac) zone district. Please consider this concern in your decision.

Respectfully,
Paul Quam

07/27/2020 5:20 pm

Paul Quam
2770 Unaweepe Avenue
Grand Junction, 81503

[Agenda item can be viewed at 1:01:40](#)

Consider a request to zone approximately 19.259-acres from County RSF-4 (Residential Single Family – 4 du/ac) and PUD (Planned Unit Development) to a City R-8 (Residential – 8 du/ac) for the Fairview Glen Annexation, located at 2767 C Road and properties located north of B ½ Road between Allyce Avenue and Nashua Lane/Court.

Staff Presentation

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

Questions for Staff

None.

Applicant's Presentation

Ted Ciavonne, Ciavonne Roberts and Associates, the Applicant's representative, was present and gave a presentation regarding the request. Five Star Homes and Darren Davidson were also present in the audience.

Questions for Applicant

Commissioner Gatseos made a comment in support of the request

Public Hearing

The public hearing was opened at 5 p.m. on Tuesday, July 21, 2020 via www.GJSpeaks.org. Option for public comment via voicemail was also available starting Tuesday, July 21, 2020 as described on the meeting notice as well as the agenda.

Corina Scott, Patricia Willis (2772 Lexington Court), Tanner Willis (2774 B ½ Road), Robin Greer, Nick Schmidt, Teresa Schmidt, Chris McGillivary, Donald Davey (278 Mountain View), and Charlayne Higginson (2773 UnawEEP Avenue) made comments in opposition of the request.

Daniel Moore, Susan Smith, Dennis Simmons, Hope Painter, Roslyn Lawrence, Sandy Shepard, Deb Richert, Andy Pember, and Mike DeShara left comment via voicemail on July 28 in opposition of the request.

Chris and Jeanie McGillivary and Paul Quam left comments on GJSpeaks in opposition of the request.

The public hearing was closed at 7:53 p.m. on July 28, 2020.

Applicant's Response

Mr. Ciavonne gave response to public comment.

Questions for Applicant

Commissioner Wade asked a question regarding density and a traffic impact study.

Commissioner Wade asked staff a question regarding traffic concerns.

Commissioner Ehlers asked a question regarding what would be reviewed during the planning process.

Discussion

Commissioners Ehlers, Wade, Gatseos, and Teske made comments in support of the request.

Motion and Vote

Commissioner Wade made the following motion, "Mr. Chairman, on the Zone of Annexation for the Fairview Glen Annexation to R-8 (Residential – 8 du/ac) zone district, file number ANX-2020-222, I move that the Planning Commission forward a recommendation of approval to City Council with the findings of fact listed in the staff report."

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

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

**AN ORDINANCE ZONING THE FAIRVIEW GLEN ANNEXATION
TO R-8 (RESIDENTIAL – 8 DU/AC) ZONE DISTRICT**

**LOCATED AT 2767 C ROAD AND VACANT PROPERTIES NORTH OF B ½ ROAD
BETWEEN ALLYCE AVENUE AND NASHUA LANE/COURT**

Recitals

The property owners have requested annexation of three properties that total 19.259-acres into the City limits in anticipation of future residential subdivision 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 Fairview Glen Annexation to the R-8 (Residential – 8 du/ac) zone district, finding that it conforms with the designation of Residential Medium (4 – 8 du/ac) as shown on the Future Land Use Map of the Comprehensive Plan and the Comprehensive Plan's goals and policies and is generally compatible with land uses located in the surrounding area.

After public notice and public hearing, the Grand Junction City Council finds that the R-8 (Residential – 8 du/ac) zone district, is in conformance with at least one of the stated criteria of Section 21.02.140 of the Grand Junction Zoning & Development Code.

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

FAIRVIEW GLEN ANNEXATION

The following properties be zoned R-8 (Residential – 8 du/ac) zone district.

A parcel of land located in the North Half of the Northwest Quarter (N ½ NW ¼), of Section 25, Township 1 South, Range 1 West of the Ute Meridian, being more particularly described as follows;

BEGINNING at a point on the North line of said Section 25, whence the Northeast corner of said Section 25 bears South 89°55'23" East, a distance of 1471.87 feet, with all bearings being relative thereto, thence South 00°04'10" East, a distance of 1320.58 feet, along the westerly line of Lynwood Subdivision; thence South 89°54'43" East, a distance of 149.37 feet, along the south line of Lynwood Subdivision to the northeast corner of Birks Blue Estates subdivision, Reception Number 1263633; thence South 89°54'43" East, a distance of 208.25 feet, to the westerly right-of-way of Lynwood

Street; thence along said right-of-way South 00°05'17" West, a distance of 50.00 feet; thence leaving said right-of-way, North 89°54'43" West, a distance of 208.12 feet, thence South 00°03'49" East, a distance of 1070.05 feet, to the northeast corner of Lot 30 of said subdivision; thence along the north line of said Lot 30 South 89°55'41" West, a distance of 185.35 feet, to the northwest corner of said Lot 30; thence along the arc of a non-tangent 79.36 foot radius curve to the left for a distance of 40.29 feet, with a chord which bears South 14°28'25" West, a distance of 39.86 feet, and a central angle of 29°05'29"; thence South 00°04'19" East, a distance of 91.08 feet; thence along the arc of a 20.00 foot radius curve to the left for a distance of 31.38 feet, with a chord which bears South 45°01'05" East, a distance of 28.26 feet, and a central angle of 89°53'31", to a point on the northerly right-of-way of B1/2 Road; thence along said right-of-way North 89°57'50" West, a distance of 154.96 feet, to the southwest corner of said Birks Blue Estates subdivision; thence leaving said right-of-way along the westerly line of said subdivision North 00°04'19" West, a distance of 1270.35 feet; leaving said westerly line North 89°54'43" West, a distance of 150.74 feet; thence North 00°02'32" West, a distance of 1320.51 feet, to a point on the northerly line of said Section 25; thence South 89°55'23" East, a distance of 331.26 feet, to the Point of Beginning. The above description contained hereon has been derived from subdivision plats and deed descriptions as they appear in the office of the Mesa County Clerk and Recorder. This description does not constitute a legal boundary and is not intended to be used as a means for establishing or verifying property boundary lines.

INTRODUCED on first reading this _____ day of _____, 2020 and ordered published in pamphlet form.

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

ATTEST:

President of the Council

City Clerk



Grand Junction City Council

Regular Session

Item #3.a.

Meeting Date: August 19, 2020

Presented By: Jay Valentine, General Services Director

Department: General Services

Submitted By: Jay Valentine

Information

SUBJECT:

Contract Extension for OVG Facilities d.b.a. Pinnacle Venue Services for the Management of the Grand Junction Convention Center, Avalon Theatre and the Las Colonias Amphitheater

RECOMMENDATION:

Authorize the City Manager to Enter into a Contract with Pinnacle Venue Services to Manage Two Rivers Convention Center, the Avalon Theatre and The Las Colonias Amphitheater for a Fixed Annual Subsidy of \$225,000.

EXECUTIVE SUMMARY:

In 2016, the City prepared and distributed a request for proposals (RFP) in an effort to obtain proposals from qualified professional developers to purchase or lease the Grand Junction Convention Center (GJCC) property with the intent that the proposer would operate the convention center in a more efficient manner with a greater vision of how the property may be utilized.

Pinnacle Venue Services (PVS), now OVG Facilities was the only respondent to the RFP. The initial contract with PVS was for 3 years plus and additional two one-year renewals. The City is nearing the end of the initial one-year renewal and would like enter into a new 2-year contract with 3 one-year renewal options.

BACKGROUND OR DETAILED INFORMATION:

The City hired Pinnacle Venue Services, LLC, (PVS) now OVG Facilities, to manage the Grand Junction Convention Center (GJCC), Avalon Theatre and the Las Colonias

Amphitheater beginning in 2017. Since that time, the PVS staff has worked to increase revenues and implement efficiencies that resulted in reducing the City's operating subsidy to less than \$200,000 in 2017 and 2018. This was an improvement of \$250,000 to the bottom line from the 2017 city budget. In addition to the financial benefits, having the venues managed by industry experts has resulted in:

- Improvement of food quality by transitioning from a prepackaged to a "from-scratch" kitchen.
- Event creation through local partnerships such as the "Explore the Outdoors Expo", "Oktoberfest Amped", Movies on the Rocks, and the Annual Handmade Craft Fair.
- The use of yield management in the sales process which maximizes revenue during high demand times and allows for discounted rates during low demand times.
- A significant increase in the number of shows and level of talent brought in for ticketed entertainment.

In addition to these improvements, PVS planned and executed the opening of the Amphitheater at Las Colonias Park in 2017 and has continued to grow the venue by increasing the number of events, caliber of artists, and attendance each year. Through their expertise and consultation, PVS played a major role in the success of the 2019 investment and renovation of the GJCC. The Amphitheater programming was not part of the original contract with PVS but was amended into the contract when the theater was completed.

Although events have come to a halt in 2020 due to COVID 19, it is expected that the GJCC will continue to see improved performance year over year. Convention business is a long-term sales process and PVS and the City have just begun to reap the full benefits of having a professional team managing these venues.

FISCAL IMPACT:

The City will pay PVS a subsidy of \$225,000 annually for the management of the venues. PVS will be responsible for any operation costs above the annual subsidy amount. The first \$100,000 of net operation revenue above the \$225,000 will be paid to the Contractor as a management fee. Any net operation revenue above the \$100,000 of net operating revenue will be split evenly (50/50) between the City and OVG.

This revenue share back to the City has been as follows:

2017 \$30,517
2018 \$29,547
2019 \$15,491*

*GJCC was closed for 8 months due to construction

SUGGESTED MOTION:

I move to (authorize/not authorize) the City Manager to enter into a contract with OVG Facilities d.b.a. Pinnacle Venue Services for the management of Two Rivers Convention Center, the Avalon Theatre and the Las Colonias Amphitheater in the subsidy amount of \$225,000.

Attachments

1. AGR-Professional Services Contract 4815-20-SH Convention Center Management Svcs



PROFESSIONAL SERVICES CONTRACT

This CONTRACT made and entered into this ____ day of _____ by and between the **City of Grand Junction, Colorado**, a government entity in the County of Mesa, State of Colorado, hereinafter in the Contract Documents referred to as the "Owner" and **Pinnacle Venue Services, LLC** (hereinafter) in the Contract Documents referred to as the "Contractor."

Comment [JS1]: Is OVG the contractor now?

The Contractor shall perform the work set forth and described by the Contract Documents and known as Convention Center Management Services. This contract shall cover two full years, from **January 1, 2021 through December 31, 2022**; and options for three (3) additional one-year renewals or extensions.

The Owner agrees to provide to the Contractor an annual **payment subsidy** of **\$225,000**. The Contractor shall be paid in accordance with the fee schedule set forth in the Solicitation Documents incorporated by this reference. To receive payment, Contractor must submit invoices for work completed.

Comment [JS2]: Is the annual payment different than the "fee schedule?" If so, specify which controls?

Contract Administrator for the Owner is _____.

Contract Administrator for the Contractor is _____.

The term of this Contract shall be from **January 1, 2021** _____ to **and through December 31, 2022**. _____.

Contract Documents: It is agreed by the parties hereto that the following list of instruments, drawings, and documents which are attached hereto, bound herewith, or incorporated herein by reference constitute and shall be referred to either as the "Contract Documents" or the Contract, and all of said instruments, drawings, and documents together as a whole constitute the Contract between the parties hereto, and they are fully a part of this agreement as if they were set out verbatim and in full herein:

- Solicitation Documents for the Project **dated** _____
- Change Orders **(plural?) dated** _____

CITY OF GRAND JUNCTION/MESA COUNTY, COLORADO

By: _____
Greg Caton, City Manager Date

PINNACLE VENUE SERVICES, LLC

Comment [JS3]: OVG?

By: _____
Title Date



Grand Junction City Council

Regular Session

Item #3.b.

Meeting Date: August 19, 2020

Presented By: Ken Sherbenou, Parks and Recreation Director

Department: Parks and Recreation

Submitted By: Ken Sherbenou

Information

SUBJECT:

Deed of Conservation Easement - Jurassic Flats Property

RECOMMENDATION:

Approve the Conservation Easement on the Jurassic Flats Property, a 16 acre parcel on the northwest corner of Monument Road and South Camp Road

EXECUTIVE SUMMARY:

Colorado West Land Trust (CWLT) recently acquired a 16-acre parcel in the Monument Road Corridor at the northwest intersection of South Camp Road and Monument Road. The majority of the cost was from an anonymous donor in the amount of \$300,000 with the understanding this Conservation Easement would be placed on the property and eventually the land would be deeded to the City as open space. This land is the site for staging of the popular Tour of the Moon event. It is also a likely site for a future trail-head to support a 10 mile paved trail loop. It would also connect with a future second phase of the Monument Connect Trail, linking the Lunch Loop Trailhead to South Camp Road. This Phase II is a future capital project that will be competitive in future funding cycles with GOCO and others. Jurassic Flats being conserved and serving as a possible future trailhead furthers the need to fund the Monument Connect phase II. This Conservation Easement is being placed on the property in anticipation of the CWLT deeding the property to the City of Grand Junction.

BACKGROUND OR DETAILED INFORMATION:

The Jurassic Flats parcel being conserved will preserve the natural character of the areas. In the future, the Colorado West Land Trust and the City of Grand Junction will

likely partner to build a connector trail along the Monument Corridor that will connect open space and trailheads, serving as a linear park, and become a strategic asset for the community as one of the City's greatest offerings to connect its residents to the outdoors. These 16 acres are important to preserve access for people of all ages and abilities to one of our area's most popular trail systems, the Lunch Loop.

Phase I of the Monument Connect Trail connects downtown to the Lunch Loop Trailhead, and has been used extensively by all ages of hikers, bikers, runners and walkers since the Grand Opening and Chain Breaking Event held on February 20, 2020. The future Phase II paved trail will create a 10 mile paved trail loop connecting the Riverfront Trail, Lunch Loop, Jurassic Flats, Rigs Hill, Connected Lakes, the Audubon Trail, downtown Grand Junction, and neighborhoods representing diverse populations. The subject property will also provide an additional access to the Lunch Loop trail system for kids, families, and individuals who now can only access by car at the main trailhead.

CWLT purchased and conserved the 16 acre subject property that will serve as a spectacularly scenic trail corridor, provide needed additional public access to BLM's Lunch Loop trails, as well as provide a beautiful natural open space.

FISCAL IMPACT:

No direct fiscal impact from this action.

The City did not participate financially with CWLT in the acquisition of the property. The funding for the acquisition was \$300,000 from an anonymous private donor.

SUGGESTED MOTION:

I move to (adopt/deny) Resolution No. 50-20, a resolution authorizing a Conservation Easement for approximately 16 acres of land known as the Jurassic Flats Property for the ongoing development of the Monument Road Trail and other recreation and conservation activities and uses.

Attachments

1. Jurassic Flats CE 2b 073020
2. Resolution - CE Jurassic Flats
3. SWD MLT-City Jurassic Flats Surfview 1a 072820
4. Jurassic Flats Baseline

EXHIBIT 2

RESERVATION OF DEED OF CONSERVATION EASEMENT

**Mesa County Land Conservancy, Inc. dba Colorado West Land Trust
Jurassic Flats Property, Mesa County, CO**

THIS RESERVATION OF DEED OF CONSERVATION EASEMENT is made this [redacted] day of [redacted], 2020 by the **MESA COUNTY LAND CONSERVANCY, INC.**, a Colorado nonprofit corporation, doing business as **COLORADO WEST LAND TRUST**, 1006 Main Street, Grand Junction, Colorado, 81501 (the “**Conservancy**”) which is conveying the property described in **Exhibit A** herein (“**Property**” or “**the Property**”), subject to the reservation of this Deed of Conservation Easement to the **CITY OF GRAND JUNCTION**, a Colorado Home Rule Municipality, the address of which is 250 North 5th Street, Grand Junction, CO 81521 (for the purpose of this reservation referred to herein as the “**Grantor**” or the “**City**”), for the purpose of forever conserving the open space character, wildlife habitat, and scenic qualities of the subject property. The City has executed this reservation of Deed of Conservation Easement for the purpose of acknowledging that the Property is being conveyed to it subject to the terms of this Deed of Conservation Easement. The Grantor and the Conservancy are individually referred to herein as a “**Party**”, and are collectively referred to herein as the “**Parties**”. The “**Effective Date**” of this Reservation of Deed of Conservation Easement is the date of recording in the Mesa County Clerk and Recorder’s Office.

The following Exhibits are attached hereto and made a part of this Conservation Easement:

- Exhibit A - Legal Description of Property
- Exhibit B - Map of Property
- Exhibit B-1 – Description Potential Building Area Location

RECITALS:

- A) Grantor is the sole owner in fee simple of certain real property located in Mesa County, Colorado, encompassing 16 acres of land, more or less, more particularly described in **Exhibit A** and depicted in **Exhibit B**, attached hereto and incorporated herein by this reference, together with appurtenances, improvements located thereon, mineral rights owned by the Grantor.
- B) The open space, scenic vistas, trail connectivity, recreational and other characteristics of the Property, its current use and state of improvement, are described in a **Present Conditions Report (“Baseline Report”)** dated June 1, 2020 and acknowledged in writing by both Parties to be complete and accurate as of the date of this Easement. Both the Grantor and Conservancy shall permanently keep signed copies of the Baseline Report, which will be used by the Conservancy to assure that any future changes in the use of the Property will be consistent with the terms of this Easement. The Baseline Report is not intended to preclude the use of other evidence to establish the present condition of the Property if there is a controversy over its use.
- C) The Property possesses natural, scenic, open space, trail connectivity and recreational values (collectively, the “**Conservation Values**”) of great importance to the Grantor and the Conservancy, and the peoples of Mesa County, the state of Colorado, and the United States of America, which are worthy of protection, and which are described in the Baseline Report. The conservation purposes described in these Recitals are part of the Conservation Values of the Property.

- D) Relatively Natural Habitat. The following conservation purpose, in accordance with Treasury Regulations §1.170A-14(d)(3) is furthered by this Easement, “To protect significant relatively natural habitat in which a fish, wildlife, or plant community, or similar ecosystem normally lives.” A majority of the Property remains in an essentially natural condition with native habitats, including various species of saltbush and Galleta grass. Indian Rive Grass also appears on the Property. The east end of the Property is undisturbed and has well developed cryptobiotic soil crusts that provide nitrogen and resistance to erosion to the sandy and clayey soils. Forbs found on the Property include globe mallow, showy golden aster, and evening primrose. While the community types on the Property are not rare in the region, they are the communities commonly displaced by development and agriculture in the Grand Valley. Conserving wildlife habitat and native plant species is essential for the mammals, birds, and reptiles found on the Property. Preservation of the Property will enable the general public to enjoy wildlife all across their range.
- E) Open Space. The following conservation purpose, in accordance with Treasury Regulations §1.170A-14(d)(4) is furthered by this Easement, “The preservation of certain open space (including farmland and forest land) for the scenic enjoyment of the general public and will yield a significant public benefit.”
- 1) The Property contains an array of Conservation Values that make it an ideal property to conserve, from natural habitat and spectacular views to providing tremendous natural recreational benefit for the public. The Property is located along the Monument Corridor, the gateway to the Colorado National Monument, a National Park Service entity. This Corridor is travelled by tourists and local residents alike.
 - 2) The Property is located along the Tour of the Moon Byway, which was designated by the Colorado Legislature, which passed a joint resolution to recognize the route as one of the premier bicycling routes in the United States. The Byway traverses the Colorado National Monument and draws riders from around the globe. Protection of the property will allow the general public to continue to enjoy the open space and views of the area’s iconic red rock landscapes, park and stage safely for riding the Tour of the Moon, as well as continue to use the property for walking and accessing neighboring open space.
 - 3) The Property can also be seen from the Colorado National Monument and the Bureau of Land Management’s (BLM) Tabeguache/Lunch Loop Trail system. A neighborhood HOA open space is almost adjacent to the Property and overlooks the expansive open space on the Property. The Property is also adjacent to undeveloped private land that serves as an informal open space (with permission of the landowners) and is close to and visible from open space property owned by the City of Grand Junction.
 - 4) The Property is situated along the Monument Corridor and in the Redlands area that is characterized by spectacular views and access to open space and trail systems at the Colorado National Monument, the BLM, and on this Property. The BLM’s non-motorized Tabeguache/Lunch Loop trail system is located across Monument Road from the Property. This trail system is accessible from a parcel recently acquired and conserved by Colorado West Land Trust to serve as public open space. The Property is also approximately 1 mile from the City owned Lunch Loop Trailhead and bike park, where 193 acres are conserved for public open space. A continuation of a paved Monument Trail will soon connect this property to the Lunch Loop Trailhead and the Colorado Riverfront Trail.

- 5) The Property is situated along a major growth corridor which is experiencing increasing development pressure. With new development, the community is losing scenic views of natural landscapes and access to open space and the mosaic of wildlife and bird habitat in the area is disappearing.
 - 6) Preservation of the Property and its open space provides significant public benefit; possible subdivision and development of the Property would result in the degradation of the scenic character of the area, and decrease opportunities for recreational uses of the natural surrounding areas. The perpetual conservation easement will ensure that the Property continues to provide significant public benefits to the general public who appreciate its scenic values and who will continue to utilize the recreational opportunities generated as a result of its protection.
- F) The following conservation purpose, in accordance with Treasury Regulations §1.170A-14(d)(2) is furthered by this Easement, “To preserve land areas for the outdoor recreation of the general public or for the education of the general public.” The general public shall have access to the Property for recreational and educational opportunities, as provided herein, subject to the regulations imposed on such use and access imposed by the Grantor as may be necessary to protect the public safety, and to protect the other Conservation Values of the Property, and to balance wildlife habitat needs and public recreation.
- G) The conservation purposes of this Easement are recognized by, and the grant of this Easement will serve, the clearly delineated governmental conservation policies set forth below.
- i) C.R.S. §§38-30.5-101, *et seq.*, provides for the creation of conservation easements to maintain land “in a natural, scenic, or open condition, or for wildlife habitat, or for agricultural ... or other use or condition consistent with the protection of open land, environmental quality or life-sustaining ecological diversity.”
 - ii) The Colorado Wildlife and Parks and Outdoor Recreation statutes, C.R.S. §§33-1-101, *et seq.*, which provide that “it is the policy of the state of Colorado that the wildlife and their environment are to be protected, preserved, enhanced, and managed for the use, benefit, and enjoyment of the people of this state and its visitors,” and that “it is the policy of the state of Colorado that the natural, scenic, scientific, and outdoor recreation areas of this state are to be protected, preserved, enhanced, and managed for the use, benefit, and enjoyment of the people of this state and visitors of this state.”
 - iii) The Colorado Department of Transportation statutes, C.R.S. §§43-1-401, *et seq.*, provide that the preservation and enhancement of the natural and scenic beauty of this state is a matter of substantial state interest.
 - iv) The Property is located in Mesa County, whose Countywide Land Use Plan contains the following goals: “to encourage preservation of sustainable ecosystems,” and “to protect important open lands.” Furthermore, “new development should accommodate and protect wildlife habitats” and “assure that open land is recognized as a limited and valuable resource which must be conserved whenever possible.”
 - v) In 2002, Mesa County and the City of Grand Junction Planning Commissions jointly adopted a Redlands Neighborhood Plan, and that Plan was subsequently incorporated into the Grand Junction Comprehensive Plan by vote of the City

Council in February 2010. Findings supporting the adoption of the Redlands Neighborhood Plan include the following:

“Monument Road has been identified as a visually important corridor on the Redlands, providing access to the Tabeguache [Lunch Loop] trailhead and a gateway to the Colorado National Monument. In addition to the ridgeline views along the corridor, the views on either side of the roadway are also of importance to maintain the open vistas to the Monument.”

- vi) The voters of the state of Colorado, by creation of the Great Outdoors Colorado Trust Fund program, and by adopting and administering grant applications and due diligence review processes, have established that it is the policy of the state of Colorado and its people to encourage donation and to fund the voluntary bargain sale and acquisition of conservation easements, among other things, to preserve, protect and enhance scenic and open space lands, agricultural lands, wildlife, and wildlife habitat.
- H) The Conservancy is a charitable organization as described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the “**Code**”) and is a “qualified organization” as defined in Section 170(h)(3) of the Code, and a charitable organization as defined in C.R.S. §38-30.5-104(2), and has the resources and commitment to protect and defend the conservation purposes of this Easement.
- I) The Conservancy is certified by the State of Colorado Division of Conservation to hold conservation easements for which a state tax credit is claimed for the current year.
- J) The Grantor desires to protect the Conservation Values of the Property in perpetuity by creation of a conservation easement in gross under Article 30.5 of Title 38, Colorado Revised Statutes.
- K) The Conservancy accepts the responsibility of enforcing the terms of this Easement and upholding its conservation purposes forever.

AGREEMENT:

NOW, THEREFORE, for reasons given, and in consideration of the above and mutual covenants, terms, conditions, and restrictions contained herein, and pursuant to the laws of the State of Colorado, and in particular C.R.S. §§38-30.5-101, *et seq.*, the Conservancy, its successors and assigns, hereby reserves and Grantor accepts the Property subject to this conservation easement in perpetuity, consisting of the rights and restrictions enumerated herein, over and across the Property (the “**Easement**” or the “**Deed**”), exclusively for the purpose of conserving and forever maintaining the open space character, access to recreational trails and other recreational uses, wildlife habitat, and scenic qualities of the Property.

1. Purpose. It is the purpose of this Easement to assure that the Property will forever remain predominantly in a combination of its scenic, recreation and open space condition and to prevent any use of the Property that will diminish, impair or interfere with the Conservation Values of the Property. The Parties intend that this Easement will confine the use of the Property to recreational and public open space access uses. It is the purpose of this Easement to remove and preclude the right to develop and construct housing and other buildings on the Property, except as provided herein. The provisions and restrictions contained in this Easement are intended to ensure that the Property

remains available for outdoor recreation and paved trail connectivity in accordance with Section 170(b)(1)(E)(iv) of the Internal Revenue Code.

2. Permitted Uses of Property. The following uses and practices by Grantor, though not an exhaustive recital, are consistent with preservation of the Conservation Values of this Easement. Certain of these consistent uses and practices are identified as being subject to specified conditions or to the requirement of and procedures for prior approval by the Conservancy. Procedures for prior approval are listed below. The remainder of these consistent uses shall not be precluded, prevented, or limited by this Easement.
 - 2.1. Recreational and Educational Uses. The Grantor shall have the right to engage in or permit the public to engage in non-motorized educational and recreational activities, such as hiking, bicycling, dog walking and other similar recreational uses, subject to the terms of the Public Access Paragraph 9, herein (**“Recreational and Educational Uses”**). Grantor shall have the right to allow Recreational and Educational Uses which, by way of example only, may include bicycle tours, stewardship activities, and community engagement activities, and educational seminars.
 - 2.2. Management Plan. A **“Management Plan”** will be created through a process that will include the Conservancy, the City of Grand Junction (Grantor), and representatives of other interested parties as designated by the City of Grand Junction and the Conservancy. The Management Plan shall address the items described in Paragraphs 2.2.1 to 2.2.4 below, and any other items that the Parties choose to address; the Management Plan shall be completed and approved within two (2) years of the Effective Date. The Management Plan will identify important natural resource values (such as rare plants, paleontological resources and/or scenic views) and ensure that public uses and/or facilities are compatible with preserving Conservation Values. The Parties shall review the Management Plan within 60 days of the anniversary of the Effective Date no less than every five (5) years and update it as the Parties determine to be necessary.
 - 2.2.1. Trails, Trail Facilities. Trails for bicycling and hiking (**“Trails”**), and related facilities, such as but not limited to, trailheads and parking, informational/directional kiosks, signage, restrooms and other open air structures and improvements necessary to support the uses of the Trails (**“Trail Facilities”**), may be constructed, maintained, repaired and replaced on the Property in the locations and in the manner identified in The Management Plan.
 - 2.2.2. Maintenance by Grantor. The Grantor’s responsibilities will be fully outlined in the Management Plan. These responsibilities may include maintenance of all hard surface trails, trailheads and areas of public access, targeted weed control in trailhead areas and around paved trails, removal of graffiti. Grantor will not be responsible for soft surface single track trails. The roles of other partnering entities in building and maintaining soft surface trails and open space areas will be outlined in The Management Plan.

- 2.2.3. Building Area; Location of Trailhead, Restrooms, Kiosks, Open Air Structures including Shade Shelters, and Parking. One (1) “Building Area” of not more than one-half acre in size may be designated in the Management Plan and must be located within the designated Potential Building Area Location as designated in Exhibit B and described in Exhibit B1. The Building Area may include a Trailhead with a designated parking lot (size to be determined by Grantor and Conservancy) restrooms and open air structures that may include shade shelters, seating areas, and a kiosk area.
- 2.2.4. Minor Structures. Grantor may locate interpretive and informational signs, benches, and other open air, minor structures consistent with the open space designation and Conservation Values, outside of the Building Area in locations as designated in the Management Plan and determined by the Grantor and the Conservancy.
- 2.2.5. Nothing in this Easement shall be deemed to alter protections provided to the Conservancy under C.R.S §33-41-103, or any subsequent legislation. Grantor and the Conservancy specifically agree that the Grantor is both the owner and the manager of the Property, including the manager of recreational activities on the Property, and as provided in C.R.S §33-41- 103(2)(d), the Conservancy shall not be held liable for the Grantor’s management of the Property for recreational or any other purposes.
- 2.3. Trails and Trail Construction.
- 2.3.1. Trails. Trails and Trail Facilities may be constructed, maintained and managed on the Property in a manner consistent with the Management Plan, by or under the direction of the Grantor or pursuant to a contract entered into by Grantor, with the prior written approval of the Conservancy as provided in Paragraph 18, herein, which approval shall not be unreasonably withheld.
- 2.3.2. Approval for Trails. The approvals described in Paragraph 2.2.1 shall be given by the Conservancy within 45 days as provided in Paragraph 18, herein, unless it is determined that the proposed activity, or the location of any trails, will substantially diminish or impair the open space or wildlife habitat Conservation Values of the Property or is otherwise inconsistent with the Purpose of this Easement, in which case permission shall be denied.
- 2.3.3. Public Use. Public use of the Trails is allowed, subject to the terms of the Public Access Paragraph 9, herein.
- 2.4. Building Area. The Grantor and the Conservancy will identify one Building Area, the location and size of which is consistent with preservation of the Conservation Values of the Property, which is approximately one-half (1/2) acre in size and is described and depicted on the attached **Exhibit B** and the contents of which are described in paragraph 2.2.4 and which is located in the Potential

Building Area Location as described in Exhibit B-1. Prior to any permitted construction within the Building Area, the Grantor shall consult with the Conservancy to determine its compatibility with the Management Plan and Conservation Values of the Property, and, once agreed upon by both Parties, provide in writing, plans for construction. Prior to any permitted construction of a Structure within each Building Area, Grantor shall (1) provide written notice to the Conservancy together with a surveyed description of the Building Area; (2) pin the corners of the Building Area; and (3) at the request of the Conservancy, record a notice executed by the Parties in the real property records which describes and depicts the designated Building Area. Thereafter, Grantor shall maintain monuments or pins at the corners of the designated Building Area.

- 2.5. Habitat Management Projects. The Grantor and/or the Conservancy may pursue wildlife habitat management and/or native vegetation projects. Prior to implementation of the habitat management and/or native vegetation projects, the Grantor and the Conservancy will consult with each other and ensure compatibility with Conservation Values of the Property.
- 2.6. Fencing. Exterior boundary fencing shall be allowed on the Property as well as fencing, if necessary, to protect environmentally sensitive areas or areas containing paleontological or cultural resources, and/or for property management purposes. The construction or reconstruction of any fence is prohibited, except to repair or replace existing fences, build new fences for purposes of reasonable and customary management for wildlife, or to build new fences for separation of ownership and uses on the Property.
- 2.7. Paving; Utilities. No portion of the Property shall be paved or otherwise covered with concrete, asphalt, or other paving materials provided, however, an entry drive way, a parking lot, and/or a hard surface (concrete, asphalt or other paving materials) shared use path may be constructed on the Property as part of the paved Monument Trail connecting to S Camp paved trail or complimenting the paved Monument Trail. Witten approval of the Conservancy will be required prior to construction. Grantor may also install, construct and maintain utilities (with the prior written approval of the Conservancy as provided in Paragraph 18) for the benefit of the Property and consistent with the Purpose, but for no other properties.
3. Prohibited Uses. Any activity on or use of the Property inconsistent with the purpose of this Easement is prohibited. In addition to the above statement, the following uses and activities are expressly prohibited or restricted as provided below.
 - 3.1. No Subdivision. The Parties agree that the division, subdivision, de facto subdivision or partition in kind of the Property, whether by legal or physical process, into two or more parcels of land or partial or separate interests (including but not limited to condominium interests or the partition in kind of undivided interests) is prohibited. At all times Grantor shall own and convey the Property (including without limitation the improvements, appurtenances, Mineral Rights and Water Rights) as a single parcel, which shall be subject to the provisions of this Easement, regardless of whether the Property consists of separate parcels as of the date of recording of this Easement, was acquired as

separate parcels, or is treated as separate parcels for property tax or other purposes. Grantor may own the single parcel by joint tenancy or tenancy in common. However, Grantor shall not undertake any legal proceeding to subdivide or partition in kind in any manner such undivided interests in the single parcel.

- 3.2. Commercial and Industrial Activities. For the purposes of this Easement the terms “industrial” and “commercial” uses have the same meaning as in the City of Grand Junction zoning code. The Property may not be used for industrial activities or uses. The Property may be used for the Recreational and Educational Uses described in Paragraph 2.1. Commercial uses inconsistent with the Purpose of the Easement are prohibited.
- 3.3. Boundary Line Adjustments. No boundary line adjustment shall be allowed which removes any portion of the Property from this Easement, or which results in any increased density of development on or off the Property; nor shall the Property be used for calculating density of development or permitted uses on any other property or for the purpose of increasing the density of development or uses that might be permitted on any other property. The Conservancy, in its discretion, may approve a boundary line adjustment proposed by the Grantor, if consistent with the purpose of this Easement, provided that at all times the entire Property shall remain subject to this Easement.
- 3.4. Buildings or Other Structures. No buildings or other similar structures shall be erected or placed on the Property, except as provided in Paragraph 2, Permitted Uses of Property.
- 3.5. Paving; Driveway. Subject to the provisions of Paragraph 2, no portion of the Property shall be paved or otherwise covered with concrete, asphalt, or other paving materials except as specifically set forth in Section 2.7.
- 3.6. Signs and Billboards. With the exception of the Conservancy’s right to place a sign on the perimeter of the Property as described below, and the signs which are permitted in the Management Plan, no signs, billboards, awnings, or advertisements shall be displayed or placed on the Property, except for an appropriate and customary identification sign, a sign or signs acknowledging contributors to the acquisition of the Property, signs regarding the recreational use of the Property and educational and interpretive signs. No signs shall diminish, impair or interfere with the Conservation Values of the Property. The Conservancy shall erect one or more signs visible from the nearest public roadway, informing about the conservation of the Property by the Conservancy.
- 3.7. No Mining which Disturbs the Surface. The drilling, exploration by geophysical and other methods, mining, extraction and operating for and producing from the Property, including the construction of any and all roads, pipelines, structures, equipment, tanks, storage facilities, ponds, evaporation pools or pits, utility lines, of any kind or description, and including all activities described as “oil and gas operations” in C.R.S. §34-60-103, as amended (collectively referred to as “**mining**”), of soil, sand, gravel, rock, stone, decorative stone, oil, natural gas, coalbed methane (including any and all substances produced in association

therewith from coalbearing formations), hydrocarbon, fuel, or any other mineral substance, of any kind or description (collectively referred to as “**Minerals**”), is prohibited on the Property, except as provided in this paragraph entitled “Mining”. Mining which disturbs the surface of the Property is prohibited; mining that does not disturb the surface in any way is permitted, as provided in this Paragraph (“Mining”).

- 3.8. Trash. The dumping or uncontained accumulation of trash or refuse on the Property is prohibited.
- 3.9. Hazardous Materials. The storage, dumping or other disposal of “**Hazardous or Toxic Materials**” or of non-compostable refuse on the Property is prohibited. For the purpose of this Easement “Hazardous or Toxic Materials” shall be taken in its broadest legal context and shall include any petroleum products as defined in ASTM Standard E 1527-05 and any hazardous or toxic substance, material or waste that is regulated under any federal, state or local law. Notwithstanding anything in this Easement to the contrary, the prohibitions in this Easement do not make or allow the Conservancy to become an owner or operator of the Property, nor does it permit the Conservancy to exercise physical or managerial control over the day-to-day operations of the Grantor or control any use of the Property by the Grantor which may result in the storage, dumping or disposal of hazardous or toxic materials; provided, however, that the Conservancy may bring an action to protect the Conservation Values of the Property, as described in this Easement. (The prohibitions in this Easement do not impose liability on the Conservancy for Hazardous or Toxic Materials, nor shall the Conservancy be construed as having liability as a “responsible party” under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (“CERCLA”) as amended, or similar federal or state statutes.) Nothing in this paragraph shall prohibit the use of chemicals and products in accordance with applicable laws and manufacturer’s instructions.
- 3.10. Aircraft runways and helipads. Aircraft runways and helipads are prohibited.
- 3.11. Rights of Way, Easements and Utility restrictions. Except for existing and approved roads and utilities as specifically referenced herein, there shall be no rights of way and access easements including driveways, roads, utilities and utility lines upon or within the Property without the prior written approval of the Conservancy. No towers, power generation or transmission facilities, antennas or equipment for telecommunications or radar shall be allowed.
- 3.12. Commercial Recreational Activities and Recreational Development. Commercial recreational activities are prohibited, except those with a *de minimus* impact on the Conservation Values, as determined by the Conservancy, in its sole discretion. Grantor shall not construct or place any new recreational improvement on the Property, except that is provided in paragraph 2 Permitted Uses of Property including but not limited to athletic fields, racquet courts, golf courses or ranges, airstrips, helicopter pads, or shooting ranges.

- 3.13. Motorized Vehicles. Use of snowmobiles, all-terrain vehicles, motorcycles, or other motorized vehicles except for trail or property-maintenance and/or emergency response purposes, is prohibited.
4. Water Rights. No water rights are encumbered by this Easement.
5. Rights to the Conservancy. To accomplish the purpose of this Easement, in addition to the rights described in C.R.S. §§38-30.5-101, *et seq.*, as amended from time to time, the following rights are granted to the Conservancy:
 - 5.1. To preserve and protect the Conservation Values of the Property;
 - 5.2. To enter upon the Property, in order to monitor compliance with and otherwise enforce the terms of this Easement.
 - 5.3. To prevent any activity on or use of the Property that is inconsistent with the purposes of this Easement, or which may be reasonably expected to have material adverse impact on the Conservation Values of the Property, and to require the restoration of such areas or features of the Property that are materially damaged by any inconsistent activity or use, and
 - 5.4. To place and maintain on the perimeter of the Property a sign or signs indicating that a conservation easement is held by the Conservancy on the Property. The size of the sign and the location, design and content of such signs shall be determined through mutual agreement of the Grantor and the Conservancy.
6. Rights Retained by Grantor. The Conservancy grants to Grantor and to Grantor's successors, and assigns, all rights to use the Property in accordance with the Management Plan, that are not expressly prohibited herein and are consistent with the preservation of the Conservation Values of this Easement.
7. Responsibilities of the Grantor and the Conservancy Not Affected. Other than as specified herein, this Easement is not intended to impose any legal or other responsibility on the Conservancy, or in any way to affect any existing obligation of the Grantor as owner of the Property. Among other things, this shall apply to:
 - 7.1. Taxes. The Grantor is exempt for payment of taxes and assessments. If in the future the owner of the Property is not exempt from payment of taxes and assessments, then during its period of ownership such owner shall be solely responsible for payment of taxes and assessments levied against the Property, including any taxes imposed upon, or incurred as a result of, this Easement. If the Conservancy is ever required to pay any taxes or assessments on its interest in the Property, Grantor will reimburse the Conservancy for the same.
 - 7.2. Upkeep and Maintenance. The Grantor shall continue to be solely responsible for the upkeep and maintenance of the Property, including weed control and eradication, to the extent it may be required by law, and shall bear all costs and liabilities of any kind related to the ownership, operation, upkeep and maintenance of the Property. The Conservancy shall have no obligation for the upkeep or maintenance of the Property.

- 7.3. Insurance; Mortgages, Deeds of Trust. The Grantor shall be responsible for the maintenance of comprehensive general liability insurance or self-funded insurance, in an amount of at least \$2,000,000 with coverages determined by the Grantor, on the Property. Grantor shall name the Conservancy as an additional insured on such comprehensive general liability insurance coverage and shall provide a certificate of such insurance to the Conservancy upon the request of the Conservancy. Any mortgage or deed of trust which encumbers all or a portion of the Property shall be subordinate to the terms of this Easement and the foreclosure of any such mortgage or deed of trust shall not adversely affect the existence or continuing validity of this Easement.

8. Enforcement.

- 8.1. The Conservancy shall have the right to prevent and correct violations of the terms of this Easement, including taking appropriate legal action, in accordance with the terms of this subparagraph. If the Conservancy finds what it believes is a violation, it shall provide written notice to the Grantor of such alleged violation. Except when an ongoing or imminent violation could irreversibly diminish or impair the open space character, wildlife habitat or scenic qualities of the Property, the Conservancy will give the Grantor sixty (60) days to correct the violation before filing any legal action. If a court with jurisdiction determines that a violation may exist or has occurred, the Conservancy may obtain an injunction to stop it, temporarily or permanently. A court may also issue an order requiring the Grantor to restore the Property to its condition prior to the violation. In any case where a court finds that a violation has occurred, the Grantor shall reimburse the Conservancy for all its expenses incurred in stopping and correcting the violation, including but not limited to reasonable attorney's fees. These rights are in addition to any rights as described in C.R.S. §§38-30.5-101, *et seq.*, as amended from time to time. The failure of the Conservancy to take immediate action shall not bar it from doing so at a later time.
- 8.2. Enforcement of the terms of this Easement shall be at the sole discretion of the Conservancy. Accordingly, any forbearance by the Conservancy to exercise its rights under this Easement shall not be deemed or construed to be a waiver by the Conservancy of any term of this Easement or of any of the Conservancy's rights under this Easement. No delay or omission by the Conservancy in the exercise of any right or remedy upon any breach by the Grantor shall impair such right or remedy or be construed as a waiver. Grantor hereby waives the defenses of laches, estoppel and prescription in any action brought by the Conservancy to enforce this Easement. Grantor hereby waives any defense available to Grantor pursuant to C.R.S. §38-41-119.
- 8.3. If the Conservancy prevails in any action to enforce or defend the terms of this Easement, any costs incurred by the Conservancy in enforcing the terms of this Easement against Grantor, including, costs of suit and reasonable attorneys' fees, and any costs of restoration necessitated by Grantor's violation of the terms of this Easement, shall be borne by Grantor. If the court finds no violation or if Grantor prevails in any action to enforce or defend the terms of this Easement, then Grantor and the Conservancy shall each bear their own expenses and

attorney fees. The Grantor and the Conservancy agree that this allocation of expenses is appropriate in light of the potential disparate financial incentives of the Grantor and the Conservancy and the Conservancy's public benefit mission.

9. Public Access. The public shall have access to the Property for recreational opportunities, subject to the regulations imposed on such use and access imposed by the Grantor as may be necessary to protect the public safety, and to protect the other Conservation Values of the Property, and to balance wildlife habitat needs and public recreation.
10. Acts Beyond Grantor's Control. Nothing contained in this Easement shall be construed to entitle the Conservancy to bring any action against the Grantor for any injury or change to the Property resulting from causes beyond Grantor's control, including, but not limited to, fire, flood, storm, and earth movement, or from any prudent action taken by Grantor under emergency conditions to prevent, abate, or mitigate significant injury to the Property resulting from such natural events. Grantor understands that nothing in this Easement relieves the Grantor of any obligation or restriction on the use of the Property imposed by law.
11. Assignment of Easement.
 - 11.1. This Easement is transferable, but the Conservancy may assign its rights and obligations under this Easement only to an organization that:
 - 11.1.1. is a qualified organization at the time of transfer under I.R.C. § Section 170(h) as amended (or any successor provision then applicable) and the applicable regulations promulgated thereunder;
 - 11.1.2. is authorized to acquire and hold conservation easements under Colorado law;
 - 11.1.3. agrees in writing to assume the responsibilities imposed on Grantee by this Deed; and;
 - 11.1.4. the qualified organization agrees to assume the responsibility imposed on the Conservancy by this Easement.
 - 11.1.5. If the Conservancy ever ceases to exist, a court with jurisdiction is authorized to transfer this Easement pursuant to 11.1 above.
12. Transfer of Property. Any time the Property itself, or any interest in it, is transferred by the Grantor to any third party, the Grantor shall notify the Conservancy in writing at least twenty-one (21) days prior to the transfer of the Property. The document of conveyance shall expressly refer to this Easement. Upon any transfer of the Property, or any portion thereof, Grantor shall have no further liability or obligations under this Easement with respect to the portion of the Property which is transferred, except to the extent such liability arises from acts or omissions occurring prior to the date of transfer.
13. Amendment of Easement. If circumstances arise under which an amendment to or modification of this Easement or any of its exhibits would be appropriate, as determined

by the Conservancy, in its sole discretion, the Parties may jointly amend the terms of the Easement so long as the amendment (a) shall have a positive, or at least a neutral, effect on or impact to the Conservation Values, (b) does not affect the perpetual duration of the restrictions contained in this Easement, (c) complies with all federal, state, and local laws, including C.R.S. §§38-30.5-101, *et seq.*, or any regulations promulgated thereunder, (d) shall not jeopardize Conservancy's tax-exempt status or status as a charitable organization under federal or state law, (e) shall not result in private inurement or confer impermissible private benefit, and (f) complies with the Conservancy's procedures and standards for amendments (as such procedures and standards may be amended from time to time). Amendment of the Easement shall not affect the Easement's priority against any intervening liens, mortgages, easements, or other encumbrances. In order to preserve the Easement's priority, the Conservancy may require that any liens, mortgages, easements, or other encumbrances be subordinated to any proposed amendment. Nothing in this Paragraph shall be construed as requiring the Conservancy to agree to any particular proposed amendment. The Conservancy shall have the right to charge a fee to Grantor for time and costs associated with any amendment. Any amendment must be in writing, signed by the Parties, and recorded in the official real estate records of the county in which the Property is located.

14. Hold Harmless. To the extent authorized by law, Grantor shall hold harmless, indemnify, and defend the Conservancy and the members, directors, officers, employees, agents, and contractors and their heirs, personal representatives, successor and assigns of each of them (collectively, "**Indemnified Parties**") from and against all liabilities, penalties, costs, losses, damages, expenses, causes of action, claims, demands, or judgments, including, without limitation, reasonable attorney's fees, arising from or in any way connected with (a) injury or death of any person, or physical damage to any property, resulting from any act, omission, condition, or other matter related to or occurring on or about the Property, regardless of cause, unless due to the negligence (in which case liability shall be apportioned in accordance with Colorado law) or intentional acts or omissions of any of the Indemnified Parties; (b) the obligations of Grantor and the Conservancy specified herein and the obligations of the Conservancy under the Enforcement Paragraph, above; and (c) the presence or release of Hazardous or Toxic Materials on, under or about the Property. The Indemnified Parties acknowledge and agree that the City of Grand Junction has certain legal protections from liability in accordance with C.R.S. §§ 24-10-101 *et seq.* and may, as it determines appropriate, assert those protections as allowed by law to any action(s) in tort or which could lie in tort, regardless of whether that may be the form of relief chosen by a claimant.

15. Termination of Easement.

- 15.1. This Easement constitutes a real property interest immediately vested in Conservancy, which the Parties stipulate to have a fair market value in the amount of the "Conservancy's Proceeds" described below. If a court with jurisdiction determines that conditions on or around the Property have changed so much that none of the conservation purposes of the easement created by this Deed can continue to be fulfilled, the court, at the joint request of Grantor and Conservancy, may terminate the easement created by this Deed. If condemnation of a part of the Property or of the entire Property by public or permitted authority renders it impossible to fulfill all of these conservation purposes, the easement may be terminated through condemnation proceedings.

If the Easement is terminated and the Property is sold or taken for public or permitted use in whole or in part, then Grantor and the Conservancy shall act jointly to recover the full fair market value of the affected portion of the Property valued as unencumbered by this Easement and all damages resulting from the condemnation or termination, and as required by Treasury Regulation Sec. 1.170A-14(g)(6), the Conservancy shall be entitled to a percentage of the gross sale proceeds or condemnation award in an amount which is at least equal to the ratio of the value of this Easement to the unrestricted fair market value of the Property **which is _____ % (_____ percent)**, as these values are determined as of the date of this Deed (the “**Conservancy’s Proceeds**”). The Conservancy’s Proceeds percentage shall remain constant. The Conservancy shall use the Conservancy’s Proceeds consistently with the conservation purposes of this Easement. The Conservancy’s remedies described in this Paragraph shall be cumulative and shall be in addition to any and all remedies now or hereafter existing at law or in equity, including the right to recover any damages for loss of Conservation Values as described in C.R.S. §38-30.5-108.

- 15.2. In making this Grant the Grantor has considered the possibility that uses prohibited by the terms of this Easement may become more economically valuable than permitted uses, and that neighboring properties may in the future be put entirely to such prohibited uses. It is the intent of both the Grantor and the Conservancy that any such changes shall not be deemed to be circumstances justifying the termination or extinguishment of this Easement in whole or in part. In addition, the inability of the Grantor, or Grantor’s heirs, successors, or assigns, to conduct or implement any or all of the uses permitted under the terms of this Easement, or the unprofitability of doing so, shall not impair the validity of this Easement or be considered grounds for termination of this Easement in whole or in part.
16. Interpretation. This Easement shall be interpreted under the laws of the State of Colorado, resolving any ambiguities and questions of the validity of specific provisions so as to give maximum effect to its conservation purposes and protection of the Conservation Values. Grantor intends this donation of a Deed of Conservation Easement to qualify for a deduction under Section 170(h) of the Code and for the credit under C.R.S. §39-22-522, all provisions of this Easement shall be interpreted to effectuate that intent, and a court may reform this Easement as necessary to effectuate such intent, while preserving the Conservation Values of the Property.
17. Perpetual Duration. The easement created by this Easement shall be a servitude running with the land in perpetuity. Every provision of this Easement that applies to Grantor or the Conservancy shall also apply to their respective agents, heirs, executors, administrators, assigns, and all other successors as their interests may appear. A Party’s rights and obligations under this Easement terminate upon transfer of the Party’s interest in this Easement or the Property, except that liability for acts or omissions occurring prior to transfer shall survive transfer.
18. Approvals. Certain activities herein are allowed only if the permission of the Conservancy is first obtained. When approval of the Conservancy is required, the Grantor must give notice to the Conservancy of the intention to undertake any activity which requires approval but is otherwise permitted herein. The notice shall inform the

Conservancy of all aspects of the proposed activity, including location, design, materials or equipment to be used, dates and duration, and any other relevant information and must be deemed sufficient by the Conservancy in its sole discretion for review of the proposed activity to constitute proper notice. The Conservancy shall have forty-five (45) days from the receipt of the notice to review the proposed activity and to notify the Grantor of any objections thereto. Except as provided herein where the Conservancy's approval may be withheld in its discretion, the approval may be withheld only upon a reasonable determination by the Conservancy that the action as proposed would be inconsistent with the purpose of this Easement and materially adversely impact the Conservation Values of the Property; the reason(s) for such determination shall be set forth with specificity by the Conservancy in such written notice to Grantor. Grantor shall not engage in the proposed act or use until Grantor receives the Conservancy's approval in writing. The Grantor shall be responsible for all reasonable costs of the Conservancy associated with the approval, including the Conservancy's reasonable attorney fees, unless the Parties agree otherwise.

19. Notices. Any notices required by this Easement shall be in writing and shall be personally delivered or sent by Federal Express or other similar courier service specifying the earliest available delivery, or by certified mail, return receipt requested, to the Grantor and the Conservancy, at the following addresses, unless otherwise notified:

To the Grantor:

City of Grand Junction c/o City Attorney
250 N. 5th Street
Grand Junction, CO 81501

To the Conservancy:

The Mesa County Land Conservancy dba Colorado West Land Trust
1006 Main Street
Grand Junction, CO 81501

20. Grantor's Title Warranty; Access. The Grantor warrants that it has good and sufficient title and legal and physical access to the Property, that the Conservancy has access to the Property for the purposes described in this Easement, that any mortgages, deeds of trust or monetary liens encumbering the Property are subordinate to the terms of this Easement, and hereby promises to defend the same against all claims from any persons. Grantor hereby grants to the Conservancy the right to access the Property for the purposes described herein, across any property owned by the Grantor, including this Property, or across any easements, rights of way or routes of access of any kind or description, now owned or later acquired by the Grantor, and to ensure that at all times the Conservancy has full right of access to the Property for the purposes described in this Easement. The Parties intend that this Easement encumber the Property, including any property accreted thereto, and including the Minerals, whether any such interest is now owned or is later acquired by the Grantor.
21. Grantor's Environmental Warranty. The Grantor warrants that it has no knowledge of a release or threatened release of Hazardous or Toxic Materials on the Property and promises to defend and indemnify the Conservancy, its successors and assigns, against

all litigation, claims, demands, penalties, and damages, including reasonable attorney's fees, arising from breach of this warranty.

22. Grantor's Other Warranties. Grantor is duly authorized (and if the Grantor is an entity it is properly organized and in good standing), and has taken all necessary actions to execute this Easement and this Easement is enforceable against Grantor in accordance with its terms. Grantor is in substantial compliance with the laws, orders, and regulations of each governmental department, commission, board, or agency having jurisdiction over the Property in those cases where noncompliance would have a material adverse effect on the Property or this Easement.
23. No Transfer of Development Rights. For purposes of this Easement, "**Development Rights**" are defined as all present or future rights to (i) construct, place, replace, enlarge, maintain or repair any improvements on the Property; or (ii) receive credit for density for development on or off the Property. By this Easement, Grantor conveys to the Conservancy all Development Rights associated with the Property except those Development Rights specifically reserved by Grantor herein. Under no circumstances shall any portion of the Property be used for the purpose of calculating or giving credits, which result in additional density of development, beyond what is allowed in this Easement, on or off of the Property. Grantor shall not grant access across the Property to or for the benefit of any other Property without the prior written permission of the Conservancy which permission it may withhold in its sole discretion.
24. Acceptance. As attested by the signature of its President affixed hereto, the Conservancy hereby accepts without reservation the rights and responsibilities conveyed by this Easement.
25. Recording. The Conservancy shall record this instrument in timely fashion in the official records of Mesa County, Colorado, and may re-record it at any time as may be required to preserve its rights in this Easement.
26. Non-Merger. Unless the Parties expressly state in writing that they intend a merger of estates or interests to occur, then no merger shall be deemed to have occurred hereunder or under any documents executed in the future affecting this Easement. This Easement shall not be extinguished, in whole or in part, through the legal doctrine of merger in view of the public interest in its enforcement and the public investment in:
(a) conservation in Colorado; (b) the Conservancy and its conservation efforts; (c) any consideration paid hereunder; and (d) any tax benefits derived from the donation or bargain sale of this Easement. This Easement cannot be abandoned, released, or affected by adverse possession.
27. No Third-Party Beneficiary. This Easement is entered into by and between the Grantor and the Conservancy, and except as provided herein, is solely for the benefit of the Grantor and the Conservancy, and their respective successors in interest and assigns and does not create rights or responsibilities in any third-parties.
28. Severability. If any provision of this Easement, or the application thereof to any person or circumstance, is found to be invalid, the remainder of the provisions of this Easement, or the application of such provision to persons or circumstances other than those as to which it is found to be invalid, as the case may be, shall not be affected thereby.

29. Successors. The covenants, terms, conditions, and restrictions of this Easement shall be binding upon, and inure to the benefit of, the Parties hereto and their respective personal representatives, heirs, successors, and assigns and shall continue as a servitude running in perpetuity with the Property.
30. Joint Obligation. In the event the Property is owned by more than one owner, all such owners shall be jointly and severally liable for the obligations imposed by this Deed upon Grantor.
31. Controlling Law. The interpretation and performance of this Easement shall be governed by the laws of the state of Colorado. Venue for any dispute concerning this Easement shall be Mesa County, Colorado.
32. Entire Agreement. This instrument sets forth the entire agreement of the Parties with respect to the Easement and supersedes all prior discussions, negotiations, understandings, or agreements relating to the Easement, all of which are merged herein.
33. Captions. The captions in this instrument have been inserted solely for convenience of reference and are not a part of this instrument and shall have no effect upon construction or interpretation.
34. Conservancy Acknowledgement of Donation (I.R.C. Sec. 170(f)(8)). The Conservancy acknowledges receipt and acceptance of this Easement encumbering the Property described herein, for which no goods or services were provided, except for the consideration, if any, recited above.
35. Recitals and Exhibits Incorporated. The Recitals, above, and the Exhibits attached hereto, are incorporated into this Easement and are a material part of this Easement.

TO HAVE AND TO HOLD this Deed of Conservation Easement unto the Conservancy, its successors and assigns forever.

Exhibit A – Legal Description of Property

MESA COUNTY, COLORADO

Parcel 1:

Block E, MONUMENT VALLEY SUBDIVISION, County of Mesa, State of Colorado

Parcel 2:

Block F, MONUMENT VALLEY SUBDIVISION, except a parcel of land for road purposes, being a part of Block F of Monument Valley subdivision, situate in Section 29, Township 1 South, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado and more particularly described as follows:

Beginning at a point on the North line of Block F of Monument Valley Subdivision which bears South 89°34'14" East, a distance of 773.70 feet from the Northwest corner of said Block F, which corner is also the Northwest corner of the Southwest Quarter of the Northwest Quarter of Section 29, Township 1 South, Range 1 West of the Ute Meridian, and considering the bearing between said Northwest corner and the Northeast corner of the Southwest Quarter of the Northwest Quarter of said Section 29 to bear South 89°34'14" East with all bearings contained herein relative thereto;

thence South 89°34'14" East, a distance of 66.87 feet to the Northeast corner of said Block F and the centerline of Monument Road;

thence along the East line of said Block F and the centerline of Monument Road along the arc of an 842.22 foot radius non-tangent curve concave to the Southeast an arc distance of 300.55 feet, through a central angle of 20°26'47", the chord of which bears South 45°16'06" West, a distance of 298.96 feet;

thence continuing along said line South 35°02'43" West, a distance of 134.60 feet;

thence leaving the centerline of Monument Road and continuing along the East line of said Block F, North 54°57'10" West, a distance of 30.00 feet;

thence continuing along said Block line along the arc of a 2,834.79 foot radius non-tangent curve concave to the Northwest an arc distance of 411.15 feet, through a central angle of 8°18'36", the chord of which bears South 39°12'01" West, a distance of 410.79 feet, to the Southeast corner of said Block F;

thence along the South line of said Block F and the North right-of-way line of South Camp Road the following two courses;

(1) North 46°09'45" West, a distance of 25.03 feet to the point of curvature of a 766.20 foot radius tangent curve to the left;

(2) thence along said curve an arc distance of 33.64 feet, through a central angle of 2°30'55", the chord of which bears North 47°25'13" West, a distance of 33.63 feet to a point of cusp;

thence leaving said South line of Block F along a 50.00 foot radius curve concave to the North, an arc distance of 77.66 feet, through a central angle of 88°59'37", the cord of which bears North 86°49'31" East, a distance of 70.09 feet; to a point of reverse curvature of a 2,824.79 foot radius tangent curve concave to the Southeast;

thence along said curve an arc distance of 359.08 feet, through a central angle of 7°17'00", the chord of which bears North 38°41'13" East, a distance of 358.83 feet;

thence along a tangent line North 35°02'43" East, a distance of 134.60 feet to a point of curvature of an 882.22 foot radius tangent curve to the right;

thence along said curve an arc distance of 259.97 feet, through a central angle of 16°53'02", the chord of which bears North 43°29'14" East, a distance of 259.03 feet to the point of beginning.

Exhibit B - Map of Property

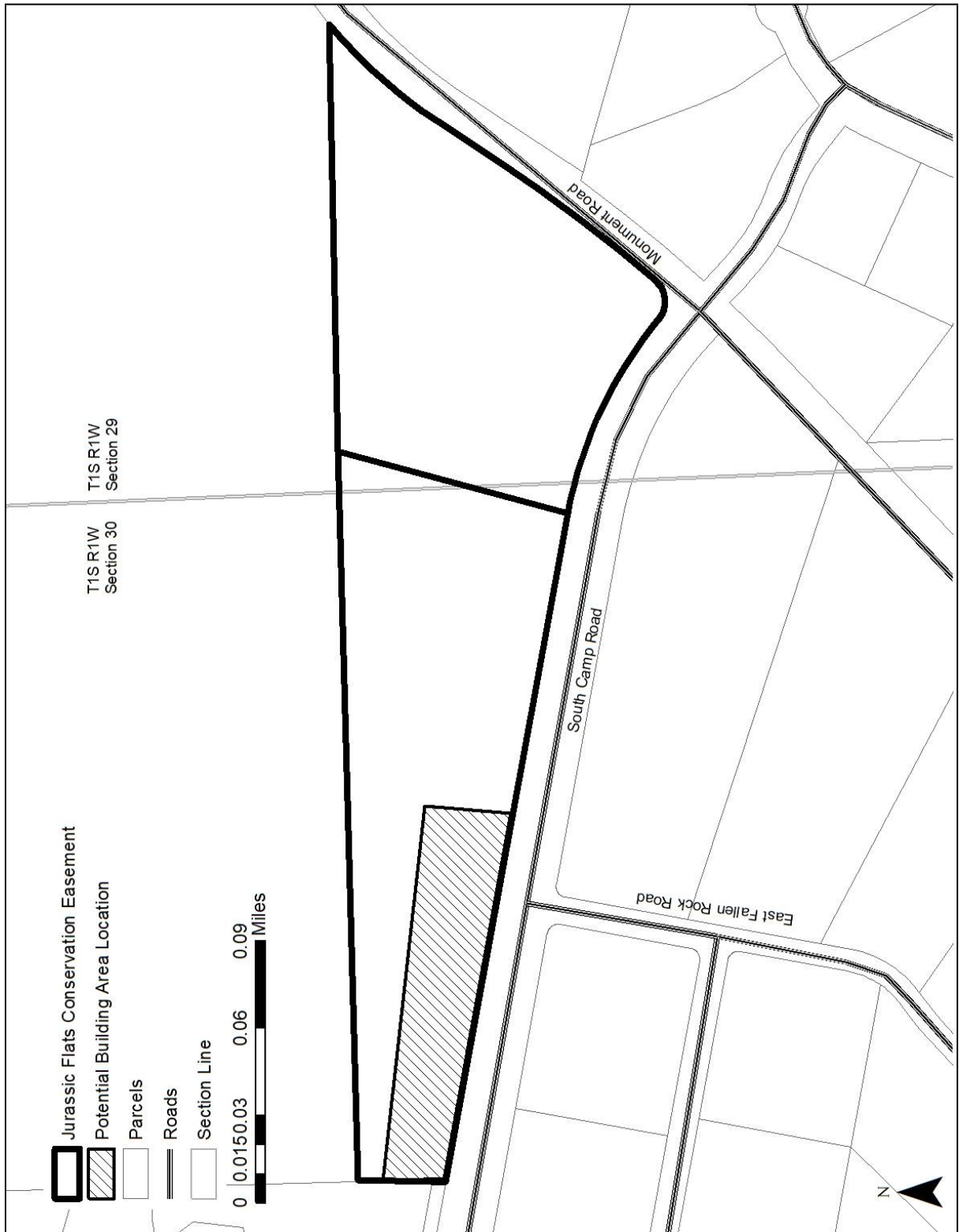


Exhibit B-1 – Description of Potential Building Area Location

MESA COUNTY, COLORADO

The Potential Building Area Location is located in Township 1S Range 1W in Section 30. It is defined by four corners in the following approximate locations:

1. 108 degrees, 37', 51.47"W and 39 degrees 2' 41.71" N
2. 108 degrees, 37', 42.99"W and 39 degrees 2' 40.88" N
3. 108 degrees, 37', 43.13"W and 39 degrees 2' 39.28" N
4. 108 degrees, 37', 51.56"W and 39 degrees 2' 40.69" N

RESOLUTION NO. __-20

**A RESOLUTION AUTHORIZING A CONSERVATION EASEMENT FOR
APPROXIMATELY 16 ACRES OF LAND KNOWN AS THE JURASSIC FLATS
PROPERTY FOR THE ONGOING DEVELOPMENT OF THE MONUMENT ROAD
TRAIL AND OTHER RECREATION AND CONSERVATION ACTIVITIES AND USES**

Recitals:

The intent of the Colorado West Land Trust (CWLT), and ultimately the City, is to acquire the Jurassic Flats Property, legally described in the conservation easement document, and place a conservation easement ("Conservation Easement") on it and deed it to the City as open space. An anonymous donor contributed \$300,000 to the CWLT, who then used these funds to purchase the property.

The Conservation Easement, in the form attached, contains restrictions on the use and development of the Property, which are intended to protect its open space and other trail based recreation and conservation values. The City Council has found that the Conservation Easement is consistent with the prior approval, provides benefits that are in the public interest and by and with the adoption of this Resolution authorizes the President of the City Council, on behalf of the City Council, to approve and sign the Conservation Easement for the purpose of forever conserving the open space character, wildlife habitat, and scenic qualities of the Property.

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

**The City Council does consent and agree to the execution this reservation of
Deed of Conservation Easement for the purpose of acknowledging that the
Property is being conveyed to the City subject to the terms of the Deed of
Conservation Easement, attached hereto and incorporated by this reference as if
fully set forth.**

Passed and adopted this 19th day of August, 2020.

C.E. "Duke" Wortmann
President of the City Council

ATTEST:

Wanda Winkelman
City Clerk

(Jurassic Flats Property, Mesa County, CO)

See **Exhibit “A”**, attached hereto and incorporated by reference.

IN WITNESS WHEREOF, this instrument is executed on the date written above.

By: _____

Title: _____

WITNESS my hand and official seal.

My commission expires: _____.

(SEAL)

Notary Public

Exhibit A – Legal Description of Property

MESA COUNTY, COLORADO

Parcel 1:

Block E, MONUMENT VALLEY SUBDIVISION, County of Mesa, State of Colorado

Parcel 2:

Block F, MONUMENT VALLEY SUBDIVISION, except a parcel of land for road purposes, being a part of Block F of Monument Valley subdivision, situate in Section 29, Township 1 South, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado and more particularly described as follows:

Beginning at a point on the North line of Block F of Monument Valley Subdivision which bears South 89°34'14" East, a distance of 773.70 feet from the Northwest corner of said Block F, which corner is also the Northwest corner of the Southwest Quarter of the Northwest Quarter of Section 29, Township 1 South, Range 1 West of the Ute Meridian, and considering the bearing between said Northwest corner and the Northeast corner of the Southwest Quarter of the Northwest Quarter of said Section 29 to bear South 89°34'14" East with all bearings contained herein relative thereto;

thence South 89°34'14" East, a distance of 66.87 feet to the Northeast corner of said Block F and the centerline of Monument Road;

thence along the East line of said Block F and the centerline of Monument Road along the arc of an 842.22 foot radius non-tangent curve concave to the Southeast an arc distance of 300.55 feet, through a central angle of 20°26'47", the chord of which bears South 45°16'06" West, a distance of 298.96 feet;

thence continuing along said line South 35°02'43" West, a distance of 134.60 feet;

thence leaving the centerline of Monument Road and continuing along the East line of said Block F, North 54°57'10" West, a distance of 30.00 feet;

thence continuing along said Block line along the arc of a 2,834.79 foot radius non-tangent curve concave to the Northwest an arc distance of 411.15 feet, through a central angle of 8°18'36", the chord of which bears South 39°12'01" West, a distance of 410.79 feet, to the Southeast corner of said Block F;

thence along the South line of said Block F and the North right-of-way line of South Camp Road the following two courses;

(1) North 46°09'45" West, a distance of 25.03 feet to the point of curvature of a 766.20 foot radius tangent curve to the left;

(2) thence along said curve an arc distance of 33.64 feet, through a central angle of 2°30'55", the chord of which bears North 47°25'13" West, a distance of 33.63 feet to a point of cusp;

thence leaving said South line of Block F along a 50.00 foot radius curve concave to the North, an arc distance of 77.66 feet, through a central angle of 88°59'37", the cord of which bears North 86°49'31" East, a distance of 70.09 feet; to a point of reverse curvature of a 2,824.79 foot radius tangent curve concave to the Southeast;

thence along said curve an arc distance of 359.08 feet, through a central angle of 7°17'00", the chord of which bears North 38°41'13" East, a distance of 358.83 feet;

thence along a tangent line North 35°02'43" East, a distance of 134.60 feet to a point of curvature of an 882.22 foot radius tangent curve to the right;

thence along said curve an arc distance of 259.97 feet, through a central angle of 16°53'02", the chord of which bears North 43°29'14" East, a distance of 259.03 feet to the point of beginning.

EXHIBIT 1

Exceptions to Title

- 1) Reservation of the right of the proprietor of a vein or lode to extract and remove his ore therefrom should the same be found to penetrate or intersect the premises as reserved in United States Patent recorded April 1, 1892 at **Certificate No. 587**.
- 2) Reservations of right of way for ditches or canals constructed by the authority of the United States as reserved in United States Patent recorded April 1, 1892 at **Certificate No. 587**.
- 3) Reservations of the right of the proprietor of a vein or lode to extract and remove his ore therefrom should the same be found to penetrate or intersect the premises as reserved in United States Patent recorded December 4, 1909 at **Reception No. 87375**.
- 4) Reservations of right of way for ditches or canals constructed by the authority of the United States as reserved in United States Patent recorded December 4, 1909 at **Reception No. 87375**.
- 5) Right of way, whether in fee or easement only, as granted to Public Service Company of Colorado by instrument recorded November 24, 2002 at **Reception No. 2161264**.
- 6) Improvement Survey Plat Block F Monument Valley Subdivision prepared by AES Land Services dated February 5, 2018 as Project No. 2018-0081SP-A which discloses the following: (a) existing trails/drives on Block E, and underground tel/cable, gas and power lines as to Block E and F.

EXHIBIT 2

Reserved Deed of Conservation Easement

(attach Deed of Conservation Easement)

PRESENT CONDITION REPORT

Jurassic Flats Property



Prepared by:

Stephen R. Wenger
P.O. Box 23298
Glade Park, CO 81523

For

Colorado West Land Trust
1006 Main Street
Grand Junction, CO 81501

June 1, 2020

ACKNOWLEDGMENT OF PRESENT CONDITION REPORT

Jurassic Flats Property Mesa County, Colorado

This document establishes the current condition of the Property for the purpose of protecting conservation values associated with the Property. This document (also known as the Baseline Report) provides necessary information to the Grantee to enforce the easement as required under Section 170a-14 (g)(5) of the Internal Revenue Code.

City of Grand Junction and Colorado West Land Trust acknowledge that they have read the "Present Condition Report," dated June 1, 2020 and that the report accurately reflects the condition of the Property subject to the easement, as of the date of conveyance of the easement.

CITY OF GRAND JUNCTION, A COLORADO HOME RULE MUNICIPALITY:

By: _____

Title: _____

COLORADO WEST LAND TRUST:

By: _____

Title: _____

STATE OF COLORADO }
COUNTY OF MESA } ss.

The foregoing instrument was acknowledged before me this ____ day of _____, _____, by _____, as _____ of City of Grand Junction, a Colorado Home Rule Municipality.

WITNESS my hand and official seal.
My commission expires: _____.

(SEAL)

Notary Public

STATE OF COLORADO }
COUNTY OF MESA } ss.

The foregoing instrument was acknowledged before me this ____ day of _____, _____, by _____, as _____ of Mesa County Land Conservancy Inc, DBA Colorado West Land Trust, a Colorado non-profit corporation.

WITNESS my hand and official seal.
My commission expires: _____.

(SEAL)

Notary Public

Contact Information

Ultimate Owner of Property Subject to Reserved Conservation Easement

City of Grand Junction
250 North 5th Street
Grand Junction, CO 81501
(970) 244-1501

Grantee

Colorado West Land Trust
1006 Main Street
Grand Junction, CO 81501
970-263-5443

Preparer

Stephen R. Wenger
P.O. Box 23298
Glade Park, CO 81523
970-256-9227

[Professional Wildlife Biologist - Botanist – Photographer: 30 years
experience in natural resource inventory and documentation]

Summary of Property Features

Owner:	Mesa County Land Conservancy Inc. c/o Colorado West Land Trust 1006 Main Street Grand Junction, CO 81501	
Assessor's Parcel #:	2945-292-01-001	7.29 ac
	2945-301-13-001	8.57 ac
Location:	Portions of the E ½ NE ¼ Section 30 and portions of W ½ NW ¼ Section 29, T1S, R1W, Ute Principal Meridian (generalized, not a legal description)	
Zoning:	PUD	
Description:	The Property is a 16 (+/-) acre irregular polygon of open land near the base of Colorado National Monument. The Property is occupied by native cold desert shrubland communities. There are two user made roads but no structures. It is bounded by private lands.	
Conservation Values	• Advances clearly delineated government policies supporting land conservation • Open space character • Scenic view shed and buffer along public roads • Wildlife habitat	

Legal Description

2945-292-01-001: BLK F MONUMENT VALLEY SUB SEC 29 1S 1W EXC ROW
AS DESC IN B-4110 P-373 RECP NO 2306036 MESA CO RECDS - 7.29AC

2945-301-13-001: BLK E MONUMENT VALLEY SUB SEC 30 1S 1W - 8.57AC

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INTRODUCTION

This document establishes the conservation values and provides a baseline report on the condition of the Jurassic Flats Property (hereafter 'the Property'), Mesa County, Colorado, at the time of conveyance of a conservation easement to the Colorado West Land Trust, a Colorado qualified non-profit land trust. The conservation easement pertains to two parcels owned by Mesa County Land Conservancy doing business as Colorado West Land Trust, which will soon be deeded to the City of Grand Junction. The goal of this conservation easement and transfer is to preserve open space and wildlife habitat, and to provide recreational access by linking adjoining public trails and lands managed by the Bureau of Land Management and the City of Grand Junction.

Conservation Values

(1) Open Space and Scenic Values

The Property qualifies as open space because it will be preserved for the scenic enjoyment of the general public and will yield a significant public benefit:

Open Space and Scenic Values.

The Property is in an essentially undeveloped condition with no structures, and remains in a relatively undisturbed natural state. The Property is visible to the general public from Colorado National Monument to the south. The Property is visible to the public from Monument Road and South Camp Road, which are adjacent to the Property and are the primary access to residents in the area as well as being traveled by visitors to Colorado National Monument from across the state, nation, and the world.

Significant public benefit.

There is likelihood that if the Property were not preserved, subdivision and development, as occurring elsewhere along Monument Road and South Camp Road, would contribute to the degradation of the scenic character of the area as well as the view shed from Colorado National Monument. Conservation of this Property will provide an important buffer to development along these county roads.

(2) Relatively Natural Habitat

- A majority of the Property remains in an essentially natural condition with native habitats. Native habitats include Shadscale/Galleta grass community and Greasewood flats. The east end of the Property is undisturbed and has well developed cryptobiotic soil crusts that provide nitrogen and resistance to erosion to the sandy and clayey soils.

Significant Public Benefit.

While the community types found on the Property are not rare in the region, they are the communities commonly displaced by development and agriculture in the grand valley. Conserving wildlife habitat and native plant species is essential to conserving wildlife. The Property is

habitat for resident and migratory wildlife species such as the white-tailed antelope ground squirrel, northern shrike, white crowned sparrow, Lark sparrow, and plateau striped whiptail. Preservation of the Property will enable the general public to enjoy wildlife all across their range.

(3) Supporting Government Policies

The conservation purposes of this Easement are recognized by, and the grant of this Easement will serve, the following clearly delineated governmental conservation policies:

- a. The Colorado Department of Agriculture statutes, Colorado Revised Statutes Sec. 35-1-101, *et seq.*, which provide in part that “it is the declared policy of the state of Colorado to conserve, protect, and encourage the development and improvement of its agricultural land for the production of food and other agricultural products.”
- b. Colorado Revised Statutes Sec. 38-30.5-101, *et seq.*, provides for the creation of conservation easements to maintain land “in a natural, scenic, or open condition, or for wildlife habitat, or for agricultural ... or other use or condition consistent with the protection of open land, environmental quality or life-sustaining ecological diversity.”
- c. The Colorado Wildlife and Parks and Outdoor Recreation statutes, Colorado Revised Statutes Sec. 33-1-101, *et seq.*, which provide that “it is the policy of the state of Colorado that the wildlife and their environment are to be protected, preserved, enhanced, and managed for the use, benefit, and enjoyment of the people of this state and its visitors,” and that “it is the policy of the state of Colorado that the natural, scenic, scientific, and outdoor recreation areas of this state are to be protected, preserved, enhanced, and managed for the use, benefit, and enjoyment of the people of this state and visitors of this state.”
- d. The Colorado Department of Transportation statutes, Colorado Revised Statutes §43-1-401, *et seq.*, provide that the preservation and enhancement of the natural and scenic beauty of this state is a matter of substantial state interest.
- e. The Western Governors’ Association Policy Resolution 08-21 supports “voluntary incentive-based methods for preserving open space, maintaining land and water for agricultural and timber production, wildlife, and other values.”
- f. Mesa Countywide Land Use Plan – Land Use Goal: “to protect ... the agricultural economy of Mesa County.”
- g. Mesa Countywide Land Use Plan – Agricultural Goal: “to encourage the conservation of agricultural and range lands capable of productive use.”

- h. Mesa Countywide Land Use Plan – Conservation Goal: “to encourage preservation of sustainable ecosystems.”
- i. Mesa Countywide Land Use Plan – Open Lands and Trails Goals: “to protect important open lands”, “new development should accommodate and protect wildlife habitats”, and “to assure that open land is recognized as a limited and valuable resource which must be conserved whenever possible.”

METHODS

Field inventory was conducted April 26, 2020 by a wildlife biologist-botanist-photographer and assistant botanist. Property features were mapped from aerial photos and ground observations taken with a Garmin GPS60CS and utilizing ESRI ArcView GIS software. Property lines and aerial photos are from Mesa County Assessor’s office. Maps and Figures in this document should be considered representations of Property features and do not replace legal descriptions or actual land surveys. Consultations were made with Libby Collins of Colorado West Land Trust.

DESCRIPTION

The Grand Valley occupies the edge of the Colorado Plateau physiographic province in a landscape dominated by dramatic geologic features. It is a broad valley formed by the Colorado River and the confluence of the Gunnison River. The Uncompahgre Plateau is a north-south trending geologic upwarp, the northern tip of which borders the Grand Valley on the southwest. The Redlands Fault runs along the edge of the upwarp and has resulted in abrupt and immense displacement of geologic layers, which forms the scenic sandstone canyons of Colorado National Monument.

The Jurassic Flats Property lies at the foot of this uplift on terrain that slopes gradually down to the Colorado River. The Property ranges in elevation from approximately 4830 ft to 4865 ft with gentle slopes and a shallow drainage that bisects it south to north. Vegetation is cold desert shrub lands comprised of shadscale and greasewood with grasses and forbs. A few junipers are present, as are invasive grasses and forbs, especially on the west end. There are no structures on the Property, but there are three “social roads” made by repeated usage originating at a small dirt parking area. Although in private ownership, the Property and adjacent lands have received dispersed public recreation for decades.

HISTORY AND CURRENT USE

Prehistoric peoples of the Western Archaic cultural tradition occupied western Colorado between B.C. 7000 and A.D. 1300. These nomadic hunting and gathering peoples utilized the Glade Park area. The Fremont Cultural tradition is generally believed to have derived from the Archaic Culture around

A.D. 400. Some authors believe peoples of the Archaic Culture living on the Uncompahgre Plateau continued their hunting and gathering lifeway and coexisted with the more sedentary peoples of Fremont Culture who practiced more agriculture. Rock art sites are found within Colorado National Monument.

The archeological record does not clearly show when Ute peoples arrived in the area but this likely occurred between A.D. 1150 and 1400. The Ute cultural tradition followed a nomadic hunting and gathering lifeway similar to the Archaic Tradition. Ute culture changed dramatically when they acquired horses around A.D. 1640 after the Spanish arrived in the Southwest. Various Ute bands occupied western Colorado until 1880 when they were confined to reservations. It is likely that peoples of these cultural traditions at least occasionally visited the Property.

The first patents on the land that includes the Property was filed with the Government Land Office in 1892 by George W. Bartle (portion in Section 30) and in 1909 by Benjamin E. Parke (gloreCORDS.blm.gov). The Property has changed configuration and owners over the intervening years. Mesa County Land Conservancy acquired the Property in September 2019. The Property is currently managed as open land.

IMPROVEMENTS

Roads

- Three dirt roads traverse portions of the Property as depicted in Figure 4
- Informal parking areas at intersection of Monument Road and South Camp road, and along South Camp Road where dirt roads originate
- Buried utilities along South Camp Road
- Derelict wire fence along portions of Monument Road

ECOLOGY

The ecology of the Property is characterized by hot, arid summers and cold winters. Soils are clays and sandy loams. Vegetation types associated with these soils and climate are referred to as cold desert community. Various species of saltbush dominate this community with shadscale and four-winged saltbush being the most common on the Property. These shrubs occur in association with Galleta grass. Other grasses include Indian rice grass, three awn, sand dropseed, and the invasive annual wheat and cheatgrass.

Greasewood dominates the eastern portion of the Property on poorly drained clay soils. Galleta and other grasses may occur in association, or greasewood can occur alone as a monoculture. There were large areas of well-developed cryptobiotic soil crusts in the greasewood community.

Forbs found on the Property include prickly pear cactus, globe mallow, snakeweed, spring parsley, evening primrose, showy golden aster, and

Thompson woolly loco. Woolly plantain, *Plantago patagonica* was common throughout. The cover photo, taken around 2004, shows evening primrose (*Oenothera albicaulis*) having a big year.

The Property is pretty heavily impacted by exotic species, (13 species) especially the western third of the Property where cheatgrass and other exotics dominate. This is probably due to a combination of human impacts and drought, where exotics can take advantage of meager moisture first.

Appendix A lists the species identified during inventory. Drought conditions existed at time of inventory with considerable dead grass evident. No plant inventory can ever be considered complete because nature is dynamic and ever-changing. Identified were 50 species (and/or genera) with 30 forbs, 12 grasses, and 8 trees and shrubs.

WILDLIFE

A variety of wildlife species utilize the habitats found on the Property. Mammals typical of these habitats are desert cottontail, rock squirrel, white-tailed antelope ground squirrel, deer mouse, red fox, and coyote. Ord's kangaroo rat could live here. The openness of the Property and proximity to busy roads and other human activity probably discourages use by larger mammals.

Birds typical of the habitats on the Property include lark sparrow, chipping sparrow, mourning dove, northern shrike, house finch, mountain bluebird, Say's phoebe, bushtit, violet-green swallow, magpie and raven. Raptors such as red-tailed hawk, golden eagle, and peregrine falcon may hunt over the Property.

Reptiles likely to be found on the Property include plateau striped whiptail, northern plateau lizard, collared lizard, desert striped whipsnake and gopher snake.

Figure 1: Property Location in Mesa County, Colorado

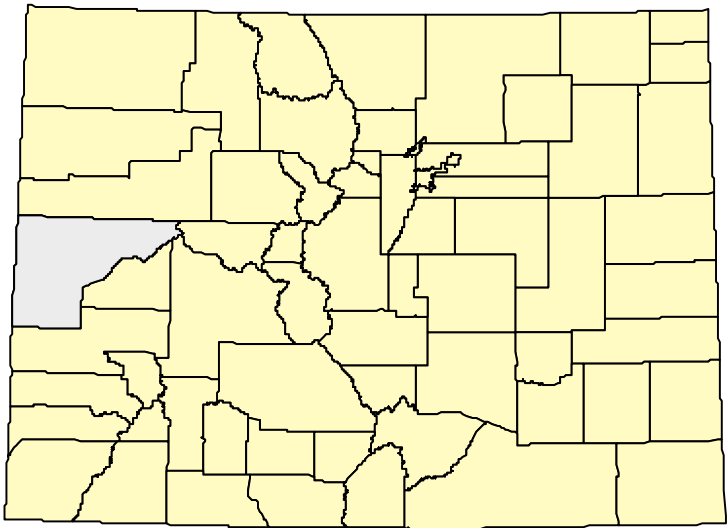
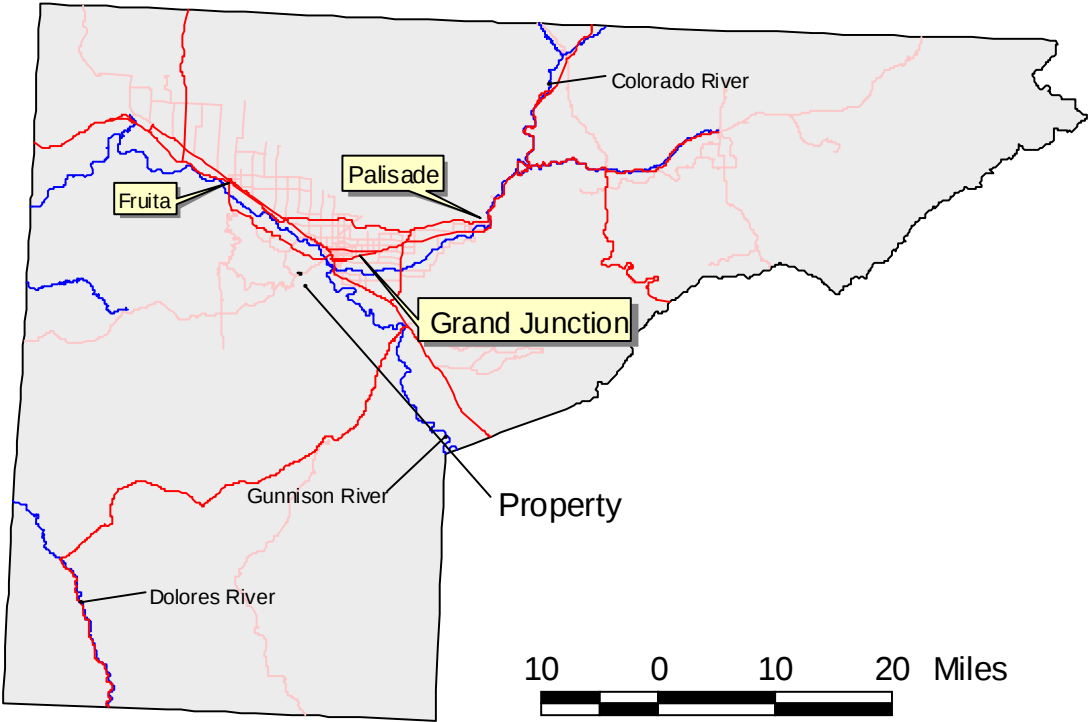


Figure 2: Property location on Portions of Grand Junction and Colorado National Monument Quadrangles, USGS Topographic Series

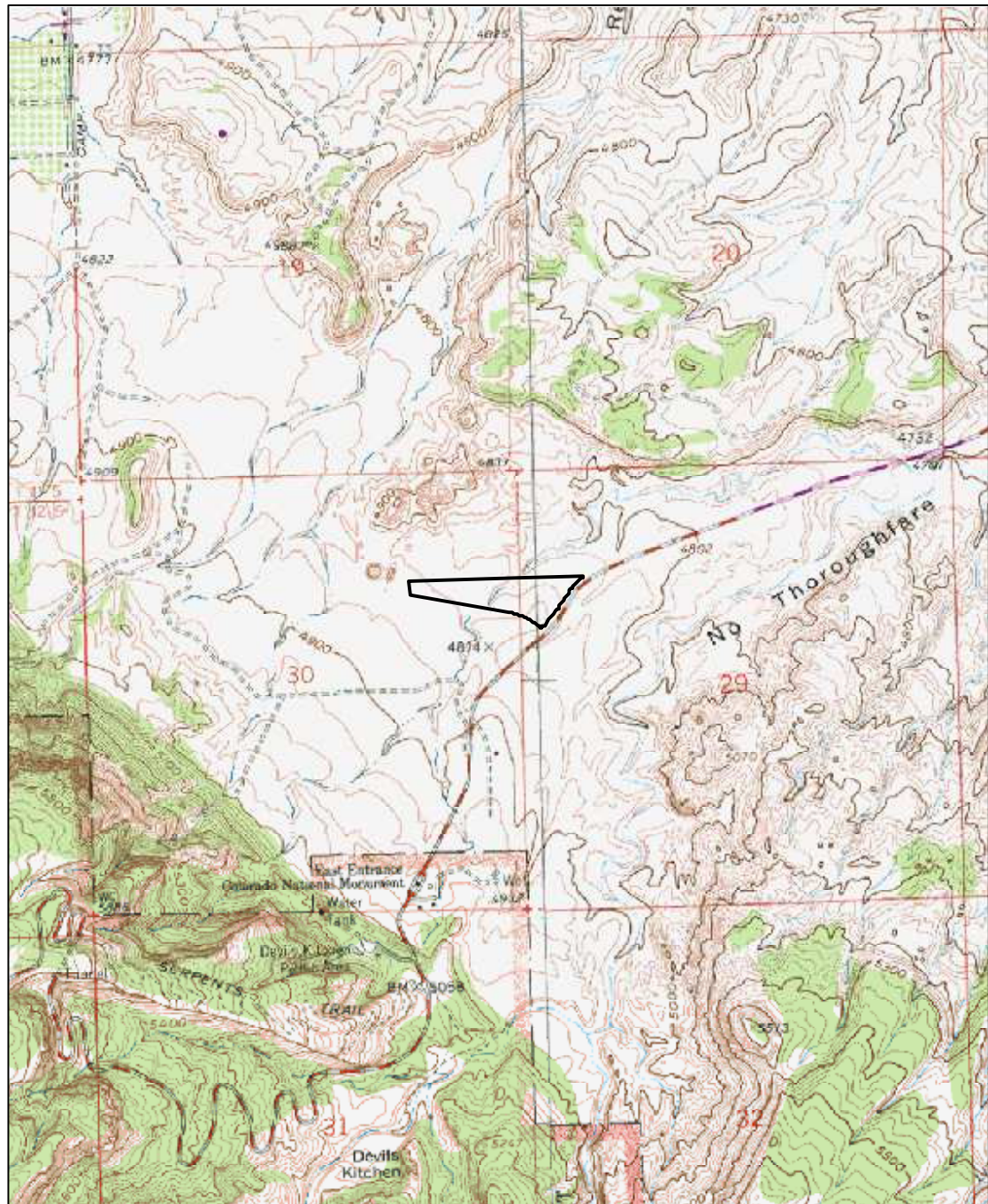


Figure 3: Aerial Photo of Property from Mesa County GIS Department (2019)

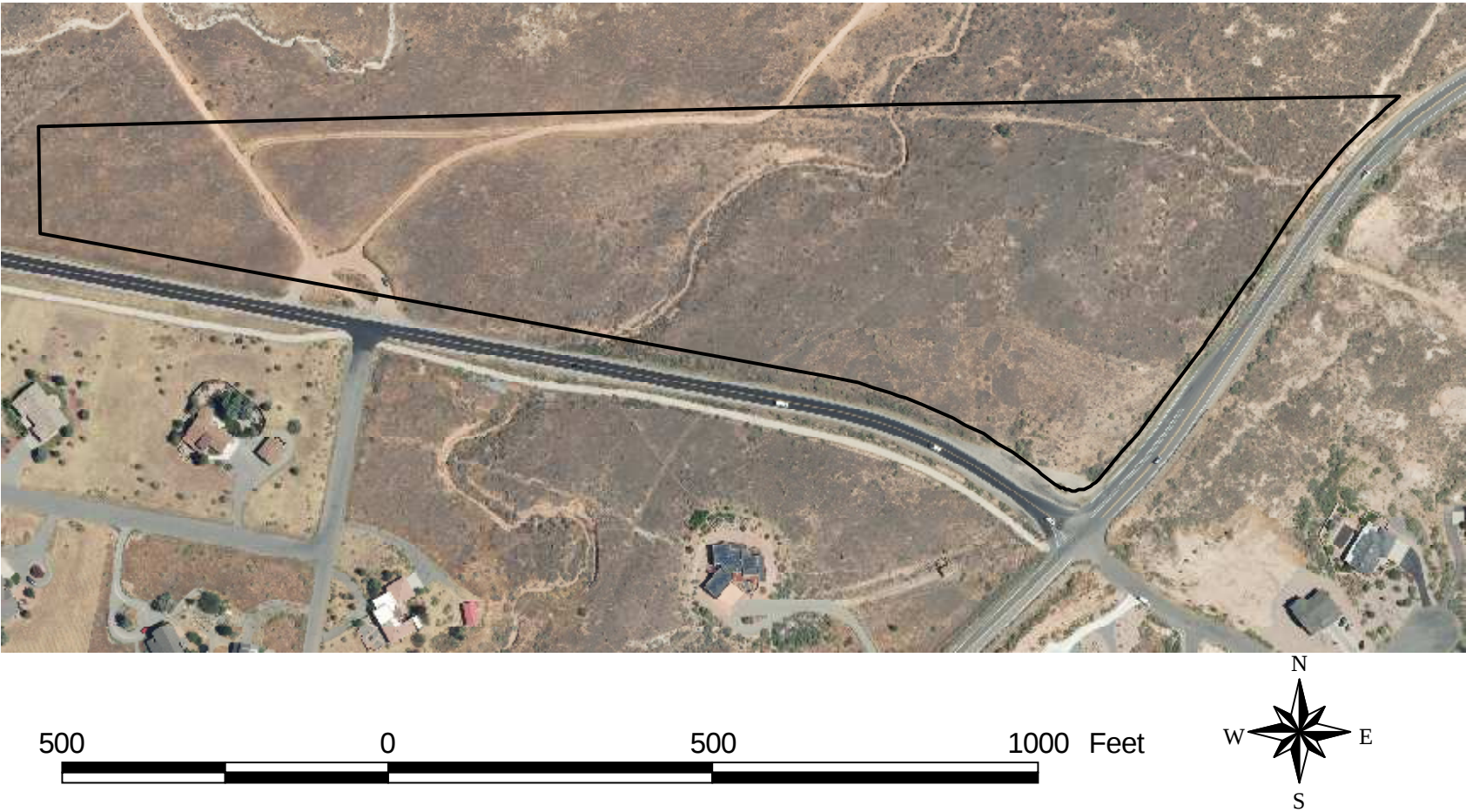


Figure 4: Vegetation and Infrastructure

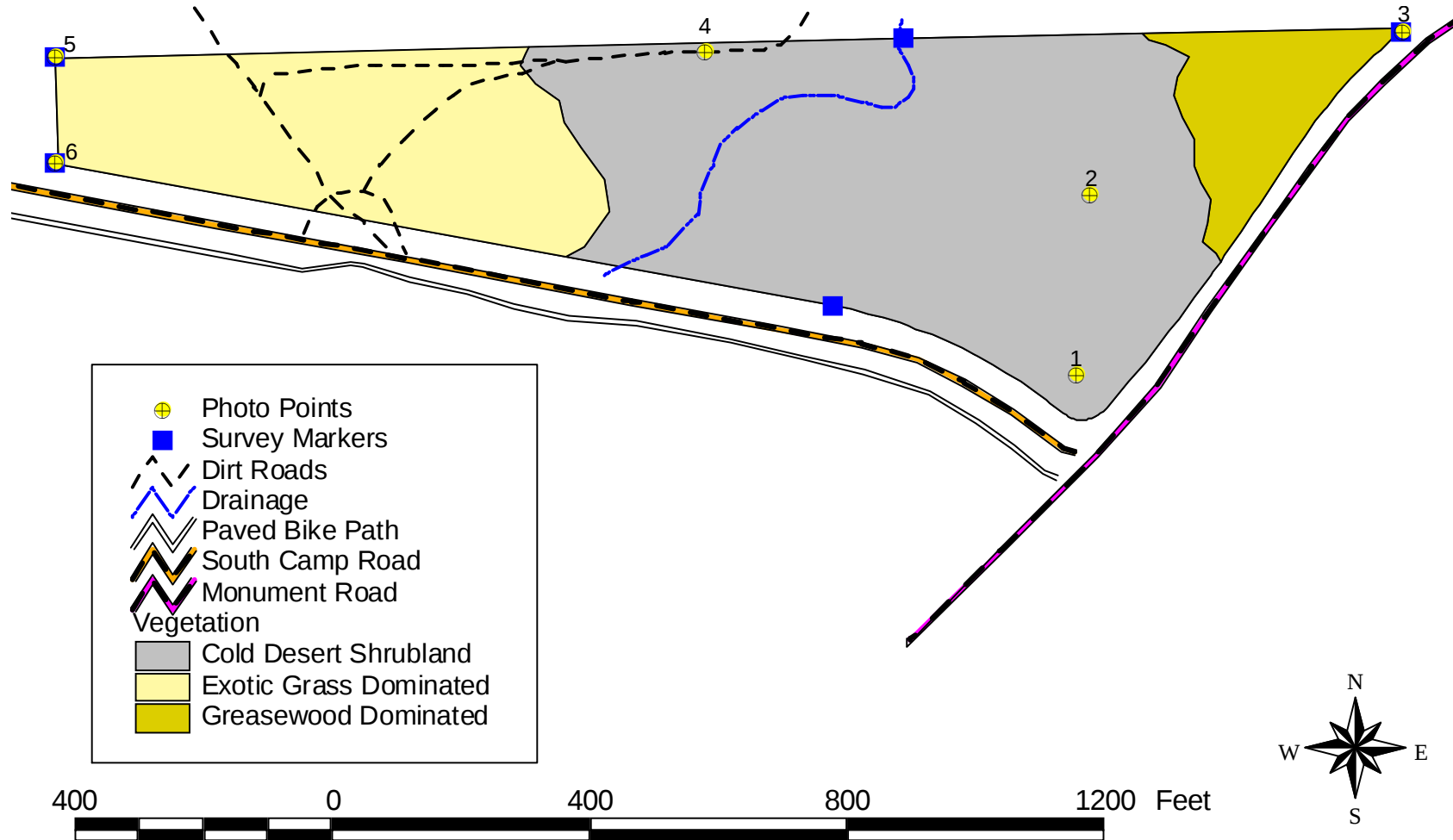
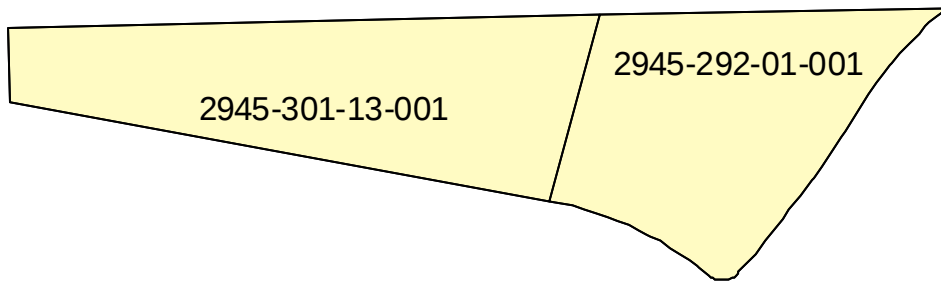


Figure 5: Soils and Parcel Numbers

One soil type encompasses the entire Property and is not considered “Prime Farmland of National Significance.”



Code	Soil Name	Percent Slope	Farmland
130	Sheppard Loamy Fine Sand	2-5	Not Prime

Figure 6: Road Map, Nearby Conservation Easement Properties and Public Land

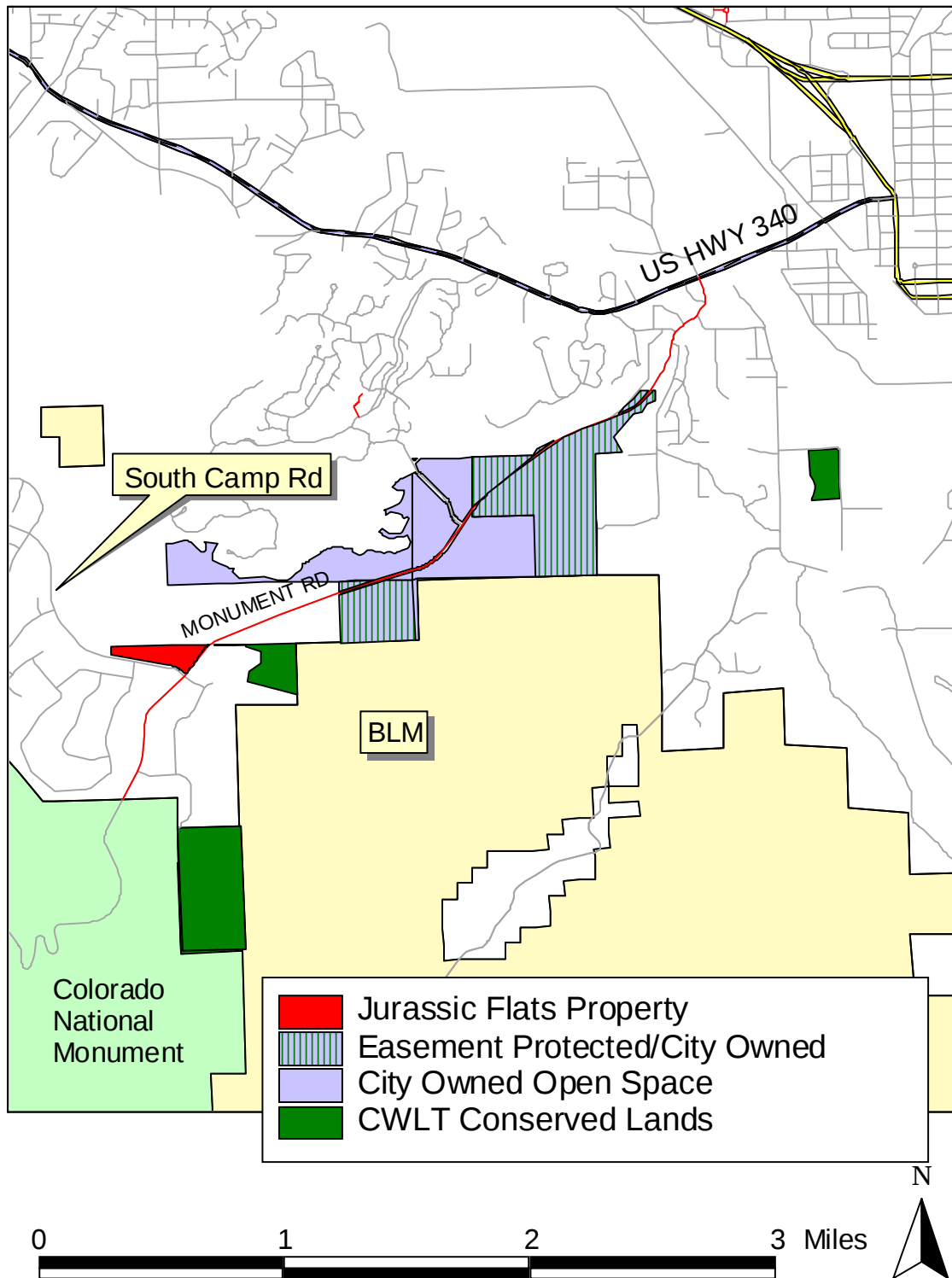




Photo Pt. 1. View west from knoll at intersection of Monument Road and South Camp Road. 4-26-20



Photo Pt. 1. View northeast with Monument Road at right.



Photo Pt. 2. View west from highest point of knoll at east-central end of Property.
4-26-20



Photo Pt. 2. East end of Property dominated by greasewood. Monument Road at right.



Photo Pt. 3. Northeast corner of Property looking southwest along Monument Road with Colorado National Monument in background. 4-26-20



Photo Pt. 3. View west along north boundary of Property. Property line at arrow.



Typical cryptobiotic soil in greasewood community at east end of Property.



Drainage at north edge of Property.



Photo Pt. 4. Typical dirt road along north edge of Property looking west.



Photo Pt. 5. View east along north edge of Property from the northwest corner.



Photo Pt. 6. View east from survey cap at southwest corner of Property. 4-26-20



Photo Pt. 6. East end of the Property looking north, corner marker at arrow.



Informal parking area along South Camp Road, at beginning of dirt road.

Appendix A: Plant Species

	Forbs		
ALDE	<i>Alyssum desertorum</i> Stapf	desert madwort	Brassicaceae
ARBI2	<i>Artemisia biennis</i> Willd.	biennial wormwood	Asteraceae
ASTRA	<i>Astragalus</i> L.	milkvetch	Fabaceae
ASMO7	<i>Astragalus mollissimus</i> Torr.	woolly locoweed	Fabaceae
CETE5	<i>Ceratocephala testiculata</i> (Crantz) Bess.	curvseed butterwort	Ranunculaceae
CHTE2	<i>Chorispora tenella</i> (Pallas) DC.	crossflower	Brassicaceae
COAR4	<i>Convolvulus arvensis</i> L.	field bindweed	Convolvulaceae
CYACF	<i>Cymopterus acaulis</i> (Pursh) Raf. var. <i>fendleri</i> (Gray) Goodrich	Fendler's springparsley	Apiaceae
CYBU	<i>Cymopterus bulbosus</i> A. Nels.	bulbous springparsley	Apiaceae
EPCI	<i>Epilobium ciliatum</i> Raf.	fringed willowherb	Onagraceae
GUSA2	<i>Gutierrezia sarothrae</i> (Pursh) Britt. & Rusby	broom snakeweed	Asteraceae
HEVI4	<i>Heterotheca villosa</i> (Pursh) Shinnars	hairy false goldenaster	Asteraceae
HYFI	<i>Hymenopappus filifolius</i> Hook.	fineleaf hymenopappus	Asteraceae
LYGR	<i>Lygodesmia grandiflora</i> (Nutt.) Torr. & Gray	largeflower skeletonplant	Asteraceae
MACA2	<i>Machaeranthera canescens</i> (Pursh) Gray	hoary tansyaster	Asteraceae
MAAF	<i>Malcolmia africana</i> (L.) Ait. f.	African mustard	Brassicaceae
OEAL	<i>Oenothera albicaulis</i> Pursh	whitest evening-primrose	Onagraceae
OECA10	<i>Oenothera caespitosa</i> Nutt.	tufted evening-primrose	Onagraceae
OPPH	<i>Opuntia phaeacantha</i> Engelm.	tulip pricklypear	Cactaceae
OPPO	<i>Opuntia polyacantha</i> Haw.	plains pricklypear	Cactaceae
PLPA2	<i>Plantago patagonica</i> Jacq.	woolly plantain	Plantaginaceae
RUHY	<i>Rumex hymenosepalus</i> Torr.	canaigre dock	Polygonaceae
SATR12	<i>Salsola tragus</i> L.	prickly Russian thistle	Chenopodiaceae
SIAL2	<i>Sisymbrium altissimum</i> L.	tall tumbledustard	Brassicaceae
SPCO	<i>Sphaeralcea coccinea</i> (Nutt.) Rydb.	scarlet globemallow	Malvaceae
SPPA2	<i>Sphaeralcea parvifolia</i> A. Nels.	smallflower globemallow	Malvaceae
STPA4	<i>Stephanomeria pauciflora</i> (Torr.) A. Nels.	brownplume wirelettuce	Asteraceae
SUMO	<i>Suaeda moquinii</i> (Torr.) Greene	Mojave seablite	Chenopodiaceae
TOIN	<i>Townsendia incana</i> Nutt.	hoary Townsend daisy	Asteraceae
TRDU	<i>Tragopogon dubius</i> Scop.	yellow salsify	Asteraceae
	Trees and Shrubs		
ARTRT	<i>Artemisia tridentata</i> Nutt. ssp. <i>tridentata</i>	basin big sagebrush	Asteraceae
ATCA2	<i>Atriplex canescens</i> (Pursh) Nutt.	fourwing saltbush	Chenopodiaceae
ATCO	<i>Atriplex confertifolia</i> (Torr. & Frém.) S. Wats.	shadscale saltbush	Chenopodiaceae
CHGR6	<i>Chrysothamnus Greenei</i> (Gray) Greene	Greene's rabbitbrush	Asteraceae

EPVI	Ephedra viridis Coville	mormon tea	Ephedraceae
ERNAN5	Ericameria nauseosa (Pallas ex Pursh) Nesom & Baird ssp. nauseosa var. nauseosa	rubber rabbitbrush	Asteraceae
JUOS	Juniperus osteosperma (Torr.) Little	Utah juniper	Cupressaceae
SAVE4	Sarcobatus vermiculatus (Hook.) Torr.	greasewood	Chenopodiaceae
	Grasses		
ACHY	Achnatherum hymenoides (Roemer & J.A. Schultes) Barkworth	Indian ricegrass	Poaceae
AGCR	Agropyron cristatum (L.) Gaertn.	crested wheatgrass	Poaceae
ARPU9	Aristida purpurea Nutt.	purple threeawn	Poaceae
BRTE	Bromus tectorum L.	cheatgrass	Poaceae
DISP	Distichlis spicata (L.) Greene	saltgrass	Poaceae
ERTR13	Eremopyrum triticeum (Gaertn.) Nevski	annual wheatgrass	Poaceae
HECO26	Hesperostipa comata (Trin. & Rupr.) Barkworth	needle and thread	Poaceae
PLJA	Pleuraphis jamesii Torr.	James' galleta	Poaceae
POBU	Poa bulbosa L.	bulbous bluegrass	Poaceae
POSE	Poa secunda J. Presl	Sandberg bluegrass	Poaceae
SPCR	Sporobolus cryptandrus (Torr.) Gray	sand dropseed	Poaceae
VUOC	Vulpia octoflora (Walt.) Rydb.	sixweeks fescue	Poaceae

Appendix B: Wildlife

Categorized as Typical, Possible, Observed

Typical includes species that may only be present seasonally or during migration.

	BIRDS	
	(Typical, Observed, Possible)	
	Common Name	Scientific Name
P	Turkey vulture	Cathartes aura
P	Northern harrier	Circus cyaneus
T	Red-tailed hawk	Buteo jamaicensis
T	Golden eagle	Aquila chrysaetos
T	American kestrel	Falco sparverius
P	Peregrine falcon	Falco peregrinus
P	Gambel's quail	Callipepla gambelii
P	Rock dove	Columba livia
T	Mourning dove	Zenaida macroura
P	Great horned owl	Bubo virginianus

T	Common nighthawk	Chordeiles minor
T	White-throated swift	Aeronautes saxatilis
T	Black-chinned hummingbird	Archilochus alexandri
P	Northern flicker	Colaptes auratus
P	Western wood-pewee	Contopus sordidulus
P	Gray flycatcher	Empidonax wrightii
T	Say's phoebe	Sayornis saya
P	Ash-throated flycatcher	Myiarchus cinerascens
P	Western kingbird	Tyrannus verticalis
P	Horned lark	Eremophila alpestris
T	Violet-green swallow	Tachycineta thalassina
P	Barn swallow	Hirundo rustica
P	Scrub jay	Aphelocoma coerulescens
T	Black-billed magpie	Pica pica
P	American crow	Corvus brachyrhynchos
T	Common raven	Corvus corax
P	Black-capped chickadee	Poecile atricapillus
P	Juniper titmouse	Baeolophus ridgwayi
T	Bushtit	Psaltirparus minimus
T	Rock wren	Salpinctes obsoletus
T	Blue-gray gnatcatcher	Poliophtila caerulea
T	Mountain bluebird	Sialia currucoides
P	American robin	Turdus migratorius
P	Sage thrasher	Oreoscoptes montanus
T	Northern shrike	Lanius excubitor
P	European starling	Sturnus vulgaris
P	Spotted towhee	Pipilo maculatus
T	Chipping sparrow	Spizella passerina
P	Brewer's sparrow	Spizella breweri
T,O	Lark sparrow	Chondestes grammacus
P	Black-throated sparrow	Amphispiza bilineata
T	White-crowned sparrow	Zonotrichia leucophrys
T	Dark-eyed junco	Junco hyemalis
T,O	Western meadowlark	Sturnella neglecta
T	House finch	Carpodacus mexicanus
P	Lesser goldfinch	Carduelis psaltria
P	House sparrow	Passer domesticus
	MAMMALS	
P	California myotis	Myotis californicus
T	Western pipistrelle	Pipistrellus hesperus
T	Big brown bat	Eptesicus fuscus
P	Pallid bat	Antrozous pallidus
T	Desert cottontail	Sylvilagus audubonii
P	Black-tailed jackrabbit	Lepus californicus
P	Least chipmunk	Eutamias minimus
P	Hopi chipmunk	Tamias rufus

T	White-tailed antelope squirrel	<i>Ammospermophilus leucurus</i>
T	Rock squirrel	<i>Spermophilus variegatus</i>
P	Ord's kangaroo rat	<i>Dipodomys ordii</i>
T	Deer mouse	<i>Peromyscus maniculatus</i>
P	Pinyon mouse	<i>Peromyscus truei</i>
P	White-throated woodrat	<i>Neotoma albigula</i>
P	Mexican woodrat	<i>Neotoma mexicana</i>
P	Coyote	<i>Canis latrans</i>
P	Red fox	<i>Vulpes vulpes</i>
P	Gray fox	<i>Urocyon cinereoargenteus</i>
P	Badger	<i>Taxidea taxus</i>
P	Striped skunk	<i>Mephitis mephitis</i>
P	Mule deer	<i>Odocoileus hemionus</i>
	AMPHIBIANS AND REPTILES	
P	Great Basin Spadefoot	<i>Spea intermontana</i>
P	Woodhouse's toad	<i>Bufo woodhousii</i>
T	Yellowhead collared lizard	<i>Crotaphytus collaris</i>
P	Short-horned lizard	<i>Phrynosoma douglassi</i>
P	Longnose leopard lizard	<i>Gambelia wislizenii</i>
T	Northern plateau lizard	<i>Sceloporus undulatus</i>
P	Colorado side-blotched lizard	<i>Uta stansburiana</i>
T,O	Plateau striped whiptail	<i>Cnemidophorus velox</i>
T	Desert striped whipsnake	<i>Masticophis taeniatus</i>
T	Great basin gopher snake	<i>Pituophis melanoleucus</i>
P	Midget faded rattlesnake	<i>Crotalus viridis</i>

Appendix C: Photo Points **UTM: NAD83 Zone 12**

Photo Pt	Lat	Long	Northing	Easting
1	39.04360444	-108.6254491	4324299	705503
3	39.04503155	-108.6236191	4324461	705657
2	39.04437399	-108.6253417	4324384	705510
4	39.04502241	-108.6274322	4324452	705327
5	39.04507253	-108.6309806	4324449	705020
6	39.04462276	-108.6309944	4324399	705020



Grand Junction City Council

Regular Session

Item #4.a.i.

Meeting Date: August 19, 2020

Presented By: Kristen Ashbeck, Principal Planner/CDBG Admin

Department: Community Development

Submitted By: Kristen Ashbeck, CDBG Administrator

Information

SUBJECT:

A Resolution Adopting the 2020 Program Year Annual Action Plan as a Part of the Grand Junction Five-Year Consolidated Plan for the Community Development Block Grant (CDBG) Program

RECOMMENDATION:

City Council approved the projects to be funded in the 2020 CDBG Program Year at its July 15, 2020 meeting.

EXECUTIVE SUMMARY:

The City will receive \$469,134 CDBG funding for the 2020 Program Year which will begin once the Annual Action Plan is approved and funds are released by the Department of Housing and Urban Development (HUD). The purpose of this hearing is to adopt the 2020 Annual Action Plan which includes allocation for 16 projects as part of the Five-Year Consolidated Plan.

BACKGROUND OR DETAILED INFORMATION:

CDBG funds are a Department of Housing and Urban Development (HUD) entitlement grant to the City of Grand Junction which became eligible for the funding in 1996. The City's 2020 Program Year will begin once the Annual Action Plan is approved and funds are released by the Department of Housing and Urban Development (HUD). For each CDBG Program Year, a new Annual Action Plan is completed and adopted as part of the Five-Year Consolidated Plan. Applications for funding were solicited and received by the City in March and then the deadline was extended to May. The City received grant requests of \$655,867 from outside agencies and has identified City

capital improvements projects totaling \$1,028,595 that would be eligible for CDBG funding for a total of \$1,028,595 in grant requests (excluding \$75,000 for program administration). On July 15, 2020 City Council approved the 2020 funding requests totaling \$469,134. A summary of the projects to be funded is included as an attachment.

FISCAL IMPACT:

2020 CDBG appropriation is \$469,134.

SUGGESTED MOTION:

I move to (adopt/deny) Resolution No. 51-20, a resolution adopting the 2020 Program Year Annual Action Plan as a part of the Grand Junction Five-Year Consolidated Plan for the Community Development Block Grant (CDBG) Program.

Attachments

1. Summary of 2020 Projects
2. DRAFT 2020 Annual Action Plan_City Council
3. 2020 Annual Action Plan Resolution

2020 COMMUNITY DEVELOPMENT BLOCK GRANT				
		2020 FUNDING ALLOCATION	469,134.00	FUNDS LEVERAGED
1 2020 Admin	City of Grand Junction Administration	Program Administration	\$75,000	
2 Services	Counseling and Education Center	Low Income Counseling Program	\$ 10,000	\$464,698
3 Services	HomewardBound of the Grand Valley	Homeless Shelter Bunk Beds and Storage	\$ 25,000	
4 Services	HopeWest	Children's Grief Program	\$ 10,000	\$449,768
5 Services	Marillac Clinic Inc.	Dental Equipment for Mesa County Human Services Clinic	\$ 6,201	\$8,924
6 Services	Hilltop	Latimer House Transporation	\$ 13,000	\$17,500
7 Facility Rehab	HomewardBound of the Grand Valley	Homeless Shelter Remodel	\$20,000	
8 Facility Rehab	STRiVE	Remodel Wood Shop	\$ 8,800	
9 Housing Rehab	STRiVE	Remodel 4 Group Homes	\$11,759	
10 Housing Rehab	Grand Junction Housing Authority	Linden Pointe Housing Rehabilitation	\$ 54,000	\$42,239
11 Facility Rehab	Community Food Bank	Roof Replacement on New Building	\$ 15,000	\$150,000
12 Housing Rehab	Karis, Inc.	Karis Housing Rehabilitations	\$ 40,000	\$245,210
13 Housing Rehab	Housing Resources of Western Colorado	Emergency Repair for Mobile Homes	\$ 15,000	
14 Public	City of Grand Junction Public Works	Elm Ave from 28 to 28 1/4	120,000	
15 Public	City of Grand Junction Parks and Rec	West Lake Park Improvement	\$ 25,374	
16 Public	City Utilities	Phase 3 Replacement of Lead Water Lines	\$20,000	
			469,134.00	\$1,378,339



Fifth Program Year Action Plan

Community Development Block Grant Program

HUD - CDBG

2020

The City of Grand Junction 2020 Community Development Block Grant (CDBG) Annual Action Plan was produced by the Grand Junction Community Development Department

For more information on the plan contact:

Para obtener más información sobre el plan ponerse en contacto:

Kristen Ashbeck
Principal Planner/CDBG Administrator

City of Grand Junction
Community Development Department
250 North 5th Street
Grand Junction, Colorado 81501

(970) 244-1491
kristena@gjcity.org

Written comments must be submitted to the City no later than September 4, 2020 at 4:30 pm

Los comentarios escritos deben ser presentados a la ciudad a más tardar el 4 de septiembre 2020 a las 4:30 pm

AP-05 Executive Summary - 24 CFR 91.200(c), 91.220(b)

Introduction

In 1996 the US Department of Housing and Urban Development (HUD) established Grand Junction as a community entitled to receive Community Development Block Grant (CDBG) funds. Every five years the City prepares and adopts a new five-year consolidated plan. The current Five-Year Consolidated Plan was adopted by the Grand Junction City Council in June 2016. In addition, each year the City prepares and adopts a program year action plan, which becomes a part of the five-year consolidated plan. Applications for CDBG funds are made available to all interested parties in February with a March deadline for each Program Year. Applications that are funded become a part of the respective program year action plan. The 2020 Program Year Annual Action Plan outlines how the City of Grand Junction intends to spend CDBG funds during the time period from September 1, 2020 through August 31, 2021. The objectives and proposed outcomes identified in the 2020 Annual Action Plan are to address decent housing, human services and non-housing community development needs. Specific proposed outcomes and objectives for the 2020 Program Year that reflect the City's Five-Year Consolidated Plan objectives are discussed in the full Annual Action Plan report.

Summarize the Objectives and Outcomes Identified in the Plan

The 2016 Five-Year Consolidated Plan integrates economic, physical, environmental, community and human development activities in Grand Junction in a comprehensive and coordinated manner so that agencies, groups, and all citizens can work together to improve the quality of life of its residents. Consolidated Plan objectives and specific needs have been identified along with actions that define how the community will respond over the life of the Five-Year Consolidated Plan. The Consolidated Plan has three Objectives:

Create a Suitable Living Environment

1. Need for Non-Housing Community Development Infrastructure
2. Need for Neighborhood Program
3. Special Needs Populations and Other Human Service Needs
4. Youth

Provide Decent Affordable Housing

1. Increase the inventory of affordable housing units
2. Address lead-based paint hazards
3. Prevent and Reduce Homelessness

Create Economic Opportunities

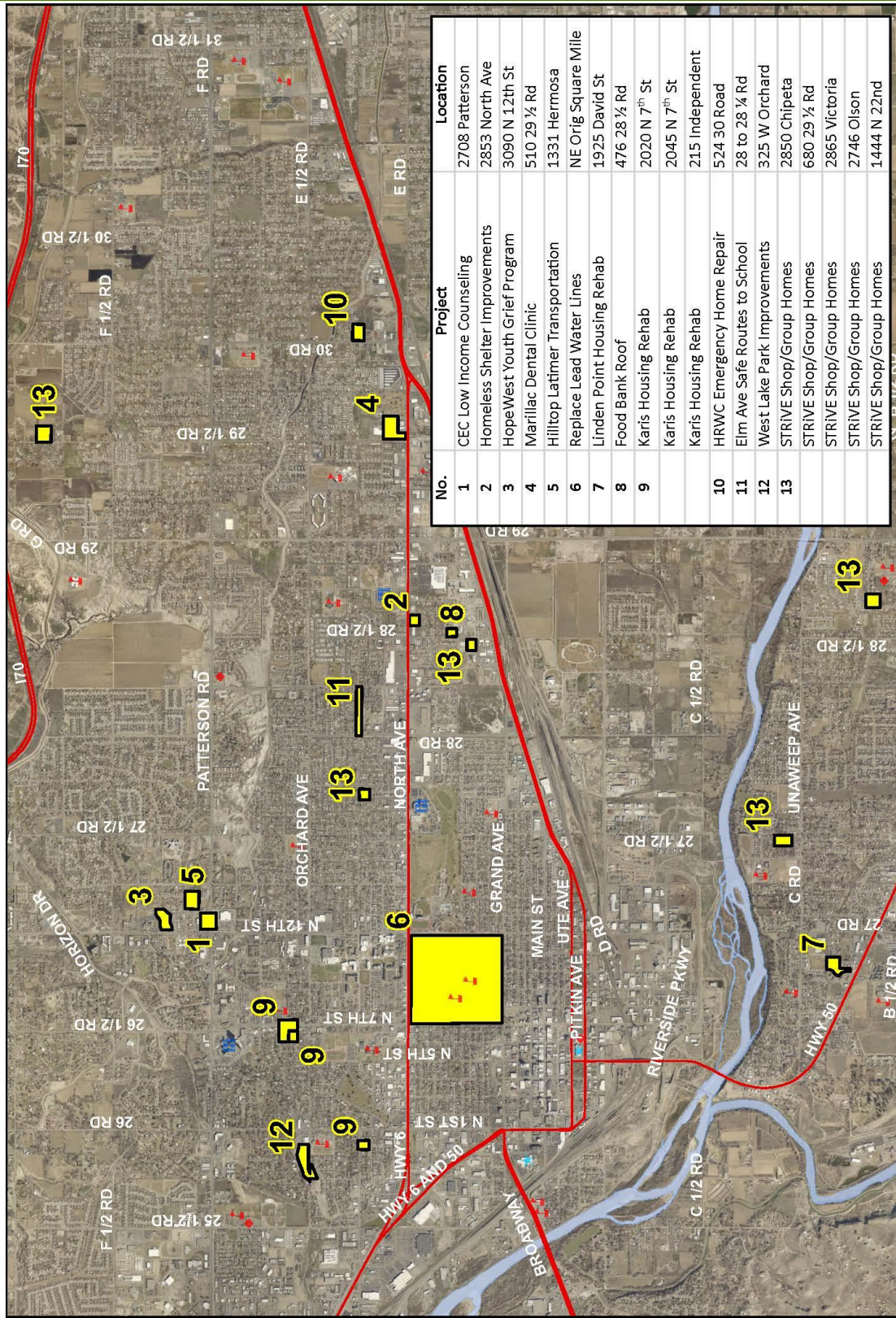
1. Childcare
2. Economic Development

Proposed objectives and outcomes within the 2020 Program Year include the activities listed in section AP-35, shown on the following map and summarized by goal to be addressed below.

1. CDBG program administration and furthering fair housing - administer program including staff salary, subrecipient monitoring, reporting, public participation, training, fair housing activities and completion of the Analysis of Impediments to Fair Housing (AI) and 5-Year Consolidated Plan to be adopted at the end of the 2020 Program Year.

2. Suitable Living Environment - Non-Housing: STRiVE Remodel Shop - Place of Employment for Disabled; Community Food Bank Roof Replacement; Elm Avenue Safe Neighborhood Route 28 to 28-1/4 Road; and West Lake Park Improvements.
3. Suitable Living Environment - Homeless: HomewardBound Community Homeless Shelter Services and Building/Grounds Improvements; and Karis, Inc. Housing for Homeless Youth Rehabilitation of 3 units.
4. Suitable Living Environment - Services: CEC Low Income Counseling; HopeWest Children's Grief Program; Marillac Satellite Clinic Dental Equipment; and Hilltop Latimer House Transportation
5. Decent Affordable Housing: STRiVE Group Home Rehabilitation; GJHA Linden Pointe Housing Rehabilitation; Housing Resources of Western Colorado Emergency Home Repair; and Replacement of Lead Water Service Lines in Downtown Neighborhoods

CDBG 2020 Action Plan Projects



Evaluation of Past Performance

The past performance of the City of Grand Junction and its CDBG subrecipients has been thorough and timely. Many persons with low and moderate income have benefited through housing activities, human services and community facilities construction. A summary of the CDBG activities for the previous program year with progress status is provided below.

2019 Program Year – Activities Completed Except as Noted

- Program Administration
- CEC Low Income Counseling
- HomewardBound Services and Site Improvements
- Garden Village Apartments Window Replacement
- Karis Inc. Appliances for The Home (Underway)
- Partners Program Office Roof Replacement (Underway)
- Western Slope Center for Children Office Improvements
- Replace Lead Water Service Lines (Underway)
- Lighting Improvements in Neighborhood Parks
- ADA Accessibility Improvements
- B Road/Mesa View Elementary Safe Routes to School
- B-1/2 and 27-1/2 Road Safe Neighborhood Pedestrian Route
- Lorey Drive from Westlake Park to 1st Street
- Marillac Clinic Medical Exam Room Upgrades
- Riverside Educational Center Van Purchase
- STRIVE Audyssey Autism Clinic

All Consolidated Plan Objectives will be monitored and reported to the U.S. Department of Housing and Urban Development (HUD) by their outcomes. This outcome and performance-based measurement includes 1) availability/accessibility; 2) affordability; and 3) sustainability, promoting livable and viable communities.

Though the competition for CDBG funds has continually increased since program inception and the amount of annual CDBG funds remains steady, the City will continue to make an effort to balance disbursement of these funds between the various needs of the community over the course of the Five-Year Consolidated Plan.

Summary of Citizen Participation and Consultation Process

The City has adopted a Citizen Participation Plan to describe citizen involvement in the Five-Year Consolidated Plan and Annual Action Plans. The City's Community Development Department, as lead agency for the Consolidated Plan and Action Plan, has invited human service agencies and citizen involvement. The findings and needs identified by those who serve and work with the low/moderate income populations are the basis of the Plan. The City has met the requirements of the Citizens Participation Plan by publishing public notices and holding public meetings.

A meeting was held in February 2020 to inform and receive input from the public. Invitations were mailed to over 60 citizens, housing entities and human service providers throughout the area. An advertisement was placed in the Daily Sentinel inviting citizens to participate. Efforts to broaden public participation included invitations to and working with agencies that serve minority, disabled and special

needs populations regarding CDBG applications for funding. These agencies include the Riverside Task Force Inc, Mind Springs Health, STRIVE, Hilltop Community Resources, Gray Gourmet, Foster Grandparents, Western Colorado Center for Children, Riverside Education Center and The Arc of Mesa County. Of these, applications were received from STRIVE and Riverside Education Center. In total, the City received 25 requests for CDBG funding that totaled \$1,759,462.

On July 15, 2020 a public hearing before City Council was held to discuss projects and determine funding for the 2020 Program Year. On August 19, 2020 City Council will conduct a public hearing to seek public comment and consider adoption of the 2020 Annual Action Plan. The City of Grand Junction will, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities to participate in City Council meetings; none were requested for the July 15, 2020 public meeting; aids and services will be available for the August 19, 2020 public meeting.

A 30-day public review period will occur from August 3 to September 4, 2020. The Annual Action Plan will be available in the City Community Development Department, the City Clerk's office and on the City's web site. A note in Spanish language is included on the cover page that the Community Development Department should be contacted if someone requests the document in the Spanish language. The City also has phone translation services available as requested.

Legal notices for public meetings were placed in the local newspaper, in both English and Spanish. In addition, the legal notice for the Annual Action Plan public hearing included a statement regarding the location of the public hearing. City Hall is accessible to people with disabilities: "The City of Grand Junction will, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities to participate in City Council meetings. If you are planning to attend the public meeting and require special assistance, please notify the City Clerk's office at 970-244-1509 at least one day in advance to the meeting. TDD access is available through Colorado Relay at 711."

Summary of Public Comments

The opportunities for public input described above comply with the City's CDBG Citizen Participation Plan. Five members of the public addressed City Council at its July 15, 2020 meeting, representing awardees of 2020 CDBG funding. The agencies summarized their activities in the community and appreciated consideration by City Council for funding. This section will be updated after the public hearings are completed.

Summary of Comments Not Accepted and Reasons for Not Accepting Them

This section will be updated after the public hearings are completed.

PR-05 Lead and Responsible Agencies – 91.200(b)

Agency Role	Name	Department/Agency
Lead Agency	GRAND JUNCTION	
CDBG Administrator	GRAND JUNCTION	Community Development Department
HOPWA Administrator		
HOME Administrator		
HOPWA-C Administrator		

Table 1 – Responsible Agencies

The City of Grand Junction is the lead agency administering the development and implementation of this plan. The Grand Junction Housing Authority, Housing Resources of Western Colorado, the Mesa County Departments of Health and Human Services, and many local nonprofit and faith-based organizations are key stakeholders and decision-makers in administering activities described in the plan. The City of Grand Junction is entering its twenty-fifth year as an entitlement community that receives Community Development Block Grant (CDBG) funding. This plan covers requirements for use of those funds. The time period covered by this plan is September 1, 2020 through August 31, 2021.

Consolidated Plan Public Contact Information

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Grand Junction Colorado 81501

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kristena@gjcity.org

AP-10 Consultation – 91.100, 91.200(b), 91.215(I)

Development of the Five-Year Consolidated Plan and each subsequent Annual Action Plan is a community effort, managed by the City of Grand Junction. The City conducts consultations and communicates electronically with representatives of various organizations, and meets in focus groups to formulate the Plans. The community entities played a major role in identifying the needs of low and moderate income persons in the Grand Junction area. The primary participating agencies are summarized in Table 2.

Summary of Activities to Enhance Coordination between Housing providers and Governmental Health, Mental Health and Service Agencies - 91.215(I)

The City of Grand Junction provides for and encourages citizen participation, especially by: very low, low and moderate income persons; persons that live in areas that CDBG funds are proposed to be used; persons living in slum and blighted areas; minority residents; residents of assisted housing; non-English speaking persons; persons with disabilities; and nonprofit agencies who are currently providing direct services to the persons above. The City encourages participation through the CDBG planning process, including identification of priority needs, adoption of goals, objectives and strategies, development of the Five-Year Consolidated Plan and Annual Action Plans, substantial amendments to the plans, and the Consolidated Annual Performance and Evaluation Report. In addition, the City has on-going interaction with these agencies as sub-recipients or through participation in various local organizations and ad-hoc work groups.

Coordination with the Continuum of Care and Efforts to Address the Needs of Homeless Individuals and Families

The Continuum of Care is a local system for helping people experiencing or are at imminent risk of homelessness by providing housing and services appropriate to the range of needs in the community. The most recent point in time survey was conducted in January 2020 and resulted in an estimated population of 1,074 sheltered and 485 unsheltered homeless persons. Children are more difficult to identify but it is estimated there are 500 unaccompanied youth and children by McKinney-Vento standards. In Grand Junction, the Shelter component is served by: Community Homeless Shelter, Rescue Mission, Grand Valley Catholic Outreach (GVCO), Karis, Inc. and the Latimer House. Food and Day Services are provided by GVCO Day Center and Soup Kitchen, District 51 REACH, KidsAid program, Salvation Army Day Center and food banks. The Housing component is provided by the Grand Junction Housing Authority (GJHA) Next Step program, the Phoenix Project, Pathways Village, GVCO Permanent Supportive Housing and Karis, Inc. Case Management is covered by many agencies but primarily GVCO, GJHA and HomewardBound. The City coordinates with all of these agencies in various ways as described above.

Consultation with the Continuum(s) of Care to Determine Allocation and Use of ESG Funds

The City of Grand Junction does not receive ESG Funds but does provide letters of support/certification for other agencies that seek these funds, indicating that its goals are consistent with the adopted Five-Year Consolidated Plan.

Table 2 – Agencies, groups, organizations who participated

1	Agency/Group/Organization	City of Grand Junction
	Agency/Group/Organization Type	Other government - Local Major Employer
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Non-Housing Public Infrastructure
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The City of Grand Junction is the lead coordinating agency for development of the Consolidated Plan and subsequent Annual Action Plans. Several departments helped identify non-housing community development needs.
2	Agency/Group/Organization	Grand Junction Housing Authority
	Agency/Group/Organization Type	Housing PHA Services - Housing
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Public Housing Needs Homeless Needs - Families with children Homelessness Needs - Veterans
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The Grand Junction Housing Authority participates in focus group and public meetings, provides data and reviews draft sections of the Plan. The agency was interviewed by the City's consultant for the Grand Valley Housing Needs Assessment (HNA). The information provided was used to develop the HNA and Analysis of Impediments to Fair Housing Choice which, in turn, helped guide the 2016-2020 Consolidated Plan and subsequent Annual Action Plans. Representatives from 24 agencies that provide services in the areas of housing, health, homeless, advocacy, education, neighborhood engagement, community development, fair housing, human services, and substance abuse attend meetings. Discussions help identify the priority needs for the Consolidated Plan.
3	Agency/Group/Organization	Housing Resources of Western Colorado
	Agency/Group/Organization Type	Housing Services - Housing Service-Fair Housing

	What section of the Plan was addressed by Consultation?	Housing Need Assessment Anti-poverty Strategy Lead-based Paint Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Housing Resources of Western Colorado participates in focus group and public meetings, provides data and reviews draft sections of the Plan. The agency was interviewed by the City's consultant for the Grand Valley Housing Needs Assessment (HNA). The information provided was used to develop the HNA and Analysis of Impediments to Fair Housing Choice which, in turn, helped guide the 2016-2020 Consolidated Plan and subsequent Annual Action Plans. Representatives from 24 agencies that provide services in the areas of housing, health, homeless, advocacy, education, neighborhood engagement, community development, fair housing, human services, and substance abuse attend meetings. Discussions help identify the priority needs for the Consolidated Plan.
4	Agency/Group/Organization	Grand Valley Catholic Outreach
	Agency/Group/Organization Type	Housing Services - Housing Services-homeless Services-Employment Service-Fair Housing
	What section of the Plan was addressed by Consultation?	Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Strategy Anti-poverty Strategy

	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Grand Valley Catholic Outreach participates in focus group and public meetings, provides data and reviews draft sections of the Plan. The agency was interviewed by the City's consultant for the Grand Valley Housing Needs Assessment (HNA). The information provided was used to develop the HNA and Analysis of Impediments to Fair Housing Choice which, in turn, helped guide the 2016-2020 Consolidated Plan and subsequent Annual Action Plans. Representatives from 24 agencies that provide services in the areas of housing, health, homeless, advocacy, education, neighborhood engagement, community development, fair housing, human services, and substance abuse attend meetings. Discussions help identify the priority needs for the Consolidated Plan.
5	Agency/Group/Organization	MESA COUNTY
	Agency/Group/Organization Type	Services-Children Services-Elderly Persons Services-Persons with Disabilities Services-Health Services-Employment Health Agency Child Welfare Agency Other government - County Major Employer
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Non-Homeless Special Needs Economic Development
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Various departments of the Mesa County government participate in focus group and public meetings, provide data and reviewed draft sections of the Plan. Representatives from 24 agencies that provide services in the areas of housing, health, homeless, advocacy, education, neighborhood engagement, community development, fair housing, human services, and substance abuse attend meetings. Discussions help identify the priority needs for the Consolidated Plan.
6	Agency/Group/Organization	Mind Springs Health West
	Agency/Group/Organization Type	Services-Health Health Agency

	What section of the Plan was addressed by Consultation?	Housing Need Assessment Non-Homeless Special Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Mind Springs Health participates in focus group and public meetings and provide data. Representatives from 24 agencies that provide services in the areas of housing, health, homeless, advocacy, education, neighborhood engagement, community development, fair housing, human services, and substance abuse attend meetings. Discussions help identify the priority needs for the Consolidated Plan.
7	Agency/Group/Organization	STRIVE
	Agency/Group/Organization Type	Housing Services-Children Services-Persons with Disabilities Services-Health Services-Employment
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Non-Homeless Special Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	STRIVE participates in focus group and public meetings, provided data and review draft sections of the Plan. Representatives from 24 agencies that provide services in the areas of housing, health, homeless, advocacy, education, neighborhood engagement, community development, fair housing, human services, and substance abuse attend meetings. Discussions help identify the priority needs for the Consolidated Plan.
8	Agency/Group/Organization	Hilltop
	Agency/Group/Organization Type	Housing Services - Housing Services-Children Services-Elderly Persons Services-Persons with Disabilities Services-Victims of Domestic Violence Services - Victims
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Families with children Non-Homeless Special Needs

	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Hilltop participates in focus group and public meetings and provide data. Representatives from 24 agencies that provide services in the areas of housing, health, homeless, advocacy, education, neighborhood engagement, community development, fair housing, human services, and substance abuse attend meetings. Discussions help identify the priority needs for the Consolidated Plan.
9	Agency/Group/Organization	Homeward Bound of the Grand Valley
	Agency/Group/Organization Type	Housing Services-homeless
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	HomewardBound participates in focus group and public meetings, provide data and review draft sections of the Plan. Representatives from 24 agencies that provide services in the areas of housing, health, homeless, advocacy, education, neighborhood engagement, community development, fair housing, human services, and substance abuse attend meetings. Discussions help identify the priority needs for the Consolidated Plan.
10	Agency/Group/Organization	The Arc Mesa County, Inc.
	Agency/Group/Organization Type	Services-Persons with Disabilities Service-Fair Housing Services - Victims
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The ARC Mesa County participates in focus group and public meetings, provide data and review draft sections of the Plan. Representatives from 24 agencies that provide services in the areas of housing, health, homeless, advocacy, education, neighborhood engagement, community development, fair housing, human services, and substance abuse attend meetings. Discussions help identify the priority needs for the Consolidated Plan.

11	Agency/Group/Organization	Latin Anglo Alliance
	Agency/Group/Organization Type	Business Leaders Civic Leaders Minority Services
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs Minority Advocacy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The Latin Anglo Alliance was invited to participate in focus group and public meetings but did not attend. They have, in the past, participated in the CDBG application process and submitted grant applications.

Identify any Agency Types Not Consulted

The entities that represent minorities were contacted during the planning process but there was limited participation. The primary agencies representing minority populations that did participate were the Riverside Task Force, the Riverside Educational Center and Rocky Mountain SER Head Start.

Other Planning Efforts Considered when Preparing the Plan

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
Continuum of Care	Homeless Coalition	Goals regarding homeless activities in the Consolidated Plan overlap with the goals and priorities of the Continuum of Care plan.
Comprehensive Plan	Mesa County and City of Grand Junction	Goals addressing land use, neighborhoods and housing in the Consolidated Plan complement similar goals in the adopted City-County Comprehensive Plan.
Analysis of Impediments to Fair Housing Choice	City of Grand Junction	Goals regarding the development of housing are consistent with findings of impediments and actions in the Analysis of Impediments to Fair Housing Choice.
Grand Valley Housing Needs Assessment	City of Grand Junction	Goals regarding the development of affordable housing, homelessness and special needs housing align with those identified in the Grand Valley Housing Needs Assessment completed in 2016.

Table 3 – Other local / regional / federal planning efforts

AP-12 Participation – 91.105, 91.200(c)

Summary of Citizen Participation Process

Citizen participation largely occurs through the various agencies whose Board members are citizens, business leaders and civic leaders. Goals are set within each organization as to current operations and future expansion, new projects or new programs and services. In turn, those goals are often directly translated into overall goals for the community's Five-Year Consolidated Plan. Refer to the summary of citizen participation for the 2020 Annual Action Plan in the table on the following pages.

Citizen Participation Outreach

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
1	Public Meeting	Minorities Non-English Speaking - Specify other language: Spanish Persons with disabilities Non-targeted/broad community	The public meeting was advertised in the newspaper and on the City's website. Individual invitations to over 60 agencies were individually emailed or mailed. 14 people were in attendance at the meeting and several others were unable to attend but requested application materials.	CDBG administration staff provided information about the 2020 Program Year grant process and those in attendance asked questions about the application, the funding available, HUD regulations and potential activities.	There were no comments that were not accepted.	

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
2	Public Hearing	Minorities Non-English Speaking - Specify other language: Spanish Persons with disabilities Residents of Public and Assisted Housing	July 15, 2020 Public Hearing - There were 5 members of the public in attendance either in person or participating remotely, representing grant applicants.	Comments described the services provided by the agencies, the proposed use of CDBG grant funds if awarded, and expressed appreciation for City Council's consideration of applications.	There were no comments that were not accepted.	
3	Public Hearing	Minorities Non-English Speaking - Specify other language: Spanish Persons with disabilities Residents of Public and Assisted Housing	August 19, 2020 Public Hearing - This section will be updated after the public hearing is completed	This section will be updated after the public hearings are completed.	This section will be updated after the public hearings are completed.	

Table 4 – Citizen Participation Outreach

AP-15 Expected Resources – 91.220(c)(1,2)

The only Federal resources available to the City of Grand Junction are Community Development Block Grant funds. However, other agencies and organizations in the community are able to leverage funds from other sources including the Housing Choice Voucher Program, Low Income Housing Tax Credits, the Weatherization Program, Energy Assistance Programs, NeighborWorks, SBG and ESG funds.

Anticipated Resources

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
CDBG	public - federal	Acquisition Admin and Planning Economic Development Housing Public Improvements Public Services	469,134	0	0	469,134	0	

Table 5 - Expected Resources – Priority Table

Leveraged Funds

The City of Grand Junction shares HUD's goals of using CDBG funds to seed programs and projects that will ultimately prove financially self-sufficient and demonstrate growth in the program or service provided. The City of Grand Junction does not have matching requirements for CDBG funds. However, as the City is assessing projects for potential funding, the ability of the applicant to leverage other funding sources whether public or private to complete a proposed project is reviewed. In many cases, recipients have been able to leverage other public and private funding sources by using CDBG dollars for the required local match.

The funds provided by the City's CDBG program have leveraged a substantial amount of other public and private resources despite difficult economic circumstances in recent years. The amount of funds leveraged by subrecipients is reported in the CAPER each Program Year. Typically, for every one CDBG dollar allocated, subrecipients are able to leverage five times that from other public and/or private resources.

Public Property Used to Address the Needs Identified in the Plan

Some activities within the non-housing community development goals will be accomplished within City rights-of-way and on City-owned properties to be able to make infrastructure and facilities improvements that will benefit low and moderate income neighborhoods in Grand Junction. These projects include improvements to streets, utilities and parks and recreation facilities.

AP-20 Annual Goals and Objectives – 91.420, 91.220(c)(3) and (e)

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Suitable Living Environment - Non-Housing	2016	2020	Non-Housing Community Development	Census Tracts City-Wide	Non-Housing Community Development Infrastructure	CDBG: \$170,374	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 8101 Persons Assisted
2	Decent Affordable Housing	2016	2020	Affordable Housing Public Housing Non-Homeless Special Needs	City-Wide	Increase the Inventory of Affordable Housing Units	CDBG: \$104,559	Rental units rehabilitated: 12 Household Housing Unit Homeowner Housing Rehabilitated: 7 Household Housing Unit
3	Suitable Living Environment - Homeless	2016	2020	Homeless	City-Wide	Homeless	CDBG: \$85,000	Homeless Person Overnight Shelter: 1300 Persons Assisted Overnight/Emergency Shelter/Transitional Housing Beds added: 3 Beds
4	Suitable Living Env - Sp Needs/Human Svcs/Youth	2016	2020	Non-Homeless Special Needs Non-Housing Community Development	City-Wide	Special Needs Populations and Other Human Services	CDBG: \$39,201	Public service activities other than Low/Moderate Income Housing Benefit: 3081 Persons Assisted

Table 6 – Goals Summary

1	Goal Name	Suitable Living Environment – Non-Housing
	Goal Description	This goal will address Non-Housing Community Development infrastructure. Public improvements will be neighborhood based and primarily include street, sidewalk, storm drainage, solid waste, public water and sewer and parks and recreation improvements. This goal will also include acquisition, construction, rehabilitation or other improvements to other public facilities that are owned and operated by other entities and organizations that serve low and moderate income persons.
2	Goal Name	Decent Affordable Housing
	Goal Description	This goal is to increase and improve the inventory of affordable housing units and remove lead-based hazards in residential units.
3	Goal Name	Suitable Living Environment – Homeless
	Goal Description	This goal addresses shelter, housing, services and other activities to support homeless individuals and families.
4	Goal Name	Suitable Living Env – Sp Needs/Human Svcs/Youth
	Goal Description	This goal will provide activities to support Special Needs Populations and Other Human Services and Youth need categories.

Table 7 – Goals Descriptions

AP-35 Projects – 91.220(d)

The purpose of the Program Year Annual Action Plan is to identify One-Year Strategies for each of the Objectives set in the Five-Year Consolidated Plan. The Consolidated Plan strategies are accomplished by utilizing a variety of resources including the annual allocation of CDBG funds. For each program year, a new one-year action plan is completed and adopted as part of the Five-Year Consolidated Plan. On July 15, 2020 the Grand Junction City Council approved 2020 CDBG funding requests totaling \$469,134 for fifteen activities which will be made a part of the 2020 Action Plan. The total amount is based on the City's allocation for the 2020 Program Year.

	Project Name
1	2020 CDBG Administration
2	HomewardBound Shelter Bunk Beds and Storage
3	CEC Low Income Counseling Program
4	HopeWest Children's Grief Program
5	Marillac Dental Equipment for Mesa County Human Services Clinic
6	Hilltop Latimer House Transportation
7	HomewardBound Shelter Remodel
8	STRiVE Remodel the Wood Shop
9	GJHA Linden Pointe Housing Rehabilitation
10	Karis Inc. Housing Rehabilitation
11	HRWC Emergency Repair for Owner-Occupied Mobile Homes
12	Elm Avenue 28 to 28-1/4 Road Safe Neighborhood Route
13	West Lake Park Improvements
14	Phase 3 Replace Lead Water Service Lines
15	Community Food Bank Roof Replacement
16	STRiVE Remodel Group Homes

Table 8 - Project Information

Allocation Priorities and Obstacles to Addressing Underserved Needs

All funds are expended within the City limits or are directed to services and public improvements for city residents. The City does not limit the use of CDBG funds to any specific location within the City. Nor does the City limit the use of CDBG funds to any groups based on race, minority or ethnic concentration. All funds will be used for persons with low to moderate income within the City limits. CDBG allocation priorities are based on need, income level of persons to be served and whether or not a proposed activity meets one of the national objectives and the City's objectives outlined in the Five-Year Consolidated Plan. All CDBG funds received from HUD during the 2016-2020 timeframe will be used to address at least one of the priority need categories outlined in the Five-Year Consolidated Plan.

Allocation of investments must be within the City limits and, as applicable, in areas of low to moderate income which are more prevalent in the central and east/southeast parts of the city. Areas of racial/minority concentration are more prevalent in the central and eastern parts of the city. Refer to the map of the locations of the 2020 project locations included in Section AP-05.

AP-38 Project Summary (Table 9)

1	Project Name	2020 CDBG Administration
	Target Area	City-Wide
	Goals Supported	
	Needs Addressed	Non-Housing Community Development Infrastructure Special Needs Populations and Other Human Services Homeless
	Funding	CDBG: \$75,000
	Description	General program administration, fair housing activities, annual reports to HUD including completion of Five-Year Consolidated Plan and Analysis of Impediments to Fair Housing report (both adopted by July 2021).
	Target Date	8/31/2021
	Estimate the number and type of families that will benefit from the proposed activities	Not Applicable
	Location Description	Not Applicable
	Planned Activities	General program administration, fair housing activities, annual reports to HUD including completion of 5-Year Consolidated Plan and Analysis of Impediments to Fair Housing report (both adopted by July 2021).
2	Project Name	HomewardBound Shelter Bunk Beds and Storage
	Target Area	City-Wide
	Goals Supported	Suitable Living Environment - Homeless
	Needs Addressed	Homeless
	Funding	CDBG: \$25,000

	Description	The HomewardBound Community Homeless Shelter provides homeless individuals and families with short-term shelter and meals with support services for transitioning to stable housing, community integration and independence.
	Target Date	8/31/2021
	Estimate the number and type of families that will benefit from the proposed activities	Approximately 1,300 unduplicated persons are provided shelter and services at the Community Homeless Shelter.
	Location Description	2853 North Avenue
	Planned Activities	CDBG funds will be used to purchase 20 metal bunk beds to replace remaining wooden beds and under bed storage for 120 beds
3	Project Name	CEC Low Income Counseling Program
	Target Area	City-Wide
	Goals Supported	Suitable Living Env - Sp Needs/Human Svcs/Youth
	Needs Addressed	Special Needs Populations and Other Human Services
	Funding	CDBG: \$10,000
	Description	CEC provides counseling to individuals in crisis or those dealing with difficult emotional issues and ensures access to professional counseling, regardless of income or ability to pay.
	Target Date	8/31/2021
	Estimate the number and type of families that will benefit from the proposed activities	11
	Location Description	2708 Patterson Road
	Planned Activities	CDBG funds will provide 165 more sessions of counseling for an estimated 11 more clients seeking care.
4	Project Name	HopeWest Children's Grief Program
	Target Area	City-Wide
	Goals Supported	Suitable Living Env - Sp Needs/Human Svcs/Youth
	Needs Addressed	Special Needs Populations and Other Human Services
	Funding	CDBG: \$10,000
	Description	HopeWest is a community resource focused on changing the way our communities experience aging, illness and grief. The HopeWest Kids program helps approximately 400 youth and their families deal with a death loss annually.
	Target Date	8/31/2021
	Estimate the number and type of families that will benefit from the proposed activities	450

	Location Description	3090 N 12th Street and various schools and camp locations throughout the community.
	Planned Activities	CDBG funds will be used to provide books, supplies and transportation for youth grief counseling in schools and at day camps. Applicant will need to determine household income and whether client lives in City limits.
5	Project Name	Marillac Dental Equipment for Mesa County Human Services Clinic
	Target Area	City-Wide
	Goals Supported	Suitable Living Env - Sp Needs/Human Svcs/Youth
	Needs Addressed	Special Needs Populations and Other Human Services
	Funding	CDBG: \$6,201
	Description	Marillac offers low income residents affordable health care including medical, dental, mental health and optical care. Which has expanded to satellite locations including one at the Mesa County Human Services building on 29-1/2 Road.
	Target Date	8/31/2021
	Estimate the number and type of families that will benefit from the proposed activities	2,331
	Location Description	510 29-1/2 Road - Satellite Clinic
6	Planned Activities	Marillac offers low income residents affordable health care including medical, dental, mental health and optical care. Which has expanded to satellite locations including one at the Mesa County Human Services building on 29-1/2 Road. CDBG funds will be used to purchase dental diagnostic equipment for the satellite clinic. The grant request is based on the percentage of Marillac clients that live in the City limits.
	Project Name	Hilltop Latimer House Transportation
	Target Area	City-Wide
	Goals Supported	Suitable Living Env - Sp Needs/Human Svcs/Youth
	Needs Addressed	Special Needs Populations and Other Human Services
	Funding	CDBG: \$13,000
	Description	Hilltop's Latimer House provides survivors of domestic violence in Mesa County with confidential and free services including 24-hour crisis line, emergency safehouse, case management and support groups. Transportation assistance provides families additional safety and includes driving families to the safehouse after a crisis, to and from medical other appointments, court appearances, pick-up and return for group sessions and other community service appointments.
	Target Date	8/31/2021
	Estimate the number and type of families that will benefit from the proposed activities	289

	Location Description	Undisclosed
	Planned Activities	CDBG funds will be used to purchase a vehicle.
7	Project Name	HomewardBound Shelter Remodel
	Target Area	City-Wide
	Goals Supported	Suitable Living Environment - Homeless
	Needs Addressed	Homeless
	Funding	CDBG: \$20,000
	Description	The HomewardBound Community Homeless Shelter provides homeless individuals and families with short-term shelter and meals with support services for transitioning to stable housing, community integration and independence.
	Target Date	8/31/2021
	Estimate the number and type of families that will benefit from the proposed activities	1,300
	Location Description	2853 North Avenue
	Planned Activities	CDBG funds will be used to install access control at entry doors and heaters and controls, lighting and remote gate opening for the exterior Day Program area.
8	Project Name	STRiVE Remodel the Wood Shop
	Target Area	City-Wide
	Goals Supported	Suitable Living Environment - Non-Housing Decent Affordable Housing Suitable Living Env - Sp Needs/Human Svcs/Youth
	Needs Addressed	Non-Housing Community Development Infrastructure Special Needs Populations and Other Human Services
	Funding	CDBG: \$8,800
	Description	STRiVE provides supports for individuals representing the broad spectrum of intellectual/developmental disabilities and their families.
	Target Date	8/31/2021
	Estimate the number and type of families that will benefit from the proposed activities	96 - both persons employed at the shop plus persons residing in group homes.
	Location Description	2850 Chipeta Avenue - The Wood Shop. Group Homes located at 680 29-1/2 Road; 2865 Victoria; 2746 Olson; and 1444 N 22nd
	Planned Activities	CDBG funds will be used to provide new HVAC at the Wood Shop which provides employment for clients and the kitchens for 4 group homes.
9	Project Name	GJHA Linden Pointe Housing Rehabilitation
	Target Area	Census Tracts
	Goals Supported	Decent Affordable Housing
	Needs Addressed	Increase the Inventory of Affordable Housing Units
	Funding	CDBG: \$54,000

	Description	Building D (8 affordable housing units) in the Linden Pointe complex has experienced foundation issues due to leakage from an adjacent irrigation ditch. The ditch was piped in March 2020 but the foundation work needs to be completed.
	Target Date	8/31/2021
	Estimate the number and type of families that will benefit from the proposed activities	8 households
	Location Description	1925 David Street
	Planned Activities	CDBG funds will be used to make foundation repairs for 8-plex structure.
10	Project Name	Karis Inc. Housing Rehabilitation
	Target Area	Census Tracts
	Goals Supported	Decent Affordable Housing Suitable Living Environment - Homeless
	Needs Addressed	Homeless
	Funding	CDBG: \$40,000
	Description	Karis, Inc. provides services and housing to homeless youth ages 13-24. Matthew's and Benni's Houses are two facilities that Karis is proposing to purchase (one property already owned by Karis), remodel and add a unit for this purpose.
	Target Date	8/31/2021
	Estimate the number and type of families that will benefit from the proposed activities	3 housing units
	Location Description	2020 and 2045 N 7th Street and 215 Independent Avenue
11	Planned Activities	CDBG funds will be used to remodel the houses located at 215 Independent Avenue (Matthew's) after it is acquired by the end of 2020 and 2045 North 7th Street (Benni's) to include rewiring, window replacement, and kitchen remodel.
	Project Name	HRWC Emergency Repair for Owner-Occupied Mobile Homes
	Target Area	City-Wide
	Goals Supported	Decent Affordable Housing
	Needs Addressed	Increase the Inventory of Affordable Housing Units
	Funding	CDBG: \$15,000
	Description	The Single Family Owner Occupied Housing Rehabilitation Program removes deficiencies or health and safety hazards, corrects substandard conditions or code violations, improves accessibility and energy efficiency.
	Target Date	8/31/2021

	Estimate the number and type of families that will benefit from the proposed activities	2 households
	Location Description	City Limits - currently not defined
	Planned Activities	CDBG funds would be used for emergency repair loans for 5 owner-occupied manufactured homes on rented sites. Maximum loan amount is based on value of the home. Such loans will improve the community blighted housing stock and reduces the chance an owner would become homeless due to a substandard unit.
12	Project Name	Elm Avenue 28 to 28-1/4 Road Safe Neighborhood Route
	Target Area	Census Tracts
	Goals Supported	Suitable Living Environment - Non-Housing
	Needs Addressed	Non-Housing Community Development Infrastructure
	Funding	CDBG: \$120,000
	Description	430 feet of sidewalk completes the sidewalk between 28 Road and 28 1/4 Road on the south side of the road.
	Target Date	8/31/2021
	Estimate the number and type of families that will benefit from the proposed activities	4,429 - Census Tract 6.02 population
	Location Description	Elm Avenue between 28 Road and 28-1/4 Road
	Planned Activities	Construct 430 feet of curb, gutter and sidewalk.
13	Project Name	West Lake Park Improvements
	Target Area	Census Tracts
	Goals Supported	Suitable Living Environment - Non-Housing
	Needs Addressed	Non-Housing Community Development Infrastructure
	Funding	CDBG: \$25,374
	Description	Inadequate soil conditions make it difficult for healthy grass and trees, make maintenance challenging and conditions not inviting to neighborhood users.
	Target Date	8/31/2021
	Estimate the number and type of families that will benefit from the proposed activities	3,600 - Census Tract 4 population
	Location Description	325 West Orchard Avenue
	Planned Activities	CDBG funds will be used to enhance the park including soil amendment, more appropriate turf for the use and more xeric and native plants.
14	Project Name	Phase 3 Replace Lead Water Service Lines
	Target Area	Census Tracts
	Goals Supported	Decent Affordable Housing

	Needs Addressed	Increase the Inventory of Affordable Housing Units
	Funding	CDBG: \$20,000
	Description	Phase 3 of program to replace customer-owned portion of the lead service line. Owners must qualify as low and moderate income. Costs per property are approximately \$4,000. With 2018 and 2019 funds, replacement of lines to 7 homes will be completed.
	Target Date	8/31/2021
	Estimate the number and type of families that will benefit from the activities	5 households
	Location Description	CDBG-eligible downtown neighborhoods of older homes.
	Planned Activities	2020 CDBG funds will be used for the line replacements at 5 additional properties.
15	Project Name	Community Food Bank Roof Replacement
	Target Area	City-Wide
	Goals Supported	Suitable Living Environment - Non-Housing
	Needs Addressed	Special Needs Populations and Other Human Services
	Funding	CDBG: \$15,000
	Description	The Community Food Bank has purchased a new warehouse for its operations located at 476 28-1/2 Road. The building is need of a roofing replacement. Estimate 70% of persons served live in the City limits.
	Target Date	8/31/2021
	Estimate the number and type of families that will benefit from the proposed activities	1,100 households
	Location Description	476 28-1/2 Road
16	Planned Activities	CDBG funds will be used to replace the roof on the recently-acquired warehouse building.
	Project Name	STRiVE Remodel Group Homes
	Target Area	City-Wide
	Goals Supported	Decent Affordable Housing
	Needs Addressed	Special Needs Populations and Other Human Services
	Funding	CDBG: \$11,759
	Description	STRiVE provides supports for individuals representing the broad spectrum of intellectual/developmental disabilities and their families.
	Target Date	8/31/2021
	Estimate the number and type of families that will benefit from the proposed activities	4 households
	Location Description	680 29-1/2 Road; 2865 Victoria; 2746 Olson; and 1444 N 22nd
	Planned Activities	CDBG funds will be used to remodel the kitchens in 4 group homes.

AP-50 Geographic Distribution – 91.220(f)

All funds are expended within the City limits or are directed to services and public improvements for city residents. The City of Grand Junction does not limit the use of CDBG funds to any specific geographical location within the City. Nor does the City of Grand Junction limit the use of CDBG funds to any specific groups based on race, minority or ethnic concentration. All funds will be used to serve persons with low to moderate income who live within the Grand Junction city limits. CDBG allocation priorities are based on need, income level of persons to be served and whether or not a proposed activity meets one of the national objectives and the City's objectives outline in the Five-Year Consolidated Plan. All CDBG funds received from HUD during the 2016-2020 timeframe will be used to address at least one of the priority need categories outlined in the Five-Year Consolidated Plan.

Target Area	Percentage of Funds
Census Tracts	30
City-Wide	70

Table 10 - Geographic Distribution

Rationale for Geographic Allocation Priorities

Allocation of investments must be within the City limits and, as applicable, in areas of low to moderate income households. These areas are more prevalent in the central and east/southeast parts of the city and areas of racial/minority concentration are more prevalent in the central and eastern parts of the city. Refer to the map included in AP-05 that illustrates the locations of the 2020 Program Year projects.

AP-55 Affordable Housing – 91.220(g)

Housing stock numbers in Grand Junction rose between 2010 and the 2014-2018 ACS which reported a total of 27,211 housing units. Homeownership has declined to 58 percent. There has been an increase in vacant housing units. With 1,543 reported in the 2014-2018 ACS, this is a concern since they are not available to the market. However, these units may present opportunities for rehabilitation and should be further assessed. In terms of housing production, the number of permits issued for construction for all units in Mesa County peaked in 2006 before declining sharply. The majority of the new units were single family homes. The median home value increased to \$223,900 reported in the 2014-2018 ACS data. 2014-2018 ACS reported a 1.5 percent vacancy for rental units with a median rent of \$912. Households that experience housing problems such as overcrowding, substandard utilities and cost burdens are considered to have unmet housing needs. There were 7,663 such households reported in the 2014-2018 ACS data. The most common type of housing problem is cost burden - households that spend more than 35 percent of their income on housing.

Housing for the homeless continues to be a need in Grand Junction. According to the 2020 count, there were 1,074 sheltered and 485 unsheltered homeless persons. Local shelters serve approximately 1,300 unduplicated persons with shelter and meals. Group home housing for persons with special needs, has a capacity of 1,423 beds.

Based on this evaluation and the Grand Valley Housing Needs Assessment, the highest need is for rental assistance for lower income housing and those with special needs to ease cost burdens; provision of

more affordable multifamily units; and provision of more transitional and emergency housing.

One Year Goals for the Number of Households to be Supported	
Homeless	3
Non-Homeless	15
Special-Needs	4
Total	22

Table 11 - One Year Goals for Affordable Housing by Support Requirement

One Year Goals for the Number of Households Supported Through	
Rental Assistance	0
The Production of New Units	0
Rehab of Existing Units	22
Acquisition of Existing Units	0
Total	22

Table 12 - One Year Goals for Affordable Housing by Support Type

The 2020 Annual Action Plan includes five activities that are represented in the Tables 11 and 12, all of which entail rehabilitation of housing units in order to maintain them as decent, affordable housing: 1) STRiVE will rehabilitate 4 group homes for disabled persons; 2) Karis, Inc. will rehabilitate 2 group homes for its homeless teen and young adult program; 3) Grand Junction Housing Authority will rehabilitate 8 units within its Linden Pointe apartment complex; 4) Housing Resources of Western Colorado will provide loans to rehabilitate 2 owner-occupied mobile homes; and 5) the City will improve water services to 5 homes in a low-moderate income older neighborhood by replacing lead water lines.

AP-60 Public Housing – 91.220(h)

The City of Grand Junction has no public housing units but coordinated completion of the most recent Grand Valley Housing Needs Assessment to examine the current local housing situation. The report includes a thorough assessment of local market conditions, a detailed forecast of current and future demand across the spectrum of housing needs, identification of housing challenges and recommendations and actions to begin to address the market needs. It is anticipated that City staff and community entities will continue to collaborate on efforts based on the Housing Needs Assessment.

The Grand Junction Housing Authority no longer holds any public housing. Several other local organizations hold vouchers, primarily for special needs populations. The City of Grand Junction has worked closely with the Grand Junction Housing Authority as it has phased out public housing in Grand Junction and constructs developments in a more sustainable affordable housing model. The City has a history of providing building and development fee deferrals or reductions and grants funds to the Housing Authority and other housing providers for the construction of new affordable units.

There are no public housing units in the Grand Junction area. Consequently, the City will not be spending any CDBG funds on public housing in the 2020 Program Year but will continue to support the housing entities in the community in their pursuit of other funding sources. So far, during the 2016 Five-Year Consolidated Plan some steps were taken to address housing needs. For example, in 2016, CDBG funds were used towards the rehabilitation of 2 housing units for homeless vets and 98 units for seniors. In addition, CDBG funds were used towards the acquisition of a home for homeless teens and young

adults. In 2017, CDBG funds were allocated for the Critical Home Repair Program operated by Housing Resources of Western Colorado which funded repairs to 34 homes for low and moderate income households. 2019 CDBG funds were used to replace windows in a 98-unit apartment complex owned and operated by Housing Resources of Western Colorado. In addition, the City recently provided financial support for a new 136-unit senior housing development owned and operated by the Grand Junction Housing Authority known as the Highland Apartments.

Actions to Address the Needs of Public Housing

The City will not be undertaking actions in the next year to address the needs of public housing specifically but there are five projects that address the upgrade of existing units as reported and described in section AP-55.

Actions to Encourage Public Housing Resident Involvement in Management and Homeownership

Residents of all housing developments, including those in accessible units, owned and operated by the Grand Junction Housing Authority and Housing Resources of Western Colorado are encouraged to participate in their respective housing communities. Participation typically involves volunteering to serve on a community board or committee that meets with staff to discuss issues, concerns and ways to resolve them to improve housing conditions for all residents.

Financial Assistance to Troubled PHA

The Grand Junction Housing Authority (GJHA) is not designated as troubled but the City has participated in various GJHA activities, including financial assistance when requested and as funds allowed. Most recently, the City allocated approximately 50% of its CDBG-CV funds to GJHA for emergency housing assistance and the 2020 Program Year includes an allocation to the GJHA for the rehabilitation of 8 affordable housing units.

AP-65 Homeless and Other Special Needs Activities – 91.220(i)

Homelessness presents a growing challenge to Grand Junction. The combination of low wages, high unemployment rate and rising housing costs is making a growing percentage of the general population vulnerable to loss of housing, and making it more difficult for the homeless to work their way off of the streets. In addition, the high percentage of individuals and families without health insurance benefits makes many households vulnerable to housing loss in the event of an expensive major illness.

Prior to 2000, local homeless data was primarily informal, as there had not been a coordinated effort to build local demographic statistics. Although it is very difficult to accurately determine the number of homeless, Grand Junction has regularly completed a count since 2000. The most recent point in time survey available was conducted in January 2020 and resulted in an estimated population of 1,074 sheltered and 485 unsheltered homeless persons. The results show that 12.7 percent of the homeless are under 18, while 26.8 percent are under 25. Three-quarters of the individuals who took the survey said they have some sort of disability, with chronic physical illness and substance abuse being the most common.

One-Year Goals and Actions for Reducing and Ending Homelessness

CDBG are the only federal funds allocated to the City that can be used to address homeless needs and to prevent homelessness. For the 2020 Program Year Action Plan, funds will be allocated to two projects to

be completed by HomewardBound of the Grand of the Grand Valley to improve both the facility as well as the services at the Community Homeless Shelter. The Karis, Inc. activity to rehabilitate 3 group homes will support its housing program for homeless teens and young adults. In addition, other 2020 activities will address homeless persons as a portion of the clients served by several organizations including Marillac Clinic and the Counseling and Education Center.

Generally, the City of Grand Junction is supportive of the community's homeless providers. The Colorado Coalition for the Homeless is responsible for the Balance of State Continuum of Care (CoC) for Grand Junction. Over the past decade, Grand Valley Catholic Outreach has constructed 63 new apartments in 3 complexes that are used for permanent housing for the homeless. The City assisted with these projects through CDBG funds, development fee relief and general funds. As these projects are completed, they are reported through the MHIS system by the Coalition as part of the plan to end chronic homelessness. Obstacles include insufficient CDBG funding to help fund these and other needed projects that help the homeless population of Grand Junction.

The City will also continue to support the various homeless providers with letters of support and letters of consistency with the Consolidated Plan as they compete for and request outside funding including other federal and state grants for homeless activities including prevention.

Addressing Emergency Shelter and Transitional Housing Needs of Homeless Persons

The Grand Valley Homeless Coalition will continue to use results of the Vulnerability Index study to formulate solutions from homeless issues. In its Continuum of Care Plan, the Coalition identified priority needs are transitional housing, case management, and housing placement. The Plan is to provide a continuous housing and service network for persons working to permanently leave the streets. The City will grant 2020 CDBG funds to Karis, Inc. towards its project to rehabilitate 3 group homes for the purpose of providing shelter for high risk homeless teens and young adults.

Helping Homeless Persons Transition to Permanent Housing and Independent Living

The community homeless shelter has adopted a new strategy that re-examines its role in the continuum of care that will focus attention on the shelter as a beginning rather than an end on moving individuals and families on a path from homelessness to self-sustainability in housing and employment. HomewardBound is working with many other local agencies to coordinate services provided to transition homeless individuals and families to permanent housing and independent living. Previously, CDBG funds were used to help HomewardBound purchase a property for construction of a new family center to house these services which opened at the end of the 2019 Program Year. In recent years, the City funded several CDBG activities to rehabilitate and expand the Homeless Day Center that is operated by Grand Valley Catholic Outreach. In addition, the two projects funded in 2020 for HomewardBound of the Grand Valley and the grant to Karis, Inc. for group home rehabilitation support the transition of homeless persons to permanent housing.

Helping Low-Income Individuals and Families Avoid Becoming Homeless

Local agencies in the community have their own discharge coordination policies. For example, Homeward Bound has policies in place to accommodate most people who are released from publicly funded institutions. The Grand Junction Community Homeless Shelter is available so that no one needs to be discharged to the streets. This includes persons discharged from correctional facilities, foster care, and mental and general health care facilities. For the vast majority of the persons in this situation, the Grand Junction Community Homeless Shelter is a viable alternative to sleeping on the streets. For those

discharged from health care facilities with need for follow-up care or a rehabilitation period, there is a policy allowing limited daytime shelter at the shelter during periods of recovery. Other alternatives to homelessness for this population in Mesa County include the Freedom House, for formerly incarcerated persons, and the Rescue Mission.

Through development of the Consolidated Plan, the community identified needs in the following community development areas: Transportation, Medical Services, Child Care and Youth. The high priority non-housing community development need summarized in Section NA 40 of the Five-Year Consolidated Plan includes the following:

- Childcare for people transitioning to work and working low income
- Better coordination between public transportation and location of childcare
- Childcare with more flexible and weekend hours of operation
- Youth-oriented activities and programs that are coordinated in schedule and location for transportation to and from the facilities.
- Expansion of medical and mental health facilities
- Improvement and expansion of senior activity centers
- Facilities for abused adults and children
- Improvement and expansion of centers for the disabled
- Improvement and expansion of other facilities where human and public facilities are provided

In the past 5 years, the City funded Partners, STRiVE, Karis, Inc., the Marillac Clinic, Western Slope Center for Children and HopeWest for projects related to child education, day care and other youth needs. Funds have also been allocated several years for the Foster Grandparent Program which serves early and elementary-aged children with special programs at various child care and education locations. In addition, the City of Grand Junction supports homeless facilities and a variety of community services and programs, many of which are eligible for CDBG funding. Such projects funded for the 2020 Program Year are:

- Counseling and Education Center
- Marillac Clinic
- Karis, Inc.
- HomewardBound of the Grand Valley
- Community Food Bank
- Hilltop Community Resources
- Housing Resources of Western Colorado
- STRiVE

AP-75 Barriers to Affordable Housing – 91.220(j)

As part of the Grand Valley Housing Needs Assessment, a public opinion survey was conducted. One of the questions asked respondents to check from a list the perceived barriers to housing production and affordable housing in the Grand Junction area. The highest rated responses were the cost of land or lots, the current state of the housing market, and the cost of labor. These factors are typically outside the control of local governments. The next highest rated responses included community resistance, cost of materials, lack of adequate public transportation and lack of affordable housing development policies. Of these, the latter could be considered a negative effect of public policies on affordable housing and residential investment. The Housing Needs Assessment also suggested a series of actions pertaining to public policies listed below. Based on these, the City has an opportunity to continue this discussion with other housing interests and work towards making changes to public policies to better support affordable housing and residential investment.

RECOMMENDATION: Encourage Low to Moderate Income Housing

- Encourage affordable housing development through density bonus, fee deferments or waivers, and other forms of cost benefits to developers.
- Increase the density of housing in some areas that could accommodate higher density rental development to maximize housing in residential zone districts

RECOMMENDATION: Encourage Rental Housing Development

- Assess areas that can accommodate additional rental/multifamily development within the range of existing infrastructure and accommodations.
- Encourage rental developments through development incentives and fee waivers.
- Review zoning requirements that may limit rental/multifamily developments and areas of increased density, especially in areas adjacent to existing amenities and infrastructure.

Actions to Remove/Ameliorate Effects of Public Policies that May be Barriers to Affordable Housing

Based on the Housing Needs Assessment, the City will partner with others to develop an affordable housing strategic plan. Other actions to be undertaken in this area are outlined in the Analysis of Impediments to Fair Housing as listed below.

- Review zoning requirements that may limit multifamily developments
- Encourage mixed income development
- Encourage affordable housing development through incentives.

2020 activities that will accomplish fair housing goals are listed below.

- Administration funds will be used to improve information available to citizens regarding fair housing, allow for staff to attend appropriate training and, prepare for finalizing/implementing the City's Limited English Proficiency Plan to be adopted with the next 5-Year Consolidated Plan (2021).
- Four 2020 activities will improve/increase services for special needs populations that will help stabilize lives and move them towards self-sufficiency
- Two 2020 activities will improve facilities for agencies that serve low and moderate income persons and help them attain fair and affordable housing.
- Four 2020 projects will improve physical infrastructure of low and moderate income neighborhoods and maintain the value of affordable housing areas.

- The City will continue to update and implement its Comprehensive Plan and updated Zoning and Development Code that help remove housing impediments/barriers.
- The local transit system will continue to expand its operating hours and routes to be more available to persons using the bus to travel to locations for education and employment.
- The City will continue to work with economic development partners to promote development of new businesses or expand existing ones and improve wage levels.

As described in the Five-Year Consolidated Plan and in AP-35, there are many community needs and obstacles to addressing them. These include a growing need for services, limited funds, availability of accessible and affordable housing, gaps in affordability, and increased compliance and technical skills required for administering the CDBG program.

Actions to Address Obstacles to Meeting Underserved Needs

Obstacles to meeting underserved needs include, but are not limited to:

- 1) The decrease in financial support available to local government and organizations.
- 2) The number of foreclosures within the community caused by job loss and other factors, increasing the number of households in need of housing and other services.
- 3) The disparity of wage level and housing costs, increasing poverty, increasing unemployment and an aging population demanding more services.

Actions planned to address these obstacles involve many of the coordination and participation activities that are ongoing in the community, many of which are discussed throughout the Consolidated Plan.

- a) Support agencies and organizations as they seek funding for activities to be able to leverage as much financial support as possible for priority projects.
- b) Support and promote classes offered by local housing entities that address foreclosure prevention.
- c) Continue economic development efforts with partners; support and coordinate with local housing agencies that provide affordable housing options; and support ongoing activities and services that promote family stabilization.

Actions to Foster and Maintain Affordable Housing

During the 2020 Program Year, there are five activities all to be accomplished through rehabilitation of existing housing units to be funded with CDBG that will help foster and maintain affordable housing: STRiVE group homes; Grand Junction Housing Authority Linden Pointe Apartments; Housing Resources of Western Colorado loans for emergency repairs of owner-occupied mobile homes; Lead Water Line Replacement Project to be carried out by the City of Grand Junction; and Karis, Inc. group homes.

Actions to Reduce Lead-Based Paint Hazards

The City of Grand Junction estimates that 10,000 housing units in Grand Junction were constructed prior to 1978 and that a high percentage of these homes may contain lead-based paint. While it is not known the number of the homes containing lead-based paint that are occupied by low- to moderate-income residents, it is known that older homes are typically more affordable and that a high percentage of these

older housing units are occupied by low- and moderate-income persons.

All activities funded with CDBG dollars through the City of Grand Junction must comply with federal regulations concerning lead-based paint. Lead-based paint reduction regulations are incorporated into all legal agreements between the City and grant subrecipients. Any residential units or facilities constructed prior to 1978 involved in a CDBG activity must undergo a lead-based paint evaluation by a certified inspector. Any CDBG-funded rehabilitation or demolition activities must comply with lead-safe regulations and mitigation practices.

The number of child cases with elevated lead levels in their blood has dropped significantly over the past few decades. The State of Colorado no longer supports a lead-based paint testing program state-wide. Thus, Mesa County Health Department does not proactively test persons unless there is reason to believe the person has been exposed to lead. Between 2010 and 2014 testing of physician-referred children resulted in only 3 cases of abnormal results, none of which contained acute levels.

Specific Lead-Based Paint Actions

- 1) Housing Resources of Western Colorado and the Grand Junction Housing Authority will continue to meet the requirements of the Federal Rule.
- 2) The City of Grand Junction will investigate, identify, coordinate and/or support additional efforts to address this potential health hazard. This includes compliance with the Federal Rule as it applies to the expenditure of CDBG funds on the 2020 activities to which it applies.
- 3) The Grand Junction Housing Authority and other local entities will continue to provide information to residents concerning potential hazards of lead-based paint.

Actions to Reduce the Number of Poverty-Level Families

The Anti-Poverty Strategy is an effort to reduce the number of people earning low- to moderate-income wages and at risk of homelessness. This Strategy outlines activities to:

- Collect demographic data regarding poverty levels to identify the problem and monitor trends.
- Focus on a continuum of prevention and intervention strategies/activities by age group to prevent/deter persons from entering poverty situations,
- Encourage efforts to raise earned income levels and maintain a diversified economic base.
- Increase the employability of recipients of public benefits.
- Attract higher paying employers to Grand Junction.
- Increase access to employment through expansion of the public transportation system and availability of responsible affordable childcare;
- Foster increased household stability through educational programs, drug and alcohol rehabilitation programs, and services to persons with special needs.
- Support efforts to reduce the possibility of catastrophic expense by providing healthcare to uninsured and public transportation to reduce costs to low-income persons.

- Focus affordable housing development near employment centers.

Specific Actions for Reducing Poverty Level

a) Collect data regarding poverty levels and local demographics to better identify the problem and monitor trends including the following:

- Point in Time Homeless Survey
- Mesa County Human Services data
- School District 51 data including Free and Reduced Lunch statistics
- Grand Junction Housing Authority depth of poverty data

b) Continue Work on an Anti-Poverty Coalition

Economic Development Partners continue to work on issues and forming an Anti-Poverty Coalition. The Coalition would be responsible for implementing the Anti-Poverty Strategy. Currently, many agencies provide programs and services that improve poverty status including Grand Valley Catholic Outreach, Red Cross and the Grand Valley Interfaith Network.

c) The Homeless Coalition will continue to address results of the Vagrancy and Vulnerability study to better understand the needs of poverty-level families and the homeless situation.

Actions to Develop Institutional Structure

The City Community Development Department provides the staff and framework for the institutional structure for administration of the Community Development Block Grant program with assistance from the Finance Department. No gaps have been identified in the institutional delivery system. The City will continue to facilitate and foster relationships with agencies to strengthen public services, work with other local jurisdictions and organizations to improve the community, and participate in community efforts that allow for information sharing and dialogue concerning affordable housing, homelessness and special needs populations.

Actions to Enhance Coordination between Housing and Social Service Agencies

The City of Grand Junction will work with public and private housing and human service agencies to enhance coordination in the implementation of the Five-Year Consolidated Plan and each subsequent Annual Action Plan. Some of the actions the City will take are listed below.

- Coordinate meetings with community agencies and organizations to discuss community needs, funding opportunities, and potential partnerships.
- Offer technical assistance to agencies to discuss the sources of funding available, associated timelines for applying for funds and most impactful uses of funds.
- Offer technical assistance for potential developers and/or property owners that are considering new development or rehabilitation of existing housing.
- Survey housing units to determine rehabilitation needs to maintain affordable housing.
- Provide letters of support on behalf of affordable housing project proposals or other proposals from agencies that are requesting funding from external sources.
- Facilitate agency to collaboration to help the low-income homeowner population they serve.

As discussed in the Strategic Plan section of the Five-Year Consolidated Plan, the Community Development Department uses monitoring efforts to ensure that programs funded with CDBG are

compliant with federal, state and local requirements. In order to achieve this goal, the City has developed a monitoring procedure for all CDBG funded projects. In the 2020 Program Year, staff will perform desk monitoring, technical assistance and on-site monitoring both pre- and post-award, which often includes consultation with HUD CPD staff to ensure program compliance. The amount of monitoring will vary dependent on the subrecipient's previous CDBG experience, performance and complexity of the project. Also, the City ensures compliance during setup, update and closeout of activity information in IDIS. IDIS tracks funds drawn and provides another level of monitoring to ensure project eligibility and program compliance. Additionally, regularly updating IDIS helps verify that subrecipients are on track with timely expenditures and outcomes. This ongoing review helps the City of Grand Junction identify needs of the subrecipient and provide additional support as necessary.

AP-90 Program Specific Requirements – 91.220(I)(1,2,4)

Community Development Block Grant Program (CDBG) 24 CFR 91.220(I)(1)

Projects planned with all CDBG funds available during the year are identified in Table 9. The City of Grand Junction will not incur program income for any of its 2020 Program Year activities. Inasmuch as possible, CDBG funds will be entirely expended to benefit persons of low and moderate income or presumed benefit with the exception of Program Administration funds.

1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed	0
2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan.	0
3. The amount of surplus funds from urban renewal settlements	0
4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan	0
5. The amount of income from float-funded activities	0
Total Program Income:	0

Other CDBG Requirements

1. The amount of urgent need activities	0
2. The estimated percentage of CDBG funds that will be used for activities that benefit persons of low and moderate income. Overall Benefit - A consecutive period of one, two or three years may be used to determine that a minimum overall benefit of 70% of CDBG funds is used to benefit persons of low and moderate income. Specify the years covered that include this Annual Action Plan.	100.00%

RESOLUTION No. ____-20

**A RESOLUTION ADOPTING THE 2020 PROGRAM YEAR ANNUAL ACTION PLAN AS A
PART OF THE GRAND JUNCTION FIVE-YEAR CONSOLIDATED PLAN FOR THE
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM**

RECITALS

WHEREAS, the City of Grand Junction was designated as an Entitlement Community by the U.S. Department of Housing and Urban Development in 1996;

WHEREAS, this designation entitles Grand Junction to an annual grant of funds under the CDBG Program;

WHEREAS, to be eligible for funding, the City of Grand Junction must submit an annual Program Year Action Plan to be adopted as part of the City's Five-Year Consolidated Plan which serves as a federally-required planning document that guides community development efforts in Grand Junction;

WHEREAS, the primary objective of the City's Consolidated Plan and CDBG Program is the development of viable urban communities by providing decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low and moderate income;

WHEREAS, the planning process in development the 2020 Program Year Action Plan included an emphasis on Citizen Participation and interagency involvements;

WHEREAS, the Five-Year Consolidated Plan included a process of setting local priority needs and objectives through a coordinated effort with non-profit and government agencies in the community that serve the low income and special needs populations; and

WHEREAS, the Five-Year Consolidated Plan established a strategic plan that addresses the priority needs, goals and strategies identified by the community that will be undertaken between the 2016 and 2020 CDBG Program Years.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO that the CDBG 2020 Program Year Annual Action Plan, as a part of the Five-Year Consolidated Plan is hereby adopted.

Adopted this ____ day of _____, 2020.

ATTEST:

City Clerk

President of City Council



Grand Junction City Council

Regular Session

Item #4.b.i.

Meeting Date: August 19, 2020

Presented By: Scott D. Peterson, Senior Planner

Department: Community Development

Submitted By: Scott D. Peterson, Senior Planner

Information

SUBJECT:

Resolution to Vacate Public Utility and Irrigation Easements and Ordinance to Vacate the Platted Public Right-of-Way of West Cliff Drive as Identified on the 2nd Addition to O'Nan Subdivision Located by Horizon Drive, N. 12th Street, Midway Avenue and Budlong Street

RECOMMENDATION:

The Planning Commission heard this item at their July 28, 2020 meeting and voted (6 - 0) to recommend approval of the request.

EXECUTIVE SUMMARY:

The Applicant, Church of Jesus Christ of Latter Day Saints, is requesting the vacation of the platted public right-of-way of West Cliff Drive and public utility and irrigation easements in anticipation of future development of the site. The right of way and easements were originally platted as part of the 2nd Addition to the O'Nan Subdivision, however the subdivision was never developed and remains vacant land. The requested vacations are consistent with the City's Comprehensive Plan and Circulation Plan.

BACKGROUND OR DETAILED INFORMATION:

The existing platted right-of-way for West Cliff Drive and associated public easements were conveyed in 1960 as identified on the 2nd Addition to O'Nan Subdivision by Reception No. 764963 within Mesa County jurisdiction. Properties were then annexed into the City limits in 1980 (North 12th Street Enclave Annexation). The Applicant is requesting to vacate the existing platted right-of-way of West Cliff Drive between what is now Midway Avenue and Horizon Drive. The recorded plat for the 2nd Addition to

O’Nan Subdivision created 30 residential lots which are presently zoned R-4 (Residential – 4 du/ac) zone district, however to date, no development has taken place and no utility infrastructure has ever been installed (water, sewer, streets, etc.) within the subdivision. West Cliff Drive has never been constructed and this right-of-way contains no existing utility infrastructure. Since this platted subdivision has never developed, access to any developed existing residential lot will not be inhibited.

Upon future development of the site, new rights-of-way and/or public easements for the proposed development would be dedicated as necessary on a new subdivision plat or by separate instrument. The Applicant currently has submitted for review an administrative review of a Simple Subdivision in order to consolidate the 30 platted lots that have never been developed into one-lot of 7.48 acres (City file # SSU-2020-183), of which approval of the consolidation is contingent upon vacation of this right of way and easements.

NOTIFICATION REQUIREMENTS

A Neighborhood Meeting regarding the proposed vacation of right-of-way and public easements was held on March 24, 2020 in accordance with Section 21.02.080 (e) of the Zoning and Development Code. The Applicant’s Representative and City staff were in attendance along with twenty-five area residents. Comments received regarding the two proposals centered around what the future development and/or impacts to the neighborhood would be, if any.

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 April 27, 2020. Mailed notice of the public hearings before Planning Commission and City Council in the form of notification cards were sent to surrounding property owners within 500 feet of the subject property, as well as neighborhood associations within 1000 feet, on July 17, 2020. The notice of the Planning Commission public hearing was published on July 21, 2020 in the Grand Junction Daily Sentinel.

ANALYSIS

The criteria for review are set forth in Section 21.02.100 (c) of the Zoning and Development Code. The purpose of this section is to permit the vacation of surplus rights-of-way and/or easements.

(1) The Comprehensive Plan, Grand Junction Circulation Plan and other adopted plans and policies of the City;

The vacation of this right-of-way and public easements does not conflict with the

Comprehensive Plan, Grand Junction Circulation Plan or other adopted plans and policies of the City. The proposed vacation of right-of-way and easements will have no impact on public facilities or services provided to the general public since to date, no development has taken place and no utility infrastructure has ever been installed (water, sewer, streets, etc.) within the existing platted subdivision. Upon future development of the site, new internal rights-of-way and easements would be required to be granted to the City or other utility agencies as part of the development review process as applicable.

Further, the vacation requests are consistent with the following goals and policies of the Comprehensive Plan:

Goal 1 / Policy A. City and County land use decisions will be consistent with the Future Land Use Map.

Goal 1 / Policy C: The City will make land use and infrastructure decisions consistent with the goal of supporting an encouraging the development of centers.

Goal 3 / Policy A: To create large and small “centers” throughout the community that provide services and commercial areas.

Goal 7 / Policy A. In making land use and development decisions, the City and County will balance the needs of the community.

Therefore, staff has found the request to vacate existing public right-of-way and easements does not conflict with the Comprehensive Plan, Grand Junction Circulation Plan or other adopted plans and policies of the City and therefore this criterion has been met.

(2) No parcel shall be landlocked as a result of the vacation;

The existing platted right-of-way for West Cliff Drive and associated public easements were conveyed in 1960 as identified on the 2nd Addition to O’Nan Subdivision but have never been developed or installed. There are currently 30 platted lots on the property in which 12 of the lots, the undeveloped right of way provides access. As noted, the Applicant is concurrently seeking the consolidation of the 30 lots into a single lot through a Simple Subdivision process. As a condition of approval, prior to recording of the Ordinance vacating West Cliff Drive, a subdivision plat or alternative document as approved by the City is required that results in no existing lot being landlocked. With the recommended condition, staff has found this criterion will be met.

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

by the proposed vacation;

As provided in (2) above, provided the recommended condition of approval is met, the platted right-of-way of West Cliff Drive and associated public easements requested to be vacated will not impact access to any parcel and as such, staff finds this criterion will be met.

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

The existing platted right-of-way for West Cliff Drive and associated public easements were conveyed in 1960 as identified on the 2nd Addition to O'Nan Subdivision but have never been developed or installed. No comments were received from utilities or other service providers that these vacation requests would impact any existing utilities, create any adverse impacts, or that facilities or services would be diminished, therefore staff has found that this criterion to be met.

(5) The provision of adequate public facilities and services shall not be inhibited to any property as required in Chapter 21.06 GJMC; and

The existing platted right-of-way for West Cliff Drive and associated public easements were conveyed in 1960 as identified on the 2nd Addition to O'Nan Subdivision but have never been developed nor installed. Therefore, neither staff nor utility providers have identified that the requested right-of-way and easement vacations would not inhibit the provision of adequate public facilities and services, therefore staff finds that this criterion has been met.

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

Maintenance requirements for the City will not change as a result of the proposed vacation requests since no right-of-way nor utility infrastructure has ever been installed. With the elimination of the existing platted right-of-way of West Cliff Drive along with the publicly dedicated utility and irrigation easements, the Applicant can develop the property as needed to avoid the impact to the anticipated building location(s) and will also serve as a general clean-up of the property by removing excess right-of-way and easements from the property that are not currently in use and presumed to be no longer necessary. Upon future development of the site, new rights-of-way and/or public easements for the proposed development would be dedicated as necessary on a new subdivision plat or by separate instrument. As such, Staff finds that this criterion has been met.

RECOMMENDATION AND FINDINGS OF FACT

After reviewing the request to vacate the platted Public Right-of-Way of West Cliff Drive and Public Easements (Utility & Irrigation) as identified on the 2nd Addition to O'Nan Subdivision, City file numbers VAC-2020-184 & VAC-2020-186, for the properties located by Horizon Drive, N. 12th Street, Midway Avenue & Budlong Street, the following findings of fact and condition have been made:

1. The requests conform with Section 21.02.100 (c) of the Zoning and Development Code.

Condition 1. Prior to recording of the Ordinance vacating West Cliff Drive, a subdivision plat or alternative document as approved by the City is required that results in no existing lot being landlocked.

Therefore, Staff recommends approval of the requests.

FISCAL IMPACT:

Average value of property and right-of-way can range broadly. A private property sale in the area of Horizon Drive consisting of 2.22-acres recently sold for \$90,000, which would equate to \$0.93 per square foot. The applicant's request to vacate approximately 27,443 square feet of right-of-way would result in a value of approximately \$25,522.

SUGGESTED MOTION:

I move to (adopt/deny) Ordinance No. 4950, an ordinance vacating West Cliff Drive right-of-way as identified within 2nd Addition to O'Nan Subdivision as recorded within reception number 764963, located between Horizon Drive and Midway Avenue on final passage and order final publication in pamphlet form and (adopt/deny) Resolution No. 52-20, a resolution vacating all public utility and irrigation easements as identified within 2nd Addition to O'Nan Subdivision as recorded within reception number 764963, located by Horizon Drive, N. 12th Street, Midway Avenue and Budlong Street.

Attachments

1. Site Location, Aerial Photo & Zoning Maps, etc
2. 2nd Addition to O'Nan Subdivision Plat
3. Neighborhood Meeting Minutes
4. Public Correspondence Received
5. Planning Commission Minutes - 2020 - July 28 - Draft
6. Vacation Resolution
7. Vacation Ordinance





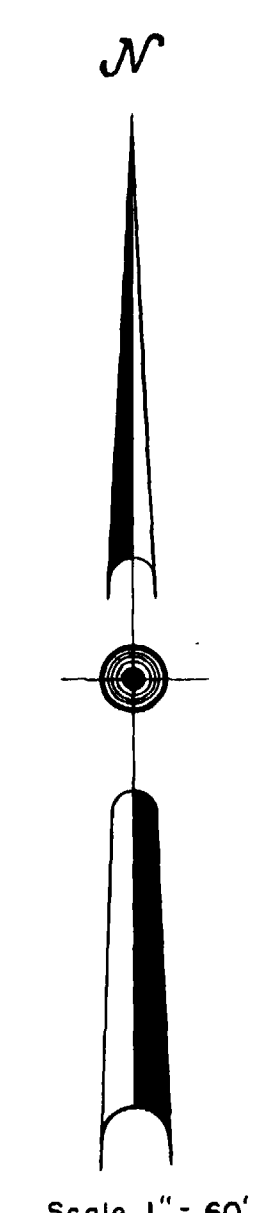
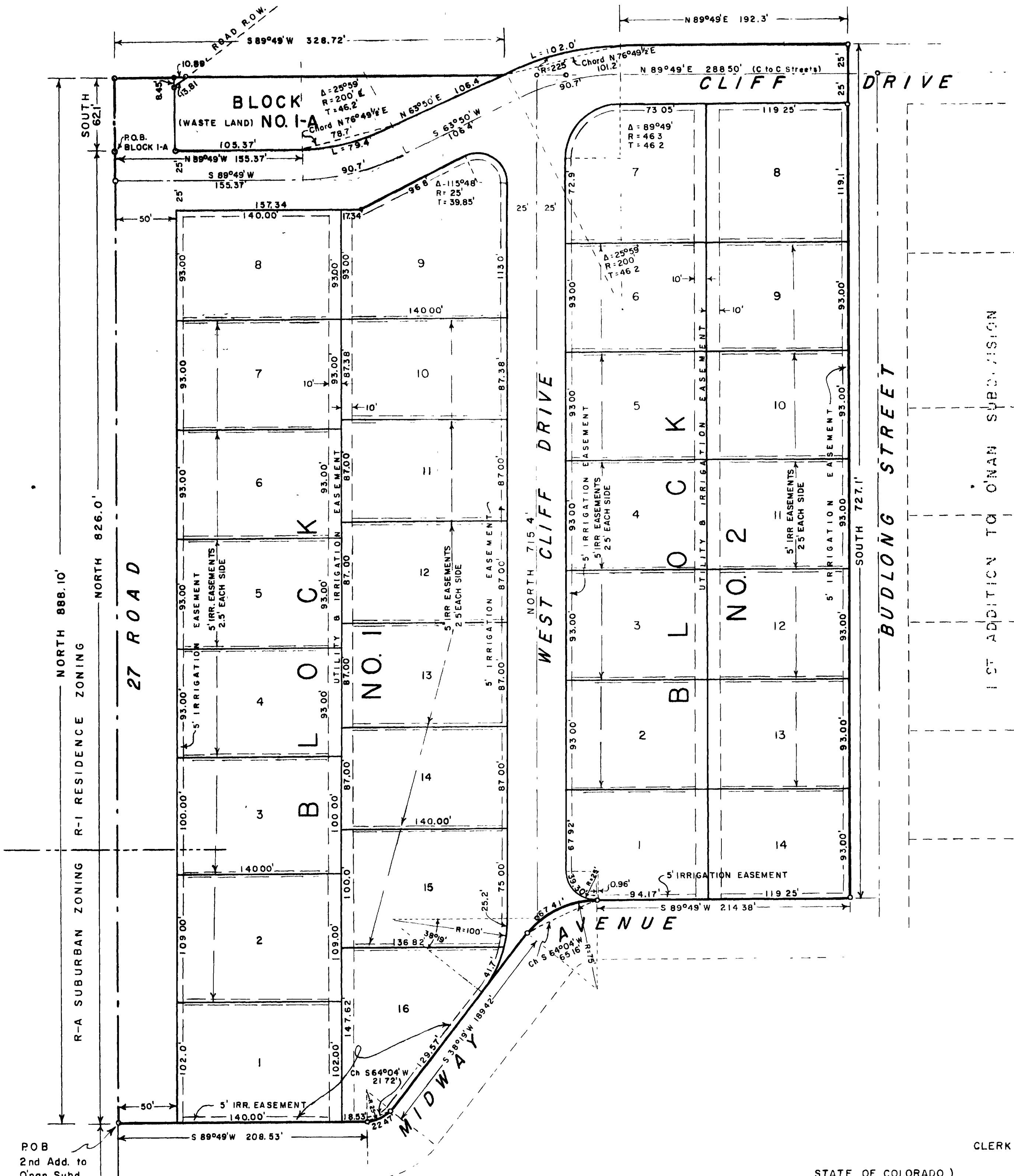
Comprehensive Plan Future Land Use Map







Google Street View Located at the intersection of N. 12th Street & Horizon Drive looking East (July 2019)



2 ND. ADD. TO O'NAN SUBD.

DEDICATION

KNOW ALL MEN BY THESE PRESENTS: That the undersigned, Howard Stewart, C.E. Livran, L.S. Onan and Lucy N. Onan are the owners of that real property situated in the County of Mesa, State of Colorado as shown on the accompanying plat and described by metes and bounds as follows, to wit:

Beginning at a point which is North 4300 feet from the West 1/4 Corner of Section 1, Township 1 South, Range 1 West of the Ute Meridian, thence North 826.0 feet; thence N 89°49' E 155.37 feet; thence 79.4 feet along the arc of a 175-foot radius curve to the left, the chord of which bears N 76°49 1/2' E 78.7 feet; thence N 63°50' E 106.4 feet; thence 102.0 feet along the arc of a 225-foot radius curve to the right, the chord of which bears N 76°49 1/2' E 101.2 feet; thence N 89°49' E 192.3 feet; thence South 727.1 feet; thence S 89°49' W 214.38 feet; thence 67.41 feet along the arc of a 75-foot radius curve to the left, the chord of which bears S 64°04' W 65.16 feet, thence S 38°19' W 189.42 feet; thence 22.47 feet along the arc of a 25-foot radius curve to the right, the chord of which bears S 64°04' W 21.72 feet, thence S 89°49' W 208.53 feet to the point of beginning. Also beginning 1256.0 feet North of the W 1/4 Cor. of Sec 1 T.1 S, R.1 W Ute M; thence N 89°49' E 155.37 feet, thence 79.4 feet along the arc of a 175-foot radius curve to the left, the chord of which bears N 76°49 1/2' E 78.7 feet, thence N 63°50' E 106.4 feet, thence S 89°49' W 328.72 feet; thence South 62.1 feet to the point of beginning.

That the said owners have caused the said real property to be laid out and surveyed as the SECOND ADDITION TO O'NAN SUBDIVISION, a subdivision of a part of the County of Mesa.

That said owners do hereby dedicate and set apart all of the streets and roads as shown on the accompanying plat to the use of the public forever and hereby dedicate those portions of said real property which are labeled as utility easements on the accompanying plat as easements for the installation and maintenance of such utilities as telephone and electric lines, poles and cables, storm and sanitary sewer mains, water mains, gas pipe lines; and those portions of said real property which are labeled as irrigation easements on the accompanying plat as easements for the installation and maintenance of irrigation ditches, flumes and conduits;

That all expenses for the installation of utilities or ditches referred to above, for grading or landscaping, and for street grading or improvements shall be financed by the seller or purchaser... not the County of Mesa.

IN WITNESS WHEREOF, said Howard Stewart, C.E. Livran, L.S. Onan and Lucy N. Onan have caused their names to be hereunto subscribed this 21st day of March, A.D. 1959.

Howard Stewart
Howard Stewart
C.E. Livran
C.E. Livran
L.S. Onan
L.S. Onan
Lucy N. Onan
Lucy N. Onan

STATE OF COLORADO } ss.
County of Mesa

The foregoing instrument was acknowledged before me this 21st day of March, A.D. 1959, by Howard Stewart, C.E. Livran, L.S. Onan and Lucy N. Onan.

My commission expires January 6, 1963.
Witness my hand and official seal.

L.M. Gunnessey
L.M. Gunnessey
Notary Public

CLERK AND RECORDER'S CERTIFICATE

764963

STATE OF COLORADO } ss.
County of Mesa
I hereby certify that this instrument was filed in my office at 10:35 o'clock A.M. MAR. 31, 1960, A.D. 1960, and is duly recorded in Plat Book No. 9, Page 99.
Annie M. Dunston
Annie M. Dunston
Clerk and Recorder
Deputy

COUNTY PLANNING COMMISSION CERTIFICATE

Approved this 8th day of March, A.D. 1960.
County Planning Commission of the County of Mesa, Colorado.
By *E. Lin Gray*
Chairman

CRESTRIDGE HEIGHTS DISTRICT PLANNING COMMISSION CERTIFICATE

Approved this 9th day of March, A.D. 1960.
Crestridge Heights District Planning Commission.
By *Charlie Plush*
Chairman

BOARD OF COUNTY COMMISSIONER'S CERTIFICATE

Approved this 21st day of March, A.D. 1960.
Board of County Commissioners of the County of Mesa, Colorado.
By *Henry J. Zupper*
Chairman

SURVEYOR'S CERTIFICATE

I, Richard J. Mandeville, do hereby certify that the accompanying plat of the SECOND ADDITION TO O'NAN SUBDIVISION, a subdivision of a part of the County of Mesa, has been prepared under my direction, and accurately represents a field survey of same.
By *Richard J. Mandeville*
Registered Engineer & Land Surveyor

CERTIFICATE OF VACATION

Due to the convenience and access needs of the public being adequately served by the platting of public land and rights of way as shown hereon, the vacation of all previous public rights of way within this Second Addition to Onan Subdivision is hereby ordered.
Approved this 21st day of March, A.D. 1960.
By *Henry J. Zupper*
Chairman

WESTERN ENGINEERS
MAP OF
SECOND ADDITION TO
O'NAN SUBDIVISION
MESA COUNTY, COLORADO
SURVEYED BY
DRAWN BY
CHECKED BY
DATE
1959



**Horizon Dr. & N 12th Street
Vacation of ROW, Vacation of Easements, Simple Subdivision**

**SUMMARY OF NEIGHBORHOOD MEETING
TUESDAY, MARCH 25, 2020
ON-SITE
LOCATED AT PARCEL 2945-012-02-001 @ 5:30 PM**

A neighborhood meeting for the above-referenced Vacation of ROW, Vacation of Easements, and Simple Subdivision, was held Tuesday the 24th of March, 2020, on-site at parcel 2945-012-02-001, at 5:30 PM. The initial letter notifying the neighboring property owners within the surrounding 500 feet of the 27 parcels included in this project was sent on March 6, 2020, per the mailing list received from the City of Grand Junction. Due to School District 51 shutting down for COVID-19 regulations, there was a second flyer sent out on the 18th of March to reschedule the Neighborhood Meeting to Tuesday the 24th of March, 2020. The neighbors were also given the option to email or phone in questions or concerns. There were two neighbors that emailed concerns and a PDF will be included with this submittal.

The meeting included a presentation and a question and answer session. Tracy States and Bailie Tomlinson, Project Coordinator and Planner with River City Consultants presented information about the proposed Vacation of ROW, Vacation of Easements, and Simple Subdivision. In attendance for the City was Scott Peterson, Senior Planner. There were approximately 25 neighboring property owners that attended the meeting. An attendance list was not included at the meeting to ensure hygiene compliance and the attendees were asked to email Bailie Tomlinson if they attended the neighborhood meeting. While not all who attended followed up with emails, the neighbors who did email their attendance will be included in this submittal. The PDFs of the exhibits used at the meeting are also provided within this submittal.

It was reiterated multiple times that this submittal was solely for Vacation of ROW, Vacation of Easements, and Simple Subdivision and that this submittal does not call for any construction. Most concern was about a potential Site Plan submittal following the approval of the Vacation of ROW, Vacation of Easements, and Simple Subdivision submittal. Some neighbors had looked up the ownership on the Mesa County website and inquired about the potential for a church, if there would be a church built and if a church was allowed in a residential zone. No opposition to the application was expressed at this meeting.

The meeting adjourned at approximately 6:00 PM.

From: Danica Anderson <anderson.gjt@gmail.com>
Sent: Wednesday, April 15, 2020 4:53 PM
To: Bailie Tomlinson
Subject: Re: Neighborhood Meeting 12th and Horizon
Attachments: image001.jpg

Hi Bailey

The addresses that may have not gotten 2nd letter were on 15th St and I so not know their specific address. There were a couple people on E Cliff that said they didn't receive the first letter. I'm sure your next mailing will get to them.

Sorry this isn't specific. I don't know everyone but had heard them talking about not seeing the letter. We'll see you at the next meeting.

FYI:

Re: Last standing cottonwood. There is an old Cottonwood tree on Budlong and Midway. The only one left standing on the acreage. Could you go see it and send the church elders a photo of it. It's gorgeous and we would hate to see cut down if it isn't necessary.

Thank you

Danica Anderson

On Tue, Mar 31, 2020, 09:46 Bailie Tomlinson <btomlinson@rccwest.com> wrote:

Danica,

Thank you for attending the meeting for 12th and Horizon. What were the addresses that didn't receive an invitation?

Bailie Tomlinson

Planner

Email: btomlinson@rccwest.com

Phone: 970.241.4722 ext. 113



From: Marsha Devaux <mmdevaux@hotmail.com>
Sent: Monday, March 23, 2020 6:35 PM
To: Bailie Tomlinson
Subject: RE: Neighborhood meeting March 24

Dear Bailie,

I appreciate you taking the time to answer my questions.

Thank you,

Marsha Devaux

From: [Bailie Tomlinson](#)
Sent: Monday, March 23, 2020 4:17 PM
To: [Marsha Devaux](#)
Subject: RE: Neighborhood meeting March 24

Marsha,

Thank you for emailing me. We will be practicing social distancing at the meeting and asking everyone to stay in their vehicles as we go around and address their concerns and questions.

What street or road is involved in the vacation of right of way?

Please see the attached exhibit for the road and easements to be vacated. The road was not given a name when it was platted.

What street or road is involved in the vacation of easements?

Please see the attached exhibit for the road and easements to be vacated. The road was not given a name when it was platted.

How many houses will be in the "minor subdivision"? How many stories will these houses have?

There will be no houses built in this minor subdivision. The 27 lots will be combined.

Can a church and associated buildings be constructed on this site if it is zoned for residential?

Yes, a church can be constructed in any zone except industrial.

What will the associated buildings be?

The associated buildings are likely going to be a maintenance shed.

If the proposed site contains approximately 6.36 acres when combined, how can the proposed site still contain approximately 6.36 acres after the right of way and easements are vacated and the lots are replatted as a single parcel as mentioned in your letter of March 17, 2020?

The platted ROW, easements, and 27 lots will be combined into one 6.36 acre parcel.

And lastly, what will the lighting situation be?

The lighting will be per code as far as building and street lighting.

Bailie Tomlinson

Planner

Email: btomlinson@rccwest.com

Phone: 970.241.4722 ext. 113



From: Marsha Devaux <mmdevaux@hotmail.com>

Sent: Monday, March 23, 2020 3:23 PM

To: Bailie Tomlinson <btomlinson@rccwest.com>

Subject: Neighborhood meeting March 24

Dear Sir or Madame,

My husband and I will not be attending the above mentioned meeting. We do not want to jeopardize our health by a meeting of a group of most likely more than 10 people due to the seriousness of the current pandemic.

We do have a few questions:

What street or road is involved in the vacation of right of way?

What street or road is involved in the vacation of easements?

How many houses will be in the "minor subdivision"? How many stories will these houses have?

Can a church and associated buildings be constructed on this site or if it is zoned for residential?

What will the associated buildings be?

If the proposed site contains approximately 6.36 acres when combined, how can the proposed site still contain approximately 6.36 acres after the right of way and easements are vacated and the lots are replatted as a single parcel as mentioned in your letter of March 17, 2020?

And lastly, what will the lighting situation be?

Sincerely,

Marsha Devaux

From: Joann Huff <larjohuff@msn.com>
Sent: Monday, April 6, 2020 10:57 AM
To: Bailie Tomlinson
Subject: March 24th meeting

To Whom It May Concern

I attended the meeting on March 24th at parcel 2945-012-02-001 near Midway and Cliff drive. Sorry I am so slow to e-mail. I would appreciate information on up coming meetings regarding this property.

Joann Huff
3701 N 15th Ct
Grand Junction, Co 81506

From: Ivan Geer
Sent: Tuesday, March 24, 2020 4:38 PM
To: greenspring@bresnan.net
Cc: Bailie Tomlinson
Subject: inquiry on 12th and horizon

We received your inquiry below. All that is planned today is to vacate ROW and lots. These parcels are remnants from a plat and are not buildable.

Sorry you aren't feeling well and can't make the meeting. Feel free to send comments to the City planner.

Thanks!

Mr Thompson;

I had hoped to attend the meeting about the church possibly being built on the corner of 12th and Horizon backing Midway Ave. However, I don't believe I'm feeling well enough. I would like to know if you guarantee that if those lots are rezoned from 27 parcels down to one that ONLY a church will be built on that parcel? Also, I'd like to understand what "associated buildings" means? How many? What type? What size? You stand to affect the property values of the people that live in the subdivision that backs this property, what is the incentive for that subdivision; that these parcels are currently platted in, to allow this to happen?

Thank you for a response,
Leslie Schaefer

****PLEASE NOTE OUR NEW ADDRESS EFFECTIVE MARCH 23, 2020 – 215 PITKIN AVE. #201, GRAND JUNCTION, CO 81501****

Ivan Geer, P.E.
River City Consultants
970-241-4722 O
970-261-4420 M

From: Robert Walters <robwalt1@yahoo.com>
Sent: Wednesday, March 25, 2020 1:58 PM
To: Bailie Tomlinson
Subject: Attended Neighborhood meeting 3/24/2020 on Midway Ave

Bob & Geri Walters
666 Eastcliff Drive

robwalt1@yahoo.com

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

The meeting of the Planning Commission was called to order at 6:00 p.m. by Chairman Andrew Teske.

Those present were Planning Commissioners; Chair Andrew Teske, Bill Wade, George Gatseos, Keith Ehlers, Ken Scissors and Sam Susuras.

Also present were Jamie Beard (Assistant City Attorney), Tamra Allen (Community Development Director), Scott Peterson (Senior Planner), Senta Costello (Associate Planner), and Jace Hochwalt (Associate Planner).

There were approximately 24 members of the public in attendance.

CONSENT AGENDA

Commissioner Susuras moved to adopt Consent Agenda Items #1-2. Commissioner Wade seconded the motion. The motion carried 6-0.

1. Minutes of Previous Meeting(s)

The Planning Commission reviewed the meeting minutes from the June 23, 2020 meeting.

2. 2nd Addition to O'nan Subdivision Right-of-Way and Public Easement Vacations
File #VAC-2020-184; VAC-2020-186

Consider a request by the Church of Jesus Christ of Latter Day Saints to Vacate the platted Public Right-of-Way of West Cliff Drive and Public Easements (Utility & Irrigation) as identified on the 2nd Addition to O'Nan Subdivision Located by Horizon Drive, N. 12th Street, Midway Avenue & Budlong Street.

REGULAR AGENDA

1. Volley's Conditional Use Permit **File # CUP-2020-147**
[Agenda item can be viewed at 5:35](#)

Consider a request by Doria Herek for an amendment to an existing Conditional Use Permit (CUP) to clarify the parking requirements and hours of operation for an outdoor recreation facility, on 0.797 acres in a C-2 (General Commercial) zone district, located at 1130 N 3rd Street and 330 North Avenue.

Staff Presentation

Senta Costello, Associate Planner, introduced exhibits into the record and provided a presentation regarding the request.

Questions for Staff

Commissioner Gatseos made a comment about a neighboring business' complaint regarding parking availability and the reason for the hours of operation being changed.

Commissioner Wade asked a question regarding the parking analysis that the Applicant conducted.

Applicant's Presentation

The Applicant, David Herek, was present and made a comment regarding the request.

Questions for Applicant

Commissioner Gatseos asked a question regarding parking and how where appropriate parking spaces are shown to guests.

Commissioner Scissors asked a question regarding parking and clientele.

Commissioner Wade asked a question about peak busy times and parking.

Public Hearing

The public hearing was opened at 5 p.m. on Tuesday, July 21, 2020 via www.GJSpeaks.org. Option for public comment via voicemail was also available starting Tuesday, July 21, 2020 as described on the meeting notice as well as the agenda.

Michael E Sitz made a comment on GJSpeaks in opposition of the request.

Mike Sitz made a comment in opposition of the request.

The public hearing was closed at 6:37 p.m. on July 28, 2020.

Applicant's Response

Mr. Herek made a comment regarding parking availability in response to public comment.

Discussion

There was discussion regarding unresolved parking analysis issues and approval criteria.

Motion and Vote

Commissioner Ehlers made the following motion, “Mr. Chairman, on the Conditional Use Permit Amendment for the property located at 1130 N 3rd Street, 304 North Avenue and 330 North Avenue, City file number CUP-2020-147, I move that the Planning Commission approve the request with the findings of fact and condition as listed in the staff report.”

Commissioner Susuras seconded the motion. The motion failed 2-4 with Commissioners Teske, Wade, Gatseos, and Scissors voting no.

2. Fairview Glen Annexation

File # ANX-2020-222

[Agenda item can be viewed at 1:01:40](#)

Consider a request to zone approximately 19.259-acres from County RSF-4 (Residential Single Family – 4 du/ac) and PUD (Planned Unit Development) to a City R-8 (Residential – 8 du/ac) for the Fairview Glen Annexation, located at 2767 C Road and properties located north of B ½ Road between Allyce Avenue and Nashua Lane/Court.

Staff Presentation

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

Questions for Staff

None.

Applicant's Presentation

Ted Ciavonne, Ciavonne Roberts and Associates, the Applicant's representative, was present and gave a presentation regarding the request. Five Star Homes and Darren Davidson were also present in the audience.

Questions for Applicant

Commissioner Gatseos made a comment in support of the request

Public Hearing

The public hearing was opened at 5 p.m. on Tuesday, July 21, 2020 via www.GJSpeaks.org. Option for public comment via voicemail was also available starting Tuesday, July 21, 2020 as described on the meeting notice as well as the agenda.

Corina Scott, Patricia Willis (2772 Lexington Court), Tanner Willis (2774 B ½ Road), Robin Greer, Nick Schmidt, Teresa Schmidt, Chris McGillivray, Donald Davey (278 Mountain View), and Charlayne Higginson (2773 UnawEEP Avenue) made comments in opposition of the request.

Daniel Moore, Susan Smith, Dennis Simmons, Hope Painter, Roslyn Lawrence, Sandy Shepard, Deb Richert, Andy Pember, and Mike DeShara left comment via voicemail on July 28 in opposition of the request.

Chris and Jeanie McGillivray and Paul Quam left comments on GJSpeaks in opposition of the request.

The public hearing was closed at 7:53 p.m. on July 28, 2020.

Applicant's Response

Mr. Ciavonne gave response to public comment.

Questions for Applicant

Commissioner Wade asked a question regarding density and a traffic impact study.

Commissioner Wade asked staff a question regarding traffic concerns.

Commissioner Ehlers asked a question regarding what would be reviewed during the planning process.

Discussion

Commissioners Ehlers, Wade, Gatseos, and Teske made comments in support of the request.

Motion and Vote

Commissioner Wade made the following motion, "Mr. Chairman, on the Zone of Annexation for the Fairview Glen Annexation to R-8 (Residential – 8 du/ac) zone district, file number ANX-2020-222, I move that the Planning Commission forward a recommendation of approval to City Council with the findings of fact listed in the staff report."

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

3. West Junction Metropolitan District File # SDS-2020-322

[Agenda item can be viewed at 2:01](#)

Consider a request by Foothills Housing 2 LLC for review and approval of the Consolidated Service Plan for the West Junction Metropolitan District, for the Halandras Planned Development on 177 acres of land within the City of Grand Junction.

Staff Presentation

Jace Hochwalt, Associate Planner, introduced exhibits into the record and provided a presentation regarding the request.

Questions for Staff

Commissioner Ehlers asked a question about risks involved with this proposal.

Applicant's Presentation

Stuart Borne, Developer Representative, Foothills Housing 2 LLC, was present and gave a presentation regarding the request.

Joan Fritsche, Metropolitan District Counsel, Fritsche Law LLC, and Michael Lund, Director Public Finance, Stifel, also were present available for questions.

Questions for Applicant

None.

Public Hearing

The public hearing was opened at 5 p.m. on Tuesday, July 21, 2020 via www.GJSpeaks.org. Option for public comment via voicemail was also available starting Tuesday, July 21, 2020 as described on the meeting notice as well as the agenda.

Mark Hermundstad, General Counsel, Ute Water, submitted a comment via GJSpeaks.

The public hearing was closed at 8:50 p.m. on July 28, 2020.

Questions for Applicant

Commissioner Ehlers asked about overall impacts of the metropolitan district and the costs associated for a homeowner within the district.

Discussion

Commissioners Scissors and Gatseos made comments in support of the request.

Motion and Vote

Commissioner Susuras made the following motion, "Mr. Chairman, on the request for review and approval of the Service Plan for the West Junction Metropolitan District, a metropolitan district intended to serve the proposed West Junction development, SDS-2020-322, I move that the Planning Commission forward a recommendation of conditional approval with the following condition:

Condition 1: Approval and execution of one or more Intergovernmental Agreement (IGA) describing the improvements and responsibilities of the City of Grand Junction and the West Junction Metropolitan District."

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

Planning Commission took a recess at 9:05 p.m.

Planning Commission resumed at 9:15 p.m.

4. Zoning Code Amendment – Mini-Warehouse Design Standards File # ZCA-2020-175
[Agenda item can be viewed at 3:14:36](#)

Consider a request by the City of Grand Junction to amend Title 21 of the Grand Junction Municipal Code regarding use specific standards for Mini-Warehouses.

Staff Presentation

Jace Hochwalt, Associate Planner, introduced exhibits into the record and provided a presentation regarding the request.

Questions for Staff

None.

Public Hearing

The public hearing was opened at 5 p.m. on Tuesday, July 21, 2020 via www.GJSpeaks.org. Option for public comment via voicemail was also available starting Tuesday, July 21, 2020 as described on the meeting notice as well as the agenda.

None.

The public hearing was closed at 9:25 p.m. on July 28, 2020.

Discussion

None.

Motion and Vote

Commissioner Susuras made the following motion, “Mr. Chair, on the amendment to Title 21, City file number ZCA-2020-175, 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. The motion carried 6-0.

5. Other Business

None.

6. **Adjournment**

Commissioner Wade moved to adjourn the meeting. Commissioner Susuras seconded the motion. The meeting adjourned at 9:26 p.m.

DRAFT

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO.

**A RESOLUTION VACATING ALL PUBLIC UTILITY AND IRRIGATION EASEMENTS
AS IDENTIFIED WITHIN
2ND ADDITION TO O'NAN SUBDIVISION AS RECORDED
WITHIN RECEPTION NUMBER 764963**

**LOCATED BY HORIZON DRIVE, N. 12TH STREET, MIDWAY AVENUE
AND BUDLONG STREET**

RECITALS:

A vacation of all publicly dedicated Utility and Irrigation Easements has been requested by the property owner, Church of Jesus Christ of Latter Day Saints, which are no longer necessary. The existing Utility and Irrigation Easements were conveyed to the public in 1960 as identified on the 2nd Addition to O'Nan Subdivision by Reception No. 764963. The subdivision has never been constructed and contains no existing utility infrastructure.

After public notice and public hearing as required by the Grand Junction Zoning & Development Code, and upon recommendation of approval by the Planning Commission, the Grand Junction City Council finds that the request to vacate all public easements as identified on the 2nd Addition to O'Nan Subdivision plat is consistent with the Comprehensive Plan, the Grand Valley Circulation Plan and Section 21.02.100 of the Grand Junction Zoning & Development Code.

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

The following described publicly dedicated Utility and Irrigation Easements are hereby vacated subject to the listed conditions:

1. Applicant shall pay all recording/documentary fees for the Vacation Resolution, any easement documents and/or dedication documents.

All public Utility and Irrigation Easements as dedicated and identified within the 2nd Addition to O'Nan Subdivision plat as recorded within Reception No. 764963.

PASSED and ADOPTED this _____ day of _____, 2020.

ATTEST:

President of City Council

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

**AN ORDINANCE VACATING WEST CLIFF DRIVE RIGHT-OF-WAY AS IDENTIFIED
WITHIN 2ND ADDITION TO O'NAN SUBDIVISION AS RECORDED WITHIN
RECEPTION NUMBER 764963**

LOCATED BETWEEN HORIZON DRIVE AND MIDWAY AVENUE

Recitals:

A vacation of the platted right-of-way of West Cliff Drive has been requested by the property owner, Church of Jesus Christ of Latter Day Saints in anticipation of future development of the site. The existing platted right-of-way for West Cliff Drive was conveyed in 1960 as identified on the 2nd Addition to O'Nan Subdivision by Reception No. 764963. West Cliff Drive has never been constructed and this right-of-way contains no existing utility infrastructure.

After public notice and public hearing as required by the Grand Junction Zoning & Development Code, and upon recommendation of approval by the Planning Commission, the Grand Junction City Council finds that the request to vacate the platted right-of-way of West Cliff Drive as identified on the 2nd Addition to O'Nan Subdivision by Reception No. 764963 is consistent with the Comprehensive Plan, the Grand Valley Circulation Plan and Section 21.02.100 of the Grand Junction Municipal Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE FOLLOWING DESCRIBED DEDICATED RIGHT-OF-WAY IS HEREBY VACATED SUBJECT TO THE LISTED CONDITIONS:

1. Applicant shall pay all recording/documentary fees for the Vacation Ordinance, any right-of-way/easement documents and/or dedication documents.
2. Prior to recording of the Ordinance vacating West Cliff Drive, a subdivision plat or alternative document as approved by the City is required that results in no existing lot being landlocked.

A portion of Right-of-Way known as West Cliff Drive as dedicated on 2nd Add. To O'nan Subd., a subdivision plat as recorded at Reception Number 764963, situated in the southwest quarter of the northwest quarter of Section 1 Township 1 South, Range 1 West, of the Ute Meridian, County of Mesa, State of Colorado, said portion being more particularly described as follows:

Commencing at a 2" brass cap marked MESA COUNTY SURVEY MONUMENT 202-1 for the north sixteenth corner on the west line of said Section 1, whence a 3.25" aluminum cap marked LS 24306, DH SURVEYS INC, for the west quarter corner of said Section 1 bears South 00°03'21" West, with all bearings herein relative thereto,

Thence South 58°16'52" East, a distance of 387.64 feet to a point on the east line of Block 1 of said 2nd Add. to O'nan Subd and the Point of Beginning;

Thence North 52°49'03" East, a distance of 62.80 feet to a point on the west line of Block 2 of said Subdivision;

Thence South 00°02'51" West, a distance of 511.45 feet to the beginning of a curve concave to the northeast having a radius of 25.00 feet and a central angle of 88°09'29" and being subtended by a chord which bears South 44°02'17" East 34.78 feet;

Thence southerly along said curve, a distance of 38.47 feet to a point of cusp on a curve concave to the southeast having a radius of 75.00 feet and a central angle of 51°29'38" and being subtended by a chord which bears South 64°07'22" West 65.16 feet;

Thence westerly along the north right of way of Midway Avenue as recorded at Reception Number 724689 said curve, a distance of 67.41 feet;

Thence South 38°22'22" West continuing along said north line, a distance of 59.98 feet to a point of cusp on a curve concave to the west having a radius of 100.00 feet and a central angle of 38°14'47" and being subtended by a chord which bears North 19°17'52" East 65.52 feet;

Thence northeasterly along the east line of said Block 1 and along said curve, a distance of 66.75 feet;

Thence North 00°02'51" East, a distance of 512.13 feet to the Point of Beginning, containing 0.63 acres more or less.

See Exhibit A.

Introduced on first reading this 5th day of August, 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

EXHIBIT A

1" = 100'
0 100
U.S. Survey Feet



Line Table

Line #	Length	Direction
L1	62.80'	N52° 49' 03"E
L4	59.98'	S38° 22' 22"W

Curve Table

Curve #	Length	Radius	Delta	Chord Length	Chord Bearing
C1	38.47'	25.00'	088°09'29"	34.78'	S44° 02' 17"E
C2	67.41'	75.00'	051°29'38"	65.16'	S64° 07' 22"W
C3	66.75'	100.00'	038°14'47"	65.52'	N19° 17' 52"E

THIS EXHIBIT IS FOR THE PURPOSE OF GRAPHICALLY REPRESENTING A WRITTEN DESCRIPTION - IT DOES NOT REPRESENT A MONUMENTED BOUNDARY SURVEY

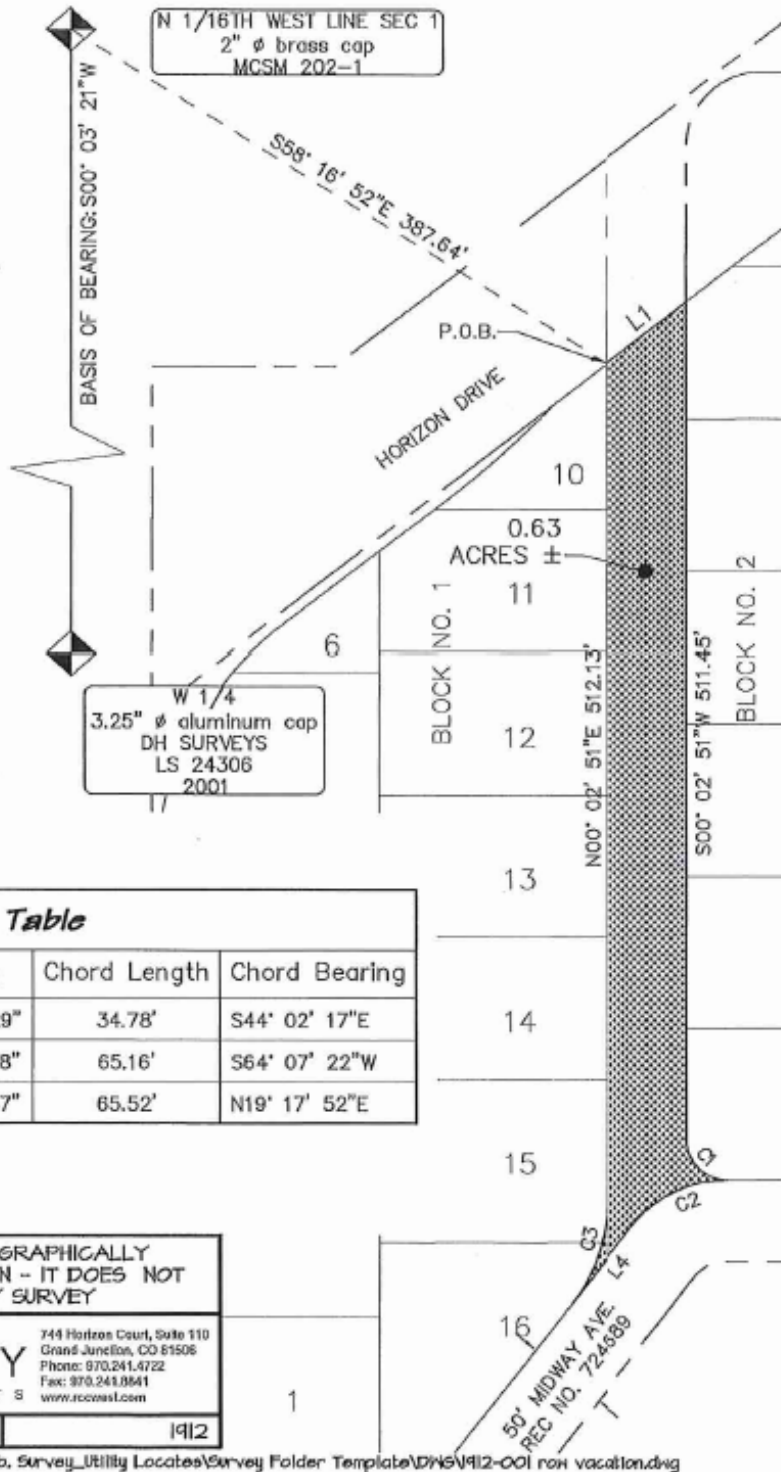


RIVER CITY
CONSULTANTS

744 Horizon Court, Suite 110
Grand Junction, CO 81506
Phone: 970.241.4722
Fax: 970.241.0841
www.rccwa.com

Drawn: AKT Checked: TPJ 4/30/20 1912

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Grand Junction City Council

Regular Session

Item #5.a.

Meeting Date: August 19, 2020

Presented By: John Shaver, City Attorney

Department: City Attorney

Submitted By: John Shaver

Information

SUBJECT:

A Resolution Setting a Title and Submitting to the Electorate on November 3, 2020 a Measure to Allow the City to Collect, Retain and Spend Revenues as a Voter Approved Revenue Change as Provided for and Defined by Article X, Section 20 of the Colorado Constitution

RECOMMENDATION:

Staff recommends adoption of the resolution.

EXECUTIVE SUMMARY:

The purpose of this item is to place a question on the November ballot concerning a permanent de-Brucing.

BACKGROUND OR DETAILED INFORMATION:

The Taxpayers Bill of Rights (TABOR), which was approved by votes in November 1992 amended the Colorado Constitution to, among other things, require voter approval on all tax increases in all taxing districts within the state. Included are tax rate increases, imposition of new taxes, and increases in property tax assessment ratios. The law also explicitly prohibits the implementation of certain types of taxes including new or increased real estate transfer taxes, local income taxes, state property taxes, and state income tax surcharges. TABOR also requires voter approval to change any existing spending limits or revenue growth limits.

Equally important, TABOR restricts revenues to the prior year's revenues or the prior year's calculated TABOR limit ***whichever is lower***, this is what creates the ratchet

down effect. That "base" is then adjusted for growth and inflation and that is the current year's TABOR limit. Any "excess revenues" above the TABOR limit, must be rebated through tax reductions or refunds. Voter approval is needed to override any of these provisions and some provisions cannot be exempted.

For the City of Grand Junction, because of the economic impact from the COVID-19 Pandemic and the resulting loss of revenues, the TABOR limit for the excess calculation in 2021 will be significantly less because of the ratchet down of the base. Because the base is permanently lowered, the result is significantly more revenues will be considered excess, and this will impact not only 2021 revenues but future revenues until the original base is recovered through the growth and inflation factor. This could take 7 to 10 years. Although the City has voter authorization to use excess revenues for road projects, this will reduce funds available for core municipal services that are critical to the community such as police and fire. There are two main variables that impact the estimate of how much revenue will be subject to TABOR as a direct result of the Pandemic revenue loss and ratchet down effect. Those variables are how much revenue is actually reduced in 2020 (thus ratcheting down the base) and how revenues recover in 2021 which is the first year of the ratchet down. Based on the current information available, that estimate ranges from \$4 million to \$10 million; both significant amounts of revenue that are needed for current ongoing City services. It will be 18 months before we know the final actual numbers at the end of 2021.

In 2020 due to the economic impact from the COVID-19 crisis, the actual revenues will be significantly less than the originally projected. This reduction was originally calculated as a decrease of 25%, revised to 20%, and now revised to a 15% decrease. Assuming that revenues return to a pre-pandemic level in 2021, the amount of revenue now subject to TABOR will increase significantly. Attached is a revised chart representing this impact based on a current estimated reduction of revenues for the 2% sales tax in the General Fund (there are other revenues that are subject to TABOR but this is the main source of revenue in the General Fund).

There is, however, a method for reducing the restrictions brought by TABOR. When local governments are allowed to keep revenues in excess of TABOR's specified limit in lieu of returning it to the citizens, it is known as "de-Brucing". The term de-Bruce is in reference to Douglas Bruce, the architect of the TABOR amendment. A common misconception of the practice is that it strips the voters of their right to vote on taxes or the issuance of new debt; however, is a term that refers to a process local governments across the State have approved in order to use all of the tax revenue that comes in for public service and projects. Currently, 230 Colorado communities have de-Bruced, and the City is one of the only municipality of our size and full scope of services that has not permanently de-Bruced. De-Brucing only allows local governments to keep all revenues they are already collecting and any increase in revenues resulting from a tax rate increase must still be authorized by the voters. By de-Brucing the entirety of the

City's TABOR surplus, there would be no restrictions on how the City could spend the funds. This means that core municipal services would not be at risk of reduced revenues. As provided in the attached resolution, if the ballot question is approved, the City will continue to fulfill its commitment to construct and maintain transportation improvements, continue to invest in Public Safety, build needed Fire Stations and other City infrastructure, and deliver excellent City services all as previously approved by voters.

Attached is a schedule listing the municipalities that have held municipal elections in the last 27 years to either temporarily, permanently, partially, or fully de-Bruce. Of the 230 Colorado communities that have de-Bruced, many are regional neighbors and most of the municipalities that are considered comparable to the City of Grand Junction in population and scope of services provided have permanently de-Bruced for twenty years or longer.

Comparable Municipalities:

Arvada, 1996 - permanent, full de-Brucing
Boulder, 1993, 1996 - permanent, full de-Brucing
Broomfield, 1993 - permanent, full de-Brucing
Commerce City, 2000 - permanent de-Brucing (except from property tax)
Englewood, 1997 - permanent, full de-Brucing
Fort Collins, 1997 - permanent, full de-Brucing
Greeley, 1999 - permanent, full de-Brucing
Lakewood, 1999 - permanent, full de-Brucing
Longmont, 1996 - permanent, full de-Brucing
Loveland, 1994 - permanent, full de-Brucing
Westminster, 2002 - permanent, full de-Brucing

Regional Neighbors:

Carbondale, 2002 - permanent, full de-Brucing
DeBeque, 1996 - permanent, full de-Brucing
Delta - not de-Bruced
Fruita, 2018 - temporary through 2024 for capital
Glenwood Springs, 1994 - permanent, full de-Brucing
Gunnison, 1995 - permanent, full de-Brucing
Montrose, 1996 - permanent, full de-Brucing
Olathe, 2018 - permanent, full de-Brucing
Palisade, 1995 - permanent, full de-Brucing
Parachute, 1996 - permanent, full de-Brucing
Rangely, 1997 - permanent, full de-Brucing
Ridgway, 1994 - permanent, full de-Brucing
Rifle, 1995 - permanent, full de-Brucing

There are revenue collection scenarios that may not trigger as significant of an amount of additional TABOR excess. For example, if the revenue growth does not return to pre-pandemic levels in 2021 and is slow and it falls within the allowed revenue growth limits, then the ratchet-down would not be as severe. It is more likely for the ratchet-down to have the impact demonstrated, and if the City waits to see if this materializes, we would likely be in a reactionary position. Although we do not know the full impact of the potential ratchet-down effect on the City, we recommend City Council consider a ballot question to prevent this situation from occurring.

Should Council consider referring a ballot question to the voters this fall, the proposed timeline is as follows:

- September 4 – Deadline for the City to certify ballot content to Mesa County
- September 18 – Written comments concerning TABOR issues must be filed
- September 21 – Deadline to deliver TABOR notice to Mesa County
- November 3 – Election Day

Also attached is an Election Calendar for reference.

FISCAL IMPACT:

As discussed, beginning in 2021, significant amounts of the City's ongoing revenue that is now used for core municipal services including police and fire, may be subject to TABOR excess and restricted for use only on road projects as currently authorized by voters. This would result in a corresponding reduction of those core services.

SUGGESTED MOTION:

I move to (adopt/deny) Resolution No. 53-20, a resolution setting a title and submitting to the electorate on November 3, 2020 a measure to allow the City to collect, retain and spend revenues as a voter approved revenue change as provided for and defined by Article x, Section 20 of the Colorado Constitution.

Attachments

1. TABOR Ballot Question Nov 2020
2. Ratchet-down Effect (15% revenue loss in 2020)
3. DeBruced Municipalities
4. Fall Election Potential Ballot Questions Memo and Attachment to City Council
5. TABOR Memo May 2020

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36 Stations and other City infrastructure, and deliver excellent City services all as previously
37 approved by voters.

38 While the City Council fully endorses those aspects of TABOR which secure the right of citizens
39 to vote on tax increases and/or for the issuance of debt, the City Council does find and determine
40 that the revenue and spending caps required by the Amendment should no longer be applied to
41 the City of Grand Junction. Accordingly, the ballot question does not repeal TABOR but instead
42 seeks voter approval to allow the City to collect, retain and spend revenue the City receives for
43 current and future governmental purposes without application of the TABOR revenue limitation
44 formula.

45 **NOW THEREFORE, BE IT RESOLVED** by the City Council of the City of Grand Junction
46 that:

47 1. All actions heretofore taken (not inconsistent with the provisions of this resolution) by the City
48 and the officers thereof, directed towards the election and the objects and purposes herein stated
49 are hereby ratified, approved and confirmed.

50 2. Pursuant to the Charter and all other applicable laws of the State of Colorado, the Council
51 hereby determines that an election shall be held on November 3, 2020 at which there shall be
52 submitted to the registered electors of the City the question set forth herein.

53 3. The Council hereby authorizes and directs the City Clerk to submit the following ballot title to
54 the registered electors on Tuesday, November 3, 2020.

55 *City of Grand Junction Referred Measure* __

56 ***WITHOUT ANY INCREASE IN TAXES OR DEBT (UNLESS THE VOTERS AUTHORIZE***
57 ***ANY INCREASE IN THE FUTURE), SHALL THE CITY OF GRAND JUNCTION,***
58 ***COLORADO BE AUTHORIZED TO COLLECT, RETAIN AND SPEND ALL REVENUES***
59 ***OVER THE AMOUNTS WHICH THE CITY IS PERMITTED TO COLLECT UNDER***
60 ***ARTICLE X, SECTION 20 (ALSO KNOWN AS THE TABOR AMENDMENT) OF THE***
61 ***COLORADO CONSTITUTION TO PAY FOR POLICE, FIRE, PARKS AND ANY OTHER***
62 ***GOVERNMENT SERVICES AND IMPROVEMENTS INCLUDING STREET***
63 ***IMPROVEMENT PROJECTS AND TRANSPORTATION INFRASTRUCTURE?***

64 _____ **YES** _____ **NO**

65 4. Pursuant to Article XX of the State Constitution and the Charter, all State statutes that might
66 otherwise apply in connection with the provisions of this ordinance (including, without
67 limitation, § 31-11-111, C.R.S.) are hereby superseded to the extent of any inconsistencies or
68 conflicts between the provisions of this ordinance and such statutes. Any such inconsistency or
69 conflict is intended by the City Council and shall be deemed made pursuant to the authority of
70 Article XX of the State Constitution and the Charter.

71 5. Pursuant to §1-11-203.5, C.R.S., any election contest arising out of a ballot issue or ballot
72 question election concerning the order of the ballot or the form or content of the ballot title shall
73 be commenced by petition filed with the proper court within five days after the title of the ballot
74 issue or ballot question is set, and for contests concerning the order of a ballot, within five days
75 after the ballot order is set by the county clerk and recorder and not thereafter.

76 6. The officers of the City are hereby authorized and directed to take all action necessary or
77 appropriate to effectuate the provisions of this resolution.

78 7. If any section, paragraph, clause or provision of this resolution shall for any reason be held to
79 be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause
80 or provision shall in no manner affect any remaining provisions of this resolution, the intent
81 being that the same are severable.

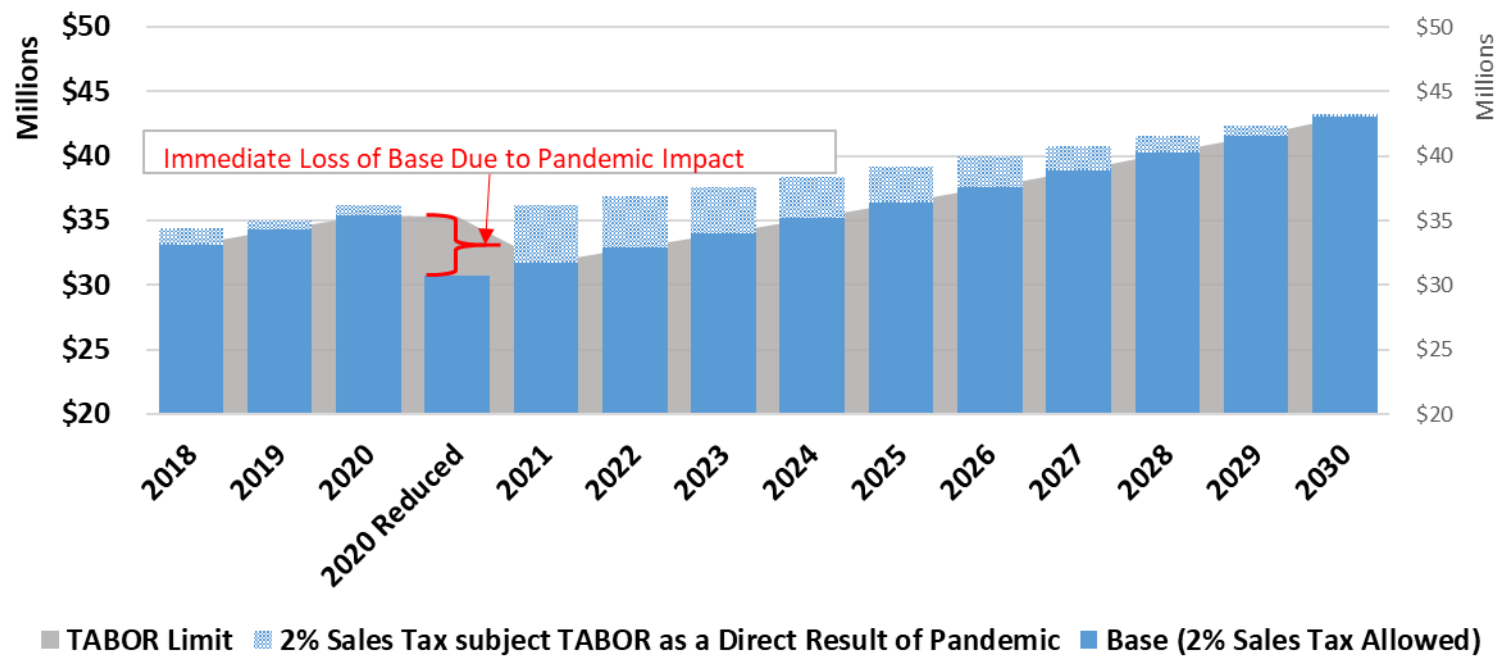
82 INTRODUCED, READ AND APPROVED this ___th day of August 2020.

83 _____
84 C.E. Duke Wortmann
85 Mayor and President of the City Council
86

87 ATTEST:

88 _____
89 Wanda Winkelmann
90 City Clerk

TABOR Ratchet-down Effect



Revenue and Spending Changes, 1993–Spring 2019 Ballots

Municipality	Authorization to Retain and Spend Excess Revenues	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Aguilar	General revenue de-Brucing					pass																						
Akron	All excess revenue de-Brucing of mill levy revenues for municipal services			pass			pass																					
Alamosa	Lump sum revenue change for 1993-94	pass																										
	Lump sum revenue change in 1996, 1997, 1998 and 1999			fail																								
	All excess revenue				pass																							
Alma	All excess revenue from all sources		pass																									
Antonito	All excess revenue				pass																							
Arriba	General revenue de-Brucing						pass																					
Arvada	All excess revenue				pass																							
Aspen	All excess revenue except property tax		pass																									
	Excess 1996 property tax revenues for neighborhood improvement projects					pass																						
	\$158,275 excess property tax revenues for pedestrian improvements							pass																				
	Retain excess estimated \$545,000 of 2000 property tax revenues and for the subsequent fiscal years of 2001, 2002, 2003 and 2004 for recreational complex								pass																			
	Extend RETT and retain revenues																pass											
	Excess revenue from tobacco tax																										pass	
Ault	All excess revenue				pass																							
Aurora	Lump sum revenue change due to growth	fail																										
	All excess revenue from fees							pass																				
	Reduce property tax by 3 mills over next four years and retain property tax revenues up to the TABOR limit and de-Bruce sales and use tax revenue								pass																			
	Collect, retain and spend excess property tax revenues												pass															
Avon	Lump sum revenue change for operation of new aquatic	pass																										
	Four-year opt-out		pass																									
	General revenue de-Brucing					pass																						
Basalt	All excess revenue from all sources		pass																									
Bayfield	Broad form revenue/spending authorization		pass																									
	Collect, retain and expend from all sources; increase property tax mill levy											fail																
	2% use-tax increase on the privilege of using/consuming in the town any construction and building materials purchased at retail outside the town and town be authorized to collect, retain and spend such revenues												fail															
Bennett	All excess revenue				pass																							
	Increase mill levy not to exceed 6.5 mills; collect, retain and spend												fail															
Berthoud	All excess revenue from all sources		fail																									
	All excess revenue from all sources		pass																									
Bethune	General revenue de-Brucing					pass																						
Black Hawk	Four-year opt-out, with revenue authorization	pass																										
	All excess revenue				pass																							
Blanca	de-Brucing of sales and use tax revenues, user fees, franchise fees, and non-federal grants						pass																					

Revenue and Spending Changes, 1993–Spring 2019 Ballots

Municipality	Authorization to Retain and Spend Excess Revenues	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
	Retain and spend all town revenues									pass																		
Blue River	All excess revenue			pass																								
Boone	Exempt revenues received from non-federal grants in 1997 and thereafter					pass																						
Boulder	Broad form revenue/spending authorization	pass																										
	All excess revenue				pass																							
	Lump sum revenue change of \$419,747 received in 1995				pass																							
	Retain and spend property tax for 2009 and beyond																pass											
	Retain and Spend from 2016 sugar beverage tax																										pass	
Bow Mar	General revenue de-Brucing					pass																						
Breckenridge	Lump sum revenue change in 1993 and subsequent years for marketing and promoting the town and its environs and special events and for capital projects		pass																									
	All excess revenue for health, safety, and welfare			pass																								
	Lump sum revenue changes commencing in 1994			pass																								
Brighton	All excess revenue from all sources		fail																									
	Lump sum revenue change collection in 1994 for city's outdoor swimming pool and street overlays			fail																								
	Permission to spend 1996 excess revenues on storm sewer facilities					pass																						
	General revenue de-Brucing asking to retain and spend monies from non-federal grants and impact fees on capital projects					fail																						
	All excess revenue for public purposes							fail																				
	Lump sum revenue change of \$965,000 for 1999 for street and bridge improvements								pass																			
	Retain and spend all state and county grants, development impact fees, fees for services, urban renewal tax revenues, "Peg" channel capital contribution fees and intergovernmental transfers									pass																		
	All excess revenues from all sources																								pass			
Brookside	Retain excess revenues from state grants and from sales tax and property tax revenues for capital projects and other								pass																			
	Retain excess revenues generated in 1998 and 1999								pass																			
Broomfield	Broad form revenue/spending authorization	pass																										
Brush	Retain all excess revenue from all sources								pass																			
Buena Vista	All excess revenue from all sources in 1993-1996		pass																									
	All excess revenue, 1997-2000				pass																							
	General revenue de-Brucing, 5 year									fail																		
	Retain and spend town revenues in excess of state imposed limits, except property taxes										pass																	
Burlington	General revenue de-Brucing					pass																						
Calhan	All excess revenue from interest, sales and use taxes, non-federal grants, franchise fees and payments in lieu of franchise fees, and taxes for police protection, snow removal, street sweeping, street construction, repair and maintenance, town lawns, trees, parks and recreation, and other basic services		pass																									

Revenue and Spending Changes, 1993–Spring 2019 Ballots

[illegible]

Revenue and Spending Changes, 1993–Spring 2019 Ballots

Municipality	Authorization to Retain and Spend Excess Revenues	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
	All excess revenue										pass																	
Cokedale	General revenue de-Bruicing								pass																			
Collbran	All excess revenue from all sources		pass																									
Colorado Springs	\$2,562,414 for 1993		pass																									
	Lump sum revenue change for 1994 for street and drainage improvements, traffic safety, and congestion improvements			fail																								
	Lump sum revenue change (\$3.1 million in excess sales taxes), earmarked for traffic, road, drainage, and storm sewer improvements				pass																							
	Authorization to spend excess revenue for 25 specific public improvement projects					pass																						
	Exemption of state grants received by the city from fiscal year spending calculations (de-Bruce)					fail																						
	Lump sum revenue change (\$6.6 million for 1997)						pass																					
	Lump sum revenue change (\$790,000 for 1998)							fail																				
	Retain revenues from grants from cable franchise								fail																			
	Spend \$1,557,631, estimated 2000 revenues above the 2000 FY spending limit for specific road improvements									fail																		
	Existing sales and use tax used for trains, open space and parks											pass																
	Spend \$1,900,000 , estimated 2004 revenue above the 2004 FY spending limit to repair Prospect Lake													pass														
	Spend \$1,200,000 above 2008 fiscal spending limit																		pass									
	Retain up to \$600,000 to provide road and bridge repairs																			pass								
	Retain up to \$2.1 million for park trail improvements																							pass				
	TABOR limit waiver to allow revenue collected from existing taxes to be spent on storm water projects																									pass		
	Retain excess 2018 revenue to spend on parks, sports, cultural facilities, and trails																											pass
Columbine Valley	Authorization to retain 1997 excess revenues						pass																					
	Broad form revenue/spending authorization						pass																					
Commerce City	All excess revenue					fail																						
	General revenue de-Bruicing; funds to landscape and make drainage and roadway improvements					pass																						
	Retain all excess revenue except from property taxes								pass																			
	Retain excess revenues collected in 1999 for street projects								pass																			
Cortez	Broad form revenue/spending authorization	pass																										
	General revenue de-Bruicing for capital improvement fund						pass																					
Craig	Retain all excess revenues								pass																			
	1.25 percent increase in sales tax to support city operations and capital improvements/ 3.5% use tax																									fail		
Crawford	All revenue from county and city sales tax			pass																								
	All revenue from personal and real property for street																						pass					
Creede	All excess revenue				pass																							
Crested Butte	All excess revenue				pass																							
Crestone	General revenue de-Bruicing					pass																						
Cripple Creek	All excess revenue from all sources		pass																									

Revenue and Spending Changes, 1993–Spring 2019 Ballots

Municipality	Authorization to Retain and Spend Excess Revenues	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Crook	Collect, retain & expend all revenues from all sources																pass											
Crowley	All excess revenue from non-federal grants		pass																									
Dacono	\$32,000 for 1993		pass																									
	All excess revenue from all sources, through 1998		pass																									
	All excess revenue, earmarked for street improvement projects, capital projects, basic municipal services, and/or other lawful municipal purposes				pass																							
DeBeque	All excess revenue, earmarked for capital projects and other basic municipal services				pass																							
	Fire Protection General Fund permitted to collect, retain & expend all revenues												pass															
Deer Trail	Lump sum revenue change for state grant (sewer)	pass																										
	Broad form revenue/spending authorization						pass																					
	De-bruce												fail															
Del Norte	All excess revenue				pass																							
	General revenue de-Bruce for public safety and transportation							pass																				
Delta	All excess revenue from sales tax, use tax, non-federal grants, and recreation center		fail																									
	Retain/expend full proceeds of revenues generated by the municipal court and retain \$102,163 which would be refunded to the voters w/out revenue change, and earmark as a citizen's contribution to the youth sports complex												fail															
	Retain and spend all revenues from 2005														fail													
	De-Bruce municipal court, development fees, and business licenses commencing 2006														fail													
	City's fees, charges and other sources related to the use of city facilities, municipal court																						fail					
Denver	Retain excess revenues from tax and non-tax sources, except property tax, for affordable housing and transportation improvement projects							pass																				
	Retain and spend all city and county tax revenues in excess of the state limit for 10 fiscal years, beginning in 2005, for public safety, public works, parks & recreation, healthcare, libraries & other essential services.													pass														
	All excess revenue for police, fire, streets, library, parks, and children's programs																			pass								
	All 2014 revenues from special retail marijuana sales tax																							pass				
	De-Bruce 2015 Pre-school tax revenue																								pass			
Dillon	Lump sum revenue change		pass																									
	All excess revenue				pass																							
Dinosaur	All excess revenue, earmarked for capital improvements and other basic municipal services				pass																							
Dolores	All excess revenue from all sources		pass																									
Dove Creek	All excess revenue from all sources		pass																									
Durango	\$700,000 in 1994 and all excess revenue until Dec. 31, 1997			pass																								

Revenue and Spending Changes, 1993–Spring 2019 Ballots

[illegible]

Municipal Elections

Revenue and Spending Changes, 1993–Spring 2019 Ballots

Municipality	Authorization to Retain and Spend Excess Revenues	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Fountain	All excess revenue				fail																							
	General revenue de-Brucing					fail																						
	Authority to retain \$37,448 in excess revenue						pass																					
	Retain excess revenues collected in 1999 in the amount of \$455,286 for trails, parks and open space								pass																			
	Retain and spend excess TABOR revenues of \$399,228 collected in 2000 for streets and Stormwater drainage									fail																		
	Approval to retain excess revenues from 2001 through 2011 for parks and recreation programs										fail																	
	Collect, retain and expend from all sources											fail																
	Authorization to retain revenue																fail											
	Retain and spend city revenues for economic development																		pass									
Foxfield	Retain and spend \$53,145 from funds collected for baseball																		pass									
	Retain and spend grants and other funds from state or other governmental entity																					pass						
	All excess revenue			pass																								
	Mill levy - collect, retain and spend all property tax revenues												pass															
Fraser	\$1 million for 1994 and subsequent years		pass																									
	de-Brucing for capital improvements								pass																			
Frederick	All excess revenue from sales and use tax		pass																									
	Retain and spend taxes, grants, property tax and all other																					pass						
Frisco	All excess revenue from all sources through 2001		pass																									
	Retain all excess revenues								pass																			
Fruita	Broad form revenue/spending authorization (three years)	pass																										
	Lump sum revenue change for state grant (museum)	pass																										
	Lump sum revenue change for state grant (sewer)	pass																										
	All excess revenue for five-year capital improvements plan			pass																								
	de-Brucing of state grants for capital improvements								pass																			
	All excess revenue de-Brucing for capital improvements 6														pass													
	All grants and revenues for capital improvement plan through Dec. 31, 2018																				pass							
	All grants and revenues for capital improvement plan through Dec. 31, 2024																										pass	
Garden City	All excess revenue from all sources		pass																									
Genoa	General revenue de-Brucing						pass																					
Georgetown	State grant revenue			pass																								
Gilcrest	All excess revenue in 1995 and subsequent years			pass																								
	Lump sum excess 1994 revenue			pass																								
Glendale	Broad form revenue/spending authorization	pass																										
	General revenue de-Brucing						fail																					
	Broad form revenue/spending authorization from 1998-2004						pass																					
	Retain and spend city revenues for public safety, municipal services, transportation, and other public recreational facilities											pass																
Glenwood Springs	All excess revenue from all sources		pass																									
	\$54 million bond for streets and bridges																								pass			

Revenue and Spending Changes, 1993–Spring 2019 Ballots

Municipality	Authorization to Retain and Spend Excess Revenues	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Golden	All excess revenue			pass																								
Granada	All excess revenue				pass																							
Granby	\$95,000 for 1994 and 1995		pass																									
	All excess revenue				pass																							
	Retain and spend all revenues, notwithstanding limitations of TABOR and property tax revenue limit									pass																		
Grand Junction	General revenue de-Brucing, except property taxes									fail																		
	Collect, retain and spend all city revenues collected for Riverside Parkway																fail											
	Retain all revenues to pay for The Beltway street, sidewalk, path, and road improvements.																				fail							
	Restructuring of Riverside Parkway Debt Repayment revenues to support construction of street improvements.																								pass			
	Quarter cent sales tax to pay for an events center and other improvements to the Two River Convention Center																									fail		
Grand Lake	All excess revenue from all sources		pass																									
Greeley	\$1 million for 1995-99 for new drainage utility		fail																									
	All excess revenue Keep and spend all of .65% sales/use tax increase for streets of 2015							pass																		pass		
Green Mountain Falls	General revenue de-Brucing						pass																					
Greenwood Village	Broad form revenue/spending authorization	pass																										
	Lump sum revenue change due to growth	pass																										
	General revenue de-Brucing					pass																						
Grover	General revenue de-Brucing					pass																						
	Retain and spend from all sources for providing municipal services and capital improvements												fail															
	De-Bruce/retain and spend												pass															
Gunnison	All excess revenues			pass																								
Gypsum	All excess revenue from all sources		pass																									
Haswell	All excess revenue			pass																								
Haxtun	All excess revenue			pass																								
Hayden	All excess revenue			pass																								
Hillrose	Broad form revenue/spending authorization						pass																					
Holly	All excess revenue				pass																							
Holyoke	Lump sum revenue change for 1994 (airport)		pass																									
	All excess revenue			pass																								
Hooper	Authorization to collect and increase fiscal year spending for streets, capital improvements, and municipal services						pass																					
Hot Sulphur Springs	All excess revenue				pass																							
	Remove 5.5% limitation																									pass		
Hudson	Lump sum revenue change of \$13,000 from 1995				pass																							
	General revenue de-Brucing								pass																			
	Fewer limits on revenue resources																	pass										
Hugo	General revenue de-Brucing						pass																					
Idaho Springs	Four-year opt-out		pass																									

Revenue and Spending Changes, 1993–Spring 2019 Ballots

[illegible]

Revenue and Spending Changes, 1993–Spring 2019 Ballots

[illegible]

Revenue and Spending Changes, 1993–Spring 2019 Ballots

[illegible]

Revenue and Spending Changes, 1993–Spring 2019 Ballots

[illegible]

Municipal Elections

Revenue and Spending Changes, 1993–Spring 2019 Ballots

Municipality	Authorization to Retain and Spend Excess Revenues	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Norwood	All excess revenue from all sources		pass																									
Nucia	All excess revenue			pass																								
Nunn	All excess revenues from town's fees and revenues and nonfederal grants		pass																									
Oak Creek	Broad form revenue/spending authorization						pass																					
Olathe	Excess revenue from 3% sales tax, 1% use tax, and nonfederal grants			pass																								
	All excess revenues from 2017 forward																									pass		
Olney Springs	General revenue de-Brucing					pass																						
Ordway	All excess revenue from all sources		pass																									
Otis	All excess revenue			pass																								
	All excess revenue						pass																					
Ouray	All excess revenue from sales tax, lodging tax, and non-federal grants		pass																									
	All excess revenue						pass																					
	All excess revenue commencing 2007 and thereafter														fail													
	All excess revenues commencing 2015 and thereafter																					pass						
Pagosa Springs	All excess revenue from all sources		pass																									
Palisade	Excess revenue from state grants, sales and use tax,			pass																								
Palmer Lake	Lump sum revenue change for 1993 (capital improvements)		pass																									
	All excess revenues for 1994 (capital improvements)		pass																									
	Lump sum revenue change (1995, approx. \$77,000)			pass																								
	All excess revenue, 1996 only			pass																								
	Authorization to retain 1997 excess revenues for street repairs and improvements						pass																					
	Authorization to retain 1998 excess revenues for street construction and reconstruction and water system improvements						pass																					
	General revenue de-Brucing for capital improvements								pass																			
	General revenue de-Brucing for 5-year period								pass																			
	Lump sum revenue change of \$88,235								fail																			
	de-Bruce future revenues										fail																	
	Retain and expend for capital improvements											pass																
	Retain and expend excess rev. for police, fire and roads												pass															
	Retain and expend excess rev. for lake rehabilitation												pass															
	Collect, retain and expend full revenues from all sources in 2012 for building maintenance, parking, sidewalks, roads, parks and water supplies																			pass								
	Collect, retain and expend full revenues from all sources in 2013 for building maintenance, parking, sidewalks, roads, parks and water supplies																			pass								
	Collect, retain and expend full revenues from all sources in 2014, 2015, 2016 and 2017 for building maintenance, parking, sidewalks, roads, parks and water supplies																											
	Permanent debrucing all revenues																								pass			

Revenue and Spending Changes, 1993–Spring 2019 Ballots

[illegible]

Revenue and Spending Changes, 1993–Spring 2019 Ballots

Municipality	Authorization to Retain and Spend Excess Revenues	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Rifle	\$1 million from non-federal grants and \$750,000 from other sources for the years 1993 through 2007		fail																									
	All excess revenue generated in 1994 and each subsequent year			pass																								
Rockvale	All excess revenue				pass																							
	Lump sum revenue change				pass																							
	Lump sum revenue change				pass																							
	General revenue de-Brucing						pass																					
	All excess revenues 2018-2027																										pass	
Rocky Ford	All excess revenue			pass																								
Romeo	General revenue de-Brucing								pass																			
Rye	Collect and expend for municipal operations and capital projects											pass																
Saguache	All excess revenue			pass																								
	de-Brucing of property tax revenues										pass																	
Salida	Broad form revenue/spending authorization	pass																										
	Keep and spend all revenues																									pass		
Sanford	General revenue de-Brucing						pass																					
Sawpit	All excess revenue from all sources		pass																									
Sedgwick	Revenue de-Brucing.												pass															
Seibert	General revenue de-Brucing						pass																					
Severance	All excess revenue			pass																								
	All excess revenue				pass																							
Sheridan	All excess revenue during 1996, 1997, 1998, and 1999			pass																								
	General revenue de-Brucing; approval for city to use excess proceeds of general obligation bonds to build a city hall and other administrative facilities					pass																						
	All excess revenue							pass																				
	All excess revenue												pass															
Sheridan Lake	All excess revenue				pass																							
Silt	\$275,000 in grants for irrigation system		pass																									
	All excess revenue				pass																							
Silverthorne	All excess revenue from all sources and reduce property taxes to zero 1994 through 2013		pass																									
	Lump sum revenue change from all sources and reduce property taxes to zero, except to fulfill contractual obligations relating to G.O. bonds, 1994 through 2013		pass																									
	All excess revenues																	pass										
Silverton	All excess revenue			pass																								
Simla	All excess revenue			pass																								
Snowmass Village	\$660,000 for employee housing		pass																									
	de-Brucing revenues from town's real estate transfer tax					pass																						
	All excess revenue, to be spent on affordable housing construction and acquisition of lands							pass																				
	All excess revenue												pass															
South Fork	Excess revenue from sales tax, non-federal grants, license, or any other state-authorized fees effective Jan. 1, 1996			pass																								

Revenue and Spending Changes, 1993–Spring 2019 Ballots

[illegible]

Municipal Elections

Revenue and Spending Changes, 1993–Spring 2019 Ballots

Municipality	Authorization to Retain and Spend Excess Revenues	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	
	All excess property tax revenue generated from mill levy							pass																					
Wiley	All excess revenue			pass																									
Williamsburg	All excess revenues																					fail							
Windsor	Broad form revenue/spending authorization						fail																						
	All excess revenue to be used for new parks acquisition and development							pass																					
	De-Bruce road impact fee										pass																		
	Retain and spend all revenues for police, parks & rec., and other capital improvement projects.												pass																
Winter Park	All excess revenue from all sources, except property tax		pass																										
Woodland Park	All excess revenue from all sources		pass																										
Wray	All excess revenue			pass																									
Yampa	General revenue de-Brucing							pass																					
Yuma	All excess revenue				pass																								
TOTALS*		Pass	31	82	59	82	37	37	24	31	10	8	6	15	5	6	1	7	6	5	1	5	3	7	7	5	7	7	4
		Fail	3	9	5	4	4	6	5	6	4	4	4	5	1	5	2	2	0	0	0	0	3	2	0	0	3	1	0
		Totals	34	91	64	86	41	43	29	37	14	12	10	20	6	11	3	9	6	5	1	5	6	9	7	5	10	8	4

CUMULATIVE TOTALS:
PASS 498
FAIL 78
TOTAL 576 (86.5% approval rate)



CITY MANAGER'S OFFICE

Memorandum

TO: Mayor and Members of Council
FROM: Greg Caton, City Manager
DATE: May 28, 2020
SUBJECT: Fall Election & Potential Ballot Questions

The crisis caused by the COVID-19 pandemic has had an impact on our local economy. The *Stay at Home* Order from the Governor and mandatory business closures occurred in mid-March and significantly impacted many businesses and corresponding retail activity. Since sales tax is a major and primary source of revenue for cities, the impacts to retail activity affect our ability to fund core municipal services.

The City's revenues are also constrained by the ratchet-down effect of the Taxpayers Bill of Rights (TABOR). TABOR restricts general revenues to the prior year's revenues adjusted for population growth and inflation. Any excess revenues must be rebated back to the population through tax reductions or cash rebates. Voter approval is needed to override any of these provisions and some provisions cannot be exempted.

2020 revenues are projected to be 25% lower than budgeted. With these projected losses in revenues, we suggest that City Council refers two questions to the voters during the November election. These questions are for an increase in sales tax on tobacco and vaping products and to *de-Bruce* the City from restrictions brought by TABOR. This purpose of this memo is to describe the current state of the City's revenues and offer suggestions for expanding into new areas of sales tax collections as well as *de-Bruicing*.

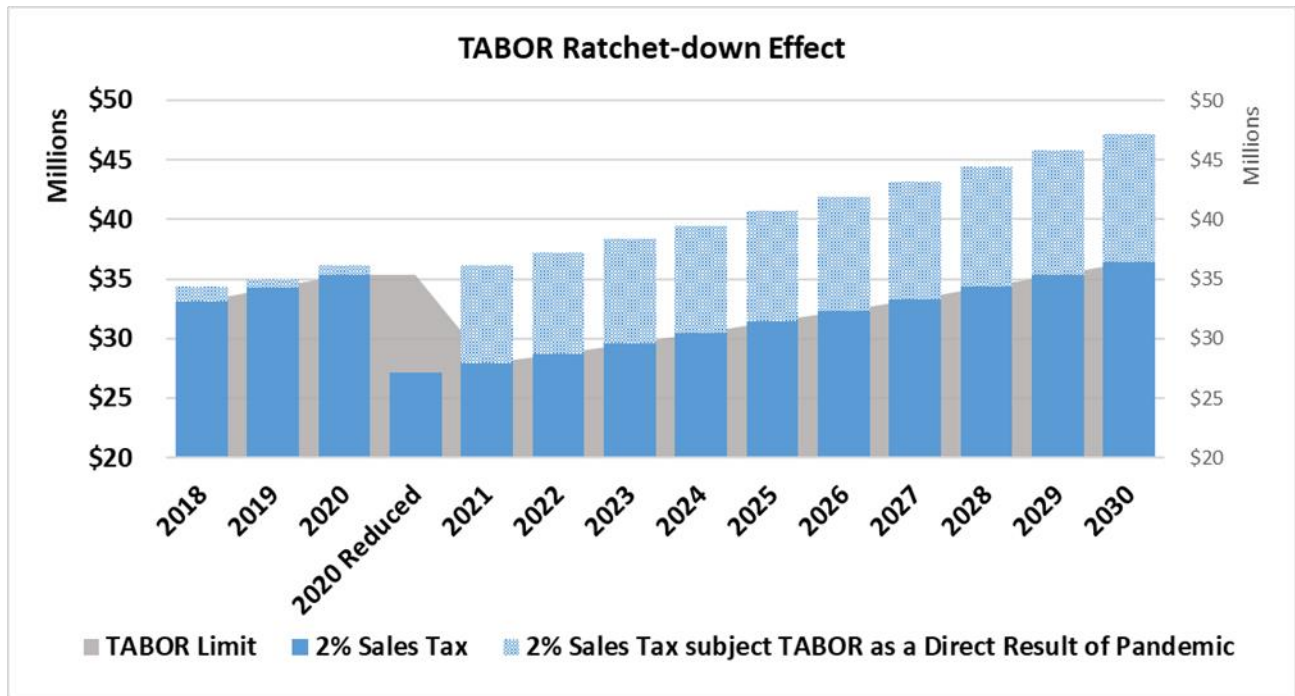
TABOR Restrictions – The following describes the current restrictions placed on revenues by TABOR:

Ratchet-down Effect of TABOR – The formula to calculate the TABOR surplus is based on the previous year's actual revenues or the revenue allowed under TABOR restrictions (TABOR Limit), whichever is lower. This reduction could result in a greater amount of 2021 and future revenues being subject to the TABOR surplus calculation. The *whichever is lower* requirement in the TABOR amendment is what causes the ratchet-down effect.

The City's 2% sales tax revenues in 2019 totaled approximately \$35 million, and of that the TABOR Limit was \$34.3 million. Because the TABOR Limit from 2019 is less than the actual revenues, that is used as the base and then is increased by an estimated allowed growth rate of 3.2% for a TABOR Limit of \$35.4 million in 2020. When developing the 2020 Annual Budget, staff projected revenues to be approximately \$36.2 million, however due to the economic impact from the COVID-19 pandemic crisis, the revenues have been reduced by 25%. Assuming that revenues return to a pre-pandemic level in 2021 with no growth, the amount of revenue now subject to TABOR will increase significantly.

Although there is no new growth in 2021, the amount subject to surplus actually increases. As shown in the chart below, the effect of the *ratchet-down* means that the 2021 TABOR limit will be significantly less than the limit would have been if revenues had not been affected by the

pandemic. As a reminder, the City is currently allowed to use its TABOR surplus for road and transportation projects. While the City will be able to use the new amount of surplus on transportation projects, the *ratchet-down* effect will reduce the amount of funds available for other operations, such as police and fire. This effectively reduces the amount of funding available for other core municipal services.



Options for Next Steps – The ratchet-down effect could disproportionately affect our expenditures and ability to provide core municipal services. Without the ability to use the greater amount of surplus for things other than road and transportation projects, there exists a scenario where some services would not have enough funding when other services have an increased amount available.

There is, however, a method for reducing the restrictions brought by TABOR. When local governments are allowed to permanently keep revenues in excess of TABOR's specified limit in lieu of returning it to the citizens, it is known as *de-Brucing*. This is compared to the City's current authorization, where voters have temporarily allowed the City of Grand Junction to use the TABOR surplus for certain uses. By *de-Brucing* the entirety of the City's TABOR surplus, there would be no restrictions on how the City could spend the funds. This means that core municipal services would not be at risk of reduced revenues.

There are revenue collection scenarios that may not trigger as significant of an amount of additional TABOR surplus. For example, if the revenue growth does not return to pre-pandemic levels in 2021 and is slow and it falls within the allowed revenue growth limits, then the ratchet-down would not be as severe. However, it is more likely for the ratchet-down to have the impact demonstrated, and if we wait to see if this materialized, we would likely be in a reactionary position. Although we do not know the full impact of the potential ratchet-down effect on the City, we recommend City Council consider a ballot question to prevent this situation from occurring.

Sales Tax on Tobacco & Vaping Products – Taxes on tobacco and vaping products is universally used by state governments in the US. Voters in municipalities across Colorado have also approved taxes on tobacco and vaping products. For example, a 40% tax on other tobacco products, including electronic cigarettes, passed in Crested Butte, Glenwood Springs, New Castle, Vail, and Eagle, Summit, and Pitkin counties. Local taxes on cigarettes range between \$3 and \$4 per pack and the chart below shows the rates for tobacco and vape taxes in the state:

Entity	Tax
State of Colorado	- \$0.84 per pack of cigarettes - No vapor tax
Summit County	- \$4.00 per pack of cigarettes - 40% increase in sales tax for nicotine and tobacco products that will increase annually for four years through 2024.
Town of Carbondale	- \$4.00 per pack of cigarettes - 40% tax on all other nicotine products
Pitkin County	- \$3.20 per pack of cigarettes with a \$0.10 increase until the tax reaches \$4.00 - 40% tax on other tobacco and nicotine products
Eagle County	- \$4.00 per pack of cigarettes - 40% tax on tobacco and nicotine products other than cigarettes
City of Glenwood Springs	- \$4.00 per pack of cigarettes - 40% tax on all other tobacco products - Prohibits the sale of flavored tobacco products
Town of New Castle	- \$3.20 per pack of cigarettes with a \$0.10 increase until the tax reaches \$4.00 per pack - 40% tax on tobacco and nicotine products
Town of Vail	- \$3.00 per pack of cigarettes - 40% tax on tobacco and nicotine products
City of Aspen	- \$3.00 per pack of cigarettes - 40% tax on other tobacco or nicotine products
Town of Avon	- \$3.00 per pack of cigarettes - 40% tax on other tobacco or nicotine products
Town of Crested Butte	- \$3.00 per pack of cigarettes - 40% tax on other tobacco or nicotine products

Revenue generated from the tax in the Town of New Castle during the months of January and February of this year were trending in a direction that, if allowed to continue, would surpass the \$65,000 threshold voters approved last year. At this rate, the town would collect approximately \$390,000 over the course of a year. The town does not have to adhere to the cap in years following 2020. Summit County estimates that the tobacco tax will generate \$3.8 million in revenue in its first year. Similarly, the City of Boulder and City of Glenwood Springs estimated revenues from the tobacco tax to be \$2.5 million and \$650,000 in their respective 2020 budgets. Using the projections provided by these cities as a model, the City of Grand Junction could increase revenues by approximately \$800,000 to \$1 million.

Election Schedule & Timeline – Attached is the full election calendar for the November election. Election Day is November 3.

Should Council consider referring a ballot question to the voters, the proposed timeline is as follows:

- July 26 – Deadline to notify the County Clerk of the intent to participate in a coordinated election.
- September 4 – Deadline for the City to certify ballot content to Mesa County.
- September 18 – Written comments concerning TABOR issues must be filed with State
- September 21 – Deadline to deliver TABOR notice to Mesa County
- November 3 – Election Day

We suggest that City Council consider two questions this fall. The first question would entail de-*Brucing* in order to prevent the *ratchet-down* effect from negatively impacting our ability to fund core city services. The second question could entail a new sales tax on tobacco and vaping products, which could generate approximately \$800,000 - \$1 million in new revenue, depending on the rate and volume of sales.

I look forward to receiving your feedback.

Attachment

Election Calendar

November 3, 2020 Special Municipal Election
(in conjunction with Mesa County Coordinated Election)

Days Before/After Election	Date	Action	Citation
100 days before November Election	Sunday, July 26, 2020	Deadline to notify the County Clerk of intent to participate in Coordinated Election	CRS 1-7-116(5); 1-1-106(4)
70 days before November Election	Tuesday, August 25, 2020	Deadline to sign IGA with Mesa County	CRS 1-7-116(2)
		Certify Street Locator File	
60 days before November Election	Friday, September 4, 2020	Deadline to certify ballot content to Mesa County	CRS 1-5-203(3)
Noon on the Friday before the 45th day before November Election	Friday, September 18, 2020	Written comments concerning TABOR issues must be filed with DEO	CRS 1-7-901(4) provides that, because the 45th day is a Saturday, written comments shall be filed by noon on the preceding Friday.
43 days before November Election	Monday, September 21, 2020	Deadline to deliver TABOR notice to Mesa County	CRS 1-7-904
30 days before November Election	Sunday, October 4, 2020	Any \$1000+ contribution made within 30 days of the election must be reported within 24 hours	CRS 1-45-108(2.5). SOS Campaign Finance Manual Page 129 (10.17). http://www.sos.state.co.us/pubs/elections/CampaignFinance/files/CPFManual.pdf
21 days before November Election	Tuesday, October 13, 2020	Campaign Reports Due	CRS 1-45-108(2)(a)(II)
20 days before November Election	Wednesday, October 14, 2020	Deadline to publish and post Notice of Election and send to Mesa County, unless this duty is assigned to the Mesa Clerk in the IGA. Deadline to post TABOR/debt question information online	CRS 1-5-205(1), CRS 1-7-908
10 days before November Election	Saturday, October 24, 2020	Publish Election Notice for 3 successive days before Election Day	Charter Section 17
Friday before November Election	Friday, November 1, 2019	Campaign Reports Due	CRS 1-45-108(2)(a)(II)
30 days after November Election	Thursday, December 3, 2020	Campaign Reports Due	CRS 1-45-108(2)(a)(II)

Notes:

Requires Council Action

Amended by SB 18-233

Tuesday, November 3, 2020

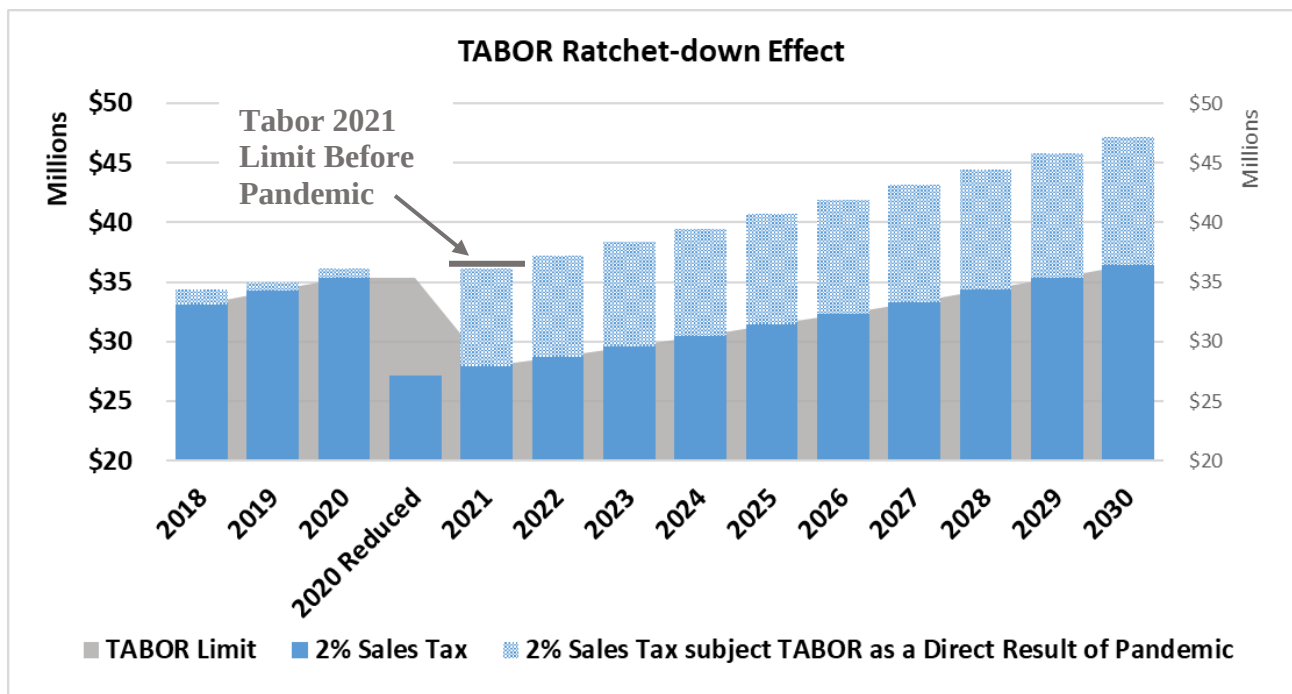
Election Day

Memorandum

TO: Mayor and Members of Council
FROM: Greg Caton, City Manager
Jodi Romero, Finance Director
DATE: May 15, 2020
SUBJECT: TABOR's Ratchet-down Effect on City Revenues

The passage of the TABOR law in November 1992 required voter approval on all tax increases in all taxing districts within the state. These include tax rate increases, imposition of new taxes, and increases in property tax assessment ratios. The law also explicitly prohibits the implementation of certain types of taxes including new or increased real estate transfer taxes, local income taxes, state property taxes, and state income tax surcharges. TABOR also requires voter approval to change any existing spending limits or revenue growth limits. Equally important, TABOR restricts general revenues to the prior year's revenues adjusted for population growth and inflation. Any excess revenues must be rebated back to the population through tax reductions or cash rebates. Voter approval is needed to override any of these provisions and some provisions cannot be exempted.

Ratchet-down Effect –The economic crisis caused by the COVID-19 pandemic will negatively affect the City's revenues, and 2020 revenues are projected to be 25% lower than budgeted. Since the formula to calculate the TABOR Surplus is based on the previous year's actual revenues or the revenue allowed under TABOR restrictions (TABOR Limit), whichever is lower, this reduction could result in a greater amount of 2021 and future revenues being subject to the TABOR Surplus calculation. The "whichever is lower" requirement in the TABOR amendment is what causes the ratchet-down effect. The image below illustrates that *ratchet-down* effect on City's 2% sales tax, which is the City's primary funding source of the General Fund:



The City's 2% sales tax revenues in 2019 totaled approximately \$35 million, and of that the TABOR Limit was \$34.3 million. Because the TABOR Limit from 2019 is less than the actual revenues, that is used as the base and then is increased by an estimated allowed growth rate of 3.2% for a TABOR Limit of \$35.4 million in 2020. When developing the 2020 Annual Budget, staff projected revenues to be approximately \$36.2 million, however due to the economic impact from the COVID-19 pandemic crisis, the revenues have been reduced by 25%. Assuming that revenues return to a pre-pandemic level in 2021 with no growth, the amount of revenue now subject to TABOR will increase significantly.

Although there is no new growth in 2021, the amount subject to surplus actually increases, and as shown in the chart, the ratchet down in the 2021 TABOR limit has ongoing ramifications and remains significantly less than revenues based on a modest 3% assumed sales tax growth and allowed TABOR growth of 3.2% each year. As a reminder, the City is currently allowed to use its TABOR surplus for road and transportation projects. While the City will be able to use the new amount of surplus on transportation projects, the *ratchet-down* effect will reduce the amount of funds available for other operations, such as police and fire. This effectively reduces the amount of funding available for other core municipal services.

De-Brucing – This ratchet-down effect could disproportionately affect our revenue streams and ability to provide core municipal services. Without the ability to use the greater amount of surplus for things other than road and transportation projects, there exists a scenario where some services would not have enough funding when other services have an increased amount available.

There is, however, a method for reducing the restrictions brought by TABOR. When local governments are allowed to keep revenues in excess of TABOR's specified limit in lieu of returning it to the citizens, it is known as *de-Brucing*. The term *de-Bruce* is in reference to Douglas Bruce, the architect of the TABOR amendment. A common misconception of the practice is that it strips the voters of their right to vote on taxes or the issuance of new debt. However, *de-Brucing* only allows local governments to keep excess revenues collected. By *de-Brucing* the entirety of the City's TABOR surplus, there would be no restrictions on how the City could spend the funds. This means that core municipal services would not be at risk of reduced revenues.

There are revenue collection scenarios that may not trigger as significant of an amount of additional TABOR excess. For example, if the revenue growth does not return to pre-Pandemic levels in 2021 and is slow and it falls within the allowed revenue growth limits, then the ratchet-down would not be as severe. However, it is more likely for the ratchet-down to have the impact demonstrated, and if we wait to see if this materialized, we would likely be in a reactionary position. Although we do not know the full impact of the potential ratchet-down effect on the City, we recommend City Council consider a ballot question to prevent this situation from occurring.



Grand Junction City Council

Regular Session

Item #5.b.

Meeting Date: August 19, 2020

Presented By: Wanda Winkelmann, City Clerk

Department: City Clerk

Submitted By: Wanda Winkelmann

Information

SUBJECT:

A Resolution Calling a Special Election in the City of Grand Junction, Colorado Concerning and Providing for the Submission to the Electorate on November 3, 2020 a Measure to Allow the City to Collect, Retain and Spend Revenues as a Voter Approved Revenue Change Provided for and Defined by Article X, Section 20 of the Colorado Constitution and Other Details Relating Thereto

RECOMMENDATION:

Staff recommends adoption of the resolution.

EXECUTIVE SUMMARY:

The purpose of this item is to call a Special Municipal Election to be held in conjunction with the November 3, 2020 Mesa County Coordinated Election.

BACKGROUND OR DETAILED INFORMATION:

Mesa County will be conducting an election on November 3, 2020. On July 20, 2020 the City Clerk informed the County Clerk that the City intends to participate in the November election.

If City Council decides to place any measures on the ballot, the following steps will be taken:

1. An Intergovernmental Agreement (IGA) will be entered into with Mesa County;
2. Staff will certify ballot language by Friday, September 4, 2020 to the County Clerk.

Additional actions, as required by State statute, will be conducted by the City Clerk as

the Designated Election Official.

FISCAL IMPACT:

Staff budgeted \$45,000 for a November election. According to an estimate received by the County Clerk, the City's cost will be \$33,514.75 (which does not include the cost for a TABOR notice).

The cost for the TABOR notice for the November 2019 election was \$6,853.63.

SUGGESTED MOTION:

I move to (adopt/deny) Resolution No. 54-20, a resolution calling a Special Election in the City of Grand Junction, Colorado concerning and providing for the submission to the electorate on November 3, 2020 a measure to allow the City to collect, retain and spend revenues as a voter approved revenue change provided for and defined by Article x, Section 20 of the Colorado Constitution and other details relating thereto.

Attachments

1. IGA and Attachments A B C
2. Resolution Calling Special Election November 2020

INTERGOVERNMENTAL AGREEMENT

BETWEEN

MESA COUNTY CLERK AND RECORDER

AND

CITY OF GRAND JUNCTION

REGARDING THE CONDUCT AND ADMINISTRATION OF THE NOVEMBER 3, 2020

GENERAL ELECTION

PREPARED BY:

MESA COUNTY CLERK AND RECORDER'S OFFICE ELECTIONS DIVISION

200 S SPRUCE ST

GRAND JUNCTION, COLORADO 81501

(970) 244-1662

THIS INTERGOVERNMENTAL AGREEMENT (hereinafter referred to as this "Agreement") is entered into between the Board of County Commissioners of the County of Mesa, State of Colorado, by the Mesa County Clerk and Recorder (hereinafter referred to as the "County") and City of Grand Junction (hereinafter referred to as the "Jurisdiction") effective on the date executed (hereinafter the "Effective Date"). County and Jurisdiction are hereinafter collectively referred to as the "Parties."

RECITALS

WHEREAS, pursuant to the Uniform Election Code of 1992 (Articles 1 to 13 of Title 1, C.R.S.) as amended, governmental entities are encouraged to cooperate and consolidate elections in order to reduce taxpayer expenses; and

WHEREAS, pursuant to § 1-7-116, C.R.S., if more than one jurisdiction holds an election on the same day in November and the eligible electors for each such election are the same or the boundaries overlap, the County Clerk and Recorder is the coordinated election official and, pursuant to § 1-5-401, C.R.S., shall conduct the elections on behalf of all jurisdictions whose elections are part of the coordinated election utilizing the mail ballot procedures set forth in Article 7.5 of Title 1, C.R.S.; and

WHEREAS, the County and Jurisdiction have determined that § 1-7-116, C.R.S., applies and it is in the best interest of the taxpayers and the electors to enter into this Agreement to conduct a Coordinated Election on November 3, 2020; and

WHEREAS, such agreements are authorized by State law; and

WHEREAS, this election shall be conducted as a Coordinated Election in accordance with the Uniform Election Code of 1992 (Articles 113 of Title 1, C.R.S.).

NOW, THEREFORE, for and in consideration of the promises herein contained, the sufficiency of which is hereby acknowledged, the Parties agree as follows:

SECTION I.
PURPOSE AND GENERAL MATTERS

1.01 DEFINITIONS.

A. "Address Library Report" means the address report from the Secretary of State voter registration system that defines street addresses and precincts within the jurisdiction.

B. "Coordinated Election Official" (hereinafter "CEO") shall mean the County Clerk and Recorder who shall act as the "coordinated election official," as defined within the Code and Rules and, as such, shall conduct the election for the Jurisdiction for all matters in the Code and the Rules which require action by the CEO.

C. "Colorado Election Code" or "Code" means any part of the Uniform Election Code of 1992, (Articles 1- 13 of Title 1, C.R.S.) or any other Title of C.R.S governing participating Jurisdiction's election matters, as well as the Colorado Constitution, and the State of Colorado Secretary of State (SOS) Rules.

D. "Coordinated Election" means an election where more than one jurisdiction with overlapping boundaries or the same electors holds an election on the same day and the eligible electors are all registered electors, and the County Clerk is the Coordinated Election Official for the jurisdictions.

E. "Contact Officer" means the individual who shall act as the primary liaison or contact between the Jurisdiction and the County Clerk. The Contact Officer shall be that person under the authority of the County Clerk who will have primary responsibility for the coordination of the election for the Jurisdiction and the procedures to be completed by the County Clerk hereunder.

F. "Designated Election Official" (hereinafter "DEO") means the individual who shall be identified by the Jurisdiction to act as the primary liaison between the Jurisdiction and the Contact Officer and who will have primary responsibility for the conduct of election procedures to be handled by the Jurisdiction hereunder. To the extent that the Code requires that an Election Official of the Jurisdiction conduct a task, the DEO shall conduct same.

G. "IGA" or "Agreement" means this Intergovernmental Agreement between the County and the Jurisdiction for election coordination.

H. "Jurisdiction" means a political subdivision as defined in § 1-7.5-103(6), C.R.S. and referenced in the Code and, in this Agreement, is interpreted to refer to [Coordinating Entity Name].

I. "Logic and Accuracy Test" means a test of all electronic and electromagnetic voting equipment to test mail, provisional and audio ballots, in accordance with § 1-7-509, C.R.S. by processing a pre-audited group of ballots.

J. "Mail Ballot Packet" means the packet of information provided by the CEO to eligible electors in the mail ballot election. The packet includes the ballot, instructions for completing the ballot, and a return envelope. § 1-7.5-103(5), C.R.S.

K. "Risk Limiting Audit" means such audit as set forth substantially in the Colorado Election Code.

L. "Precinct" means an area with established boundaries within a political jurisdiction used to establish election districts.

M. "Proposed Jurisdiction" means a jurisdiction which may be formed pursuant to this election which is not yet identified by a tax authority code in the County Assessor database. When the context of this Agreement so requires, a Proposed Jurisdiction will simply be referred to as a Jurisdiction.

N. "SOS" means the Colorado Secretary of State.

O. "SOS Election Calendar" means the most recent election calendar as published on the SOS website located at www.sos.state.co.us and attached hereto as Attachment C and incorporated herein by this reference.

P. "TABOR" means a ballot issue that is governed by article X, § 20 of the Colorado Constitution.

Q. "UOCAVA voters" means military personnel and overseas civilians who are registered to vote and receive services under the Uniformed and Overseas Citizens Absentee Voting Act of 1986 and the Military and Overseas Voter Empowerment Act of 2009.

1.02 JURISDICTIONAL LIMITATION.

A. The Jurisdiction encompasses territory within Mesa County. This Agreement shall be construed to apply only to that portion of the Jurisdiction within Mesa County.

1.03 GOAL.

The purpose of this Agreement is to set forth the tasks to be completed by the County Clerk and Recorder (CEO) and the Jurisdiction to conduct the election and to provide for the cost thereof.

SECTION II.

COUNTY/JURISDICTION RESPONSIBILITIES

2.01 DESIGNATED OFFICIALS.

The Mesa County Clerk and Recorder shall be designated as the Coordinated Election Official (hereinafter "CEO") and the Jurisdiction will identify its Designated Election Official (hereafter "DEO").

2.02 JOINT RESPONSIBILITIES.

Nothing herein shall be deemed or construed to relieve the County or the Jurisdiction from their official responsibilities for the conduct of the election as generally set forth in the Colorado Election Code.

All parties shall:

- A. Familiarize themselves and adhere to all applicable provisions and timelines of the Colorado Election Code while performing their official responsibilities for the conduct of the election, unless superseded by other legal authority.
- B. Enforce all applicable provisions of § 1-45-101, C.R.S., *et seq.*, the Fair Campaign Practices Act.
- C. Review and execute this IGA with all required signatures on or before the deadline set forth in § 1-7-116(2), C.R.S.
- D. Confirm they have sufficient funds available and appropriated in an approved budget to pay their expenses for this election.

2.03 COUNTY RESPONSIBILITIES.

The County shall perform the following duties:

- A. Designate a Contact Officer to provide assistance and information to the DEO of the Jurisdiction on matters relating to the conduct of this election. Such information shall not include legal advice.
- B. Maintain voter records and an address library for Mesa County voters within the Colorado SCORE voter registration database. Comply with Colorado Secretary of State and Mesa County cyber- security recommendations to protect confidential voter information.
- C. Send a certified list of registered voters to the Jurisdiction via secure email transfer or printed copy. The fee for furnishing the list shall be as follows:
 - a. Email List = \$25.00
 - b. List as a Printed Copy = \$25.00 and \$.05 per page
- D. In order to identify which addresses are eligible to receive and vote on the Jurisdiction's ballot question, the County shall perform the following duties for the Address library:
 - a. Use the Colorado SCORE voter registration database to produce an Address Library Report that indicates residential street ranges included within the boundaries of the Jurisdiction.
 - b. Provide the Jurisdiction with the Address library Report in an electronic format, along with an Acknowledgement Form that the Jurisdiction should use to confirm the accuracy of the ranges or note any errors, omissions, and/or corrections.
 - c. Verify any errors, omissions, and/or corrections identified by the Jurisdiction against County Assessor data, and where appropriate, modify street ranges to accurately define the eligible electors within the Jurisdiction.
- E. Prepare and deliver a proposed mail ballot plan and election contingency plan to the Secretary of State no later than 90 days prior to the Election.
- F. Receive certified ballot content from the Jurisdiction in electronic format. Layout the text of the official ballot using the certified content without any modifications or formatting changes.

Provide an electronic proof of the ballot to the Jurisdiction's DEO via email for written approval prior to final production. Post a sample ballot to vote.mesacounty.us

- G. Determine the number and letter of each ballot issue and question for the Jurisdiction and any other coordinating jurisdictions participating in the election, in accordance with SOS Rule 4.5.2:
 - a. If the Jurisdiction entirely contained within Mesa County, the County has authority to set the ballot measure order and number.
 - b. If the Jurisdiction includes territory in more than one county, the County will coordinate with the other applicable counties for purpose of determining the controlling county and agreeing upon ballot measure numbers for shared issues and questions.
- H. Conduct a Logic and Accuracy Test in accordance with § 1-7-509, C.R.S. Invite the Jurisdiction to participate along with the Testing Board to verify the accuracy of electronic vote tabulation equipment. Post a public notice of the Test seven (7) days in advance.
- I. Provide a candidate hotline at (970) 255-5059, which every candidate running for office in the Jurisdiction (if applicable) shall call to provide the phonetic pronunciation of their name as it appears on their Statement of Intent, title of the office, and Jurisdiction for which they are running.
- J. Prepare an accessible audio ballot for the electronic ballot marking devices to be made available to voters upon request at any Voter Service and Polling Center.
- K. Contract with a vendor acceptable to the SOS to print and send Mail Ballot Packets to every active registered voter and transmit ballots electronically to every active registered UOCAVA voter.
- L. Publish and post the required legal notice of election pursuant to § 1-5-205(1), C.R.S., for the Jurisdiction's ballot issues, ballot questions, and/or candidates.
- M. If the Jurisdiction's election includes a TABOR issue, the County shall perform the following duties relative to the TABOR Notice:
 - a. Prepare the TABOR Notice using the certified content provided by the Jurisdiction, without revision.
 - b. Contract with a printing vendor to produce and mail one copy of the TABOR notice to every household where an active registered voter of the Jurisdiction resides at the least cost possible in the time frame as required by law. If the Jurisdiction is a special district, the TABOR notice also will be mailed to every eligible property owner who is not already a registered voter in Mesa County. The County may send the TABOR Notice to persons other than electors of the Jurisdiction in an effort to mail the TABOR Notice package at the "least cost."
 - c. Post the TABOR Notice on vote.mesacounty.us

- d. Keep a careful and accurate accounting of time, supplies, printing costs and salaries attributable to the County's TABOR Notice services for the Jurisdiction. The Jurisdiction's proportional share of actual costs shall be based on the County's total expenditures relative to the TABOR Notice.
- N. Hire, instruct and oversee election judges and temporary workers necessary for the conduct of the election.
- O. Establish and maintain mail ballot drop box locations, and designate and operate Voter Service and Polling Centers as required by the Code.
- P. Provide trained personnel to pick up sealed ballot containers containing voted ballots from every drop box location and Voter Service and Polling Center each business day. Provide a replacement sealed empty ballot container(s), except if the location is a stand-alone 24-hour drop box.
- Q. Provide the necessary equipment, the adequately trained personnel, and the secure facility, and conduct and oversee the process to receive, verify voter signatures, open, tabulate and store ballots.
- R. Maintain a record of every eligible voter's registration and every ballot sent, received, voided and cast using the Colorado SCORE voter registration and election management system.
- S. Send letters to voters whose mail ballots are missing a signature, missing identification or have a signature discrepancy, and provide instructions and an affidavit to cure this issue within eight (8) days of Election Day for the ballot to be counted. Conduct the process to receive and verify voter affidavits and where appropriate, cure and count these ballots.
- T. Maintain the following reports for all Mesa County eligible voters, and publish a public version (excluding confidential voters) on vote.mesacounty.us
 - a. A turnout list, including the names of eligible electors, precinct number, date mail ballot was sent, and date ballot was issued at a Voter Service and Polling Center.
- U. Accept public inquiries by phone at (970) 244-1662 and by email at voter.info@mesacounty.us. Respond to all correspondence and calls within the County's expertise relating to election procedures. Refer members of the public and news media to the DEO for any matters pertaining to the Jurisdiction's race, questions, measures or operations.
- V. Post unofficial election results by ballot question after the polls close on Election Night at www.vote.mesacounty.us, and regularly update the unofficial results as more eligible ballots are counted.
- W. Conduct a recount of the ballots cast if required by law or if requested by the Jurisdiction for any reason. In either scenario, the cost of the recount will be charged to the Jurisdiction. If more than one Jurisdiction is involved in the recount, the cost will be pro-rated among the participating Jurisdictions equally.
- X. Prepare and run the required Risk Limiting Audit in accordance with the Code before certifying election results.

- Y. Appoint a Canvass board and conduct a canvass of the votes in order to certify the results of the Jurisdiction's election. Provide the Jurisdiction with a copy of all election statements and certificates which are to be created under the Code.
- Z. Keep a careful and accurate accounting of time, supplies, printing costs and salaries attributable to the County's administration of the election.
- AA. Store all election records as required by the Code for 25 months in such a manner that they may be accessed by the Jurisdiction, if necessary, to resolve any challenges or other legal questions that might arise regarding the election.

2.04 JURISDICTION RESPONSIBILITIES.

The Jurisdiction shall perform the following duties:

- A. Identify a Designated Election Official to act as liaison between the Jurisdiction and the County. The Jurisdiction designates the below named person to act as the DEO for all matters under the Code and the Rules which require action by the DEO.

DEO name: _____

Primary phone: _____

Cell phone: _____

Email: _____

From the date of execution of this Agreement through the official certification of the final election results including any recounts, the DEO shall be readily available and accessible during regular business hours, and at other times when notified in advance by the County's contact person, for the purpose of consultation and decision-making on behalf of the Jurisdiction. In addition, the DEO is responsible for receiving and timely responding to inquiries made by the Jurisdiction's voters or others interested in the Jurisdiction's election. The DEO is responsible for providing the CEO with emergency contact numbers to be reached before and after normal office hours and on Election Day from 7:00 a.m. until the counting of the ballots is completed. To the extent that the Code requires that an Election Official of the Jurisdiction conduct a task, the DEO shall conduct the same.

- B. Notify the County prior to executing this Agreement if the Jurisdiction's boundaries include property in any other county.
- C. Review the Address Library Report provided by the County, which determines which residential addresses are within the jurisdiction. View the street ranges in a map format at: <https://emap.mesacounty.us/viewer/?maptype=political&cbxid=precincts,-commdist>. Confirm the street ranges are correct and identify any errors, omissions or deletions if necessary. Provide

the County with certification of any annexations, inclusions, and/or exclusions to the Jurisdiction, including all supporting documents. Return via email a signed copy of the provided Acknowledgement Form to the County, including any corrections if necessary, by the date set forth in Attachment B.

- a. If the Jurisdiction is a Proposed Jurisdiction not already identified by a tax authority code in the County Assessor's records, the Jurisdiction shall provide the County with a certified legal description, map, and a list of street ranges for all streets within the Proposed Jurisdiction on or before eighty (80) days prior to Election Day. If residential addresses are not available, provide a list of the land parcel numbers that are within the boundaries of the Proposed Jurisdiction.
- D. For elections where owning property in the Jurisdiction is a requirement for voting in the election, the Jurisdiction must perform the following tasks relating to the property owners list:
- a. Coordinate directly with the Mesa County Assessor's Office to order and pay for an initial and a supplemental certified list of all recorded owners of taxable real and personal property within the Jurisdiction's boundaries in Mesa County, in accordance with § 1-5-304, C.R.S., and by the deadlines in Attachment B.
 - b. To receive access to the DEO SCORE Lookup, contact Colorado Secretary of State's Office at www.sos.state.co.us. Click on Menu > Elections & Voting > Elections Administrator Login > Request Voter Lookup Access.
 - c. Using the list from the Assessor's Office:
 - i. Remove from the list non-person entities and persons not living in the state of Colorado.
 - ii. Look up the remaining names using the Secretary of State SCORE look-up tool to determine if each person is a registered voter. Remove from the list those individuals who are not registered to vote.
 - iii. Remove from the list persons who reside in the Jurisdiction, as they will already receive a mail ballot.
 - iv. Deliver to the County via email an initial and a supplemental list of property owners who are property owners in the Jurisdiction, registered to vote in the state of Colorado, and not physically residing in the Jurisdiction. Each list should be delivered by the deadline indicated in Attachment B. The list should be a Microsoft Excel spreadsheet and must contain no more than one (1) eligible elector's name per line. Each line must consist of the following separated fields: eligible elector's voter identification number, last name, first name, middle name, mailing address, city, state, zip, parcel number, and phone number, if available.
 - v. The CEO will mail affidavits to each eligible elector residing outside of the district included on the property owner list provided by the DEO. Each eligible elector who resides outside the district, but is registered to vote in the State of

Colorado, must complete, sign and return the affidavit to the County Clerk. Upon receipt and verification of the completed affidavits, the CEO will mail each eligible elector a mail ballot packet. Those electors who reside within the district will not be required to complete the affidavit.

- E. Directly manage the responsibilities defined in § 1-4-901 to 912, C.R.S., for all candidate petitions for all local election races held by the Jurisdiction, including but not limited to: reviewing the petition format, receiving petitions that are filed, verifying voter validity, determining sufficiency, notifying candidates of sufficiency, responding to protest filings, and cures if applicable.
- F. Determine the title and text of the Jurisdiction's ballot races, measures and/or issues using plain, non-technical language, worded with simplicity and clarity, in accordance with § 1-40-105(1), C.R.S. Determine the order of candidates in each race by lot drawing, or if applicable, city/town charter.
- G. Defer to the County to determine the number and letter of each ballot issue and question, as outlined in Section 2.02. Abstain from communicating or publicizing a ballot issue or question in conjunction with a letter or number before it has been officially determined by the County.
- H. Submit the Jurisdiction's certified ballot content, verbatim, as it should appear on the ballot for the Jurisdiction's races, questions and issues to the County. Submit the ballot content via email to Stephanie Wenzholz at stephanie.wenzholz@mesacounty.us on or before the deadline as set forth within Attachment B. Format the ballot content in a Microsoft Word document in plain text; do not include bold, italic, underline, bullets, tables, strikethrough or indentation. Titles should indicate whether the question is a referred measure or an initiative from a citizen petition. TABOR issues must be in all caps. All other measures and races must be mixed case. (Ballot content submitted to the County after the deadline will not appear on the ballot.)
- I. Within one business day of receipt from the County, proofread the layout and the text of the Jurisdiction's portion of the official ballots and provide written notice of acceptance to the County via email to the County's Elections Manager, Stephanie Wenzholz at stephanie.wenzholz@mesacounty.us, or such alternate email address as the County may designate.
- J. If the Jurisdiction's election includes a race, contact all candidates on the ballot and ask them to call the County's candidate hotline at (970) 255-5059 by the deadline indicated in Attachment B and record a voicemail with the phonetic pronunciation of their name, the title of the race and jurisdiction for which they are running.
- K. If the Jurisdiction's election includes a TABOR issue, the Jurisdiction shall perform the following duties relative to the TABOR Notice:
 - a. Receive petition representative's written summary of comments relating to ballot issues/ballot questions. Receive and compile community members' written summary of pro/con statements relating to ballot issues/ballot questions.

- b. Prepare a financial summary for each ballot question or issue.
 - c. Prepare a Microsoft Word document using the template provided by the County for the TABOR Notice with the final and exact text of its certified ballot language, pro/con statements and financial summary for each ballot question or issue governed by TABOR by the deadline in Attachment B.
 - d. Defend and resolve, at the Jurisdiction's sole expense, all challenges related to the candidates, ballot issues and/or ballot questions, or to the TABOR Notice if applicable, as certified to the County.
- L. Publish and post any required legal notices for the Jurisdiction's candidates, ballot issues and/or ballot questions, other than the notice published by the County in conformance with § 1-5-205, C.R.S. A copy of such published legal notice shall be submitted to the County for its records.
 - M. Respond to all correspondence and calls for any matters pertaining to the Jurisdiction's race, question or measures or operations. Refer members of the public and news media to the County for any matters outside of the DEO's expertise relating to election procedures.
 - N. Notify the CEO by the statutory deadline whether a recount is required or desired. The Jurisdiction shall reimburse the County for the full cost of the recount. If other Jurisdictions are included in the recount, the cost of the recount will be prorated among the participating jurisdictions as per § 1-10.5- 101, C.R.S.
 - O. Remit to the County the total payment for the Jurisdiction's prorated share of costs for the printing and mailing of ballots, TABOR Notice (if required), any additional or unique election costs resulting from Jurisdiction delays and/or special preparations or cancellations, and all other election expenses within sixty (60) days from the date of receipt of an invoice from the County.

SECTION III.

CANCELLATION OF ELECTIONS

3.01 CANCELLATION OF ELECTION BY THE JURISDICTION.

In the event that the Jurisdiction resolves not to hold the election, notice of such resolution shall be provided to the CEO immediately. The Jurisdiction shall be liable for the full actual costs of the activities of the County relating to the election incurred before receipt of such notice and activities of the County relating to cancelling the election after the receipt of such notice. The Jurisdiction shall provide and post notice by publication as defined in the Code. In the event that the Jurisdiction resolves not to hold the election after the last day for the DEO to certify the ballot order and content to the CEO (see Attachment B), the text provided by the Jurisdiction cannot be removed from the ballot and/or the Ballot Issue notice (TABOR Notice).

SECTION IV.

MISCELLANEOUS

4.01 NOTICES.

Any and all notices required to be given by this Agreement are deemed to have been received and to be effective: (1) three days after they have been mailed by certified mail, return receipt requested; (2) immediately upon hand delivery; or (3) immediately upon receipt of confirmation that an email or fax was received; to the address of a Party as set forth below or to such Party or addresses as may hereafter be designated in writing:

To County: Stephanie Wenholz
 Elections Manager – Front Office
 Mesa County Clerk and Recorder's Office - Elections Division
 200 S Spruce Street
 Grand Junction, CO 81502
 Fax: (970) 255-5039
 Email: Stephanie.Wenholz@mesacounty.us

To Jurisdiction: Wanda K Winkelmann
 City of Grand Junction
 City Clerk
 250 North 5th St
 Grand Junction, CO 81501
 Email: wandaw@gjcity.org

4.02 TERM OF AGREEMENT.

The term of this Agreement shall commence on the Effective Date and continue until all statutory requirements concerning the conduct of the election and the creation, printing, and distribution of the TABOR Notice, if needed, are fulfilled.

4.03 AMENDMENT.

This Agreement may be amended only in writing, and following the same formality as the execution of the initial Agreement.

4.04 INTEGRATION.

The Parties acknowledge that this Agreement constitutes the sole and entire agreement between them relating to the subject matter hereof and that no Party is relying upon any oral representation or other written document made by another Party or employee, agent or officer of that Party.

4.05 CONFLICT OF LAW.

In the event that any provision in this Agreement conflicts with the Code or other statute, this Agreement shall be modified to conform to such law, and the non-conflicting portions shall be enforced as written to the extent possible.

4.06 TIME OF ESSENCE.

Time is of the essence for this Agreement. The time requirements of the Code shall apply to completion of the tasks required by this Agreement. Failure to comply with the terms of this Agreement and/or the deadlines in Attachment B or the Code may result in consequences up to and including termination of this Agreement.

4.07 GOOD FAITH.

The parties shall implement this Agreement in good faith, including acting in good faith in all matters that require joint or general action.

4.08 NO WAIVER OF GOVERNMENTAL IMMUNITY ACT.

The Parties understand and agree that the County, its commissioners, officials, officers, directors, agents, and employees, are relying on, and do not waive or intend to waive by any provisions of this Agreement, the monetary limitations or any other rights, immunities, protections or defenses provided by the Colorado Governmental Immunity Act (the "CGIA"), §§ 24-10-101 to 120, C.R.S., or otherwise available to the County or the Jurisdiction. To the extent the CGIA imposes varying obligations or contains different waivers for cities and counties, both the Jurisdiction and the County agree that they will remain liable for their independent obligations under the CGIA, and neither party shall be the agent of the other or liable for the obligations of the other.

4.09 NO THIRD PARTY BENEFICIARIES.

The enforcement of the terms and conditions of this Agreement and all rights of action relating to such enforcement shall be strictly reserved to the County and the Jurisdiction, and nothing contained in this Agreement shall give or allow any such claim or right of action by any other or third person under such Agreement.

4.10 GOVERNING LAW: JURISDICTION AND VENUE.

Unless otherwise agreed in writing, this Agreement and the interpretation thereof shall be governed by the laws of the State of Colorado. Venue for any and all legal actions arising under this IGA shall lie in the District Court in and for the County of Mesa, State of Colorado.

4.11 SEVERABILITY.

Should any provision of this Agreement be determined by a court of competent jurisdiction to be unconstitutional or otherwise null and void, it is the intent of the parties hereto that the remaining provisions of this Agreement shall be of full force and effect to the extent possible.

4.12 ATTACHMENTS.

The following attachments are incorporated herein by this reference.

Attachment A -2020 Cost Estimate

Attachment B· Key Dates for Coordinating Jurisdictions (subject to updates)

Attachment C – State Elections Calendar

END OF PAGE

MESA COUNTY

By: Tina Peters, Coordinated Election Official
Mesa County Clerk and Recorder

Date: _____

JURISDICTION

By: Wanda K Winkelmann, City Clerk
City of Grand Junction

Date: _____

2020 GENERAL ELECTION

Participating Entities	Total Voters Served	% of Total Voters	Participating Entities	% of Total Cost
			Election Cost	\$ 300,000.00
State	97,591		State Reimbursement	\$ 78,072.00
			<i>District Minimum \$1000.00</i>	\$ 2,000.00
			<i>Adjusted Election Cost</i>	\$ 219,928.00
Mesa County	97,591	37.70%		\$ 82,904.23
City of Grand Junction	39,452	15.24%		\$ 33,514.75
Colorado River District	97,591	37.70%		\$ 82,904.23
GJ Rural Fire Protection District	17,243	6.66%		\$ 14,648.05
GJ Rural Fire Protection District - Redlands Sub	7,010	2.71%		\$ 5,955.04
Redlands 360 Metro District #1	1	0.00%		\$1,000.00
Redlands 360 Metro District #9	1	0.00%		\$1,000.00

Estimates are based on entities who have contacted us to participate and may be subject to adjustments.

Attachment A

Attachment B

Expected Timeline:

August 5, 2020	IGA Given to Public Entity
August 14, 2020	Address Library to Public Entity to Check for Accuracy
August 25, 2020	IGA Signed & Returned to County Clerk (CRS 1-7-116(2))
September 2, 2020	Address Library Returned to Clerk
September 4, 2020	Last Day for DEO to Certify Ballot Content and Deliver to Clerk (CRS 1-5-203(3) (a))
September 8-11, 2020	Ballot Proofing
September 19, 2020	Last Day Ballots Sent Out to UOCAVA Voters (CRS 1-8.3-110(1), Rule 16)
September 21, 2020	TABOR Notice Content Due (CRS 1-7-904)
October 1, 2020	Logic & Accuracy Test
October 2, 2020	TABOR Notice Mailed (Art. X, Sect. 20 (3)(b), CRS 1-1-106(5))
October 2, 2020	Provide Initial Property Owners list to Clerk
October 9, 2020	First Day Ballots Mailed to Voters (CRS 1-7.5-107 (3)(a)(I) Rule 7.2.3)
October 19, 2020	First Day to Begin Counting Ballots (CRS 1-7.5-107.5)
October 19, 2020	Minimum Number of Voter Service Polling Centers Open (CRS 1-5-102.9 (2) Rule 7.9.1)
October 23, 2022	Provide Secondary Property Owners List to Clerk
November 3, 2020	Election Day (CRS 1-1-104 (17), 1-4-201, Rule 7.9.1 (c))
November 25, 2020	Canvass (subject to change, but no later than November 25, 2020)

2020 Election Calendar

Presidential Primary Election: March 3, 2020

Primary Election: June 30, 2020

General Election: November 3, 2020

January, 2020

2-January (Thursday)	Last day for state central committees to notify the secretary of state and the clerk and recorder of each county of decision to hold its precinct caucus on the first Saturday following the presidential primary. (On or before January 2 of the year in which a presidential election will be held)	1-3-102(1)(a)(III)
	Last day to affiliate with a major or minor party in order to run as a party candidate in the primary (either through nomination or petition) (No later than first business day in January)	1-4-601(4)(a) 1-4-801(3) 1-4-1304(2)(b) 1-4-802(1)(g)(II)
	Last day to register as unaffiliated, in order to be placed in nomination (by petition) as an unaffiliated candidate. (No later than first business day in January)	1-4-802(1)(g)(II)
3-January (Friday)	Last day for designated election officials to submit security and contingency plans to the Secretary of State for the March 3rd Presidential Primary Election . (No later than 60 days before the first election in which the procedures will be used. Secretary of State will notify DEO of approval/disapproval of plan no later than 15 days after receiving the submission)	1-5-616(5)(b) Rule 20.1
	Last day for Secretary of State to certify the names and party affiliations of the candidates to be placed on the March 3rd Presidential Primary Election ballot. (No later than 60 days before the presidential primary election)	1-4-1204(1)
	Last day for the Secretary of State to deliver the March 3rd Presidential Primary Election ballot order and content to county clerks. (No later than 60 days before the Primary Election)	1-5-203(1)(a)
	The Secretary of State may cancel the March 3rd Presidential Primary Election for any major party if there are no contested races. (By the close of business on the 60th day before the Primary Election)	1-4-1203(5)
3-January (Friday)	Last day for the county clerk to send correspondence to each UOCAVA elector whose record is marked "Inactive." This correspondence must include information regarding the upcoming elections. (No later than 60 days before the first primary election in an even numbered year)	Rule 16.1.6
	Last day for counties to begin video surveillance recordings of areas specified in Rule 20.9.3 for the March 3rd Presidential Primary Election (Beginning at least 60 days before the election and continuing through at least 30 days after the election)	Rule 20.9.2
	Last day an unaffiliated voter may give notice in writing to the county clerk that he or she wishes to serve as an election judge for the March 3rd Presidential Primary Election . (No later than 60 days before primary election)	1-6-103.7
	Last day a county chairperson of a minor political party may certify to the county clerk and recorder an initial list of registered electors recommended to serve as election judges for the March 3rd Presidential Primary Election . (No later than 60 days before primary election)	1-6-103.5
	First day that a county clerk or designated election official may hold election judge training for the March 3rd Presidential Primary Election . (Not more than 60 days before the Primary Election)	1-6-101(5)
10-January (Friday)	Last day to submit a petition to qualify as a minor political party. (Must be signed by at least 10,000 registered electors and submitted to the Secretary of State) (No later than second Friday in January)	1-4-1302(1)
18-January (Saturday)	Deadline for county clerk to transmit a primary election ballot to military and overseas voters for the March 3rd Presidential Primary Election . (No later than 45 days before the Primary Election)	1-8.3-110(1) Rule 16
	The county clerk must report to the Secretary of State the number of ballots transmitted to military and overseas electors for the March 3rd Presidential Primary Election by the 45-day deadline. (No later than 45 days before the election)	Rule 16.1.7
	First day a county clerk may begin issuing a mail ballot to any eligible elector who requests one in person at the county clerk's office for the March 3rd Presidential Primary Election . (No sooner than 45 days before election)	1-7.5-107(2.7)
21-January (Tuesday)	First day to circulate major party candidate petitions. (Not before third Tuesday in January)	1-4-801(5)
28-January (Tuesday)	Last day for counties to submit zero result files (data entry counties) or a document listing all ballot content (manual entry counties) to the Secretary of State for Election Night Reporting (ENR) for the March 3rd Presidential Primary Election (No later than 35 days before the election)	Rule 11.9.2

2020 Election Calendar

Presidential Primary Election: March 3, 2020

Primary Election: June 30, 2020

General Election: November 3, 2020

28-January (Tuesday)	Last day for the county clerk to provide a list of election judges, including political party affiliations and assignments, if known, to each appointing party for the March 3rd Presidential Primary Election . (No later than 35 days before an election)	Rule 6.1.4
31-January (Friday)	Ballots for the March 3rd Presidential Primary Election must be printed and in possession of the county clerk. (No later than 32 days before the Primary Election)	1-5-402(1)
	County clerk must begin issuing mail ballots for the March 3rd Presidential Primary Election to any eligible elector who requests one in person at the county clerk's office. (No later than 32 days before election)	1-7.5-107(2.7)
	Last day for Secretary of State to publish on the Audit Center the risk limits that apply in RLAs for the March 3rd Presidential Primary Election . (No later than 32 days before election)	Rule 25.2.2(a)
	Last day for the Secretary of State to issue a notice of sufficiency/insufficiency of a petition to qualify as a minor political party. (21 days after receipt of the petition)	1-4-1302(4)(b)
February, 2020		
3-February (Monday)	First day to circulate minor party candidate petitions. (First Monday in February)	1-4-802(1)(d)(II)
	Last day for state central committees to file or amend party bylaws or rules with the Secretary of State. (No bylaw or rule may be filed or amended after the first Monday in February)	1-3-103(9)(a)
3-February (Monday)	Last day for voters who are affiliated with a political party to change or withdraw their affiliation if they wish to vote in a different party's primary election for the March 3rd Presidential Primary Election . (Up to and including the 29th day before the Primary Election)	1-2-219(1)
	Last day before the March 3rd Presidential Primary Election that County clerk must record in SCORE the ballot preference of an unaffiliated elector. Unaffiliated electors who select a preference by this date must be sent their preferred ballot when ballots are mailed. (Up to and including the 29th day before Primary Election)	Rule 2.18
7-February (Friday)	Last day to change precinct boundaries or create new precincts before the March 7th Party precinct caucuses . (No later than 29 days before caucus)	1-5-103(1)
10-February (Monday)	First day that mail ballots for the March 3rd Presidential Primary Election may be mailed to voters, except for UOCAVA voters. (Not sooner than 22 days before the Primary Election, now applies to unaffiliated voters)	1-7.5-107(3)(a)(I) Rule 7.2.3
	Last day to submit an application to register to vote in the March 3rd Presidential Primary Election through a voter registration drive. (No later than 22 days before the election)	1-2-201(3)(b)(I)
	Last day for county clerks to run SCORE reports for the March 3rd Presidential Primary Election that include voter or election details during regular business hours and from 7 a.m. to 7 p.m. on Election Day. (Starting 22 days before election)	Rule 2.15.4
11-February (Tuesday)	Last day for the county clerk to conduct the public Logic and Accuracy Test for the March 3rd Presidential Primary Election. (No later than the 21st day before election day)	Rule 11.3.2(a)
	Last day for a data entry county to upload the LAT results file to ENR for the March 3rd Presidential Primary Election. (No later than 21 days before an election)	Rule 11.9.3
12-February (Wednesday)	Last day to post polling location signs for the March 3rd Presidential Primary Election . (At least 20 days before the election)	1-5-106(1)
	Last day for the county clerk to publish notice of the March 3rd Presidential Primary Election . (No later than 20 days before the election)	1-5-205(1)(a)-(d)
14-February (Friday)	Last day to affiliate with the Republican Party or Democratic Party in order to vote in the March 7th Party precinct caucuses . (22 days before the precinct caucuses)	1-3-101(1)
	Last day to update your voter registration address to participate in the March 7th Party precinct caucuses . (Must be a resident of the precinct for 22 days <u>and</u> registered to vote no later than 22 days before the precinct caucus)	1-3-101(1)

2020 Election Calendar

Presidential Primary Election: March 3, 2020

Primary Election: June 30, 2020

General Election: November 3, 2020

14-February (Friday)	Last day for county clerks to furnish the Republican and Democratic Parties with a list of registered electors in the county who are affiliated with the Party. (No later than 21 days before the March 7th Party precinct caucuses)	1-3-101(3)(a) 1-1-106(5)
	Last day to send out initial mail ballots for the March 3rd Presidential Primary Election . (No later than 18 days before the Primary Election)	1-7.5-107(3)(a)(I) Rule 7.2.3
	Last day for major political parties to appoint members to the county canvass board for the March 3rd Presidential Primary Election . (At least 15 days before the Primary Election)	1-10-101(1)(a) 1-1-106(5)
	Last day for designated election official to appoint audit board to conduct RLA for the March 3rd Presidential Primary Election . (No later than 15 days before election day)	Rule 25.2.2(b) 1-1-106(5)
18-February (Tuesday)	First day to begin counting mail ballots received for the March 3rd Presidential Primary Election . No results may be disclosed until after 7:00 p.m. on election day. (No earlier than 15 days before the election)	1-7.5-107.5 1-1-106(5)
21-February (Friday)	Deadline for county clerk to post a copy of the published notice of the March 3rd Presidential Primary Election in a conspicuous place in the offices of the designated election official or the county clerk. (At least 10 days before the election and until 2 days after the election)	1-5-205(1.3) 1-1-106(5)
	Last day for the county clerk to file the voting system inventory with the Secretary of State for the March 3rd Presidential Primary Election . (No later than 10 days before an election)	1-1-106(5) Rule 11.2.3
24-February (Monday)	Last day to post signs for the March 7th Party precinct caucuses . (No later than 12 days before the precinct caucuses)	1-4-602(4)
	Last day for an individual to submit a voter registration application and still receive a ballot in the mail for the March 3rd Presidential Primary Election . (Through the 8th day before an election)	1-2-201(3)(b)(III)
24-February to 3-March	The minimum number of required voter service and polling centers must be open for the March 3rd Presidential Primary Election . (Beginning at least 8 days before and on election day, except Sundays)	1-7.5-107 (4.5)(a)(III),(c) Rule 7.9.1
25-February (Tuesday)	If the county clerk receives a voter registration application within the 8 days before the March 3rd Presidential Primary Election , the clerk must process the application and inform the applicant that they will not receive a mail ballot. To receive a ballot, the applicant must visit a Voter Service and Polling Center.	1-2-201(4) 1-2-217.7(3.5) 1-2-508(3)
	Last day for the county clerk to submit election setup records for the March 3rd Presidential Primary Election to the Secretary of State by regular mail to Colorado Secretary of State, Attn: Voting Systems, 1700 Broadway, Ste. 200, Denver, CO 80290. (No later than 5:00 PM on the 7th day before election day)	1-7-510(2) Rule 11.4
	First day the minimum number of required Drop Boxes must be open for the March 3rd Presidential Primary Election . (Beginning at least 7 days before an election, including Saturdays and Sundays)	1-7.5-107(4.3)(b)
27-February (Thursday)	First day that county must begin accepting comments from the public regarding the designation of VSPCs for the 2020 General Election . (250 days before a general election)	1-5-102.9(1)(c)(II)
28-February (Friday)	Deadline for county clerk and recorder to send the county's precinct files or maps to the Secretary of State. (No later than March 1)	Rule 2.20 1-1-106(5)
March, 2020		
2-March (Monday)	Last day for county clerk to designate drop-off, drop box, and Voter Service and Polling Center locations for the June 30th Primary Election . Before designation, clerks must also complete an accessibility survey for all locations. (No later than 120 days before the Primary Election)	Rule 7.10
	Last day for county clerk to submit an election plan to the Secretary of State for the June 30th Primary Election . (No later than 120 days before the Primary Election)	1-7.5-105(1) Rule 7.1.1
3-March (Tuesday)	Presidential Primary (A presidential primary election shall be held on a Tuesday on a date designated by the governor not later than the third Tuesday in March in years in which a United States Presidential Election will be held.)	1-4-1202(2) 1-4-1203(1)
	All ballots must be received by the county clerk by 7:00 p.m.	1-7.5-107(4)(b)(II)

2020 Election Calendar

Presidential Primary Election: March 3, 2020

Primary Election: June 30, 2020

General Election: November 3, 2020

5-March (Thursday)	Deadline for the county clerk to send missing signature, signature verification, and missing ID letters and emails. (Within 3 days after receipt of ballot missing ID/confirmation of signature deficiency, but no later than 2 days after the March 3rd Presidential Primary Election day)	1-7.5-107(3.5)(d) 1-7.5-107.3(2)(a) 1-8.5-105(3)(a) Rules 7.6.1, 7.7.1
6-March (Friday)	Deadline for the Secretary of State to give public notice of the meeting to establish the random seed for the RLA Tool. (At least seven calendar days before the meeting to be held on the tenth day after the March 3rd Presidential Primary Election)	Rule 25.2.2(h)
	Deadline for the Secretary of State to select target contest(s) to be audited in the risk-limiting audit for the March 3rd Presidential Primary Election . (No later than 5:00 p.m. MT on the Friday after election day)	Rule 25.2.2(i)
7-March (Saturday)	Republican Party and Democratic Party Precinct Caucus Day (In a year in which a presidential election will be held, a political party may hold its precinct caucuses on the first Saturday following the presidential primary election.)	1-3-102(1)(a)(III)
11-March (Wednesday)	Last day for ballots cast by military and overseas electors to be received by the county clerk in order to be counted in the March 3rd Presidential Primary Election . (No later than the 8th day after election day)	1-8.3-111 1-8.3-113 Rule 16.1.5
	Last day for an elector to cure a signature discrepancy or missing signature, or to provide missing ID for mail or provisional ballot to be counted in the March 3rd Presidential Primary Election . (By 11:59 p.m. MT 8 days after election day)	1-7.5-107(3.5)(d) 1-7.5-107.3(2)(a) 1-8.5-105(3)(a) Rule 7.6.1 Rule 7.7.5
12-March (Thursday)	Last day for the county clerk to complete verification and counting of provisional ballots for the March 3rd Presidential Primary Election . (Within 9 days after the Primary Election)	1-8.5-105(5)
	County must finish tabulating all in-person and accepted mail ballots cast by voters registered in the county for the March 3rd Presidential Primary Election . Immediately after completing this tabulation, the county must also generate a summary results report, a results file export suitable for uploading to the Secretary of State's ENR system, and a CVR export. (Complete by 9th day after election day)	Rule 25.2.2 (d)
	Deadline for county conducting a comparison audit to upload: -verified and hashed ballot manifest, and the manifest's hash value to the Secretary of State's office -verified and hashed CVR export, and the CVR export's hash value to the Secretary of State's office -RLA tabulation results export to the Secretary of State's election night reporting system. (No later than 5:00 PM MT on the 9th day after the March 3rd Presidential Primary Election)	Rule 25.2.2(f)
	Deadline for county conducting a ballot polling audit to upload: -verified and hashed ballot manifest and the ballot manifest hashed value by email to the Secretary of State's Office -cumulative tabulation report, by email to the Secretary of State's Office -RLA tabulation results export to the Secretary of State's election night reporting system. (No later than 5:00 PM MT on the 9th day after the March 3rd Presidential Primary Election)	Rule 25.2.2 (g)
13-March (Friday)	Deadline for Secretary of State to establish a random seed for use with the RLA Tool. (On the 10th day after the March 3rd Presidential Primary Election)	Rule 25.2.2(h)
	Deadline to notify the counties of the ballots selected to be audited. (No later than 11:59 p.m. MT on the 10th day after the March 3rd Presidential Primary Election)	Rule 25.2.2(k)
17-March (Tuesday)	Last day to file major party candidate petitions. (No later than third Tuesday in March; DEO may extend deadline to file, but not collect signatures due to public health concerns; for 2020 Primary election only)	1-4-801(5)(a) 1-4-801(5)(b)(I)
	Last day for county who previously failed to meet 45-day ballot transmission deadline to submit plan to Secretary of State for complying with the deadline for the June 30th Primary Election . (No later than 60 days before the 45 day transmission deadline)	Rule 16.1.8
20-March (Friday)	Last day for the Secretary of State to prepare an election notice for the June 30th Primary Election to be used in conjunction with a federal write-in absentee ballot. (At least 100 days before a regularly scheduled election)	1-8.3-116 1-1-106(5)

2020 Election Calendar

Presidential Primary Election: March 3, 2020

Primary Election: June 30, 2020

General Election: November 3, 2020

20-March (Friday)	Last day for the Secretary of State to prepare an election notice for the June 30th Primary Election to be used in conjunction with a federal write-in absentee ballot. (At least 100 days before a regularly scheduled election)	1-8.3-116(1) 1-1-106(5)
24-March (Tuesday)	Deadline for County audit board to sign, date, and submit to the Secretary of State a report of the results of the risk limiting audit for the March 3rd Presidential Primary Election . (No later than 5:00 p.m. MT on business day before the canvass deadline)	Rule 25.2.3(d)
25-March (Wednesday)	Last day to complete the canvass and submit official abstract of votes cast for the March 3rd Presidential Primary Election to the Secretary of State. (No later than the 22nd day after the election)	1-4-1206 1-10-102(1) 1-10-103(1)
26-March (Thursday)	Deadline to upload the final canvass results for the March 3rd Presidential Primary Election to the ENR system. (By COB on the first business day after the statutory deadline for completing the canvass)	Rule 11.9.6
30-March (Monday)	Last day for the Secretary of State to compile the returns and order appropriate recounts of the March 3rd Presidential Primary Election . (No later than the 27th day after the Primary Election)	1-10-103(2)
31-March (Tuesday)	Last day for interested parties to request a recount of the March 3rd Presidential Primary Election at their own expense. (Within 28 days after the Primary Election)	1-10.5-106(2)
April, 2020		
1-April (Wednesday)	Last day for the county clerk to submit a watcher accommodation plan to the Secretary of State for the June 30th Primary Election . (No later than 90 days before an election)	Rule 8.7
	Last day for county clerk who failed to follow the procedures for a risk limiting audit during the March 3rd Presidential Primary Election to submit a written remediation plan to the Secretary of State. (No later than 90 days before the June 30th Primary Election)	Rule 25.2.5
3-April (Friday)	Last day for county that conducted a comparison risk-limiting audit for the March 3rd Presidential Primary Election to review its CVR file and redact CVRs corresponding to any ballot card susceptible of being personally identified with an individual voter <u>if</u> no recount was required or requested. (no later than the third business day following the deadline to request a recount)	Rule 25.2.4
	Last day to submit draft ballot issues to the Title Board, if the issue is to appear on the 2020 General Election ballot. (No later than 3 p.m., 12 days before the last Title Board Hearing held on April 15th)	1-40-106(1)
6-April (Monday)	Last day to file minor party candidate petitions. (No later than 85 days before primary election)	1-4-802(1)(f)(II)
7-April (Tuesday)	Last day to complete a statutory recount of any race in the March 3rd Presidential Primary Election . (No later than the 35th day after the election)	1-10.5-102(2) 1-10.5-103
9-April (Thursday)	Last day to complete a recount of the March 3rd Presidential Primary Election requested by an interested party. (No later than the 37th day after the Primary Election)	1-10.5-106(2)
11-April (Saturday)	Last day to hold Republican Party and Democratic Party county assemblies . (No later than 35 days after precinct caucuses; county assemblies may be held over a period of days, not to exceed seven) *2020 only	1-4-602(1)(a)(III)(A)
	County candidates' designations and acceptances must be filed no later than 4 days after the adjournment of the county assembly. If faxed, the original must also be filed and postmarked no later than 10 days after the adjournment of the assembly.	1-4-601(3)(a) 1-4-604(3)
14-April (Tuesday)	Last day for county that conducted a comparison risk-limiting audit for the March 3rd Presidential Primary Election to review its CVR file and redact CVRs corresponding to any ballot card susceptible of being personally identified with an individual voter <u>if</u> recount was required or requested. (no later than the third business day following the deadline to complete recount)	Rule 25.2.4
15-April (Wednesday)	Last day to hold a Title Board hearing for ballot issues that will appear on the 2020 General Election ballot. (No later than 3rd Wednesday in April)	1-40-106(1)
16-April (Thursday)	Last day for any minor party to notify Secretary of State that it is prohibiting unaffiliated electors from voting in its primary. (Not less than 75 days prior to the Primary Election)	1-4-1304(1.5)(c)
24-April (Friday)	Last day a write-in candidate may file an Affidavit of Intent for the June 30th Primary Election . (By the close of business on the 67th day before the Primary Election)	1-4-1102(1)

2020 Election Calendar

Presidential Primary Election: March 3, 2020

Primary Election: June 30, 2020

General Election: November 3, 2020

25-April (Saturday)	Last day to hold major/minor party assemblies. (Party assembly shall be held on April 25, 2020 due to public health concerns; 2020 only.)	1-4-601(1)(b)(I) 1-4-1304(1.5)(f)(I)
*	For major parties, designation and acceptance forms must be filed no later than four days after the adjournment of the assembly. Certificates of designation may be transmitted by facsimile transmission; however, the original certificate must also be filed and postmarked no later than ten days after the adjournment of the assembly.	1-4-604(1)(a) 1-4-604(3) 1-4-601(3)
*	For minor parties, designation forms must be filed no later than 4 days after the assembly. Acceptance forms must be postmarked or received by the DEO no later than 4 business days after the filing of the certificate of designation. If faxed, the originals must also be filed and postmarked no later than 10 days after the adjournment of the assembly.	1-4-1304(3), (4)
*	Objections to nominations, designations, or petitions must be filed with the district court within 5 days after the election official's sufficiency statement was issued or after the certificate of designation was filed with the designated election official.	1-4-909(1)
27-April (Monday)	Last day that county must accept comments from the public regarding the designation of VSPCs for the 2020 General Election . (Through the 190th day before a general election)	1-5-102.9(1)(c)(II)
28-April (Tuesday)	Last day for a major party county chairperson to certify names and addresses of recommended election judges to the county clerk. (No later than the last Tuesday of April)	1-6-103(1)(a)
*	Designated election official must confirm appointments by mailing a certification of appointment and acceptance form to election judges. Each person appointed as an election judge must file an acceptance form with the designated election official within 7 days after the certification and acceptance form are mailed.	1-6-104(1) 1-6-106(1) 1-6-106(3)
May, 2020		
1-May (Friday)	The designated election official may cancel the June 30th Primary Election if there are no contested races. (By the close of business on the 60th day before the Primary Election)	1-4-104.5(1)
	Last day for counties to begin video surveillance recordings of areas specified in Rule 20.9.3 for the June 30th Primary Election (Beginning at least 60 days before the election and continuing through at least 30 days after the election)	Rule 20.9.2
	Last day for designated election officials to submit security and contingency plans to the Secretary of State for the June 30th Primary Election . (No later than 60 days before the first election in which the procedures will be used. Secretary of State will notify DEO of approval/disapproval of plan no later than 15 days after receiving the submission)	1-5-616(5)(b) Rule 20.1
	Last day an unaffiliated voter may give notice in writing to the county clerk that he or she wishes to serve as an election judge for the June 30th Primary Election . (No later than 60 days before primary election)	1-6-103.7
	Last day a county chairperson of a minor political party may certify to the county clerk and recorder an initial list of registered electors recommended to serve as election judges for the June 30th Primary Election . (No later than 60 days before primary election)	1-6-103.5
	First day that a county clerk or designated election official may hold election judge training for the June 30th Primary Election . (Not more than 60 days before the Primary Election)	1-6-101(5)
	Last day for the state central committee of each political party to file with the Secretary of State a compilation of the certificates of designation of each assembly that nominated candidates for any national or state office or for member of the general assembly, district attorney, or district office greater than a county office. (Only for 2020)	1-4-604(6)(a)(II)(A)
	Last day for party assembly vacancy committee to fill a vacancy resulting from the failure of a party assembly to designate a candidate. (No later than 60 days before the Primary Election; only for 2020)	1-4-1002(6)(IV)
4-May (Monday)	First day for judicial candidates to file a declaration of intent to run for another term. (Not more than 6 months, but not less than 3 months before the General Election)	Art. VI, Sect. 25 1-1-106(4)

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7-May (Thursday)	Last day for the Tribal Council of an Indian Tribe located on a Federal Reservation to request that a VSPC be located within the boundaries of the reservation for the 2020 General Election . (No later than 180 days before the date of a general election)	1-5-102.9(1)(b.7)
	Last day for the Secretary of State to deliver the June 30th Primary Election ballot order and content to county clerks. (On or before May 7, 2020; only for 2020)	1-5-203(1)(c)(I)
16-May (Saturday)	Deadline for county clerk to transmit a primary election ballot to military and overseas voters for the June 30th Primary Election . (No later than 45 days before the Primary Election)	1-8.3-110(1) Rule 16
	The county clerk must report to the Secretary of State the number of ballots transmitted to military and overseas electors for the June 30th Primary Election by the 45-day deadline. (No later than 45 days before the election)	Rule 16.1.7
	First day a county clerk may begin issuing a mail ballot to any eligible elector who requests one in person at the county clerk's office for the June 30th Primary Election . (No sooner than 45 days before election)	1-7.5-107(2.7)
26-May (Tuesday)	Last day for counties to submit zero result files (data entry counties) or a document listing all ballot content (manual entry counties) to the Secretary of State for Election Night Reporting (ENR) for the June 30th Primary Election (No later than 35 days before the election)	Rule 11.9.2
	Last day for the county clerk to provide a list of election judges, including political party affiliations and assignments, if known, to each appointing party for the June 30th Primary Election . (No later than 35 days before an election)	Rule 6.1.4
29-May (Friday)	Ballots for the June 30th Primary Election must be printed and in possession of the county clerk. (No later than 32 days before the Primary Election)	1-5-402(1)
	County clerk must begin issuing mail ballots for the June 30th Primary Election to any eligible elector who requests one in person at the county clerk's office. (No later than 32 days before election)	1-7.5-107(2.7)
	Last day for Secretary of State to publish on the Audit Center the risk limits that apply in RLAs for the June 30th Primary Election . (No later than 32 days before election)	Rule 25.2.2(a)
June, 2020		
1-June (Monday)	Last day for voters who are affiliated with a political party to change or withdraw their affiliation if they wish to vote in a different party's primary election for the June 30th Primary Election . (Up to and including the 29th day before the Primary Election)	1-2-219(1)
	First day an unaffiliated candidate may circulate or obtain signatures on a petition for nomination for the November 3rd General Election . (Executive Order D 2020-053 and Temporary Election Rule 27.9.1)	1-4-802(1)(d)(I)
	Last day before the June 30th Primary Election that County clerk must record in SCORE the ballot preference of an unaffiliated elector. Unaffiliated electors who select a preference by this date must be sent their preferred ballot when ballots are mailed. (Up to and including the 29th day before Primary Election)	Rule 2.18
8-June (Monday)	First day that mail ballots for the June 30th Primary Election may be mailed to voters, except for UOCAVA voters. (Not sooner than 22 days before the Primary Election, now applies to unaffiliated voters)	1-7.5-107(3)(a)(I) Rule 7.2.3
	Last day to submit an application to register to vote in the June 30th Primary Election through a voter registration drive. (No later than 22 days before the election)	1-2-201(3)(b)(I)
	Last day for county clerks to run SCORE reports for the June 30th Primary Election that include voter or election details during regular business hours and from 7 a.m. to 7 p.m. on Election Day. (Starting 22 days before election)	Rule 2.15.4
9-June (Tuesday)	Last day for the county clerk to conduct the public Logic and Accuracy Test for the June 30th Primary Election. (No later than the 21st day before election day)	Rule 11.3.2(a)
	Last day for a data entry county to upload the LAT results file to ENR for the June 30th Primary Election. (No later than 21 days before an election)	Rule 11.9.3
10-June (Wednesday)	Last day to post polling location signs for the June 30th Primary Election . (At least 20 days before the election)	1-5-106(1)

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10-June (Wednesday)	Last day for the county clerk to publish notice of the June 30th Primary Election . (No later than 20 days before the election)	1-5-205(1)(a)-(d)
12-June (Friday)	Last day to send out initial mail ballots for the June 30th Primary Election . (No later than 18 days before the Primary Election)	1-7.5-107(3)(a)(I) Rule 7.2.3
15-June (Monday)	Last day for major political parties to appoint members to the county canvass board for the June 30th Primary Election . (At least 15 days before the Primary Election)	1-10-101(1)(a)
	First day to begin counting mail ballots received for the June 30th Primary Election . No results may be disclosed until after 7:00 p.m. on election day. (No earlier than 15 days before the election)	1-7.5-107.5
	Last day for designated election official to appoint audit board to conduct RLA for the June 30th Primary Election . (No later than 15 days before election day)	Rule 25.2.2(b)
19-June (Friday)	Deadline for county clerk to post a copy of the published notice of the June 30th Primary Election in a conspicuous place in the offices of the designated election official or the county clerk. (At least 10 days before the election and until 2 days after the election)	1-5-205(1.3) 1-1-106(5)
	Last day for the county clerk to file the voting system inventory with the Secretary of State for the June 30th Primary Election . (No later than 10 days before an election)	1-1-106(5) Rule 11.2.3
22-June (Monday)	Last day for an individual to submit a voter registration application and still receive a ballot in the mail for the June 30th Primary Election . (Through the 8th day before an election)	1-2-201(3)(b)(III)
22-June to 30-June	The minimum number of required voter service and polling centers must be open for the June 30th Primary Election . (Beginning at least 8 days before and on election day, except Sundays)	1-7.5-107(4.5)(c) Rule 7.9.1
23-June (Tuesday)	Last day for the county clerk to submit election setup records for the June 30th Primary Election to the Secretary of State by regular mail to Colorado Secretary of State, Attn: Voting Systems, 1700 Broadway, Ste. 200, Denver, CO 80290. (No later than 5:00 PM on the 7th day before election day)	1-7-510(2) Rule 11.4
	If the county clerk receives a voter registration application within the 8 days before the June 30th Primary Election , the clerk must process the application and inform the applicant that they will not receive a mail ballot. To receive a ballot, the applicant must visit a Voter Service and Polling Center.	1-2-201(4) 1-2-217.7(3.5) 1-2-508(3)
	First day the minimum number of required Drop Boxes must be open for the June 30th Primary Election . (Beginning at least 7 days before an election, including Saturdays and Sundays)	1-7.5-107(4.3)(b)
30-June (Tuesday)	Primary Election (Polls open 7:00 a.m. to 7:00 p.m.)	1-4-101(1) 1-7-101(1) Rule 7.9.1(c)
	All ballots must be received by the county clerk by 7:00 p.m.	1-7.5-107(4)(b)(II)
July, 2020		
1-July (Wednesday)	The Secretary of State must notify county clerks and the minor political party if any minor political party ceases to qualify as such a party. (No later than July 1)	1-4-1305(2)
1-July to 15-July	Date range to send notification of the time and place of party lot drawing. The drawing determines ballot positions of candidates to appear on the 2020 General Election ballot. (Between July 1 and July 15 of each election year)	1-5-404(2)
2-July (Thursday)	Deadline for the county clerk to send missing signature, signature verification, and missing ID letters and emails. (Within 3 days after receipt of ballot missing ID/confirmation of signature deficiency, but no later than 2 days after the June 30th Primary Election day)	1-7.5-107(3.5)(d) 1-7.5-107.3(2)(a) 1-8.5-105(3)(a) Rules 7.6.1, 7.7.1
3-July (Friday)	Deadline for the Secretary of State to give public notice of the meeting to establish the random seed for the RLA Tool. (At least seven calendar days before the meeting to be held on the tenth day after the June 30th Primary Election)	Rule 25.2.2(h)
	Deadline for the Secretary of State to select target contest(s) to be audited in the risk-limiting audit for the June 30th Primary Election . (No later than 5:00 p.m. MT on the Friday after election day)	Rule 25.2.2(i)
6-July (Monday)	Last day for County Clerk to apply for a waiver with the Secretary of State for any of the drop box requirements of 1-5-102.9(5). (No later than 120 days prior to the 2020 General Election)	1-5-102.9(6)
	Last day for the county clerk to submit an election plan for the 2020 General Election to the Secretary of State. (No later than 120 days before every election)	1-7.5-105(1) Rule 7.1.1

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6-July (Monday)	Last day for county clerk to designate drop-off, drop box, and Voter Service and Polling Center locations for the 2020 General Election . Clerks must also complete an accessibility survey for all locations annually before designation. (No later than 120 days before the election)	Rule 7.10
8-July (Wednesday)	Last day for ballots cast by military and overseas electors to be received by the county clerk in order to be counted in the June 30th Primary Election . (No later than the 8th day after election day)	1-8.3-111 1-8.3-113 Rule 16.1.5
	Last day for an elector to cure a signature discrepancy or missing signature, or to provide missing ID for mail or provisional ballot to be counted in the June 30th Primary Election . (By 11:59 p.m. MT 8 days after election day)	1-7.5-107(3.5)(d) 1-7.5-107.3(2)(a) 1-8.5-105(3)(a) Rule 7.6.1 Rule 7.7.5
9-July (Thursday)	Last day for the county clerk to complete verification and counting of provisional ballots for the June 30th Primary Election . (Within 9 days after the Primary Election)	1-8.5-105(5)
	County must finish tabulating all in-person and accepted mail ballots cast by voters registered in the county for the June 30th Primary Election . Immediately after completing this tabulation, the county must also generate a summary results report, a results file export suitable for uploading to the Secretary of State's ENR system, and a CVR export. (Complete by 9th day after election day)	Rule 25.2.2 (d)
	Deadline for county conducting a comparison audit to upload: -verified and hashed ballot manifest, and the manifest's hash value to the Secretary of State's office -verified and hashed CVR export, and the CVR export's hash value to the Secretary of State's office -RLA tabulation results export to the Secretary of State's election night reporting system. (No later than 5:00 PM MT on the 9th day after the June 30th Primary Election)	Rule 25.2.2(f)
	Deadline for county conducting a ballot polling audit to upload: -verified and hashed ballot manifest and the ballot manifest hashed value by email to the Secretary of State's Office -cumulative tabulation report, by email to the Secretary of State's Office -RLA tabulation results export to the Secretary of State's election night reporting system. (No later than 5:00 PM MT on the 9th day after the June 30th Primary Election)	Rule 25.2.2 (g)
10-July (Friday)	Deadline for Secretary of State to establish a random seed for use with the RLA Tool. (On the 10th day after the June 30th Primary Election)	Rule 25.2.2(h)
	Deadline to notify the counties of the ballots selected to be audited. (No later than 11:59 p.m. MT on the 10th day after the June 30th Primary Election)	Rule 25.2.2(k)
16-July (Thursday)	Last day for a write-in candidate to file an Affidavit of Intent for the 2020 General Election . (By the close of business on the 110th day before the General Election)	1-4-1102(1)
21-July (Tuesday)	Deadline for County audit board to sign, date, and submit to the Secretary of State a report of the results of the risk limiting audit for the June 30th Primary Election . (No later than 5:00 p.m. MT on business day before the canvass deadline)	Rule 25.2.3(d)
	Last day for county who previously failed to meet 45-day ballot transmission deadline to submit plan to Secretary of State for complying with the deadline for the 2020 General Election . (No later than 60 days before the 45 day transmission deadline)	Rule 16.1.8
22-July (Wednesday)	Last day to complete the canvass and submit official abstract of votes cast for the June 30th Primary Election to the Secretary of State. (No later than the 22nd day after the election)	1-10-102(1) 1-10-103(1)
23-July (Thursday)	Deadline to upload the final canvass results for the June 30th Primary Election to the ENR system. (By COB on the first business day after the statutory deadline for completing the canvass)	Rule 11.9.6
24-July (Friday)	Last day for the Secretary of State to prepare an election notice for the 2020 General Election to be used in conjunction with a federal write-in absentee ballot. (At least 100 days before a regularly scheduled election)	1-8.3-116(1) 1-1-106(5)
	Last day for a political subdivision to notify the county clerk in writing that it has taken formal action to participate in the 2020 General Election . (100 days before the General Election)	1-7-116(5) 1-1-106(5)
27-July (Monday)	Last day to file an unaffiliated candidate nomination petition. (Executive Order D 2020-053 and Temporary Election Rule 27.9.1)	1-4-802(1)(f)(I)

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27-July (Monday)	Last day for the Secretary of State to compile the returns and order appropriate recounts of the June 30th Primary Election . (No later than the 27th day after the Primary Election)	1-10-103(2)
28-July (Tuesday)	Last day for interested parties to request a recount of the June 30th Primary Election at their own expense. (Within 28 days after the Primary Election)	1-10.5-106(2)
30-July (Thursday)	Last day for the designated election official to provide a notice of sufficiency/insufficiency regarding unaffiliated candidate nomination petitions for the 2020 General Election . (No later than 96 days before the General Election)	1-4-908(3)
31-July (Friday)	Last day for county that conducted a comparison risk-limiting audit for the June 30th Primary Election to review its CVR file and redact CVRs corresponding to any ballot card susceptible of being personally identified with an individual voter <u>if</u> no recount was required or requested. (no later than the third business day following the deadline to request a recount)	Rule 25.2.4
August, 2020		
3-August (Monday)	Last day to file an initiative petition with the Secretary of State for the 2020 General Election , no later than 3:00 p.m. (At least 3 months before the election)	Art V, Sect. 1(2)
	Last day for judicial candidates to file a Declaration of Intent to run for another term. (Not less than 3 months before the 2020 General Election)	Art. VI, Sect. 25
4-August (Tuesday)	Last day to complete a statutory recount of any race in the June 30th Primary Election . (No later than the 35th day after the election)	1-10.5-102(2) 1-10.5-103
5-August (Wednesday)	Last day for the county clerk to submit a watcher accommodation plan for the 2020 General Election to the Secretary of State. (No later than 90 days before an election)	Rule 8.7
	Last day for county clerk who failed to follow the procedures for a risk limiting audit during the June 30th Primary Election to submit a written remediation plan to the Secretary of State. (No later than 90 days before the 2020 General Election)	Rule 25.2.5
	Deadline for unaffiliated candidates for president and vice president to submit statement of intent, filing fee, and list of presidential electors to access the 2020 General Election ballot. (No later than 3pm on the 90th day before the general election)	1-4-303(1)
6-August (Thursday)	Last day to complete a recount of the June 30th Primary Election requested by an interested party. (No later than the 37th day after the Primary Election)	1-10.5-106(2)
11-August (Tuesday)	Last day for county that conducted a comparison risk-limiting audit for the June 30th Primary Election to review its CVR file and redact CVRs corresponding to any ballot card susceptible of being personally identified with an individual voter <u>if</u> recount was required or requested. (no later than the third business day following the deadline to complete recount)	Rule 25.2.4
20-August (Thursday)	Last day for a political party nominating candidates by party assembly/convention to make nominations public. (No later than 75th day before the General Election)	1-4-702(2)
25-August (Tuesday)	Last day for intergovernmental agreements to be signed by county clerks and political subdivisions. (No later than 70 days before the General Election)	1-7-116(2)
31-August (Monday)	Last day to submit to the designated election official the designation and acceptance of person filling a vacancy in a major party nomination occurring after the primary election. (No later than the 64th day before the 2020 General Election)	1-4-1005(3)(c)(I)
September, 2020		
2-September (Wednesday)	Last day for the Secretary of State to examine submitted initiative petitions and issue a statement of sufficiency or insufficiency. (No more than 30 calendar days after the petition is filed)	1-40-116(2)
4-September (Friday)	Last day for the designated election official of each political subdivision to certify the ballot order and content for the 2020 General Election . Each DEO must also deliver the certification to the county clerk for the 2020 General Election . (No later than 60 days before the election)	1-5-203(3)(a)
	Last day for designated election officials to submit security and contingency plans to the Secretary of State, if not previously submitted. (No later than 60 days before the first election in which the procedures will be used. The Secretary of State will notify DEO of approval/disapproval of plan no later than 15 days after receiving the submission)	1-5-616(5)(b) Rule 20.1

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4-September (Friday)	Last day for counties to begin video surveillance recordings of areas specified in Rule 20.9.3 for the 2020 General Election . (Beginning at least 60 days before the election and continuing through at least 30 days after the election)	Rule 20.9.2
	First day the county clerk or designated election official may hold election judge training for the 2020 General Election . (Not more than 60 days before the election)	1-6-101(5)
	Last day an unaffiliated voter may give notice in writing to the county clerk that he or she wishes to serve as an election judge for the 2020 General Election . (No later than 60 days before the election)	1-6-103.7
	Last day a county chairperson of a minor political party may certify to the county clerk and recorder an initial list of registered electors recommended to serve as election judges for the 2020 General Election . (No later than 60 days before the election)	1-6-103.5
	Last day for designated representatives of initiative petition to withdraw the petition from consideration by filing withdrawal letter with Secretary of State. (No later than 60 days before petition is to be voted upon)	1-40-134
	Last day for the Secretary of State to deliver the certification of ballot order and content to each county for the 2020 General Election . (No later than 57 days before the General Election)	1-5-203(1)(a) 1-1-106(5)
18-September (Friday)	Last day to file written comments concerning local ballot issues with the designated election official in order to be included in the ballot issue notice. (By noon the Friday before the 45th day before the election)	Art. X, Sect. 20(3)(b)(v) 1-7-901(4)
	Last day for a petition's representatives to submit a summary of favorable comments for the ballot issue notice. Comments must be submitted to the designated election official. (No later than 44 days before the election)	1-7-903(3) 1-1-106(5)
19-September (Saturday)	Last day to transmit ballots and ballot materials to overseas military voters for the 2020 General Election . (No later than 45 days before the election)	1-8.3-110(1) Rule 16
	Deadline for clerk to report to the Secretary of State the number of ballots transmitted to military and overseas electors for the 2020 General Election by the 45-day deadline.	Rule 16.1.7
	First day a county clerk may begin issuing a mail ballot for the 2020 General Election to any eligible elector who requests one in person at the county clerk's office. (No sooner than 45 days before election)	1-7.5-107(2.7)
21-September (Monday)	Last day for the designated election official to deliver the full text of any required ballot issue notices to the county clerk. (No later than 43 days before the 2020 General Election)	1-7-904
29-September (Tuesday)	Last day for counties to submit zero result files (data entry counties) or a document listing all ballot content (manual entry counties) to the Secretary of State for Election Night Reporting (ENR) for the 2020 General Election (No later than 35 days before the election)	Rule 11.9.2
	Last day for the county clerk to provide a list of election judges, including political party affiliations and assignments, if known, to each appointing party for the 2020 General Election . (No later than 35 days before an election)	Rule 6.1.4
October, 2020		
2-October (Friday)	Last day for official ballots for the 2020 General Election to be printed and in the possession of the county clerk. (No later than 32 days before the General Election)	1-5-403(1)
	County clerk must begin issuing mail ballots for the 2020 General Election to any eligible elector who requests one in person at the county clerk's office. (No later than 32 days before election)	1-7.5-107(2.7)
	Last day to mail notice of a ballot issue election. (At least 30 days before a ballot issue election)	Art. X, Sect. 20(3)(b) 1-1-106(5)
2-October (Friday)	Last day for Secretary of State to publish on the Audit Center the risk limits that apply in RLAs for the 2020 General Election . (Not later than 32 days before election)	Rule 25.2.2(a)
9-October (Friday)	First day that mail ballots for the 2020 General Election may be mailed to voters, except for UOCAVA voters. (Not sooner than 22 days before the election)	1-7.5-107(3)(a)(i) Rule 7.2.3

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12-October (Monday)	Last day for county clerks to run SCORE reports for the 2020 General Election that include voter or election details during regular business hours and from 7 a.m. to 7 p.m. on Election Day. (Starting 22 days before election)	Rule 2.15.4
13-October (Tuesday)	Last day to submit an application to register to vote in the 2020 General Election through a voter registration drive. (No later than 22 days before the election or day after if 22 days falls on holiday)	1-2-201(3)(b)(I)
	Last day for the county clerk to conduct the public Logic and Accuracy Test for the 2020 General Election. (No later than the 21st day before election day)	Rule 11.3.2(a)
	Last day for a data entry county to upload the LAT results file to ENR for the 2020 General Election. (No later than 21 days before an election)	Rule 11.9.3
14-October (Wednesday)	Last day to post polling location signs for the 2020 General Election . (At least 20 days before the election)	1-5-106(1)
	Last day for the county clerk to publish notice of the 2020 General Election . (No later than 20 days before the election)	1-5-205(1)(a)-(d)
16-October (Friday)	Last day to send out initial mail ballots for the 2020 General Election . (No later than 18 days before the election)	1-7.5-107(3)(a)(I) Rule 7.2.3
19-October to 3-November	The minimum number of required voter service and polling centers must be open for the 2020 General Election . (Beginning at least 15 days before and continuing through election day, except Sundays and the first Saturday of this period)	1-5-102.9(2) Rule 7.9.1
	First day county Drop Boxes must be open to accept mail ballots for the 2020 General Election . (15 days preceding the date of the general election and continuing to election day)	1-5-102.9(5)(c)
19-October (Monday)	Last day for major political parties to appoint members to the county canvass board for the 2020 General Election . (At least 15 days before the election)	1-10-101(1)(a)
	First day to begin counting mail ballots received for the 2020 General Election . No results may be disclosed until after 7:00 p.m. on election day. (No earlier than 15 days before the election)	1-7.5-107.5
	Last day for designated election official to appoint audit board to conduct RLA for the 2020 General Election . (No later than 15 days before election day)	Rule 25.2.2(b)
	First day that drop-off location located on federal reservation at the request of the Tribal Council must be open to accept mail ballots for the 2020 General Election. (15 days before the general election through election day)	1-5-102.9(5)(e)
23-October (Friday)	Last day for the county clerk to file the voting system inventory with the Secretary of State for the 2020 General Election . (No later than 10 days before an election)	Rule 11.2.3 1-1-106(5)
26-October (Monday)	Last day for an individual to submit a voter registration application and still receive a ballot in the mail for the 2020 General Election . (Through the 8th day before an election)	1-2-201(3)(b)(III)
27-October (Tuesday)	If the county clerk receives a voter registration application within the 8 days before the 2020 General Election , the clerk must process the application and inform the applicant that they will not receive a mail ballot. To receive a ballot, the applicant must visit a Voter Service and Polling Center.	1-2-201(4) 1-2-217.7(3.5) 1-2-508(3)
	Last day for the county clerk to submit election setup records for the 2020 General Election to the Secretary of State by regular mail to Colorado Secretary of State, Attn: Voting Systems, 1700 Broadway, Ste. 200, Denver, CO 80290. (No later than 5:00 PM on the 7th day before election day)	1-7-510(2) Rule 11.4
November, 2020		
3-November (Tuesday)	General Election (Polls open 7:00 a.m. to 7:00 p.m.)	1-1-104(17) 1-4-201 Rule 7.9.1(c)
	All ballots must be received by the county clerk by 7:00 p.m.	1-7.5-107(4)(b)(II)
5-November (Thursday)	Deadline for the county clerk to send missing signature, signature verification, and missing ID letters and emails. (Within 3 days after receipt of ballot missing ID/confirmation of signature deficiency, but no later than 2 days after the 2020 General Election day)	1-7.5-107(3.5)(d) 1-7.5-107.3(2)(a) 1-8.5-105(3)(a) Rules 7.6.1, 7.7.1
6-November (Friday)	Deadline for the Secretary of State to give public notice of the meeting to establish the random seed for the RLA Tool. (At least seven calendar days before the meeting to be held on the tenth day after the 2020 General Election)	Rule 25.2.2(h)

Use this as a reference guide only. Always refer to the Colorado Constitution,
Revised Statutes, and Secretary of State Rules for applicable provisions.

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General Election: November 3, 2020

6-November (Friday)	Deadline for the Secretary of State to select target contest(s) to be audited in the risk-limiting audit for the 2020 General Election . (No later than 5:00 p.m. MT on the Friday after election day)	Rule 25.2.2(i)
12-November (Thursday)	Last day for an elector to cure a signature discrepancy or missing signature, or to provide missing ID for mail or provisional ballot to be counted in the 2020 General Election . (By 11:59 p.m. MT 8 days after election day)	1-7.5-107(3.5)(d) 1-7.5-107.3(2)(a) 1-8.5-105(3)(a) Rule 7.6.1 Rule 7.7.5 1-1-106(5)
	Last day for ballots cast by military and overseas electors to be received by the county clerk in order to be counted in the 2020 General Election . (No later than the 8th day after election day)	1-8.3-111 1-8.3-113 Rule 16.1.5 1-1-106(5)
	Last day for the county clerk to complete verification and counting of provisional ballots for the 2020 General Election . (Within 9 days after the election)	1-8.5-105(5)
	County must finish tabulating all in-person and accepted mail ballots cast by voters registered in the county for the 2020 General Election . Immediately after completing this tabulation, the county must also generate a summary results report, a results file export suitable for uploading to the Secretary of State's ENR system, and a CVR export. (Complete by 9th day after election day)	Rule 25.2.2 (d)
	Deadline for county conducting a comparison audit to upload: -verified and hashed ballot manifest, and the manifest' hash value to the Secretary of State's office -verified and hashed CVR export, and the CVR export's hash value to the Secretary of State's office -RLA tabulation results export to the Secretary of State's election night reporting system. (No later than 5:00 PM MT on the 9th day after the 2020 General Election)	Rule 25.2.2(f)
	Deadline for county conducting a ballot polling audit to upload: -verified and hashed ballot manifest and the ballot manifest hashed value by email to the Secretary of State's Office -cumulative tabulation report, by email to the Secretary of State's Office -RLA tabulation results export to the Secretary of State's election night reporting system. (No later than 5:00 PM MT on the 9th day after the 2020 General Election)	Rule 25.2.2 (g)
13-November (Friday)	Deadline for Secretary of State to establish a random seed for use with the RLA Tool. (On the 10th day after the 2020 General Election)	Rule 25.2.2(h)
	Deadline to notify the counties of the ballots selected to be audited. (No later than 11:59 p.m. MT on the 10th day after the 2020 General Election)	Rule 25.2.2(k)
24-November (Tuesday)	Deadline for County audit board to sign, date, and submit to the Secretary of State a report of the results of the risk limiting audit for the 2020 General Election . (No later than 5:00 p.m. MT on business day before the canvass deadline)	Rule 25.2.3(d)
25-November (Wednesday)	Last day to complete the canvass and submit official abstract of votes cast for the 2020 General Election to the Secretary of State. (No later than the 22nd day after the election)	1-10-102(1) 1-10-103(1) 1-1-106(5)
	Last day for political subdivision that referred a ballot issue or question that failed for the 2020 General Election , to waive an automatic recount of that issue or question by giving written notice to clerk and recorder. (Within 23 days after election)	1-10.5-103 1-1-106(5)
27-November (Friday)	Deadline to upload the final canvass results for the 2020 General Election to the ENR system. (By COB on the first business day after the statutory deadline for completing the canvass)	Rule 11.9.6 1-1-106(4)
30-November (Monday)	Last day for the Secretary of State to compile the returns and order appropriate recounts of the 2020 General Election . (No later than the 27th day after the election)	1-10-103(2)
December, 2020		
1-December (Tuesday)	Last day for interested parties to request a recount of the 2020 General Election at their own expense. (Within 28 days after the election)	1-10.5-106(2)

Use this as a reference guide only. Always refer to the Colorado Constitution, Revised Statutes, and Secretary of State Rules for applicable provisions.

RESOLUTION NO. XX-20

A RESOLUTION CALLING A SPECIAL ELECTION IN THE CITY OF GRAND JUNCTION, COLORADO CONCERNING AND PROVIDING FOR THE SUBMISSION TO THE ELECTORATE ON NOVEMBER 3, 2020 A MEASURE TO ALLOW THE CITY TO COLLECT, RETAIN AND SPEND REVENUES AS A VOTER APPROVED REVENUE CHANGE PROVIDED FOR AND DEFINED BY ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION AND OTHER DETAILS RELATING THERE TO

WHEREAS, the City of Grand Junction, in the County of Mesa and State of Colorado (the "City"), is a home rule municipal corporation duly organized and existing under laws of the State of Colorado and the City Charter (the "Charter"); and

WHEREAS, the members of the City Council of the City (the "Council") have been duly elected and qualified; and

WHEREAS, the Council hereby finds and determines that it is in the public interest to pose a certain question to the electors to allow the City to collect, retain and spend revenue the City receives for current and future governmental purposes without application of the TABOR formula; and

WHEREAS, the County Clerk of Mesa County ("County Clerk") is conducting a coordinated election on November 3, 2020, pursuant to §1-7-116, C.R.S.; and

WHEREAS, the Council is of the opinion that the City should seek voter approval for the purposes provided in this resolution and the resolution setting the ballot question; and

WHEREAS, it is necessary to set forth certain procedures concerning the conduct of the election.

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

Section 1. All actions heretofore taken (not inconsistent with the provisions of this resolution) by the City and the officers thereof, directed towards the election and the objects and purposes herein stated are hereby ratified, approved and confirmed. Unless otherwise defined herein, all terms used herein shall have the meanings defined in §1-1-104, C.R.S., and TABOR.

Section 2. Pursuant to the Uniform Election Code and all other applicable laws of the State of Colorado, the Council hereby determines that an election shall be held on November 3, 2020, at which there shall be submitted to the registered electors of the City the question described in Section 3 hereof. The City shall participate in the coordinated election being conducted by the County Clerk on November 3, 2020. The officers of the City are authorized to enter into an intergovernmental agreement with the County Clerk pursuant to §1-7-116 of the Uniform Election Code. Any such intergovernmental agreements heretofore entered into in connection with the Election are hereby ratified, approved and confirmed.

Section 3. The Council hereby authorizes and directs the designated election official to certify to the County Clerk, on or before September 4, 2020, the ballot issue in substantially the form of the resolution pertaining to the same.

Section 4. The Council hereby appoints the City Clerk as the designated election official for purposes of performing acts required or permitted by law in connection with the election. Pursuant to §1-1-111(2), C.R.S., all powers and authority granted to the Council may be exercised by the designated election official, including but not limited to the power to appoint election judges.

Section 5. If a majority of the votes cast on the question are in favor, then the City shall be authorized to act as provided in the question and if a majority of the votes cast on the question are opposed then the City shall not be authorized to act.

Section 6. The officers of the City are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this resolution.

Section 7. If any section, paragraph, clause or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall in no manner affect any remaining provisions of this resolution, the intent being that the same are severable.

INTRODUCED, READ, APPROVED, AND ADOPTED this 19th day of August 2020.

C.E. Duke Wortmann
President of the Council

ATTEST:

Wanda Winkelmann
City Clerk