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CITY COUNCIL AGENDA
WEDNESDAY, AUGUST 4, 2021
250 NORTH 5TH STREET
VIRTUAL MEETING - LIVE STREAMED
BROADCAST ON CABLE CHANNEL 191

5:30 PM – REGULAR MEETING

Call to Order, Pledge of Allegiance, Moment of Silence

Appointments

To the Downtown Development Authority Business Improvement District

To the One Riverfront Board

Citizen Comments

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

Citizens have four options for providing Citizen Comments: 1) in person, 2) virtually during the meeting (registration required), 3) via phone by leaving a message at 970-244-1504 until noon on Wednesday, August 4, 2021 or 4) submitting comments online until noon on Wednesday, August 4, 2021. Please reference the agenda item and all comments will be forwarded to City Council.

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 July 19, 2021 Workshop

b. Minutes of the July 21, 2021 Regular Meeting

c. Minutes of the July 21, 201 Special Meeting (Executive Session)

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. Quasi-judicial

i. Introduction of an Ordinance Zoning Approximately 1.67 Acres from County C-2 (General Commercial) to a City C-1 (Light Commercial) for the Stinker C-Store Annexation, Located at 2905 and 2907 North Avenue and 494 29 Road and Setting a Public Hearing for August 18, 2021

ii. Introduction of an Ordinance Rezoning One Parcel Totaling Approximately 9.98 Acres from I-2 (General Industrial) to I-1 (Light Industrial) Located at 715 23 ½ Road and Setting a Public Hearing for August 18, 2021

3. Contracts

a. Oxygen Supply Tank Foundation at Juniata Reservoir

b. 2021 Kannah Creek Flowline Replacement

c. Professional Services Contract for Construction Administration and Inspection Services for Persigo Structural Repairs

d. Purchase of Fire Pumper Truck

e. 2021 Authorization for a Contract Renewal for Professional Geotechnical Engineering Services

4. Resolutions

a. A Resolution Authorizing the City Manager to Execute Related Documents and Co-Sponsorship Agreement for Airport Coronavirus Response Grant Program

REGULAR AGENDA

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

5. Resolutions

a. A Resolution Assigning the City's 2021 Private Activity Bond Allocation to Colorado Housing and Finance Authority in Support of the Monument Ridge Townhomes Rehabilitation Project

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 4, 2021

Presented By: Wanda Winkelmann, City Clerk

Department: City Clerk

Submitted By: Kerry Graves

Information

SUBJECT:

To the Downtown Development Authority Business Improvement District

RECOMMENDATION:

To reappoint and appoint the interview committee's recommendation to the Downtown Development Authority Business Improvement District.

EXECUTIVE SUMMARY:

There are two vacancies on the Downtown Development Authority Business Improvement District.

BACKGROUND OR DETAILED INFORMATION:

Incumbents Doug Simons Jr. and Duncan Rowley have terms expiring June 30, 2021. Duncan Rowley is term-limited.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I move to (reappoint/not reappoint) and to (appoint/not appoint) the interview committee's recommendation to the Downtown Development Authority Business Improvement District.

Attachments

None

Grand Junction City Council

Regular Session

Item #

Meeting Date: August 4, 2021

Presented By: Wanda Winkelmann, City Clerk

Department: City Clerk

Submitted By: Kerry Graves

Information

SUBJECT:

To the One Riverfront Board

RECOMMENDATION:

To appoint the interview committee's recommendation to the One Riverfront Board.

EXECUTIVE SUMMARY:

There are three full-term vacancies on the One Riverfront Board.

BACKGROUND OR DETAILED INFORMATION:

Thomas Moore, David Varner and JoAnna Woodruff have terms that expired July 30, 2021. Applications were received from Darrell Manroe, Jessica Paris Manroe, Thomas Moore, Jamie Porta, David Varner and JoAnna Woodruff.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

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

Attachments

None

GRAND JUNCTION CITY COUNCIL WORKSHOP SUMMARY
July 19, 2021

Meeting Convened: 5:30 p.m. Meeting held in person at the Fire Department Training Room, 625 Ute Avenue, and live streamed via GoToWebinar.

Meeting Adjourned: 7:41 p.m.

City Councilmembers present: Councilmembers Abe Herman, Phil Pe'a, Randall Reitz, Dennis Simpson, Anna Stout, Rick Taggart, and Mayor Chuck McDaniel.

Staff present: City Manager Greg Caton, City Attorney John Shaver, Community Development Director Tamra Allen, General Services Director Jay Valentine, Finance Director Jodi Welch, Parks and Recreation Director Ken Sherbenou, City Clerk Wanda Winkelmann, and Deputy City Clerk Selestina Sandoval.

Mayor McDaniel called the meeting to order.

Agenda Topic 1. Discussion Topics

a. Community Center Update

Parks and Recreation Director Ken Sherbenou provided an overview of the Community Center Update. The results of the statistically valid survey conducted as part of the PROS Master Plan priorities were reviewed. The development of a community center was identified as "very important", Lincoln Park was identified as a primary location, and respondents identified revenue from marijuana sales and grants and fundraising as sources to fund a community center. Mr. Sherbenou reviewed the experiences from other Western Slope communities and noted sales tax was used most to fund their community centers. A rendering of a site plan was reviewed and floor plans were shown that included an indoor ice arena, swimming pools, and a track.

Discussion ensued about how trees would be impacted by the addition of a facility at Lincoln Park, 2020 cost figures that were inflated for 2023 prices (approximately 10%), the cost to include an indoor ice arena ($7 million), weighing the desire for an amenity vs. the cost, the need for a follow-up survey to obtain more information about the desire for an ice arena, the possible location of a community center, what are citizens willing to pay for the services offered at a community center (it is not free), who should conduct a statistically valid survey (a marketing firm vs. an architectural firm), cost recovery and subsidies, paying for a community center through sales tax or another type of tax, using sales tax from marijuana business sales, funding through certificates of participation (COPs), and survey respondent behavior.

Support was expressed to conduct a follow-up survey.

Conversation was held about Orchard Mesa pool and the investment needed for repairs there and at Lincoln Park pool. Funding for the repairs was briefly reviewed.

b. Marijuana Stores Regulations Discussion and Direction

Community Development Director Tamra Allen introduced the topic. With the passage of ballot measures 2A (which allows the lifting of the moratorium on marijuana businesses) and 2B (allowing a tax on sales) in April, Council directed staff to solicit community feedback and explore proposed ordinances to draft regulations. Staff conducted online and in-person listening sessions and posted an online survey. The results of the survey were provided to City Council and direction is now needed regarding the number of allowable stores, the location of stores, and the criteria used to select operators.

Ms. Allen reviewed the options for location and number of marijuana businesses through 1) zoning and buffering; 2) numerical cap (with zoning and buffering); and 3) cap-by-district (with zoning and buffering).

Options for selection of operators were reviewed and could include 1) a lottery; 2) merit based; and 3) a hybrid approach.

Discussion ensued regarding the number of stores and allowing the free market to determine number the of stores; buffering between stores; number of stores in districts; real estate values; and the vision for the community.

Support was expressed for staff to bring a summary of tonight's discussion to the July 21 Council meeting for formal action on: 1) zoning (draft regulations in which zoning regulations for marijuana stores reflect the zoning of general retail sales under the existing Land Use and Development Code), 2) buffering from schools including CMU and WCCC of 1000 feet, Regional and Neighborhood Parks of 500 feet, and Rehabilitation Facilities 500 feet; 3) numerical cap (develop and present to Council alternatives for district areas with the result being approximately 10 stores); 4) licensing process/hybrid selection process (prepare a range of options for review criteria) and 5) rate of taxation (6% special marijuana sales and use tax rate).

Agenda Topic 2. City Council Communication

Conversation was held about the amount of materials included in City Council packets and the difficulty reviewing information for two meetings in one week, especially materials that have

been previously provided. Can the Executive Summary be expanded to include additional information? It was requested that staff address this issue for future packets.

Agenda Topic 3. Next Workshop Topics

Mr. Caton noted that the August 2 workshop will have a discussion on the Avalon Theatre Update and Housing Strategy/Policy.

Agenda Topic 4. Other Business

There was none.

Adjournment

The workshop adjourned at 7:41 p.m.

GRAND JUNCTION CITY COUNCIL
MINUTES OF THE REGULAR MEETING

July 21, 2021

Call to Order, Pledge of Allegiance, Moment of Silence

The City Council of the City of Grand Junction convened into regular session on the 21st day of July 2021 at 5:30 p.m. Those present were Councilmembers Abe Herman, Phillip Pe'a, Randall Reitz, Dennis Simpson, Anna Stout, Rick Taggart, and Council President Chuck McDaniel.

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

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

Proclamations

Proclaiming August 2 – 8, 2021 as Interfaith Awareness Week

Council President McDaniel read the proclamation. Reverend Dr. Carla Ryan accepted the proclamation.

Appointments

To the Parks and Recreation Advisory Board

Councilmember Pe'a moved to appoint Kyle Gardner for a partial term expiring June 2022. Councilmember Herman seconded the motion. Motion carried unanimously by voice vote.

To the Urban Trails Committee

Councilmember Stout moved to appoint Athena Fouts for a partial term expiring June 2023. Councilmember Pe'a seconded the motion. Motion carried unanimously by voice vote.

A Resolution Affirming the Constitutional Rights of the Citizens of Grand Junction, Colorado

At the July 7, 2021 City Council meeting, a number of citizens requested that City Council declare Grand Junction as a Constitutional Sanctuary City. Although the City Council recognizes, supports and affirms that all Constitutional rights and protections are of utmost importance to the citizens of Grand Junction, and that the City Council does not value any one person's constitutional rights or protections above another person's, the City Council has no

lawful power or basis to declare Grand Junction as a Constitutional sanctuary as has been petitioned recently by certain persons. Council President Chuck McDaniel pulled this item from the Consent Agenda prior to Citizen Comments to address some questions that attendees may have had.

City Attorney John Shaver read the resolution and answered questions.

Councilmember Stout moved to adopt Resolution No. 59-21, a resolution affirming the Constitutional Rights of the citizens of Grand Junction, Colorado. Councilmember Simpson seconded the motion. Motion carried by roll call vote with Councilmember Pe'a voting no.

Citizen Comments

John Pond spoke regarding the need for civilian oversight.

Shawn Hurlburt spoke regarding incident response times.

Bruce Lohmiller spoke regarding the need for shelters, the Veteran's Art Show and announced he will be running for Mesa County Sheriff.

Rickie Howie spoke of a protest her organization is planning and asked for Council's assistance in helping her safely execute that event.

Jenn Schumann expressed her concerns with the COVID-19 vaccination and asked for more dialogue with Council regarding local answers for the pandemic.

The following people spoke regarding the request to pass a Resolution declaring the City of Grand Junction a constitutional sanctuary city: Mark Rybeck, Carol Rathbun, Desiree Baber, Donald A. Hunger, Stacey Neel, Dusty Higgins, Bobby Hansen, Diana Larsen, Kris Frazier, and Deb Schoonmaker.

The following people spoke regarding their concerns with the Patterson Road Access Management Plan: Karen Perrin, Diane Lucero, Teresa Porter and Gary Lucero. Mr. Lucero also provided a written request asking that all residents that live within one-half mile of Patterson be notified by mail if the Patterson Access Management Plan becomes law.

Council Reports

Councilmember Stout introduced her Stout Student Khalil Adams-Perry and said she attended the Associated Governments of Northwest Colorado meeting.

Councilmember Taggart gave an update on the Grand Junction Regional Airport Authority meeting.

Councilmember Herman gave an update on the Urban Trails Committee meeting, Homeless Coalition meeting, and Grand Junction Economic Partnership Board meeting. Councilmember Pe'a thanked the audience for attending.

CONSENT AGENDA

Item 3.c. was previously discussed. Councilmember Taggart asked that item 3.b. be removed from the Consent Agenda. Councilmember Stout moved to approve Consent Agenda items # 1 - #3.a. Councilmember Pe'a seconded the motion. Councilmember Simpson asked that Councilmembers review large contracts during meetings, and he submitted his concerns for the record (attachment #1). Motion carried by voice vote with Councilmember Simpson voting no.

1. Approval of Minutes

a. Minutes of the July 7, 2021 Regular Meeting

2. Contracts

a. 2021 Sewer Replacements and Overlay on Unaweep Avenue

3. Resolutions

a. A Resolution to Purchase Property for Fire Station #8

b. A Resolution Adopting the Patterson Road Access Management Plan ***– Moved to Regular Agenda***

c. A Resolution Affirming the Constitutional Rights of the Citizens of Grand Junction, Colorado ***– Moved to Regular Agenda***

REGULAR AGENDA

A Resolution Adopting the Patterson Road Access Management Plan

This item was heard at the July 7, 2021 City Council Meeting. After listening to comments at the public hearing, Council directed staff to change the Patterson Road Access Control Plan (ordinance) to the Patterson Road Access Management Plan (resolution). With the change from an Access Control Plan to an Access Management Plan the following changes were made.

Access Study:

- Date updated to July 2021
- Globally changed all references in the study from Access Control Plan (ACP) to Access Management Plan (AMP)

- Updated Section 1.2 in the study to cover meetings held with Planning Commission and City Council since February 23, 2021
- Updated page 36 to reflect changes related to Access 114-117
- Updated Figure 3H to reflect changes related to Access 114-117
- Updated page 41 to remove Mantey Heights neighborhood access points from plan
- Updated Figure 3J to remove Mantey Heights neighborhood access points from plan
- Updated page 53 to identify extension of Camino Del Rey to connect with Rio Grande Drive
- Updated Figure 4C to clearly identify connection to Wellington Avenue or Kirby Lane listed on page 53

Appendices:

- Date updated to July 2021
- Appendix D – globally changed all references in the memos from Access Control Plan (ACP) to Access Management Plan (AMP)
- Appendix E – globally changed all references in the memos from Access Control Plan (ACP) to Access Management Plan (AMP)
- Appendix F – globally changed all references in the table from Access Control Plan (ACP) to Access Management Plan (AMP)
- Appendix F – updated conditions for Access Points 114, 116, 156, 157, 158, and 161
- Appendix F – updated graphics to match graphics in the study

City Attorney John Shaver presented this item and spoke of the impact of changing this from an ordinance to a resolution. Discussion ensued regarding verbiage in the resolution to not bind a future Council, transparency, how this plan would change Patterson Road over time as needed, the Mantey Heights exclusions, and how this Plan allows the City to be proactive in planning for the future.

Councilmember Stout moved to adopt No. Resolution 55-21 a resolution adopting the Patterson Road Access Management Plan. Councilmember Simpson seconded the motion. Motion carried by roll call vote with Councilmember Taggart and Councilmember Pe'a voting no.

An Ordinance Amending Ordinance No. 4754 that Adopted the Institutional and Civic Facility Master Plan for Colorado Mesa University (CMU) to Include a Larger Area for Campus Expansion within which Administrative Right-of-Way Vacations Apply, Located at 1100 North Avenue

By Ordinance No. 4754, the City approved an Institutional and Civic Master Plan for Colorado Mesa University (CMU) and an administrative process for future vacations of right-of-way interior to the campus once certain conditions are met. CMU requested the Master Plan and

ordinance be amended with a new map that reflects an expanded area for future campus development.
Principal Planner David Thornton presented this item.

CMU President John Marshall reviewed some of the recent large improvements of the campus.

The public hearing opened at 7:35 p.m.

There were no comments.

The public hearing closed at 7:35 p.m.

Councilmember Pe'a moved adopt Ordinance No. 5011, an ordinance amending the Institutional and Civic Facility Master Plan for Colorado Mesa University to include a larger area within which requests for public right-of-way vacations may be administratively reviewed and approved. Councilmember Herman seconded the motion. Motion carried by unanimous roll call vote.

2021-2025 Five-Year Community Development Block Grant (CDBG) Program Consolidated Plan and 2021 Annual Action Plan

City Council conducted a public hearing for the adoption of the 2021-2025 CDBG Program Five Year Consolidated Plan and the 2021 Annual Action Plan included in the Five-Year Plan which was previously presented to them.

Principal Planner David Thornton presented this item.

Discussion ensued regarding agencies that were consulted (some not listed) on page 13 of the report, Western Colorado Aids Program is no longer in operation (another organization has taken its place and the document will be changed to reflect the correct name), how the City was the benefactor of a third of the funds for safe routes to school and improvements to neighborhoods, and how these expenditures and allocations are reviewed annually.

The public hearing opened at 7:51 p.m.

Wendy Genkov with Housing Resources of Western Colorado thanked Council for helping bridge their funding gap.

Dusty Higgins expressed concerns with the crime rate in his neighborhood after the Laurel House opened and asked Council to keep that in mind when approving such things.

The public hearing closed at 7:54 p.m.

Councilmember Herman moved to adopt Resolution No. 56-21 adopting the 2021-2025 Five Year Consolidated Plan for the Community Development Block Grant Program and to adopt Resolution No. 57-21 adopting the 2021 Program Year Annual Action Plan as a part of the City of Grand Junction 2021 Five-Year Consolidated Plan. Councilmember Stout seconded the motion. Motion carried by unanimous roll call vote.

A Resolution Creating and Establishing Alley Improvement District No. ST-21

A successful petition was submitted requesting the creation of a Local Alley Improvement District to reconstruct the East/West Alley from 8th to 9th Street, between Grand Avenue and Ouray Avenue. The public hearing and resolution are required to form the district.

Engineering Manager Kenneth Haley presented this item.

Conversation ensued regarding how such requests are budgeted since they are petitioned and how such improvements are planned.

The public hearing opened at 8:04 p.m.

An email previously submitted was included in the record (attachment #2).

The public hearing closed at 8:04 p.m.

City Attorney John Shaver answered questions regarding the timing of assessments, public hearings and petitions against the assessments.

Councilmember Reitz moved to adopt Resolution No. 58-21, a resolution creating and establishing Alley Improvement District No. ST-21 within the corporate limits of the City of Grand Junction, Colorado, authorizing the reconstruction of certain alleys, adopting details, plans and specifications for the paving thereon and providing for the payment thereof. Councilmember Pe'a seconded the motion. Councilmember Taggart expressed his concern with a simple majority requirement of petitions and asked for future consideration to change the requirement to a two-thirds majority. Motion carried by unanimous roll call vote.

Discussion and Possible Direction Regarding Marijuana Store Regulations

This item was discussed at the July 19, 2021 City Council Workshop. The purpose of this item was to give staff direction on whether to have a specific cap on the number of marijuana business licenses, the process for the selection of marijuana business applicants, and the marijuana sales tax rate.

Community Development Director Tamra Allen presented this item.

The floor was open for public comment at 8:20 p.m.

Jeremy Bonnen spoke against the potential cap on marijuana licenses.
Michael Cardel spoke about owning a marijuana business that was closed when the moratorium was implemented and asked for the opportunity to be able to apply for a license.

Scott Beilfuss supports the tax rate and spoke of projected revenue on fewer marijuana licenses (much lower than what is needed for a recreation center), medical marijuana licenses, and a merit-based system.

Dusty Higgins also spoke about owning a business that was closed when the moratorium was implemented and asked for the opportunity to be able to apply for a license.

Terrance Sanchez spoke against buffers around parks and putting a cap on the number of businesses.

Renee Grossman asked that applications require proof of possession of a property, spoke against a cap on licenses, recommended eliminating mixed use zone districts and implementing a comprehensive merit-based system or weighted lottery.

Lauren Maytin asked that Council not adopt a hybrid model but rather a merit-based system.

Conversation ensued regarding caps on licenses and the potential downfalls and implementing a weighted lottery/hybrid system versus a merit-based system.

Councilmember Simpson moved to adopt items A (Zoning), B (Buffering) and E (Rate of Taxation) on the attached Motions Regarding Marijuana Business Regulations sheet. Councilmember Stout seconded the motion. Motion carried by roll call vote with Councilmembers Stout and McDaniel voting no.

Councilmember Reitz moved to adopt item C (Numerical Cap) on the attached Motions Regarding Marijuana Business Regulations sheet. Councilmember Simpson seconded the motion. Motion carried with Councilmembers Stout, Taggart, and Herman voting no.

Councilmember Reitz moved to adopt item D (Licensing Process) on the recommendation sheet. Councilmember Simpson seconded the motion. Motion failed with Councilmembers Stout, Taggart, Herman, and Reitz voting no.

Adjournment

The meeting adjourned at 9:02 p.m.

_____
Wanda Winkelmann, MMC
City Clerk

Attachment #1 - Written comments submitted by Councilmember Dennis Simpson for July 21, 2021 Regular Meeting

Agenda item 2a 2021 Sewer Replacements and Overlay on Unaweep Ave.

Questions:

- A comment in the contract documents indicates the spec'd PCV pipe (Certa Flow) is not available now and the vendor of the pipe is overwhelmed with orders. How has this issue been handled?
- When will the "Notice to Proceed" be signed? IF not soon, will the plan to complete this plan in 2021 be impacted?
- The explanation of why only one bid was accepted is skimpy. How many other bidders were there? Were the other bidders not able to access PCV pipe on the same terms as the winning bidder?
- The sewer department budget for this project is $450K higher than the Sewer Fund allocation of the contract price. What will happen with the money budgeted but not used on this project?

Attachment #2

Citizen Comment regarding Alley Improvement District ST-21

-----Original Message-----
From: CYNTHIA HAND-TREECE <alpencc2@aol.com>
Sent: Wednesday, July 21, 2021 3:08 PM
To: Belinda White <belindaw@gjcity.org>
Subject: Alley Improvement District Resolution ST-21

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

I am a "Senior Citizen" and have owned the property at 858 Grand Ave for decades, in good times and bad times, when it was empty for long periods, or partly rented or occasionally completely leased. Since Covid hit and for over a year, my building has been mostly vacant, so many months of NO income. Why is it that the City believes I should now pay a 50% portion of the assessed cost (per foot amount) for the proposed "Alley Improvement" while apartment building owners down the street are assessed at only 25% and single family residences are assessed only 15%? This seems grossly unfair to those of us who are struggling to keep our investments in the area and in local businesses! As well, I have NO access onto the alley. There has been a fence across the back of my lot for 30 years, blocking any traffic to or from the alley from by lot and which restricts ALL traffic to exit directly onto 9th St. Therefore my renters or their guests have had no impact on the alley AT ALL.

The City so often makes huge concessions to get bigger businesses or "big shots" to invest in our downtown, but needs to consider being fair to small ones too, particularly in these difficult economic times. I already pay property tax that is over four times what my apartment house or single family neighbors pay. That's not fair either! Small businesses and small investors like me, should AT LEAST be treated FAIRLY and 50% is NOT fair! The City needs to realize that having an investment or a business does NOT mean you are "rolling in revenues". Look around! Many business are vacant or shut down. I do not oppose the Alley Improvement behind Grand Ave, although I rightfully could, but I strongly oppose the unfair percentage of costs assigned to owners. I believe it is only right that all property owners affected, pay the same percentage of the assessment, no more and no less. That would be fair.

Cynthia Hand-Treece,
property owner on Grand Ave

Motions Regarding Marijuana Business Regulations

A. ZONING: The Council directs staff to:

1. Draft regulations in which zoning regulations for marijuana stores reflect the zoning of general retail sales under the existing Land Use and Development Code. Zones where general retail sales are currently permitted are the C-1 (Light Commercial), C-2 (General Commercial), B-1 (Neighborhood Business), B-2 (Downtown Business), M-U (Mixed Use), MXG-3 (Mixed Use General), and MXOC (Mixed Use Opportunity Corridor) districts.

2. Consider the preference of the Downtown Development Authority to develop additional restrictions for Main Street between 1st Street and 8th Street, including the prohibition of marijuana stores on the ground floor of buildings.

B. BUFFERING: The Council directs staff to:

3. Draft regulations based on the buffering approach identified as Alternative 4, which includes buffering from: Schools including CMU and WCCC (1000 feet); Regional and Neighborhood Parks (500 feet); and Rehabilitation Facilities (500 feet).

C. NUMERICAL CAP: The Council directs staff to:

4. Draft regulations to implement a cap-by-district approach.

5. Develop and present to Council alternatives for district areas with the result being approximately 10 stores with the allotment in the districts reflecting anticipated demand.

D. LICENSING PROCESS: The Council directs staff to:

6. Draft regulations to implement a hybrid selection process

7. Prepare a range of options for review criteria, reflective of examples throughout the state, known policy goals of the City Council, and criteria that reflect the pursuit of public benefit on the part of marijuana business operators.

8. Develop a range of approaches that aligns the hybrid selection process with the limits on location and number described above.

E. RATE OF TAXATION. The Council directs staff to:

9. Draft amendments to the Municipal Tax Code that would reflect a 6% special marijuana sales and use tax rate.

GRAND JUNCTION CITY COUNCIL

SPECIAL MEETING – EXECUTIVE SESSION MINUTES

July 21, 2021

The City Council of the City of Grand Junction, Colorado met in Special Meeting – Executive Session on Wednesday, July 21, 2021 at 5:00 p.m. in the First Floor Employee Breakroom, City Hall, 250 North 5th Street. Those present were Councilmembers Abe Herman, Phil Pe'a, Randall Reitz, Dennis Simpson, Anna Stout, Rick Taggart, and Mayor Chuck McDaniel.

Staff present for the Executive Session were City Manager Greg Caton, City Attorney John Shaver, Finance Director Jodi Welch, and Engineering Manager Ken Haley.

Executive Session

Councilmember Stout moved to go into Executive Session:

EXECUTIVE SESSION UNDER C.R.S. 24-6-402(4)(b) OF THE COLORADO OPEN MEETINGS LAW TO CONFER WITH AND RECEIVE LEGAL ADVICE FROM THE CITY ATTORNEY REGARDING THE CITY'S POSITION AND STRATEGY(IES) RELATIVE TO THE POSSIBLE FILING OF A DECLARATORY JUDGMENT ACTION AGAINST THE GRAND VALLEY IRRIGATION COMPANY REGARDING MODIFICATION OF THE NORTH LEACH CREEK DRAINAGE AS PART OF THE 24 ROAD IMPROVEMENT PROJECT

Councilmember Pe'a seconded the motion. Motion carried unanimously.

The City Council convened into Executive Session at 5:03 p.m.

Councilmember Stout moved to adjourn. Councilmember Pe'a seconded. Motion carried unanimously.

The meeting adjourned at 5:28 p.m.

Wanda Winkelmann
City Clerk

Grand Junction Planning Commission

Regular Session

Item #2.a.i.

Meeting Date: August 4, 2021

Presented By: Senta Costello, Planner

Department: Community Development

Submitted By: Senta Costello, Associate Planner

Information

SUBJECT:

Introduction of an Ordinance Zoning Approximately 1.67 Acres from County C-2 (General Commercial) to a City C-1 (Light Commercial) for the Stinker C-Store Annexation, Located at 2905 and 2907 North Avenue and 494 29 Road and Setting a Public Hearing for August 18, 2021

RECOMMENDATION:

The Planning Commission heard this item at its June 13, 2021 meeting and voted (6-0) to recommend approval of the request.

EXECUTIVE SUMMARY:

The Applicant, Stinker Stores Inc. is requesting a zone of annexation to C-1 (Light Commercial) for the three parcels included in the Stinker C-Store Annexation. The approximately 1.67-acres of land are located at 2905 and 2907 North Avenue and 494 29 Road. The properties have a Comprehensive Plan Land Use Map designation of Commercial. Each property currently contains one single-family detached home along with various accessory structures.

The properties are Annexable Development per the Persigo Agreement. 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 commercial development. The zone district of C-1 is consistent with the Comprehensive Plan. The request for annexation will be considered separately by City Council.

BACKGROUND OR DETAILED INFORMATION:

BACKGROUND

The Applicant, Stinker Stores Inc, has requested annexation of 1.67-acres of land into

the City limits, located at 2905 / 2907 North Avenue and 494 29 Road, in anticipation of future commercial development. The Stinker C-Store Annexation consists of three properties totaling 1.67-acres. The Applicant is requesting a zone of annexation to C-1 (Light Commercial).

The schedule for the annexation and zoning is as follows:

- Referral of Petition (30 Day Notice), Introduction of a Proposed Ordinance, Exercising Land Use – July 7, 2021
- Planning Commission considers Zone of Annexation – July 13, 2021
- Introduction of a Proposed Ordinance on Zoning by City Council – August 4, 2021
- Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council – August 18, 2021
- Effective date of Annexation and Zoning – September 17, 2021

The Applicant's properties are currently in the County and has a County zoning of C-2 (General Commercial). Surrounding properties to the north and west are also zoned C-1 (Light Commercial) in the City. The properties to the east and south are zoned C-2 in Mesa County. The subject properties have a Comprehensive Plan Future Land Use designation of Commercial. The requested zone district of C-1 is in conformance with the Land Use designation for the area.

The surrounding area both within the City limits and in the County are largely developed with other commercial developments. Further development and/or lot splits are possible in the future for other properties in the area, specifically to the east along North 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 April 7, 2021 in accordance with Section 21.02.080 (e) of the Zoning and Development Code. Public comment was offered through the Zoom platform. The Applicant, Applicant's Representative and City staff were in attendance along with one (1) citizen.

Questions at the Neighborhood Meeting centered mainly on the proposed development of the property. An official application for annexation and zoning was submitted to the City of Grand Junction for review on April 12, 2021.

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 June 30, 2021. 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 2, 2021. The notice of this public hearing was published July 6, 2021, 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 zone district of C-1 which is compatible with the existing Comprehensive Plan Land Use Map designation of Commercial. While not identical, the Mesa County C-2 zone district and the City of Grand Junction C-1 zone district are very similar in uses permitted and standards, no events have occurred that invalidate the original premise of the zoning. Therefore, Staff has found this criterion has not 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 2020, designated these properties as Commercial. The Applicant is requesting an allowable zone district that is consistent with the Commercial category. Adjacent properties to the west and north are already annexed and zoned C-1. The construction of the viaduct over the railroad tracks in 2011-2012 increased the ease of accessibility to the area, promoting additional commercial development in the area.

This created a change of character and/or conditions and the area has significantly changed as a result, Staff finds that this criterion has been met.

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

Adequate public and community facilities and services are available to the properties and are sufficient to serve land uses associated with the C-1 zone district. City Sanitary Sewer and Ute Water are both presently available within the 29 Road and North Avenue rights-of-way. Properties can also be served by Xcel Energy electric and natural gas. There are a variety of restaurants and shopping within 1/2-mile to the north and west in the City limits and includes a Walmart Superstore, Taco Bell, Texas Roadhouse, and Del-Taco. Staff has found the public and community facilities are adequate to serve and compliment the type and scope of the commercial 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 are designated on the Comprehensive Plan Land Use Map as Commercial. The proposed zoning designation of C-1 meets the intent of achieving the desired intensity for the properties, with this request, to develop as a commercial property. For properties already annexed into the City limits, this area along North Avenue is predominately zoned C-1 with some R-8 to the north in the

adjacent neighborhoods. The C-1 zone district also comprises the second largest amount of non-residential acreage within the City limits, I-1 is the largest. Because a majority of this area is currently zoned C-1, staff is unable to find that there is an inadequate supply of C-1 zoning in the City 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 additional land within the City limits for city growth and it helps fill in the patchwork of unincorporated area that is surrounded by the City limits. The annexation is also consistent with the City and County 1998 Persigo Agreement. The requested zone district will provide an opportunity for commercial development meeting the Comprehensive Plan to meet the needs of the growing community and redevelopment of properties currently underdeveloped to a use matching the intent and vision of the Comprehensive Plan. This principle is supported and encouraged by the Comprehensive Plan and furthers the plan's goal of promoting business retention and expansion identified in Plan Principle 2: Resilient and Diverse Economy, Chapter 2 of the 2020 One Grand Junction 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. The C-1 zone district is consistent with the recommendations of the Plan's Land Use Map and compatible with the surrounding neighborhood.

In addition to the zoning requested by the petitioner, the following zone districts would also be consistent with the Comprehensive Plan designation of Commercial for the subject properties.

a. M-U (Mixed Use)
b. B-P (Business Park)
c. I-O (Industrial Office Park)
d. C-2 (General Commercial)
e. Mixed Use Residential (MXR-8)
f. Mixed Use General (MXG-3, 5, 8)
g. Mixed Use Shopfront (MXS-3, 5, 8)
h. Mixed Use Opportunity Corridor (MXOC)

Further, the zoning request is consistent with the following chapters, goals and principles of the Comprehensive Plan:

Chapter 2
Plan Principle 2: Resilient and Diverse Economy
Goal: Promote business growth for a diverse and stable economic base

Plan Principle 3: Responsible and Managed Growth

Goal: Support fiscally responsible growth and annexation policies that promote a compact pattern of growth…and encourage the efficient use of land.

Goal: Encourage infill and redevelopment to leverage existing infrastructure.

Chapter 3
Intensification and Tiered Growth Plan. Subject property is located within Tier 1 – In Tier 1, development should be directed toward vacant and underutilized parcels located primarily within Grand Junctions existing municipal limits. This will encourage orderly development patterns and limit infrastructure extensions while still allowing for both residential and business growth. Development in this Tier, in general, does not require City expansion of services or extension of infrastructure, though improvements to infrastructure capacity may be necessary.

Relationship to Existing Zoning. Requests to rezone properties should be considered based on the Implementing Zone Districts assigned to each Land Use Designation.

- Guide future zoning changes. Requests for zoning changes are required to implement the Comprehensive Plan.

PLANNING COMMISSION FINDINGS OF FACT AND RECOMMENDATION
After reviewing the Stinker C-Store Annexation, ANX-2021-252, for a Zone of Annexation from County C-2 (General Commercial) to a City C-1 (Light Commercial), the following findings of fact have been made:

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

2. In accordance with Section 21.02.160 (f) of the Zoning and Development Code, the application is consistent with the adopted 2020 One Grand Junction Comprehensive Plan.

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

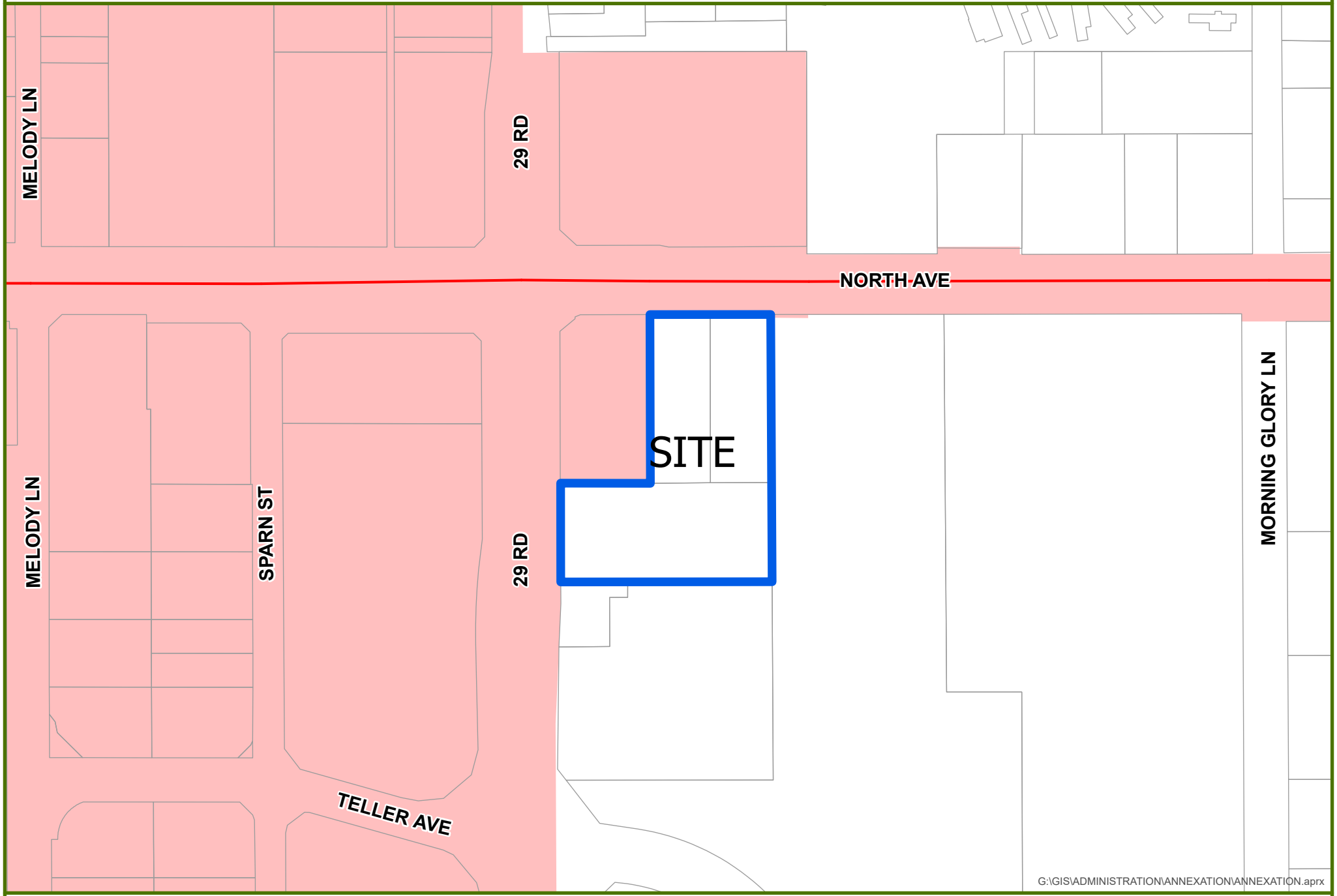
SUGGESTED MOTION:

I move to introduce an ordinance zoning the Stinker C-Store Annexation to C-1 (Light Commercial) zone district, from Mesa County zoning of C-2 (General Commercial) and set a public hearing for August 18, 2021.

Attachments

1. Maps
2. Annexation Schedule and Summary Sheet
3. Zone of Annexation Ordinance - Stinker C-Store Annex

STINKER C-STORE ANNEXATION



N

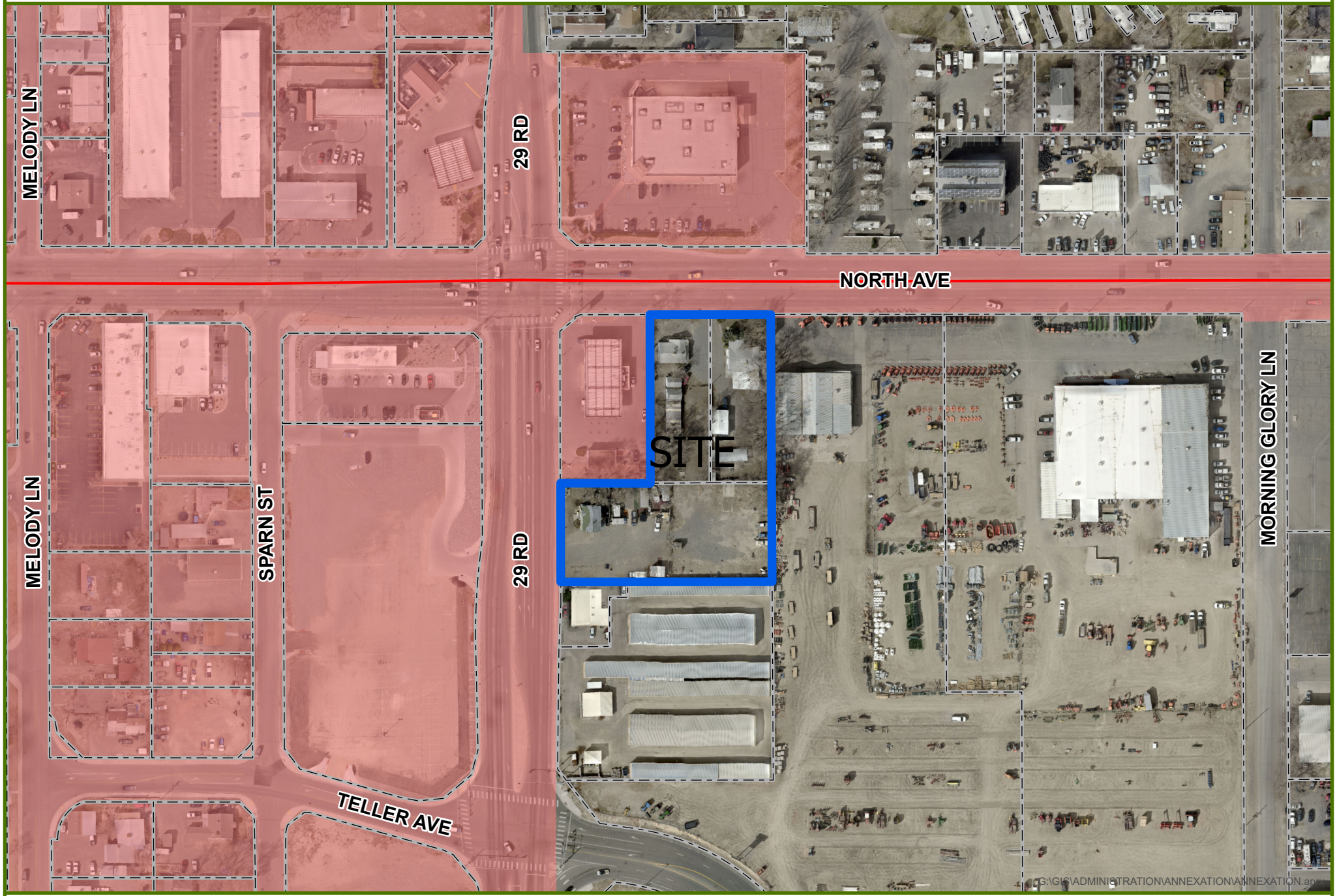
0 0.02 0.04 Miles

Annexation City Limits

CITY OF Grand Junction COLORADO GEOGRAPHIC INFORMATION SYSTEMS

Date Created: 6/24/2021

STINKER C-STORE ANNEXATION



N

0 0.02 0.04 Miles

Annexation City Limits

Date Created: 6/24/2021

STINKER C-STORE ANNEXATION - LAND USE

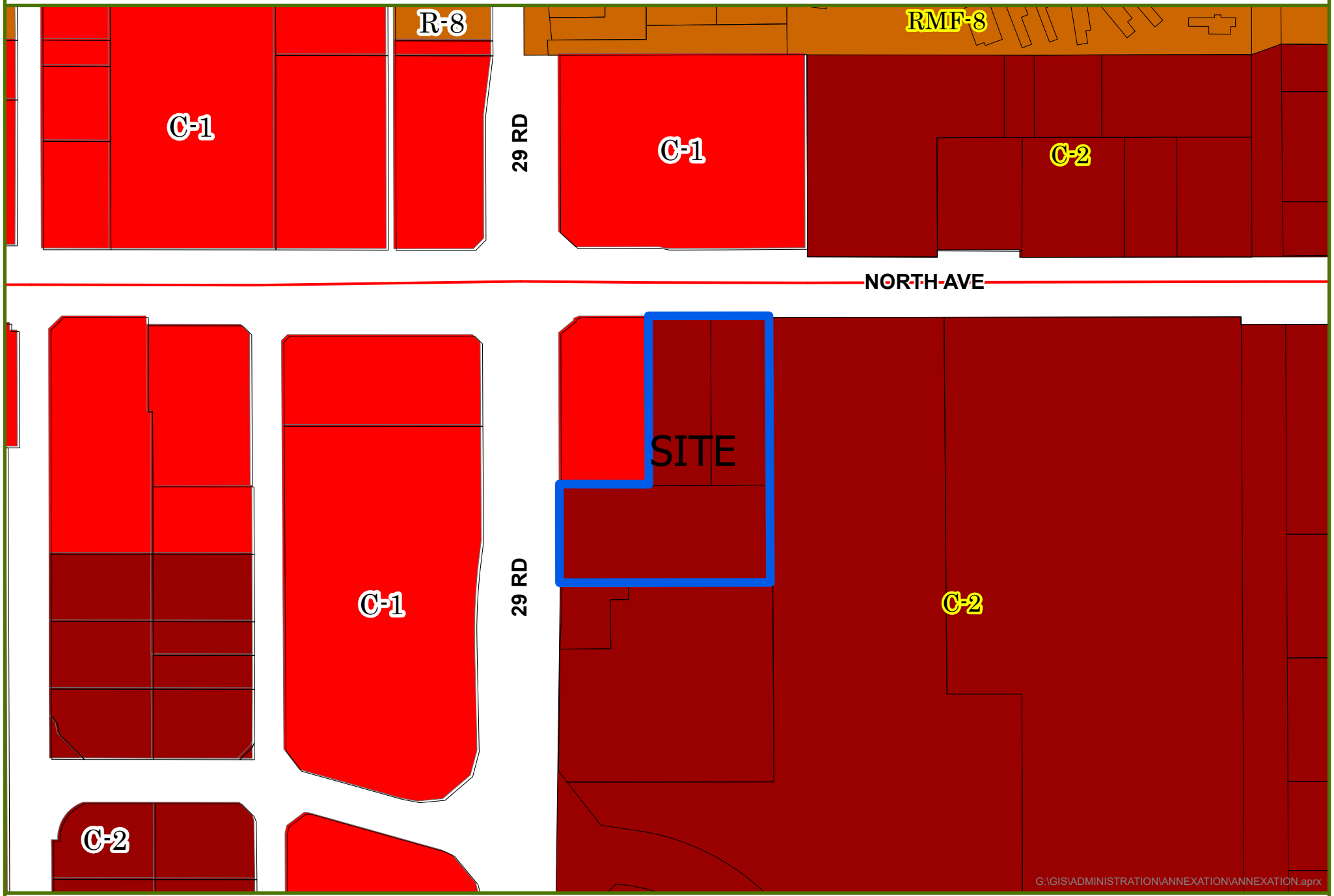
N

0 0.02 0.04 Miles

Annexation Boundary

Date Created: 6/24/2021

STINKER C-STORE ANNEXATION - ZONING



N

0 0.02 0.04 Miles

Annexation City Zoning County Zoning

Date Created: 6/24/2021

CITY OF Grand Junction COLORADO

ANNEXATION SCHEDULE	
July 7, 2021	Referral of Petition, Intro Proposed Ordinance, Exercise Land Use
July 13, 2021	Planning Commission Considers Zone of Annexation
August 4, 2021	City Council Intro Proposed Zoning Ordinance
August 18, 2021	City Council Accept Petition/Annex and Zoning Public Hearing
September 17, 2021	Effective date of Annexation and Zoning

ANNEXATION SUMMARY					
File Number		ANX-2021-252			
Location		2905 / 2907 North Avenue & 494 29 Road			
Tax ID Number(s)		2943-172-00-002 / 003 / 008			
Number of Parcel(s)		(3)			
Existing Population		Vacant residential			
No. of Parcels Owner Occupied		0			
Number of Dwelling Units		(3)			
Acres Land Annexed		1.67			
Developable Acres Remaining		1.67			
Right-of-way in Annexation		0			
Previous County Zoning		C-2 General Commercial District			
Proposed City Zoning		C-1 Light Commercial			
Surrounding Zoning:	North:	City C-1			
	South:	County C-2			
	East:	County C-2			
	West:	City C-1			
Current Land Use		Neighborhood / Grocer / Convenience			
Proposed Land Use		Convenience			
Surrounding Land Use:	North:	Retail			
	South:	County Commercial			
	East:	County Commercial			
	West:	Fast Food w/ drive-thru			
Comprehensive Plan Designation:		Commercial			
Zoning within Comprehensive Plan Designation:		Yes:	X	No:	
Values:	Assessed	$11050 + $17640 + $91,130 = $119,820			
	Actual	$154,410 + $246,620 + $314,240 = $715,270			
Address Ranges		2905-2907 North Ave-Odd & 494-498 29 Rd-even			
Special Districts:	Water	Ute Water			
	Sewer	City of Grand Junction 201			
	Fire	Grand Junction Rural Fire District			
	Irrigation/Drainage	Grand Valley Irrigation/Grand Valley Drainage			
	School	Mesa County School District 51			
	Pest	Grand River Mosquito Control District			

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

AN ORDINANCE ZONING THE STINKER C-STORE ANNEXATION TO C-1 (LIGHT COMMERCIAL) ZONE DISTRICT

LOCATED AT 2905 / 2907 NORTH AVENUE AND 494 29 ROAD

Recitals

The property owner has requested annexation of three properties that total 1.67-acres into the City limits in anticipation of future commercial 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 Stinker C-Store Annexation to the C-1 (Light Commercial) zone district, finding that it conforms with the designation of Commercial as shown on the 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 C-1 (Light Commercial) 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:

The following properties be zoned C-1 (Commercial) zone district.

A parcel of land lying in the Northwest Quarter of the Northwest Quarter (NW1/4 NW1/4) of Section 17, Township 1 South, Range 1 East of the Ute Meridian, County of Mesa, State of Colorado said parcel being more particularly described as follows:

Commencing at the Northwest Corner of said Section 17 and assuming the West line of said NW1/4 NW1/4 bears S0°12'18"E with all other bearings contained herein being relative thereto; thence S0°12'18"E along said west line NW1/4 NW1/4 a distance of 264.00 feet; thence S89°57'05"E a distance of 49.00' to the Northeast corner of the 29 Road Right-of-Way parcel filed for record at Reception Number 2012103 also being a point on the easterly line of OVERPASS ANNEXATION, ORDINANCE NO. 4319; thence S0°12'18"E along the west line of said 29 Road Right-of-Way parcel a distance of 131.81 feet; thence N89°47'20"E a distance of 281.51 feet; thence N0°12'20"W a distance of 354.54 feet to a point on the south line of the North Avenue Right-of-Way also being the south line of FLYNN ANNEXATION, ORDINANCE NO. 1864, thence N89°57'05"W along the south line said North Avenue Right-of-Way a distance of 160.52 feet to the Northeast corner of a parcel of land filed for record at Reception Number 2875130 also being the

Northeast corner of DIAMOND SHAMROCK ANNEXATION NO. 2, ORDINANCE NUMBER 2525; thence along the boundary of said Reception Number 2875130 and said DIAMOND SHAMROCK ANNEXATION for the following two (2) courses: S0°12’18”E a distance of 224.00 feet; N89°57’13”W a distance of 119.0 feet to the Southeast Corner of the 29 Road Right-of Way parcel filed for record at Reception Number 1553661 also being a point on the easterly line of said OVERPASS ANNEXATION; thence continuing N89°57’13”W along sail easterly line of said OVERPASS ANNEXATION a distance of 1.00 feet to the Point of Beginning.

PARCELS CONTAIN 1.67 Acres, more or less, as described.

INTRODUCED on first reading this _____ day of _____, 2021 and ordered published in pamphlet form.

ADOPTED on second reading this _____ day of _____, 2021 and ordered published in pamphlet form.

ATTEST:

_____
President of the Council

_____
City Clerk

Grand Junction City Council

Regular Session

Item #2.a.ii.

Meeting Date: August 4, 2021

Presented By: Jace Hochwalt, Senior Planner

Department: Community Development

Submitted By: Jace Hochwalt, Senior Planner

Information

SUBJECT:

Introduction of an Ordinance Rezoning One Parcel Totaling Approximately 9.98 Acres from I-2 (General Industrial) to I-1 (Light Industrial) Located at 715 23 ½ Road and Setting a Public Hearing for August 18, 2021

RECOMMENDATION:

Planning Commission heard this request at its July 27, 2021 meeting and voted (7-0) to recommend approval of the request.

EXECUTIVE SUMMARY:

The Applicant, Kevin Young, acting on behalf of the property owner, Peterson Bros Holdings, LLC, is requesting the rezone of one parcel totaling approximately 9.98 acres from I-2 (General Industrial) to I-1 (Light Industrial) located at 715 23 ½ Road. The requested I-1 zone district conforms with the Comprehensive Plan Land Use Map designation of Industrial.

BACKGROUND OR DETAILED INFORMATION:

BACKGROUND

The proposed rezone comprises one parcel totaling 9.98 acres situated at 715 23 ½ Road, just north of the 23 ½ Road and G Road intersection. The parcel has not been subdivided or developed in the past and is currently zoned I-2 (General Industrial). To the north, south, and west are primarily light and heavy industrial uses including a commercial tire service store, industrial drilling contractor facility, and warehouses. In addition, the Western Slope Center for Children is situated adjacent to the southwest, and Community Hospital is about one block south of the subject site. To the east is a vacant property zoned Planned Development (PD). This Planned Development is expected to provide for a mix of office park employment centers, health care facilities,

retail services, light manufacturing, multi-family residential, attached residential, and detached residential uses. There is currently a residential subdivision proposal under review for the northern portion of this Planned Development.

As indicated, the subject site is currently zoned I-2 and sits vacant. The 2020 One Grand Junction Comprehensive Plan classifies the subject property and adjacent properties to the north, south, and west with an Industrial land use designation. Zone districts that may implement the Industrial Land Use classification include I-1 (Light Industrial), I-2 (General Industrial), C-2 (General Commercial), and I-O (Industrial Office/Park). As such, the Comprehensive Plan land use classification of Industrial does support the rezone request to I-1 (Light Industrial).

While there are not significant differences between the I-1 and I-2 zone districts, the Applicant is proposing the rezone to I-1 to provide more flexibility of allowed uses for the site. As stated in the Applicant's General Project Report, they are considering the construction of an indoor sports facility (identified as a Health Club within the Grand Junction Zoning and Development Code). This use is not allowed within the I-2 zone district, but is allowed within the I-1 zone district. If the rezone application is approved and a development is subsequently proposed, it would be required to go through a formal review process, likely in the form of a Major Site Plan Review.

NOTIFICATION REQUIREMENTS

A Neighborhood Meeting regarding the proposed rezone request was held virtually on June 23, 2021 in accordance with Section 21.02.080 (e) of the Zoning and Development Code. The Applicant team and City staff were present. No members of the public attended the meeting, and the Applicant team and City Staff discussed the proposal and anticipated timeline of the proposal.

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 July 1, 2021. Mailed notice of the public hearings before Planning Commission and City Council in the form of notification cards was sent to surrounding property owners within 500 feet of the subject property, as well as neighborhood associations within 1000 feet, on July 16, 2021. The notice of the Planning Commission public hearing was published on July 20, 2021 in the Grand Junction Daily Sentinel.

ANALYSIS

Pursuant to Section 21.02.140 of the Grand Junction Municipal Code, in order to maintain internal consistency between this code and the zoning maps, zoning map amendments must only occur if at least one of the five criteria listed below is met. Staff analysis of the criteria is found below each listed criterion.

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

The Comprehensive Plan Land Use Map identifies the subject property as Industrial which is a similar designation that was identified on the property when it was annexed

and zoned in 1995. Both the Applicant's proposed zoning of I-1, as well as the existing zoning of I-2 implement the Land Use Designation of Industrial. Because the existing zoning of I-2 on the property is a valid zone designation under the Comprehensive Plan, staff finds this criterion has not been met.

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

As previously indicated, the subject site has not been subdivided and has remained vacant for several decades. There is still a vast amount of vacant or underdeveloped land in the surrounding area, and those properties that have been developed were built out between 1980 and 2010. With that said, the uses adjacent to the subject site are not isolated to industrial uses. The Western Slope Center for Children is located adjacent to the southwest of the subject site, Community Hospital is less than a block south, and the recently completed Canyon View RV Resort is one block north. In addition, there are two projects currently under review in the immediate area, including a ±130,000 square foot expansion project for Community Hospital, as well as a 197-lot preliminary residential subdivision directly adjacent to the east of the subject site. Based on this information, it appears that development trends in the immediate area are shifting towards a mix of uses rather than strictly industrial uses. The I-1 zoning district is less restrictive, affording more opportunities from a use standpoint compared to the I-2 zoning district, and is more compatible to the varied uses in the immediate area. In conclusion, staff finds that this criterion has been met.

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

The subject property is within an urbanizing area in the northwest portion of the City of Grand Junction. Adequate public and community facilities and services are available and sufficient to serve uses associated with the I-1 zone district. The type and scope of land-use allowed within the I-1 zone district is similar in character and extent to the existing land-use of many nearby properties, which include light and heavy industrial and commercial uses, as well as institutional uses and a large hospital. The subject site is currently served by Ute Water, Persigo Wastewater Treatment, and Xcel Energy (electricity and natural gas). Community Hospital (fourth largest employer in Grand Junction) is located immediately south of the subject site. Additionally, multi-modal access to the site is sufficient, and will expand in the next five years when G Road is expanded and improved, less than a block south of the subject site. In addition, there are a few Grand Valley Transit (GVT) routes and bus stops in close proximity (less than ¼ from the subject site). The application packet was sent out to applicable utility companies for this proposal, and there were no objections expressed during the review process. Based on the provision of adequate public utilities and community facilities to serve the rezone request, staff finds that this criterion has been met.

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

There are not substantial differences between the I-1 and I-2 zone districts aside from the allowances of some uses. The I-1 zone district accounts for approximately 7.6% of City zoned land, whereas the I-2 zone district accounts for approximately 2.8% of City zoned land. While the site has been vacant for several decades, staff believes that there is land throughout the City (and in close proximity of the subject site) available to accommodate the diversity of uses allowed within the I-1 zone district. Based on these considerations, staff finds that this criterion has not been met.

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

The site is well served by transportation infrastructure, utilities, and other community facilities, and is within close proximity to commercial and employment centers. In addition, a designation of I-1 would preclude some high intensity, heavy industrial uses, causing the property to act as a better buffer between the proposed mixed-use and residential uses to the east, and the heavy industrial uses to the south and west than it would if it remained designated as I-2. As such, staff finds this criteria has been met.

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

Plan Principle 3.1.b. Intensification and Tiered Growth – Support the efficient use of existing public facilities and services by directing development to locations where it can meet and maintain the level of service targets as described in Chapter 3, Servicing Growth. Prioritize development in the following locations (in order of priority). Periodically consider necessary updates to the Tiers.

i. Tier 1: Urban Infill
ii. Tier 2: Suburban Infill
iii. Tier 3: Rural Areas and County Development

Plan Principle 3.6.b. Mix of Uses - Support the creation of a mix of uses as in neighborhood centers and along prominent corridors that reflect the needs of adjoining residents and the characteristics of individual neighborhoods, including, but not limited to retail, office, entertainment, schools, libraries, parks, recreation amenities, transit facilities, and other amenities.

FINDINGS OF FACT AND RECOMMENDATION

After reviewing the GJ Blackout Rezone, RZN-2021-447, rezoning one parcel totaling 9.98 acres from I-2 (General Industrial) to I-1 (Light Industrial) for the property located at 715 23 ½ Road, the following findings of fact have been made:

1. The requested zone is consistent with the goals and policies of the Comprehensive Plan; and

2. In accordance with Section 21.02.140 of the Grand Junction Zoning and Development Code, one or more of the criteria have been met.

Therefore, the 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 rezoning approximately 9.98 acres from an I-2 (General Industrial) zone district to an I-1 (Light Industrial) zone district located at 715 23 1/2 Road and set a public hearing for August 18, 2021.

Attachments

1. Exhibit 1 - Application Packet
2. Exhibit 2 - Neighborhood Meeting Documentation
3. Exhibit 3 - Maps and Exhibits
4. Exhibit 4 - Proposed Zoning Ordinance

CITY OF Grand Junction COLORADO
COMMUNITY DEVELOPMENT

Development Application

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

Petition For: Rezone

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

Existing Land Use Designation	Commercial	Existing Zoning	I-2 (General Industrial)
Proposed Land Use Designation	Industrial	Proposed Zoning	I-1 (Light Industrial)

Property Information

Site Location:	705 23 1/2 Road	Site Acreage:	9.98
Site Tax No(s):	2701-323-00-056	Site Zoning:	I-2
Project Description:	Rezone from I-2 (General Industrial) to I-1 (Light Industrial)		

Property Owner Information		Applicant Information		Representative Information	
Name:	Peterson Bros Holdings, LLC	Name:	Kevin Young	Name:	Austin Civil Group Inc
Street Address:	690 S HWY 89 STE 201-10219	Street Address:	305 Main St, ste A	Street Address:	123 n. 7th St ste 300
City/State/Zip:	JACKSON, WY 83002	City/State/Zip:	GJ, CO 81501	City/State/Zip:	GJ, CO 81501
Business Phone #:	7754465040	Business Phone #:	970-812-2933	Business Phone #:	970-242-7540
E-Mail:	jaredonthego@msn.com	E-Mail:	Kevin.northpeakinc@gmail.com	E-Mail:	marka@austincivilgroup.com
Fax #:	--	Fax #:	--	Fax #:	--
Contact Person:	Jared Peterson	Contact Person:	Mark Austin	Contact Person:	Mark Austin
Contact Phone #:	7754465040	Contact Phone #:	970-216-9863	Contact Phone #:	970-216-9863

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

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

Signature of Person Completing the Application: [signature] Date: 23Jun2021

Signature of Legal Property Owner: [signature] Date: 18 JUNE 2021

General Project Report
for
GJ Blackout Rezone

Project Description (Location, Acreage, Proposed Use)

The purpose of this submittal is to obtain approval from the City of Grand Junction to rezone a 9.98-acre property located at 705 23 ½ Road in Grand Junction, Colorado. The location of the project site is just north of G Road and Community Hospital, and is depicted in the photo below:

Project Location

The property is currently zoned General Industrial (I-2) in the City of Grand Junction and lies just outside the 24 Road Corridor in an area composed of industrial properties and vacant land. The applicant is requesting the property be rezoned to Light Industrial (I-1) at this time, with the future vision of potentially constructing a large indoor sports facility with 4-6 basketball/volleyball courts.

Adjacent properties are zoned as General Industrial (I-2) or Planned Development (PD), although several properties in the vicinity are also zoned Light Industrial (I-1).

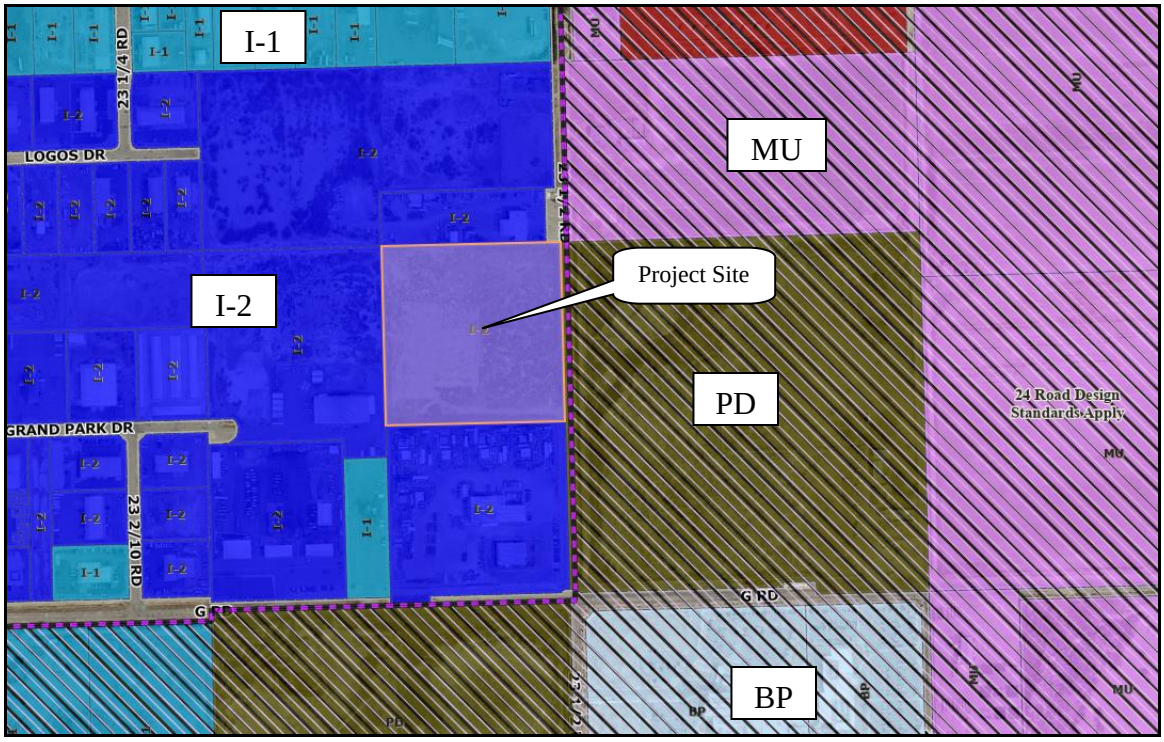
Surrounding Land Uses and Zoning:

The following adjacent properties are zoning accordingly:

DIRECTION	ZONING	CURRENT LAND USE
North:	I-2	Commercial
South:	I-2	Commercial
East:	PD	Agricultural
West:	I-2	Industrial

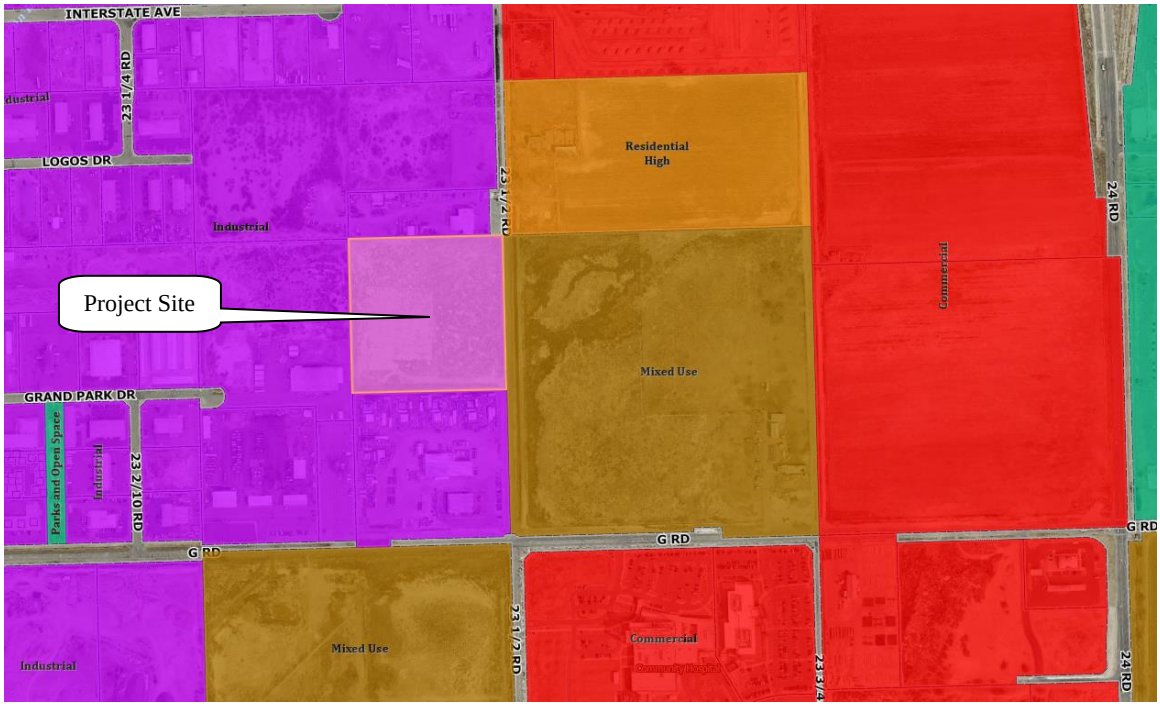
General Project Report
for
GJ Blackout Rezone

The City of Grand Junction's current zoning surrounding this parcel is shown below:



Current City of Grand Junction Zoning

The City's Growth Plan map calls for this property and all surrounding properties to be Industrial. The project site is depicted below:



2020 Comprehensive Plan

General Project Report
for
GJ Blackout Rezone

Site Access:
The proposed rezone requests no changes to site access. A dirt driveway currently connects to 23 ½ Road via the eastern edge of the parcel. A future development project will likely require two access points onto 23 ½ Road, and if approved they will be designed in accordance with City Municipal Code and scrutinized during the Major Site Plan Review.

Utilities:
All utility services required for this project are currently located on, or adjacent to, the project site. As this is a request for a rezone from I-2 to I-1, no changes are proposed at this time.

City water does not currently exist on the site. Future development would likely utilize the 8-inch water main within 23 ½ Road owned by Ute Water. Exact water distribution system requirements are still to be determined.

An 8-inch PVC sanitary sewer line currently exists on an adjacent parcel, near the southwest property corner. There are no listed sanitary lines within 23 ½ Road, and future development of the site may require an 8-inch sanitary sewer line be laid in 23 ½ Road to service the site. No changes are proposed at this time.

The Himes Drain runs along the north, west, and south edges of the property and daylights into the open ditch of the 23 ½ Road Drain via a culvert on the southeast corner. Preliminary development would likely utilize a detention system to avoid interference with the Himes Drain.

Irrigation water is not present on the site, so use remains unchanged by the proposed zoning.

Development Schedule and Phasing
The project anticipates obtaining rezone approval in August of 2021 and will be completed in one phase.

Annexation Criteria
In order to maintain internal consistency between code and zoning maps, map amendments must only occur if:

1. **Subsequent events have invalidated the original premise and findings; and/or**
   Response: Not applicable to this submittal.

2. **The character and/or condition of the area has changed such that the amendment is consistent with the Plan; and/or**
   Response: The City of Grand Junction/Mesa County Future Land Use Maps indicate a site zoning of Industrial. The applicant's request to rezone the property to I-1 is consistent with the City's 2020 One Grand Junction Comprehensive Plan. Future development anticipates the construction of a sports facility on currently vacant land.

3. **Public and community facilities are adequate to serve the type and scope of land use proposed; and/or**
   Response: The rezone request would allow for a future land development project which appears consistent with the surrounding area—particularly the 24 Road Corridor and nearby Canyon View Park. There are adequate community/public facilities to support the project.

4. **An inadequate supply of suitable designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use; and/or**
   Response: The code definition for I-1 remains a better fit for the site's projected operations and facilities, as well as being more accommodating for future development. A rezone to I-1 remains consistent with the property's current use and with the City's 2020 Comprehensive Plan.

5. **The community or area, as defined by the presiding body, will derive benefits from the proposed amendment.**
   Response: There is a strong need in the local community for the services offered by property's anticipated development plan. The land is currently vacant and no efforts to transform it into a valuable parcel which contributes to social or economic growth have been proffered. A rezone of this property is consistent with the City's 2020 One Grand Junction Comprehensive Plan and allows for ongoing, balanced growth in industrial areas while providing a unique service to the community.

STATEMENT OF AUTHORITY

1. This Statement of Authority relates to an entity[1] named Peterson Bros Holdings, LLC, and is executed on behalf of the entity pursuant to the provisions of Section 38-30-172, C.R.S.

2. The type of entity is a:

☐ trust	☐ registered limited liability partnership
☐ nonprofit corporation	☐ registered limited liability limited partnership
☒ limited liability company	☐ limited partnership association
☐ general partnership	☐ government or governmental subdivision or agency
☐ limited partnership	☐ corporation
☐ _____	

3. The entity is formed under the laws of Wyoming

4. The mailing address for the entity is 690 S HIGHWAY 89 STE 201-10219 JACKSON, WY 83002

5. The ☐ name ☒ position of each person authorized to execute instruments conveying, encumbering, or otherwise affecting title to real property on behalf of the entity is MANAGING MEMBER.

6.[2] The authority of the foregoing person (s) to bind the entity is ☒ not limited ☐ limited as follows: _____.

7. Other matters concerning the manner in which the entity deals with interests in real property:

Executed this _____.

Signature

Signature

STATE OF COLORADO
COUNTY OF Mesa } SS:

The foregoing instrument was acknowledged before me this 18th day of June, by Jared Peterson.

Witness my hand and official seal.

Notary Public

My commission expires: 7-19-2023

[1]This form should not be used unless the entity is capable of holding title to real property.
[2]The absence of any limitation shall be prima facie evidence that no such limitation exists.
[3]The statement of authority must be recorded to obtain the benefits of the statute.

NATHAN J. RHODES
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID #20114045201
My Commission Expires July 19, 2023

OWNERSHIP STATEMENT - CORPORATION OR LIMITED LIABILITY COMPANY

(a) PETERSON BROS HOLDINGS, LLC ("Entity") is the owner of the following property:

(b) The NE1/4 SE1/4 SW1/4 of Section 32, Township 1 North, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado. Parcel # 2701-323-00-056

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

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

- (●) My legal authority to bind the Entity both financially and concerning this property is unlimited.
- ( ) My legal authority to bind the Entity financially and/or concerning this property is limited as follows:

- (●) The Entity is the sole owner of the property.
- ( ) The Entity owns the property with other(s). The other owners of the property are:

On behalf of Entity, I have reviewed the application for the (d) property Rezone

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

(e) none

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

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

Signature of Entity representative: _____

Printed name of person signing: JARED PETERSON

State of Colorado)

County of Mesa) ss.

Subscribed and sworn to before me on this 18th day of June, 2021

by Jared Peterson

Witness my hand and seal.

My Notary Commission expires on 7-19-2023

NATHAN J. RHODES
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID #20114045201
My Commission Expires July 19, 2023

_____
Notary Public Signature

RECEPTION#: 2884083, at 6/19/2019 8:53:46 AM, 1 of 2
Recording: $18.00, Doc Fee $57.50 Tina Peters, Mesa County, CO. CLERK AND RECORDER

WARRANTY DEED

DOC FEE:$57.50

THIS DEED, made this **17th day of June, 2019,** between **Peggy Himes as to an undivided 85% interest, Himes Family Trust as to an undivided 15.0% interest**
of the County of **Mesa** and State of **Colorado,**
grantor(s), and **Peterson Bros Holdings, LLC, a Wyoming Limited Liability Company**

whose legal address is Current Address **690 S. Highway 89 Suite 201 Jackson, WY 83001**
State of **Wyoming,** grantees:

WITNESS, that the grantor(s), for and in consideration of the sum of **FIVE HUNDRED SEVENTY FIVE THOUSAND AND 00/100 DOLLARS ($575,000.00)**, the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm unto the grantees, their heirs and assigns forever, **as Joint Tenants**, all the real property, together with improvements, if any, situate, lying and being in the County of **Mesa** and State of **Colorado,** described as follows:

The NE1/4 SE1/4 SW1/4 of Section 32,
Township 1 North, Range 1 West of the Ute Meridian,
County of Mesa, State of Colorado

also known by street and number as: **715 23 1/2 Road, Grand Junction, CO 81505**
and Assessor's schedule or parcel number:2701-323-00-056

TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the grantor(s), either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances;
TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the grantees, their heirs and assigns forever. The grantor(s), for himself, his heirs, and personal representatives, does covenant, grant, bargain and agree to and with the grantees, their heirs and assigns, that at the time of the ensealing and delivery of these presents, he is well seized of the premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature soever, **except general taxes for the current year and subsequent years, Distribution utility easements (including cable TV), Those specifically described rights of third parties not shown by the public records of which the Grantee has actual knowledge and which were accepted by the Grantee, Inclusion of the subject property within any special taxing district, Any special assessment if the improvements were not installed as of March 22, 2019, and to the exceptions attached hereto and incorporated herein.**
The grantor(s) shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of the grantees, their heirs and assigns, against all and every person or persons lawfully claiming the whole or any part thereof.
The singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

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

Peggy Himes as to an undivided 85% interest

Peggy J. Himes-Trustee of Himes Family Trust as to an undivided 15.0 %

State of **Colorado** }
} ss.
County Of **Mesa** }
The foregoing instrument was acknowledged before me this **June 17, 2019**, by **Peggy Himes as to an undivided 85% interest, Peggy J. Himes-Trustee of Himes Family Trust as to an undivided 15.0% interest.**

My Commission expires:

Witness my hand and official seal.

DIANE HAGEN
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID #20024024054
My Commission Expires July 30, 2022

Notary Public

Schedule B II Exceptions to Title

- Reservation of right of proprietor of any penetrating vein or lode to extract his ore, in U.S. Patent recorded June 3, 1909 at Reception No. 83610.
- Reservation of right of way for any ditches or canals constructed by authority of United States, in U.S. Patent recorded June 3, 1909 at Reception No. 83610.
- Undivided 1/2 grantors interest in all oil, gas and other mineral rights, as reserved by Mark Burnett in the Deed to S. W. Huntsman recorded July 18, 1955, at Reception No. 641476, and any interests therein or rights thereunder.
- Rights of surface entry and any other incidental rights used, claimed or asserted under any mineral reservation, lease or conveyance affecting the land herein.
- Terms, agreements, provisions, conditions and obligations as contained in Easement and Agreement recorded August 10, 1982 at Reception No. 1299753.
- Terms, agreements, provisions, conditions and obligations as contained in Resolution No. MCM 91-26 recorded February 6, 1991 at Reception No. 1562486.
- Any right, title, claim, demand or interest which may be asserted by the owners of adjoining property in and to subject property or by the owners of subject property in and to adjacent property, based on adverse possession or otherwise, due to or resulting from the failure of any fences located on subject property and adjacent property to follow established boundary lines.
- Any and all unrecorded leases and/or tenancies.
- Any and all rights of way for 23 1/2 Road.

A ▪ C ▪ G

Austin Civil Group, Inc.

Land Planning ▪ Civil Engineering ▪ Development Services

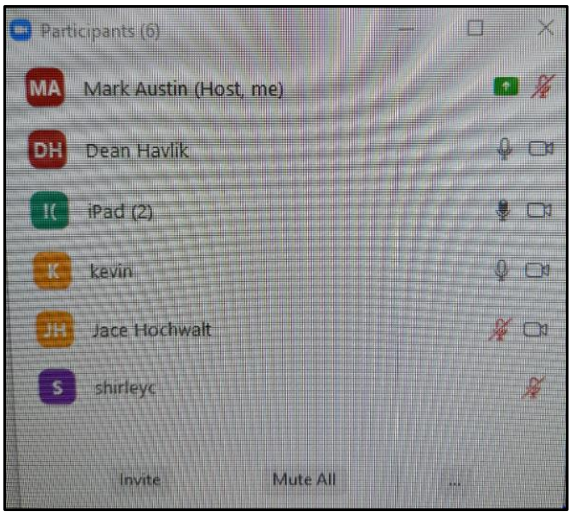
June 24, 2020

Mr. Jace Hochwalt
Senior Planner
City of Grand Junction Planning Division
250 North 5th Street
Grand Junction, CO 81501

Re: 705 23 ½ Road (GJ Blackout) Rezone
Neighborhood Meeting Summary

Dear Mr. Hochwalt:

The purpose of this letter is to notify the City of Grand Junction Planning Department that a virtual neighborhood meeting was conducted on June 23, 2021, via Zoom, at 5:30 P.M., for the rezone of the property located at 705 23 ½ Road in Grand Junction, Colorado. There were 6 participants in the meeting, none of which were members of the public. A screen shot of the participant list is depicted below:



Participant List from Zoom Virtual Neighborhood Meeting

Listed below is a summary of the meeting items:

1. Mark Austin and Ben Fox (both applicant representatives from Austin Civil Group) presented an overview of the property's current zoning (I-2) and proposed zoning (I-1) and how it appeared to match well with the City of Grand Junction's Comprehensive Future Land Use Plan.

2. Ben Fox described potential future development on the property (a 66,000 SF indoor sports facility), but mentioned that the focus for this meeting was

primarily for rezone approval, not development approval. Any future site plan remains preliminary and subject to change or alteration.

3. A slideshow was displayed to provide a clear, concise overview of the project location, current/proposed zoning, and future development concepts.

4. Kevin Young and Dean Havlik (the project applicants) asked questions of Jace Hochwalt regarding the timeline and process for the project. The response indicated that City Council may be able to review the project by August 18, 2021 and that it may receive a hearing from the Planning Commission by July 27, 2021. These dates were rough estimates and assumed all documentation would be submitted on-time and approved.

5. There were no comments from the public, and no members of the public attended the meeting.

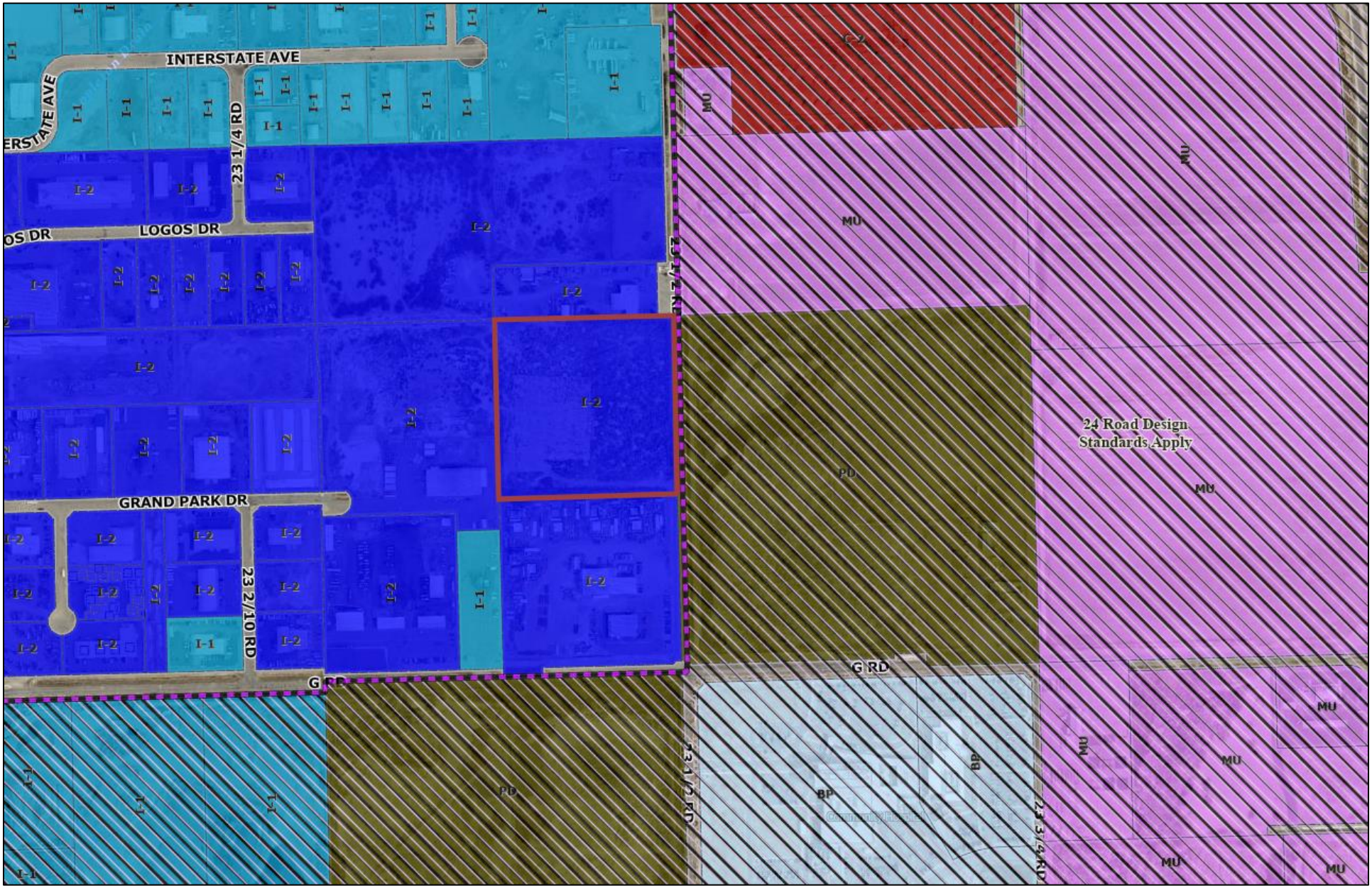
6. The meeting was closed at approximately 5:45 PM.

Sincerely,

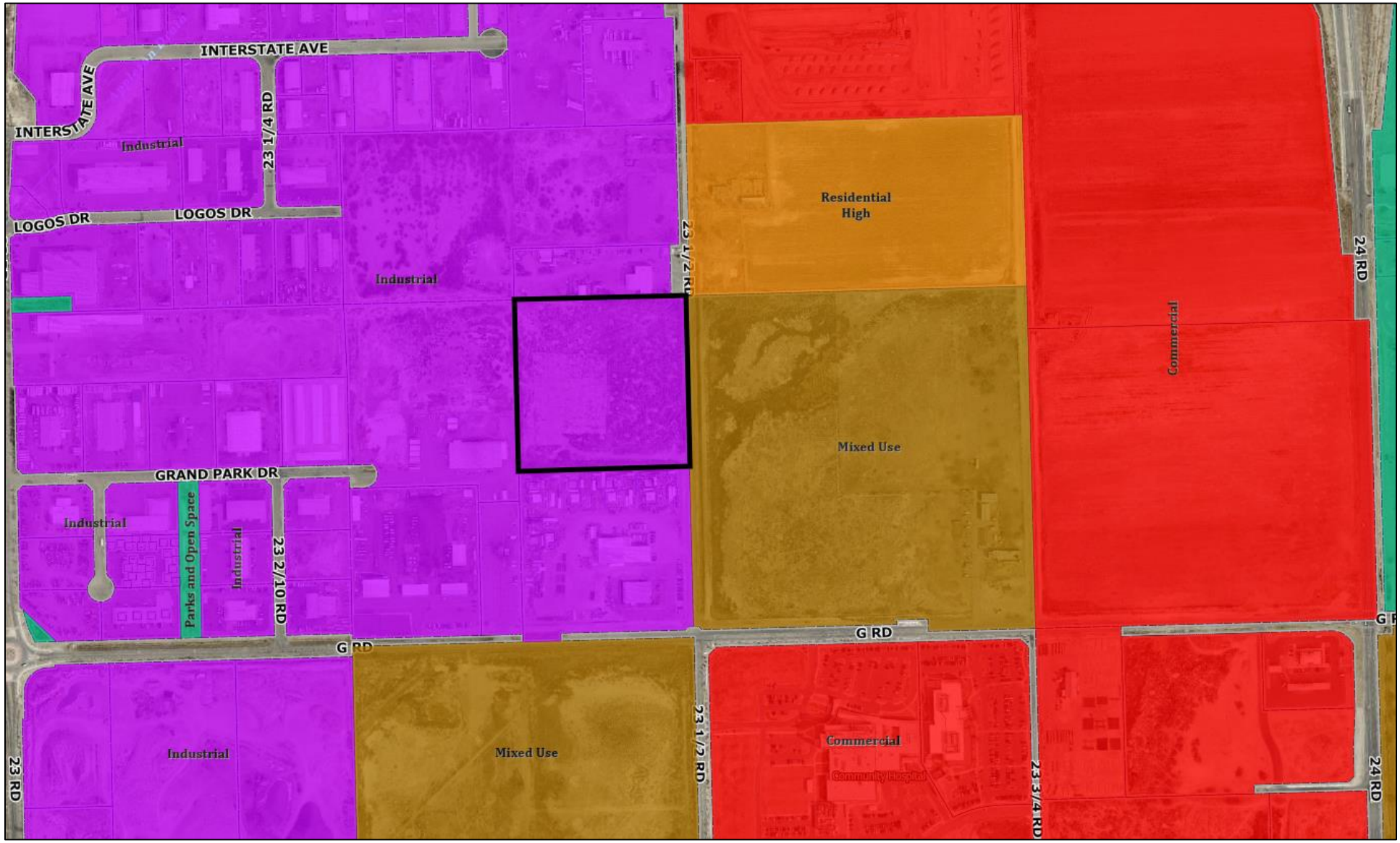
Austin Civil Group, Inc.
Mark Austin, P.E. President

Vicinity Map

Zoning Map


INTERSTATE AVE
23 1/4 RD
LOGOS DR
GRAND PARK DR
23 2/10 RD
G RD
23 1/2 RD
23 3/4 RD
24 Road Design Standards Apply
I-1
I-2
C-2
MU
PD
BP

Comprehensive Plan Land Use Map



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. ____

AN ORDINANCE REZONING ONE PARCEL TOTALING APPROXIMATELY 9.98 ACRES FROM I-2 (GENERAL INDUSTRIAL) TO I-1 (LIGHT INDUSTRIAL) LOCATED AT 715 23 ½ ROAD

Recitals:

Peterson Bros Holdings, LLC (Owner) owns the parcel located at 715 23 ½ Road totaling approximately 9.98 acres (referred to herein and more fully described below as the "Property"). The Property is designated by the Comprehensive Plan Land Use Map as having an Industrial designation. The Owner proposes that the property be rezoned from I-2 (General Industrial) to I-1 (Light Industrial).

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of zoning the Property to the I-1 (Light Industrial) zone district, finding that it conforms to and is consistent with the Comprehensive Plan Land Use designation of Industrial, the Comprehensive Plan's goals and policies, and is generally compatible with land uses located in the surrounding area.

After public notice and public hearing, the Grand Junction City Council finds that the I-1 (Light Industrial) zone district is in conformance with at least one of the stated criteria of Section 21.02.140 of the Grand Junction Zoning and Development Code.

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

The following property shall be zoned I-1 (Light Industrial):

The NE1/4 SE1/4 SW1/4 of Section 32
Township 1 North, Range 1 West of the Ute Meridian
County of Mesa, State of Colorado

As recorded at Reception #2884083 in the records of the Mesa County Clerk and Recorder.

Introduced on first reading this 4th day of August, 2021 and ordered published in pamphlet form.

Adopted on second reading this 18th day of August, 2021 and ordered published in pamphlet form.

ATTEST:

_____	_____
Wanda Winkelmann	C.B. McDaniel
City Clerk	President of City Council/Mayor

Grand Junction City Council

Regular Session

Item #3.a.

Meeting Date: August 4, 2021

Presented By: Randi Kim, Utilities Director

Department: Utilities

Submitted By: John Eklund

Information

SUBJECT:

Oxygen Supply Tank Foundation at Juniata Reservoir

RECOMMENDATION:

Staff recommends the City Purchasing Division execute a construction contract with K&D Construction Inc. for the Oxygen Supply Tank Foundation at Juniata Reservoir project in the amount of $325,040.00.

EXECUTIVE SUMMARY:

This project will provide the foundation and protective elements for the oxygen tank and controls for the aeration system to be installed in Juniata Reservoir later in 2021. The project generally includes drilling and pouring concrete pier foundations and concrete slabs for the oxygen tank, control and diffusers, delivery truck entrance, protective walls and surrounding chain-link fence. Cost to the City for construction is $325,040.00, which is funded by the Water Utility CIP. Final completion is scheduled for October 2021.

BACKGROUND OR DETAILED INFORMATION:

The City of Grand Junction uses the Juniata Reservoir as a primary municipal water supply. The Juniata Reservoir Aeration - Oxygen Supply Tank Foundation will provide a location for the aeration system for the reservoir. Aeration of reservoirs increases the amount of dissolved oxygen in the water and improves mixing circulation thereby eliminating seasonal anoxic episodes and improving water quality by decreasing available nutrients for algae, lowering dissolved iron and manganese levels, and reducing treatment costs. This will result in improved water quality delivered to the City's customers. Design of the Juniata Aeration project was initiated in 2019 and

contracts for construction of the aeration system and supply of the liquid oxygen tank were executed in 2020. Construction was delayed in 2021 due to supplier delivery delays and weather constraints for constructing the foundations. Once the foundations are completed, the oxygen tank, controls and diffusers will be installed before the oxygen distribution system is installed in the reservoir later in 2021. A formal Invitation for Bids was issued via Rocky Mountain E-Purchasing System (BidNet), posted on the City's Purchasing website, sent to Grand Junction Chamber of Commerce, the Western Slope Contractors Association and advertised in The Daily Sentinel. Two companies submitted bids, both of which were found to be responsive and responsible in the following amounts:

Vendor	Location	Lump Sum
K&D Construction Inc.	Grand Junction, CO	$325,040.00
Myers & Sons Construction	Sacramento, CA	$516,000.00

FISCAL IMPACT:

All expenses for this project are funded by the Water Utility Enterprise Fund. The Juniata Aeration project was originally funded in 2019 and remaining funding was carried forward in 2020. as noted in a memo to Council dated July 1, 2021, funding from 2021 projects was reallocated to 2020 projects that were still in progress at the beginning of the year. The total projected expenses for this project were estimated at $494,112. An additional $20,000 has been reallocated from 2021 water line replacement project, which is expected to come in underbudget, to fund these additional costs. The total available budget for this project is $514,112.

Current project expenses are as follows:

Services	Vendor	Amount
Diffuser Installation	Mobley Engineering	$164,034.49
Design Services During Construction	JVA Consulting Engineers, Inc.	$8,900.00
Geotechnical Engineering	RockSol Consulting Group, Inc.	$5,806.50
Construction Services	K&D Construction Inc.	$325,040.00
Quality Assurance Testing	RockSol Consulting Group, Inc.	$10,000.00
	Total Estimated Expenditures:	**$513,780.99**

SUGGESTED MOTION:

I move to (authorize/not authorize) City Purchasing Division to enter into contract with K&D Construction Inc. of Grand Junction, CO for the Oxygen Supply Tank Foundation at Juniata Reservoir project in the amount of $325,040.00.

Attachments

None

Grand Junction City Council

Regular Session

Item #3.b.

Meeting Date: August 4, 2021

Presented By: Randi Kim, Utilities Director

Department: Utilities

Submitted By: John Eklund

Information

SUBJECT:

2021 Kannah Creek Flowline Replacement

RECOMMENDATION:

Staff recommends the City Purchasing Division execute a construction contract with **M.A. Concrete Construction, Inc.** for the 2021 Kannah Creek Flowline Replacement project in the amount of **$1,412,176.00**.

EXECUTIVE SUMMARY:

The Kannah Creek Flowline project proposes to replace & install a total of 7,895 feet of raw waterline pipe and appurtenance from Purdy Mesa Reservoir to the southeast side of Juniata Reservoir. A competitive procurement process was used to solicit bids from contractors interested in the work with the lowest responsible bid submitted by M.A. Concrete Construction, Inc. in the amount of $1,412,176.00.

BACKGROUND OR DETAILED INFORMATION:

The Kannah Creek Flowline (KCFL) diverts water to Juniata Reservoir, the primary storage of municipal water for the City of Grand Junction. The KCFL also bypasses the reservoir, which carries raw water to the Water Treatment Plant in Orchard Mesa. The flowline has been operating since the early 1900's and has exceeded its design life. Flows from the KCFL that are diverted into a natural drainage inlet into Juniata Reservoir have experienced significant erosion since the reservoir was commissioned in the 1940s. This erosion has resulted in a large volume of sedimentation in the reservoir itself.

This project generally consists of replacing approximately 6,435 feet of 20-inch waterline from the metering station near Purdy Mesa Reservoir to the southeast side of Juniata Reservoir, as well as

installation of 1,460 feet of 6-inch waterline as a secondary supply of raw water. The project will also include relocating the inlet to the southwest corner of Juniata Reservoir in an effort to eliminate further erosion from the diverted KCFL discharge.

A formal Invitation for Bids was issued via BidNet (an on-line site for government agencies to post solicitations), posted on the City's Purchasing website, sent to the Grand Junction Chamber of Commerce, the Western Colorado Contractors Association, and advertised in The Daily Sentinel. During the bid process, the City became aware that pipe manufacturer's were unable to hold pricing or guarantee availability of pipe materials for more than 7 days. In response, the City adjusted the procurement schedule such that Council review of the low bid contract was 5 days after the contractor's proposals were submitted rather than the standard 2-week minimum in order to reduce the risk of material cost escalations after the bid. Five companies submitted bids for the project in the amounts summarized below.

Vendor	Location	Bid Amount
M.A. Concrete Construction, Inc.	Grand Junction, CO	$1,412,176.00
Old Castle SW Group, Inc. dba United Companies	Grand Junction, CO	$1,449,226.00
IHC Scott, Inc.	Centennial, CO	$1,573,245.00
JHL Constructors, Inc.	Englewood, CO	$1,756,745.00
Dirtworks Construction, LLC	Grand Junction, CO	$1,995,525.00

The lowest and responsible bid was submitted by **M.A. Concrete Construction, Inc.** in the amount of $**1,412,176.00**.

FISCAL IMPACT:

The expenses for the Kannah Creek Flowline Replacement project will be funded by the Water Enterprise Fund and is included in the $1,682,232 budget allocated for Flow Line Replacements that were initiated in 2020 and rebudgeted 2021 as noted in a memorandum to City Council dated July 1, 2021. The remaining funding will be utilized for the Juniata guard gate replacement under a separate contract.

SUGGESTED MOTION:

I move to authorize City Purchasing Division to enter into contract with **M.A. Concrete Construction, Inc.** of Grand Junction, CO for the 2021 Kannah Creek Flowline Replacement project project in the amount of $**1,412,176.00**.

Attachments

None

Grand Junction City Council

Regular Session

Item #3.c.

Meeting Date: August 4, 2021

Presented By: Randi Kim, Utilities Director

Department: Utilities

Submitted By: Kirsten Armbruster

Information

SUBJECT:

Professional Services Contract for Construction Administration and Inspection Services for Persigo Structural Repairs

RECOMMENDATION:

Staff recommends that the City Purchasing Division enter into a contract with Wiss, Janney, Elstner Associates, Inc. of Lakewood, Colorado for professional services associated with the Construction Administration and Inspection services for the Persigo Structural Repairs project in the amount of $178,753.68.

EXECUTIVE SUMMARY:

This consulting contract is for construction administration and inspection during the repairs to the concrete structures at the Persigo Wastewater Treatment Plant identified in the 2020 structural assessment to begin in July 2021. The contract is for the amount of $178,753.68.

BACKGROUND OR DETAILED INFORMATION:

The Persigo Wastewater Treatment Plant at 2145 River Road was constructed in 1984. With the Plant nearing 40 years in continuous operations, the City of Grand Junction hired Wiss, Janney & Elstner (WJE) in 2019 to perform a thorough inspection and investigation of the existing concrete structures. Based on this Structural Condition Assessment and additional concrete materials testing, a list of recommended repairs was tabulated and an engineer's opinion of probable costs was developed with repair items identified as low, medium or high priorities. Staff proceeded with engineering design, utilizing WJE, for several of the items in the high and medium priority category.

The Persigo Structural Repairs construction project began at the end of July and is scheduled to last nearly a year. Staff requested a proposal from WJE to perform the specialized Construction Administration and Inspection services required for structural repairs. Staff inquired with other engineering and testing companies but these services were not available locally. WJE provided a proposal for required services in the amount of $178,753.68. With previous work authorizations for design and and testing with WJE in the amount of $135,640.96, the aggregate spending total for 2021 will be $314,394.64. Given this amount is over $200,000, Council approval of this contract is required.

FISCAL IMPACT:

Funding for this project was approved as part of the 2021 Capital Improvement budget for the Sewer Enterprise fund. The total project budget for the 2021 Wastewater Treatment Plant Improvements and Asset Replacements project is $5,070,814. The construction contract was authorized in the amount of $3,275,535 and therefore there is sufficient budget available for this contract in the amount of $178,753.68. Remaining funding will be used for other wastewater treatment plant improvement projects this year.

SUGGESTED MOTION:

I move to (authorize/not authorize) the City Purchasing Division to execute a contract with Wiss, Janney, Elstner Associates, Inc. of Lakewood, Colorado for professional services associated with the Construction Administration and Inspection services for the Persigo Structural Repairs project in the amount of $178,753.68 .

Attachments

None

Grand Junction City Council

Regular Session

Item #3.d.

Meeting Date: August 4, 2021

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

Department: Fire

Submitted By: Chris Angermuller

Information

SUBJECT:

Purchase of Fire Pumper Truck

RECOMMENDATION:

Staff recommends the sole source purchase of a Pierce Enforcer fire pumper truck from Front Range Fire Apparatus of Frederick, Colorado for $690,486.00.

EXECUTIVE SUMMARY:

This request is to purchase a Pierce Enforcer fire pumper truck with clean cab option for $690,486.00. This unit is a new addition to the fleet and will be assigned to the future Fire Station 8. The build time for this new engine is estimated to be 13.5 months which has increased since the Pandemic and related supply chain impacts. Ordering and purchasing the engine now will allow for the new engine to be delivered when Fire Station 8 construction is completed.

BACKGROUND OR DETAILED INFORMATION:

This unit is a new engine and will be purchased through the capital budget utilizing First Responder Tax funds. The new engine will be a new addition to the fire department fleet and will be assigned to the future Fire Station 8 that is projected to open in the fall of 2022.

In 2019, City Council approved a sole source justification for Pierce Manufactured Fire Apparatus. This truck will be identical to the other three Pierce units purchased in 2019 and 2020 in order to ensure consistency to the Fleet. This includes the clean cab option to minimize carcinogen exposure to firefighters.

FISCAL IMPACT:

The cost of this purchase is $690,486.00. The manufacturer also offers additional pre-payment discounts depending on when the purchase order is paid. Funding for this unit was planned in the 10-year Capital Improvement Plan for the 2022 budget funded by First Responder Sales Tax. Because of the lead time required and the opportunity to avoid future cost increases, staff is requesting approval of this purchase. The expenditure will be included and ratified in a supplemental appropriation coming forward to Council in the next four to six weeks.

SUGGESTED MOTION:

I move to (approve/deny) the City Purchasing Division to enter into a contract with Front Range Fire Apparatus of Frederick, Colorado for the purchase of one (1) Pierce Enforcer Fire pumper truck in the amount of $690,486.00.

Attachments

None

Grand Junction City Council

Regular Session

Item #3.e.

Meeting Date: August 4, 2021

Presented By: Trenton Prall, Public Works Director, Jay Valentine, General Services Director

Department: Public Works - Engineering

Submitted By: Trent Prall

Information

SUBJECT:

2021 Authorization for a Contract Renewal for Professional Geotechnical Engineering Services

RECOMMENDATION:

Staff recommends approval for the City Purchasing Division to extend a contract with RockSol Consulting Group, Inc. for a 2021 spending amount of up to $456,009.

EXECUTIVE SUMMARY:

The purpose of this contract is for professional geotechnical engineering and material testing services on an as needed basis. This contract was competitively bid in 2020; however, the spending for that year was anticipated to be under $200,000, and therefore, did not require City Council action. The original contract includes 3 additional one-year renewal options and this request is to extend the contract in 2021 for a spending level of up to $456,009.

BACKGROUND OR DETAILED INFORMATION:

In 2020, anticipating significant need for geotechnical services based on the number of projects identified in the capital improvement plan, staff issued a request for proposals from qualified professional firms to provide geotechnical engineering services to the City of Grand Junction on an as needed basis for capital projects. Five firms submitted proposals that were evaluated by staff based on the vendors understanding of the project, experience, necessary resources, strategy & implementation plan, references and fees. RockSol Consulting Group, Inc. was selected as the primary firm for geotechnical engineering services through a competitive procurement process, as well as selection of a secondary geotechnical engineering firm should the primary firm not

be able to meet the project needs of the City. The City entered into an annual contract with Rocksol Consulting Group, Inc. on February 25, 2020 as the primary firm for geotechnical engineering services. The original contract provided for three additional 1-year renewals. At this time staff anticipates using RockSol Consulting Group, Inc. for 26 projects in 2021 for a total estimated cost of $456,009 and may need to award some of the work to the secondary firm should RockSol Consulting Group not have adequate resources available. The cost of all geotechnical engineering services are estimated and included in the total 2021 approved project budgets.

FISCAL IMPACT:

The funding for geotechnical engineering services that are proposed to be awarded RockSol Consulting Group, Inc. are budgeted within the 2021 Adopted Budget for capital improvement projects and summarized on the attached Estimate of 2021 Expenses. No amendments to the 2021 budget are proposed as part of this contract renewal.

SUGGESTED MOTION:

I move to (authorize/not authorize) the City Purchasing Division to extend a contract with RockSol Consulting Group, Inc. for Professional Geotechnical Engineering Services in an amount up to $456,009.

Attachments

1. Estimate of 2021 Geotechnical Expenses - RockSol

ESTIMATE OF 2021 GEOTECHNICAL EXPENSES

PROFESSIONAL GEOTECHNICAL ENGINEERING SERVICES CONTRACT WITH ROCKSOL CONSULTING GROUP, INC.

PROJECT TASK	CAPITAL FUND		AMOUNT	SOURCE OF COSTS
RIVERFRONT AT DOS RIOS PH2 - QA TESTING	0.75% SALES TAX	$	63,586.46	FEE PROPOSAL
CONTRACT STREET MAINT. - S. RIM & KANSAS GEOTECH ENGINEERING	0.75% SALES TAX	$	9,997.00	FEE PROPOSAL
CANYON VIEW LIGHTING - GEOTECH ENGINEERING	0.75% SALES TAX	$	13,351.80	FEE PROPOSAL
STADIUM IMPROVEMENTS - GEOTECH ENGINEERING	0.75% SALES TAX	$	28,565.50	FEE PROPOSAL
LOREY DRIVE SIDEWALK/DRAINAGE - QA TESTING	0.75% SALES TAX	$	7,986.00	FEE PROPOSAL
CURB GUTTER SIDEWALK REPLACEMENT - QA TESTING	0.75% SALES TAX	$	11,066.50	FEE PROPOSAL
CONTRACT STREET MAINT. - ASPHALT OVERLAYS - QA TESTING	0.75% SALES TAX	$	37,901.75	FEE PROPOSAL
CONTRACT STEET MAINT. - UNAWEEP OVERLAYS - QA TESTING	0.75% SALES TAX	$	9,920.00	FEE PROPOSAL
CONTRACT STREET MAINT. SOUTH RIM & KANSAS - QA TESTING	0.75% SALES TAX	$	20,000.00	ESTIMATED
STRS - ELM AVE FROM 28 TO 28 1/4 RD - QA TESTING	0.75% SALES TAX	$	10,000.00	ESTIMATED
ALLEY IMPROVEMENT DISTRICT - QA TESTING	0.75% SALES TAX	$	5,000.00	ESTIMATED
LAS COLONIAS OUTDOOR AMENITIES - QA TESTING	0.75% SALES TAX	$	800.00	ESTIMATED
PERSIGO ODOR CONTROL - GEOTECH ENGINEERING	SEWER FUND	$	23,019.50	FEE PROPOSAL
PERSIGO LARGE REPAIRS - QA TESTING	SEWER FUND	$	19,929.00	FEE PROPOSAL
SEWER REPLACEMENTS -UNAWEEP AVE. QA TESTING	SEWER FUND	$	24,000.00	FEE PROPOSAL
TIARA RADO FORCEMAIN - QA TESTING	SEWER FUND	$	15,000.00	ESTIMATED
SEWER REPLACEMENTS - NORTH AVE. QA TESTING	SEWER FUND	$	10,000.00	ESTIMATED
CULVERT REPLACEMENT (21.5 RD) - QA TESTING	STORM DRAINAGE	$	6,321.50	FEE PROPOSAL
G ROAD BRIDGE REPLACEMENT - QA TESTING	TRANSPORTATION CAPACITY FUI	$	19,564.00	FEE PROPOSAL
F 1/2 ROAD PARKWAY - GEOTECH ENGINEERING	TRANSPORTATION CAPACITY FUI	$	40,000.00	ESTIMATED
24 1/2 ROAD - GEOTECH ENGINEERING	TRANSPORTATION CAPACITY FUI	$	20,000.00	ESTIMATED
28 1/4 ROAD TO HAWTHORNE - QA TESTING	TRANSPORTATION CAPACITY FUI	$	10,000.00	ESTIMATED
REED MESA TURN LANES - QA TESTING	TRANSPORTATION CAPACITY FUI	$	15,000.00	ESTIMATED
MONUMUMENT ROAD TURN LANE - QA TESTING	TRANSPORTATION CAPACITY FUI	$	10,000.00	ESTIMATED
WATERLINE REPLACEMENTS - QA TESTING	WATER FUND	$	10,000.00	ESTIMATED
KANNAH CREEK FLOWLINE - QA TESTING	WATER FUND	$	15,000.00	ESTIMATED
TOTAL ESTIMATED EXPENSES FOR GEOTECHNIAL SERVICES		**$**	**456,009.01**	

Grand Junction City Council

Regular Session

Item #4.a.

Meeting Date: August 4, 2021

Presented By: Greg Caton, City Manager

Department: City Manager's Office

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

Information

SUBJECT:

A Resolution Authorizing the City Manager to Execute Related Documents and Co-Sponsorship Agreement for Airport Coronavirus Response Grant Program

RECOMMENDATION:

Approve the Airport Development Plan grant offer No. 3-08-0027-071-2021 in the amount of $53,547 between the Federal Aviation Administration, Mesa County, the City of Grand Junction, and the Grand Junction Regional Airport Authority and the Co-Sponsorship Agreement between Mesa County, the City of Grand Junction and the Grand Junction Regional Airport Authority and authorize the City Manager and City Attorney to sign.

EXECUTIVE SUMMARY:

The ACRGP Concessions relief grant offer is from the FAA and will provide relief to concessionaires at the airport such as on-airport rental car companies and in-airport concessionaires from rent and minimum annual guarantee (MAG) obligations. By accepting the grant, the Airport Authority agrees to waive certain rents and MAG from concessionaires and will receive reimbursement from the FAA. As creators and co-sponsors of the Airport Authority, both the County Commissioners and the City Council must also approve grant awards from the FAA to the Airport Authority. The grant offer was approved by the Airport Board of Commissioners at the July 20, 2021 meeting.

BACKGROUND OR DETAILED INFORMATION:

Pursuant to the Title 49, U.S.C., Subtitle VII, Part B, as amended, the Airport Authority has applied for monies from the Federal Aviation Administration (“FAA”), for concession relief, pursuant to the terms set forth in AIP Grant No. 3-08-0027-071-2021.

The FAA is willing to provide $53,547 toward concession relief, provided the City of Grand Junction and Mesa County execute the Grant Agreement as co-sponsors with the Airport Authority. The FAA is insisting that the City and County execute the Grant Agreement as co-sponsors for two primary reasons. First, the City and County have taxing authority, whereas the Airport Authority does not; accordingly, the FAA is insisting that the City and County execute the Grant Agreement so that public entities with taxing authority are liable for the financial commitments required of the Sponsor under the Grant Agreements, should the Airport Authority not be able to satisfy said financial commitments out of the net revenues generated by the operation of the Airport. In addition, the City and County have jurisdiction over the zoning and land use regulations of the real property surrounding the Airport, whereas the Airport Authority does not enjoy such zoning and land use regulatory authority. By their execution of the Grant Agreement, the City and County would be warranting to the FAA that they will take appropriate actions, including the adoption of zoning laws, to restrict the use of land surrounding the Airport to activities and purposes compatible with normal Airport operations.

The City is willing to execute the Grant Agreement, as a co-sponsor, pursuant to the FAA's request, subject to the terms and conditions of this Supplemental Co-Sponsorship Agreement between the City and Airport Authority.

FISCAL IMPACT:

No direct fiscal impact to the City.

SUGGESTED MOTION:

I move to (adopt/deny) Resolution No. 60-21, a Resolution Authorizing the City Manager to Accept Airport Authority Grant Offer.

Attachments

1. Grant Offer
2. Co-Sponsorship Agreement
3. Resolution

U.S. Department of Transportation Federal Aviation Administration

Airports Division Northwest Mountain Region Colorado, Utah, Wyoming

FAA DEN ADO 26805 E 68th Ave, Suite 224 Denver, CO 80249

July 8, 2021

Mr. Thomas Benton, Chair
Grand Junction Regional Airport Authority
800 Eagle Drive
Grand Junction, Colorado 81506

Mr. Greg Caton, Manager
City of Grand Junction
250 North Fifth Street
Grand Junction, Colorado 81501

Ms. Janet Rowland, Chair
Mesa County Board of Commissioners
544 Rood Avenue
Grand Junction, Colorado 81501

SUBJECT: Airport Coronavirus Response Grant Program (ACRGP) Concessions Addendum

Dear Mr. Benton, Mr. Caton, and Commissioner Rowland:

Please find the following electronic ACRGP Concessions Relief Addendum Offer, Addendum No. 3-08-0027-071-2021 for Grand Junction Regional Airport. This letter outlines expectations for success. Please read and follow the instructions carefully.

To properly enter into this agreement, you must do the following:

a. The governing body must provide authority to execute the addendum to the individual signing the addendum; i.e. the sponsor's authorized representative.

b. The sponsor's authorized representative must execute the addendum, followed by the attorney's certification, no later than **August 13, 2021** in order for the addendum to be valid.

c. You may not make any modification to the text, terms or conditions of the addendum offer.

d. The addendum offer must be digitally signed by the sponsor's legal signatory authority and then the addendum offer will be routed via email to the sponsor's attorney. Once the attorney has digitally attested to the addendum, an email with the executed addendum will be sent to all parties.

Subject to the requirements in 2 CFR §200.305, each payment request for reimbursement under this addendum must be made electronically via the Delphi eInvoicing System. The terms and conditions of this agreement require you drawdown and expend these funds within four years.

An airport sponsor may use these funds to provide relief from rent and minimum annual guarantees (MAG) to on-airport car rental, on-airport parking, and in-terminal concessions.

With each payment request you are required to upload a summary directly to Delphi. The summary should include at least the list of concessions, baseline numbers for proportional calculations, amount of rent and MAG relief, and the consultation date with any Airport Concession Disadvantaged Business Enterprise. Please refer to the ACRGP Frequently Asked Questions for further information

For the final payment request, in addition to the requirement listed above for all payment requests, you are required to upload directly to Delphi:

- A final financial report summarizing all of the costs incurred and reimbursed, and
- An SF-425, and
- A closeout report (A sample report is available here).

Until the addendum is completed and closed, you are responsible for submitting a signed/dated SF-425 annually, due 90 days after the end of each federal fiscal year in which this addendum is open (due December 31 of each year this addendum is open).

As a condition of receiving Federal assistance under this award, you must comply with audit requirements as established under 2 CFR part 200. Subpart F requires non-Federal entities that expend $750,000 or more in Federal awards to conduct a single or program specific audit for that year. Note that this includes Federal expenditures made under other Federal-assistance programs. Please take appropriate and necessary action to assure your organization will comply with applicable audit requirements and standards.

Kristin Brownson is the assigned program manager for this grant and is readily available to assist you and your designated representative with the requirements stated herein. If you should have any questions, please contact Kristin Brownson at Kristin.Brownson@faa.gov.

We sincerely value your cooperation in these efforts and look forward to working with you to complete this important project.

Sincerely,

John P Bauer (Jul 8, 2021 09:07 MDT)

John P. Bauer
Manager, Denver Airports District Office

U.S. Department of Transportation Federal Aviation Administration

AIRPORT CORONAVIRUS RELIEF GRANT PROGRAM (ACRGP)

CONCESSIONS RELIEF ADDENDUM

Part I - Offer

Federal Award Offer Date: July 8, 2021

Airport/Planning Area: Grand Junction Regional Airport

ACRGP Addendum Number: 3-08-0027-071-2021 [Contract No. DOT-FA21NM-K1062]

Unique Entity Identifier: 15-613-5394

TO: County of Mesa, Colorado, City of Grand Junction, Colorado, and the Grand Junction Regional Airport Authority

(herein called the "Sponsor") (herein called the "Sponsor") (For Co-Sponsors, list all Co-Sponsor names. The word "Sponsor" in this Concessions Relief Addendum also applies to a Co-Sponsor.)

FROM: **The United States of America** (acting through the Federal Aviation Administration, herein called the "FAA")

WHEREAS, the Sponsor has submitted to the FAA an application dated June 16, 2021 to amend Airports Coronavirus Response Grant Program (ACRGP or "the Agreement") Grant Agreement 3-08-0027-070-2021 to provide relief from rent and minimum annual guarantees (MAG) obligations to each eligible airport concession at Grand Junction Regional Airport, in accordance with the Coronavirus Response and Relief Appropriations Act ("CRRSA Act" or "the Act"), Public Law 116-260, Division M;

WHEREAS, the FAA has agreed with the Sponsor to amend its ACRGP Grant Agreement 3-08-0027-070-2021 to further allocate $53,547 to fund Concession Relief as defined below;

WHEREAS, the Sponsor has accepted the terms of the FAA's ACRGP Concessions Relief Addendum offer;

WHEREAS, in consideration of the promises, representations, and assurances provided by the Sponsor, the FAA has approved the ACRGP Concessions Relief Addendum Application for the Grand Junction Regional Airport;

WHEREAS, no other terms, conditions, or assurances of the 3-08-0027-070-2021 shall be negated as a result of this ACRGP Concessions Relief Addendum;

WHEREAS, this ACRGP Concessions Relief Addendum hereby amends 3-08-0027-070-2021 for the purpose of adding $53,547 for Grand Junction Regional Airport to use to provide relief from rent and

minimum annual guarantees (MAG) obligations, as applicable, to each eligible airport concession in an amount that reflects each eligible airport concession's proportional share of the total amount of the rent and MAGs of all eligible airport concessions at Grand Junction Regional Airport as further defined herein, for relief provided no earlier than December 27, 2020, until the specified Concession Relief funds have been fully expended.

NOW THEREFORE, in accordance with the applicable provisions of the Coronavirus Response and Relief Appropriations Act, Public Law 116-260, Division M, the representations contained in the ACRGP Concessions Relief Addendum Application, and in consideration of, (a) the Sponsor's acceptance of this Offer for an ACRGP Concessions Relief Addendum, the terms, conditions, and assurances of which are hereby attached to and made part of the terms, conditions, and assurances agreed to under 3-08-0027-070-2021 and, (b) the benefits to accrue to the United States and the public from the accomplishment of the ACRGP Concession Relief Addendum, and in compliance with the conditions and requirements as herein provided

THE FEDERAL AVIATION ADMINISTRATION, FOR AND ON BEHALF OF THE UNITED STATES, HEREBY OFFERS AND AGREES to pay 100% percent of the allowable costs incurred accomplishing ACRGP Concessions Relief as a result of and in accordance with this ACRGP Concession Relief Addendum.

Assistance Listings Number (Formerly CFDA Number): 20.106

This Offer is made on and **SUBJECT TO THE FOLLOWING ADDITIONAL TERMS AND CONDITIONS:**

CONDITIONS

ADDENDUM TO AIRPORT CORONAVIRUS RELIEF GRANT AGREEMENT 3-08-0027-070-2021

1a. **Maximum Obligation.** The maximum obligation of the United States payable under this Offer is $53,547 to be provided to the airport sponsor for rent relief provided to eligible airport concessions as described herein.

2a. **Period of Performance.** This ACRGP Concessions Relief Addendum is subject to the following federal award requirements:

a. This Addendum does not change the period of performance date prescribed in the ACGRP Grant Agreement 3-08-0027-070-2021.

b. This Addendum does not change the budget period prescribed in the ACGRP Grant Agreement 3-08-0027-070-2021.

c. Close out and Termination.

1. Unless the FAA authorizes a written extension, the Sponsor must submit all Grant closeout documentation and liquidate (pay-off) all obligations incurred under this award no later than 120 calendar days after the end date of the period of performance. If the Sponsor does not submit all required closeout documentation within this time period, the FAA will proceed to close out the grant within one year of the period of performance end date with the information available at the end of 120 days. (2 CFR § 200.344)

2. The FAA may terminate this ACRGP Concessions Relief Addendum, in whole or in part, in accordance with the conditions set forth in 2 CFR § 200.340.

3a. **Amendments or Withdrawals before Grant Acceptance.** The FAA reserves the right to amend or withdraw this offer at any time prior to its acceptance by the Sponsor.

4a. **Offer Expiration Date.** This offer will expire and the United States will not be obligated to pay any part of the costs of the Concessions Relief unless this offer has been accepted by the Sponsor on or before August 13, 2021 , or such subsequent date as may be prescribed in writing by the FAA.

5a. **Electronic Grant Payment(s).** Unless otherwise directed by the FAA, the Sponsor must make each payment request under this Concessions Relief Addendum electronically via the Delphi eInvoicing System for Department of Transportation (DOT) Financial Assistance Awardees.

SUPPLEMENTAL TO ACRGP GRANT AGREEMENT 3-08-0027-070-2021

CONDITION FOR AIRPORT CONCESSIONS RELIEF -

1. **ACRGP Concessions Relief.** The Sponsor agrees that it will use the funds in this ACRGP Concessions Relief Addendum allocated specifically to cover lawful expenses to provide relief from rent and minimum annual guarantee obligations to on airport car rental, on-airport parking, and in-terminal airport concessions (collectively referred to herein as "Concessions") as defined in part 23 of title 49, Code of Federal Regulations, in accordance with the CRRSA Act, Public Law 116-260, Division M, Title IV. Use of these funds shall be governed by the following specific conditions defined in the CRRSA Act:

    a. Relief provided to Concessions must equal the total amount of funds allocated for Concessions under this ACRGP Concessions Relief Addendum, to the extent practicable and to the extent permissible under state laws, local laws, and applicable trust indentures;

    b. Relief provided to Concessions from rent and minimum annual guarantee obligations to each eligible airport concession in an amount that reflects each eligible airport concession's proportional share of the total amount of the rent and minimum annual guarantees of all the eligible airport concessions at such airport;

    c. Relief provided to Concessions shall be prioritized to minority-owned businesses, to the extent permissible;

    d. Relief shall only be provided to Concessions that have certified they have not received a second draw or assistance for a covered loan under Section 7(a)(37) of the Small Business Act (15 U.S.C. 636(a)(37)) that has been applied toward rent or minimum annual guarantee costs; and

    e. Each Concession provided relief with these funds shall certify to the Sponsor it will not apply for a covered loan as described above for rent or minimum annual guarantee costs.

    The Sponsor agrees that it will provide the FAA with reporting data in lieu of invoices to be reimbursed for eligible expenses as described herein and certify data submitted is true and correct. The FAA will provide reporting options for the Sponsor. The Sponsor may not use funds allocated for Concessions for other airport purposes except that the Sponsor may retain up to two percent of the amount allocated for Concession relief purposes in this ACRGP Concession Relief Addendum to administer the Concession relief program. Funds not expended under this condition are subject to recovery by FAA.

The Sponsor's acceptance of this Offer and ratification and adoption of the ACRGP Concessions Relief Addendum Application incorporated herein shall be evidenced by execution of this instrument by the Sponsor, as hereinafter provided, and this Offer and Acceptance shall comprise an ACRGP Concessions Relief Addendum, as provided by the CRRSA Act, constituting the contractual obligations and rights of the United States and the Sponsor with respect to the accomplishment of the Concessions Relief and compliance with the conditions as provided herein. Further, this ACRGP Concessions Relief Addendum shall be attached to ACRGP 3-08-0027-070-2021, inclusive of all terms, conditions, and assurances provided there, and become effective upon the Sponsor's acceptance of this Offer.

Please read the following information: By signing this document, you are agreeing that you have reviewed the following consumer disclosure information and consent to transact business using electronic communications, to receive notices and disclosures electronically, and to utilize electronic signatures in lieu of using paper documents. You are not required to receive notices and disclosures or sign documents electronically. If you prefer not to do so, you may request to receive paper copies and withdraw your consent at any time.

UNITED STATES OF AMERICA
FEDERAL AVIATION ADMINISTRATION

John P Bauer (Jul 8, 2021 09:07 MDT)

(Signature)

John. P. Bauer

(Typed Name)

Manager, Denver Airports District Office

(Title of FAA Official)

Part II - Acceptance

The Sponsor does hereby ratify and adopt all assurances, statements, representations, warranties, covenants, and agreements contained in the ACRGP Concessions Relief Addendum Application and incorporated materials referred to in the foregoing Offer under this ACRGP Concessions Relief Addendum, and does hereby accept this Offer and by such acceptance agrees to comply with all of the terms and conditions in this Offer. Furthermore, the Sponsor acknowledges all terms, conditions and assurances in this ACRGP Concessions Relief Addendum are hereby attached to any ACRGP Grant Agreements previously or concurrently executed for any other purpose.

Please read the following information: By signing this document, you are agreeing that you have reviewed the following consumer disclosure information and consent to transact business using electronic communications, to receive notices and disclosures electronically, and to utilize electronic signatures in lieu of using paper documents. You are not required to receive notices and disclosures or sign documents electronically. If you prefer not to do so, you may request to receive paper copies and withdraw your consent at any time.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this

GRAND JUNCTION REGIONAL AIRPORT AUTHORITY

(Name of Sponsor)

(Signature of Sponsor's Authorized Official)

By: _____

(Typed Name of Sponsor's Authorized Official)

Title: _____

(Title of Sponsor's Authorized Official)

CERTIFICATE OF SPONSOR'S ATTORNEY

I, , acting as Attorney for the Sponsor do hereby certify:

That in my opinion the Sponsor is empowered to enter into the foregoing ACRGP Concessions Relief Addendum under the laws of the State of Colorado. Further, I have examined the foregoing ACRGP Concessions Relief Addendum and the actions taken by said Sponsor and Sponsor's official representative has been duly authorized and that the execution thereof is in all respects due and proper and in accordance with the laws of the said State and the CRRSA Act. In addition, for grants involving Concessions Relief to be carried out by the Sponsor, there are no legal impediments that will prevent full performance by the Sponsor. The Sponsor understands funding made available under this ACRGP Concessions Relief Addendum may only be used for the Concessions Relief prescribed in the Act and identified herein. The Sponsor acknowledges all terms, conditions and assurances in this ACRGP Concessions Relief Addendum are hereby attached to any ACRGP Grant Agreements previously or concurrently executed for any other purpose. Further, it is my opinion that the said ACRGP Grant Agreement and the ACRGP Concessions Relief Addendum attached hereto constitute a legal and binding obligation of the Sponsor in accordance with the terms thereof.

Please read the following information: By signing this document, you are agreeing that you have reviewed the following consumer disclosure information and consent to transact business using electronic communications, to receive notices and disclosures electronically, and to utilize electronic signatures in lieu of using paper documents. You are not required to receive notices and disclosures or sign documents electronically. If you prefer not to do so, you may request to receive paper copies and withdraw your consent at any time.

Dated at

By:

(Signature of Sponsor's Attorney)

The Sponsor does hereby ratify and adopt all assurances, statements, representations, warranties, covenants, and agreements contained in the Grant Application and incorporated materials referred to in the foregoing Offer under Part II of this Agreement, and does hereby accept this Offer and by such acceptance agrees to comply with all of the terms and conditions in this Offer and in the Grant Application.

Please read the following information: By signing this document, you are agreeing that you have reviewed the following consumer disclosure information and consent to transact business using electronic communications, to receive notices and disclosures electronically, and to utilize electronic signatures in lieu of using paper documents. You are not required to receive notices and disclosures or sign documents electronically. If you prefer not to do so, you may request to receive paper copies and withdraw your consent at any time.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this

CITY OF GRAND JUNCTION, COLORADO

(Name of Sponsor)

(Signature of Sponsor's Authorized Official)

By: _____

(Typed Name of Sponsor's Authorized Official)

Title: _____

(Title of Sponsor's Authorized Official)

CERTIFICATE OF SPONSOR'S ATTORNEY

I, , acting as Attorney for the Sponsor do hereby certify:

That in my opinion the Sponsor is empowered to enter into the foregoing ACRGP Concessions Relief Addendum under the laws of the State of Colorado. Further, I have examined the foregoing ACRGP Concessions Relief Addendum and the actions taken by said Sponsor and Sponsor's official representative has been duly authorized and that the execution thereof is in all respects due and proper and in accordance with the laws of the said State and the CRRSA Act. In addition, for grants involving Concessions Relief to be carried out by the Sponsor, there are no legal impediments that will prevent full performance by the Sponsor. The Sponsor understands funding made available under this ACRGP Concessions Relief Addendum may only be used for the Concessions Relief prescribed in the Act and identified herein. The Sponsor acknowledges all terms, conditions and assurances in this ACRGP Concessions Relief Addendum are hereby attached to any ACRGP Grant Agreements previously or concurrently executed for any other purpose. Further, it is my opinion that the said ACRGP Grant Agreement and the ACRGP Concessions Relief Addendum attached hereto constitute a legal and binding obligation of the Sponsor in accordance with the terms thereof.

Please read the following information: By signing this document, you are agreeing that you have reviewed the following consumer disclosure information and consent to transact business using electronic communications, to receive notices and disclosures electronically, and to utilize electronic signatures in lieu of using paper documents. You are not required to receive notices and disclosures or sign documents electronically. If you prefer not to do so, you may request to receive paper copies and withdraw your consent at any time.

Dated at

By:

(Signature of Sponsor's Attorney)

The Sponsor does hereby ratify and adopt all assurances, statements, representations, warranties, covenants, and agreements contained in the Grant Application and incorporated materials referred to in the foregoing Offer under Part II of this Agreement, and does hereby accept this Offer and by such acceptance agrees to comply with all of the terms and conditions in this Offer and in the Grant Application.

Please read the following information: By signing this document, you are agreeing that you have reviewed the following consumer disclosure information and consent to transact business using electronic communications, to receive notices and disclosures electronically, and to utilize electronic signatures in lieu of using paper documents. You are not required to receive notices and disclosures or sign documents electronically. If you prefer not to do so, you may request to receive paper copies and withdraw your consent at any time.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this

COUNTY OF MESA, COLORADO

(Name of Sponsor)

(Signature of Sponsor's Authorized Official)

By: _____

(Typed Name of Sponsor's Authorized Official)

Title: _____

(Title of Sponsor's Authorized Official)

CERTIFICATE OF SPONSOR'S ATTORNEY

I, , acting as Attorney for the Sponsor do hereby certify:

That in my opinion the Sponsor is empowered to enter into the foregoing ACRGP Concessions Relief Addendum under the laws of the State of Colorado. Further, I have examined the foregoing ACRGP Concessions Relief Addendum and the actions taken by said Sponsor and Sponsor's official representative has been duly authorized and that the execution thereof is in all respects due and proper and in accordance with the laws of the said State and the CRRSA Act. In addition, for grants involving Concessions Relief to be carried out by the Sponsor, there are no legal impediments that will prevent full performance by the Sponsor. The Sponsor understands funding made available under this ACRGP Concessions Relief Addendum may only be used for the Concessions Relief prescribed in the Act and identified herein. The Sponsor acknowledges all terms, conditions and assurances in this ACRGP Concessions Relief Addendum are hereby attached to any ACRGP Grant Agreements previously or concurrently executed for any other purpose. Further, it is my opinion that the said ACRGP Grant Agreement and the ACRGP Concessions Relief Addendum attached hereto constitute a legal and binding obligation of the Sponsor in accordance with the terms thereof.

Please read the following information: By signing this document, you are agreeing that you have reviewed the following consumer disclosure information and consent to transact business using electronic communications, to receive notices and disclosures electronically, and to utilize electronic signatures in lieu of using paper documents. You are not required to receive notices and disclosures or sign documents electronically. If you prefer not to do so, you may request to receive paper copies and withdraw your consent at any time.

Dated at

By:

(Signature of Sponsor's Attorney)

SUPPLEMENTAL CO-SPONSORSHIP AGREEMENT

This Supplemental Co-Sponsorship Agreement is entered into and effective this _____ day of _____, 2021, by and between the Grand Junction Regional Airport Authority ("Airport Authority"), and the City of Grand Junction (City).

RECITALS

A. The Airport Authority is a political subdivision of the State of Colorado, organized pursuant to Section 41-3-101 et seq., C.R.S. The Airport Authority is a separate and distinct entity from the City.

B. The Airport Authority is the owner and operator of the Grand Junction Regional Airport, located in Grand Junction, Colorado ("Airport").

C. Pursuant to the Title 49, U.S.C., Subtitle VII, Part B, as amended, the Airport Authority has applied for monies from the Federal Aviation Administration ("FAA"), for concession relief, pursuant to the terms set forth in AIP Grant No. 3-08-0027-071-2021.

D. The FAA is willing to provide $53,547 toward concession relief, provided the City of Grand Junction and Mesa County execute the Grant Agreement as co-sponsors with the Airport Authority. The FAA is insisting that the City and County execute the Grant Agreement as co-sponsors for two primary reasons. First, the City and County have taxing authority, whereas the Airport Authority does not; accordingly, the FAA is insisting that the City and County execute the Grant Agreement so that public entities with taxing authority are liable for the financial commitments required of the Sponsor under the Grant Agreements, should the Airport Authority not be able to satisfy said financial commitments out of the net revenues generated by the operation of the Airport. In addition, the City and County have jurisdiction over the zoning and land use regulations of the real property surrounding the Airport, whereas the Airport Authority does not enjoy such zoning and land use regulatory authority. By their execution of the Grant Agreement, the City and County would be warranting to the FAA that they will take appropriate actions, including the adoption of zoning laws, to restrict the use of land surrounding the Airport to activities and purposes compatible with normal Airport operations.

E. The City is willing to execute the Grant Agreement, as a co-sponsor, pursuant to the FAA's request, subject to the terms and conditions of this Supplemental Co-Sponsorship Agreement between the City and Airport Authority.

Therefore, in consideration of the above Recitals and the mutual promises and representations set forth below, the City and Airport Authority hereby agree as follows:

AGREEMENT

1. By its execution of this Agreement, the City hereby agrees to execute the Grant Agreement, as a co-sponsor, pursuant to the FAA's request.

2. In consideration of the City's execution of the Grant Agreement, as co-sponsor, the Airport Authority hereby agrees to hold the City, its officers, employees, and agents, harmless from, and to indemnify the City, its officers, employees, and agents for:

(a) Any and all claims, lawsuits, damages, or liabilities, including reasonable attorney's fees and court costs, which at any time may be or are stated, asserted, or made against the City, its officers, employees, or agents, by the FAA or any other third party whomsoever, in any way arising out of, or related under the Grant Agreement, or the prosecution of the activities contemplated by the Grant Agreement, regardless of whether said claims are frivolous or groundless, other than claims related to the City's covenant to take appropriate action, including the adoption of zoning laws, to restrict the use of land surrounding the Airport, over which the City has regulatory jurisdiction, to activities and purposes compatible with normal Airport operations, set forth in paragraph 21 of the Assurances incorporated by reference into the Grant Agreement ("Assurances"); and

(b) The failure of the Airport Authority, or any of the Airport Authority's officers, agents, employees, or contractors, to comply in any respect with any of the requirements, obligations or duties imposed on the Sponsor by the Grant Agreements, or reasonably related to or inferred there from, other than the Sponsor's zoning and land use obligations under Paragraph 21 of the Assurances, which are the City's responsibility for lands surrounding the Airport over which it has regulatory jurisdiction.

3. By its execution of this Agreement, the Airport Authority hereby agrees to comply with each and every requirement of the Sponsor, set forth in the Grant Agreement, or reasonably required in connection therewith, other than the zoning and land use requirements set forth in paragraph 21 of the Assurances, in recognition of the fact that the Airport Authority does not have the power to effect the zoning and land use regulations required by said paragraph.

4. By its execution of this Agreement and the Grant Agreement, the City agrees to comply with the zoning and land use requirements of paragraph 21 of the Assurances, with respect to all lands surrounding the Airport that are subject to the City's regulatory jurisdiction.

5. The parties hereby warrant and represent that, by the City's execution of the Grant Agreement, as a co-sponsor, pursuant to the FAA's request, the City is not a co-owner, agent, partner, joint venture, or representative of the Airport Authority in the ownership, management or administration of the Airport, and the Airport Authority is, and remains, the sole owner of the Airport, and solely responsible for the operation and management of the Airport.

Done and entered into on the date first set forth above.

GRAND JUNCTION REGIONAL AIRPORT AUTHORITY

By _____
Executive Director, Angela Padalecki
Grand Junction Regional Airport

CITY OF GRAND JUNCTION

By _____
Greg Caton, City Manager
City of Grand Junction

RESOLUTION ___-21

AUTHORIZING THE CITY MANAGER TO SIGN AND SUBMIT A GRANT AGREEMENT AND SUPPLEMENTAL CO-SPONSORSHIP AGREEMENT IN SUPPORT OF CONCESSION RELIEF AT THE GRAND JUNCTION REGIONAL AIRPORT

RECITALS:

Pursuant to Federal law the Grand Junction Regional Airport Authority (GJRAA) has applied for monies from the Federal Aviation Administration (FAA) for concession relief pursuant to the terms set forth in the Airport Coronavirus Response Grant Program – Concessions Addendum (ACRGP).

The FAA is willing to provide $53,547.00 (grant No. 3-08-0027-071-2021) toward concession relief, provided the City and Mesa County execute the Grant Agreement as co-sponsors with the GJRAA. The FAA requires that the City and County execute the Grant Agreement as co-sponsors for two primary reasons. First, the City and County have taxing authority that the GJRAA does not have and in the event of a default by the GJRAA the City and County would be liable for the financial commitments required of the Sponsors under the Grant Agreement. In addition, the City and County have jurisdiction over the zoning and land use regulations of the real property comprising and adjacent to the Airport.

With approval of the Grant Agreement, the City and County will be warranting to the FAA that appropriate action(s) will be taken, including the adoption of zoning laws, to restrict the use of land surrounding the Airport to activities and purposes compatible with normal Airport operations.

The City is willing to execute the Grant Agreement, as a co-sponsor, pursuant to the FAA's request, subject to the terms and conditions of this Supplemental Co-Sponsorship Agreement between the City and Airport Authority.

Having been fully advised in the premises, the City Council by and with this Resolution affirms and directs the execution of the Grant Offer and Agreement from the Federal Aviation Administration in the amount of $53,547.00 in support of the GJRAA as described generally herein and in more detail in the Grant Offer and Agreement(s) (ACRGP grant offer No. 3-08-0027-071-2021.)

NOW THEREFORE, the City Council of the City of Grand Junction authorizes the execution of the ACRGP Grant Agreement in the amount of $53,547.00 between the Federal Aviation Administration, Mesa County, the City of Grand Junction, and the Grand Junction Regional Airport Authority and the Co-Sponsorship Agreement between the City of Grand Junction and the Grand Junction Regional Airport Authority and authorize the City Manager and City Attorney to sign.

_____

C.B. McDaniel
President of the Council

ATTEST:

_____

Wanda Winkelmann
City Clerk

Grand Junction City Council

Regular Session

Item #5.a.

Meeting Date: August 4, 2021

Presented By: Jodi Welch, Finance Director

Department: Finance

Submitted By: Jodi Welch, Finance Director

Information

SUBJECT:

A Resolution Assigning the City's 2021 Private Activity Bond Allocation to Colorado Housing and Finance Authority in Support of the Monument Ridge Townhomes Rehabilitation Project

RECOMMENDATION:

Staff recommends adopting the Resolution authorizing the assignment of the City's 2021 Private Activity Bond Allocation to Colorado Housing and Finance Authority in Support of the Monument Ridge Townhomes Rehabilitation Project.

EXECUTIVE SUMMARY:

Treadstone Companies and Monfric Development (Developers) have requested that the City assign the City's 2021 Private Activity Bond Allocation (PAB) to The Colorado Housing and Finance Authority (CHFA) in support of the Monument Ridge Townhomes Rehabilitation Project. If approved, this allocation will be used by CHFA to fund a portion of the rehabilitation project with tax exempt bonds.

The Developers have received assignment of $3,987,125 of Mesa County PAB in 2021, as approved by County Commissioners on July 19, 2021. The County also assigned $1 million out of their 2021 Allocation to another project, Fruita Mews. Because the County did not assign all of their PAB allocation, the Developer has a funding gap and has notified the County that they will be requesting a portion of the County's 2022 PAB. The Developer has indicated if the County does not authorize allocation of 2022 PAB, then they will seek funding from DOLA through allocation of the Statewide PAB balance. Originally the Developers had requested assignment of Delta County Private Activity Bond Allocation as well, but Delta County did not authorize the assignment for use on this project.

If authorized by the City and the County this will result in a joint effort to invest significant housing resources into this community.

BACKGROUND OR DETAILED INFORMATION:

Each year the State of Colorado allocates the authority to issue tax exempt Private Activity Bonds (PABs) directly to local governments whose population warrants an allocation of $1 million or more. PABs may be used for housing projects and certain types of eligible development (ie. small manufacturing). The tax-exempt bonds can be issued by the City on behalf of a qualified project or the allocation can be assigned to a another issuing entity such as housing authorities and CHFA in support of a specific project. The bonds are not considered debt of the City nor does the City have any obligation once the allocation is assigned. If the City does not have a designated use of the PABs, they are turned back the State for use in other projects across the State.

The City has been receiving a direct allocation of PABs since 1997, and the 2021 allocation is $3,598,862. Many of the past years the City Council has assigned the allocation to either the Colorado Housing and Finance Authority (CHFA) or the Grand Junction Housing Authority. The City has confirmed with Grand Junction Housing Authority that they would not be requesting an assignment of the 2021 PABs, and they have provided a letter of support for the Monument Ridge rehabilitation project.

The assignment to CHFA will specify that the City's allocation shall be first used for the Monument Ridge project and if for some reason it does not come to fruition it shall be used for use in CHFA's single-family home ownership program for homebuyers in Grand Junction.

The Developers are requesting the assignment of the entire PAB allocation from the City's 2021 allocation and a portion of the County's 2021 and 2022 allocation for a total of $9,756,878 ($3,598,862 City, $6,158,016 County). These funds would be used to leverage other financing in order to fund the rehabilitation of all units (166) in Monument Ridge Townhomes located at 2680 B 1/2 Road. The Monument Ridge Townhomes are currently supported by a HUD section 8 Housing Assistance Payment (HAP) contract that covers all 166 units and covers the gap between what residents can pay at 30% of their income and market rental rates; a HUD payment of approximately $1.5 million per year. The Monument Ridge Townhomes development is a significant low-income housing provider in the community, and with this rehabilitation will continue the HUD section 8 use for 30 years. At this time the project is anticipated to begin in Spring of 2022 with completion in late 2023/early 2024. The scope of rehabilitation is comprehensive and incorporates all building systems and components to insure longevity and efficient operations. ADA upgrades will be set up in designated units and common areas. Residents are not displaced during the rehabilitation, and when their unit is being worked on will re-locate to a finished unit on grounds for a one to two week period.

Finance Structure – The Developers are proposing to utilize funds to acquire the property and finance the rehabilitation of the units. The updated financing structure is

as follows:

$ 9,756,878 - City of Grand Junction (2021-$3,598,862), Mesa County (2021 and 2022-total $6,158,016) tax exempt Private Activity Bond Allocation
$ 915,013 - taxable secondary financing
$ 1,500,000 - seller financing
$ 1,249,926 - net operating income during rehabilitation period
$ 7,517,000 - tax credit equity
$ 225,063 - deferred developer fee
$21,163,880 - Total Sources of Funds

$ 6,000,000 - purchase price of property
$ 10,225,600 - rehabilitation costs
$ 1,016,392 - soft costs including architect, permits, insurance, etc
$ 1,389,151 - financing costs including debt service during rehab, issuance costs, etc
$ 705,000 - operating reserve and initial reserve for replacement
$ 1,827,737 - developer fee based on CHFA guidelines
$21,163,880 - Total Use of Funds

FISCAL IMPACT:

Private Activity Bonds are an authorization by the State of Colorado that allows the City to issue tax exempt bonds on behalf of a qualified project or assign the allocation; therefore assignment of the City's bond allocation does not have a direct fiscal impact.

SUGGESTED MOTION:

I move to (adopt/deny) Resolution 61-21, a resolution authorizing assignment to the Colorado Housing and Finance Authority of a private activity bond allocation of Grand Junction, Colorado pursuant to the Colorado Private Activity Bond Ceiling Allocation Act.

Attachments

1. Letter of Support Grand Junction Housing Authority
2. Mesa County Resolution 2021-33
3. City of Grand Junction Resolution

GRAND JUNCTION HOUSING AUTHORITY

May 25, 2021

Grand Junction City Council
Mesa County Commissioners
Re: Rehabilitation Work – Monument Ridge Townhomes

Council Members and Commissioners:

The Grand Junction Housing Authority enthusiastically supports the work of The Treadstone Companies toward a major rehabilitation of Monument Ridge Townhomes. We understand that Council and the Commissioners are considering an assignment of 2021 Private Activity Bond (PAB) capacity toward this effort, and we urge you to approve that assignment.

The preservation and ongoing viability of our community's existing affordable housing stock is a critical component of keeping as many housing options as possible available to lower-income individuals and families. The assignment of PAB capacity to fuel such capital improvements would provide long-term affordability and improved quality of life to 166 households.

Thank you for your consideration.

Respectfully,

Scott Aker
Chief Operating Officer

8 Foresight Circle Grand Junction, CO 81505 (970) 245-0388
(TTY) Dial 711 or 1 (800) 842-9710

EQUAL HOUSING OPPORTUNITY

RESOLUTION 2021-33
AUTHORIZING ASSIGNMENT TO THE
COLORADO HOUSING AND FINANCE
AUTHORITY OF A PRIVATE ACTIVITY
BOND ALLOCATION OF
THE COUNTY OF MESA PURSUANT
TO THE COLORADO PRIVATE ACTIVITY
BOND CEILING ALLOCATION ACT IN SUPPORT OF THE FRUITA MEWS
AFFORDABLE HOUSING PROJECT AND THE MONUMENT RIDGE
TOWNHOMES REHABILITATION PROJECT

WHEREAS, the Mesa County is authorized and empowered under the laws of the State of Colorado (the "State") to issue revenue bonds for the purpose of financing qualified residential rental projects for low- and moderate-income persons and families; and

WHEREAS, the Mesa County is authorized and empowered under the laws of the State of Colorado (the "State") to issue revenue bonds for the purpose of providing single-family mortgage loans to low- and moderate-income persons and families; and

WHEREAS, the Internal Revenue Code of 1986, as amended (the "Code"), restricts the amount of tax-exempt bonds ("Private Activity Bonds") which may be issued in the State to provide such mortgage loans and for certain other purposes; and

WHEREAS, pursuant to the Code, the Colorado legislature adopted the Colorado Private Activity Bond Ceiling Allocation Act, Part 17 of Article 32 of Title 24, Colorado Revised Statutes (the "Allocation Act"), providing for the allocation of the State Ceiling among the Colorado Housing and Finance Authority (the "Authority") and other governmental units in the State, and further providing for the assignment of such allocations from such other governmental units to the Authority; and

WHEREAS, pursuant to an allocation under Section 24-32-1706 of the Allocation Act, the Mesa County has an allocation of the 2021 State Ceiling for the issuance of a specified principal amount of Private Activity Bonds prior to **September 15, 2021** (the "2021 Allocation"); and

WHEREAS, the Mesa County has determined that, in order to increase the availability of adequate affordable housing for low- and moderate-income persons and families within the Mesa County and elsewhere in the State, it is necessary or desirable to provide for the utilization of all or a portion of the 2021 Allocation for the use of the Fruita Mews Affordable Housing Project and for the use of the Treadstone Companies and Monfric Development for the purpose of financing the Monument Ridge Townhomes Rehabilitation Project; and

WHEREAS, the Mesa County has determined that the 2021 Allocation, or a portion thereof, can be utilized most efficiently by assigning it to the Authority to issue Private

Activity Bonds for the purpose of financing one or more multi-family rental housing projects for low- and moderate-income persons and families or to issue Private Activity Bonds for the purpose of providing single-family mortgage loans to low- and moderate-income persons and families ("Revenue Bonds") or for the issuance of mortgage credit certificates; and

WHEREAS, the **Board of County Commissioners** of Mesa County has determined to assign $1,000,000 of its 2021 Allocation for Fruita Mews and $3,987,125 of its 2021 Allocation for Monument Ridge to the Authority, which assignment is to be evidenced by an Assignment of Allocation between the Mesa County and the Authority (the "Assignment of Allocation").

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Mesa County as follows:

1. The assignment of the total to the Authority of $4,987,125 of the Mesa County's 2021 Allocation be and hereby is approved.

2. The form and substance of the Assignment of Allocation be and hereby are approved; provided, however, that the Board of County Commissioners be and hereby are authorized to make such technical variations, additions or deletions in or to such Assignment of Allocation as they shall deem necessary or appropriate and not inconsistent with the approval thereof by this resolution.

3. The **Board of County Commissioners** of Mesa County be and hereby are authorized to execute and deliver the Assignment of Allocation on behalf of Mesa County and to take such other steps or actions as may be necessary, useful or convenient to effect the aforesaid assignment in accordance with the intent of this resolution.

4. 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 not affect any of the remaining provisions of this resolution.

5. This resolution shall be in full force and effect upon its passage and approval.

PASSED, ADOPTED AND APPROVED this __19__ day of ___July_____, 2021.

Assignor:

Janet Rowland
Chair, Board of Mesa County Commissioners

ATTEST:

Tina Peters
Mesa County Clerk and Recorder

RESOLUTION NO.____-21

AUTHORIZING ASSIGNMENT TO THE COLORADO HOUSING AND FINANCE AUTHORITY OF A PRIVATE ACTIVITY BOND ALLOCATION OF GRAND JUNCTION, COLORADO IN SUPPORT OF THE MONUMENT RIDGE TOWNHOMES REHABILITATION PROJECT

RECITALS:

The City of Grand Junction, Colorado (“City”) is authorized and empowered under the laws of the State of Colorado ("State") to issue revenue bonds for the purpose of financing qualified residential rental projects for low and moderate income persons and families. The City is also authorized and empowered to issue revenue bonds for the purpose of providing single-family mortgage loans to low and moderate-income persons and families.

The Internal Revenue Code of 1986, as amended ("Code") restricts the amount of tax-exempt bonds ("Private Activity Bonds") which may be issued in the State to provide such mortgage loans and for certain other purposes and pursuant to the Code, the State adopted the Colorado Private Activity Bond Ceiling Allocation Act, C.R.S. 24-32-1701 *et. seq*. (the "Allocation Act") providing for the allocation of the ceiling among the Colorado Housing and Finance Authority ("Authority") and other governmental units in the State, and further providing for the assignment of such allocations from such other governmental units to the Authority.

Pursuant to an allocation under §24-32-1706 of the Allocation Act the City has an allocation of the 2021 Ceiling for the issuance of a specified principal amount of Private Activity Bonds (the "2021 Allocation.") The City has determined that, in order to increase the availability of adequate affordable housing for low and moderate income persons and families it is necessary or desirable to provide for the utilization of all or a portion of the 2021 Allocation for the use of the Treadstone Companies and Monfric Development for the purpose of financing the Monument Ridge Townhomes Rehabilitation Project in Grand Junction, Colorado (“Project.”)

With the Resolution the City has determined that the 2021 Allocation can be utilized most efficiently by assigning it to the Authority to issue Private Activity Bonds for the purpose of financing the Project which will provide housing for low and moderate income persons and families.

In the event the Project is not developed the City assigns its Private Activity Bonds for the purpose of providing single-family mortgage loans to low and moderate-income persons and families ("Revenue Bonds") or for the issuance of mortgage credit certificates.

By, through and with this Resolution the City Council of the City of Grand Junction, Colorado has determined to assign $3,598,862.00 of its 2021 Allocation to the Authority

for the purposes of the Project, which assignment is to be evidenced by an Assignment of Allocation between the City and the Authority (the "Assignment of Allocation").

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The assignment to the Authority of $3,598,862.00 of the City's 2021 Allocation is hereby approved for the Project or in the event the Project does not come to fruition for use in CHFA's single family homeownership program for homebuyers in Grand Junction, Colorado.

2. The form and substance of the Assignment of Allocation are hereby approved; provided, however, that the City Manager and City Attorney are authorized to make such technical variations, additions or deletions in or to such Assignment of Allocation as they shall deem necessary or appropriate and not inconsistent with the approval thereof by this resolution.

3. The City Manager is authorized to execute and deliver the final form of the Assignment of Allocation on behalf of the City and to take such other steps or actions as may be necessary, useful or convenient to effect the aforesaid assignment in accordance with the intent of this resolution.

4. 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 not affect any of the remaining provisions of this resolution.

5. This resolution shall be in full force and effect upon its passage and approval.

PASSED, ADOPTED AND APPROVED this 4th day of August 2021.

CITY COUNCIL OF THE CITY OF GRAND JUNCTION

_____
C.B. McDaniel
President of the Council

ATTEST:

_____
Wanda Winkelmann
City Clerk

DRAFT