

ORDINANCE NO. 3478

AN ORDINANCE CREATING THE RIMROCK
MARKETPLACE SPECIAL IMPROVEMENT DISTRICT
WITHIN THE CITY OF GRAND JUNCTION RIMROCK
MARKETPLACE GENERAL IMPROVEMENT DISTRICT.

WHEREAS, the City of Grand Junction Rimrock Marketplace General Improvement District (the "GID"), located in the City of Grand Junction, Mesa County, Colorado, is a quasi-municipal corporation duly organized and existing under the Constitution and laws of the State of Colorado; and

WHEREAS, the members of the City Council of the City of Grand Junction have been duly elected and qualified and serve ex officio as the Board of Directors of the GID (the "Board"); and

WHEREAS, pursuant to Section 31-25-611.5, C.R.S., the Board may establish special improvement districts within the boundaries of the GID, pursuant to part 5, of Article 25 of Title 31, C.R.S. (the "SID Act"); and

WHEREAS, the GID and THF Belleville Development, L.P. (the "Owner"), the owner of 100% of the real property in the GID, have executed the Special Improvement District Agreement made and entered into on October 29, 2002 (the "Agreement") concerning the formation of the Rimrock Marketplace Special Improvement District (the "District"); and

WHEREAS, the pursuant to Section 31-25-503(4.5), C.R.S., if a petition for an improvement is signed by 100% of the owners of the assessable property in a special improvement district and contains a request for waiver of all requirements for notice, publication, and a hearing set forth in Sections 31-25-503, C.R.S., the Board may waive all of such requirements; and

WHEREAS, the pursuant to Section 31-25-503(9), C.R.S., a special improvement district may be created for the purpose of acquiring existing improvements in which case the provisions of the SID Act concerning construction of improvements, competitive bidding and preliminary plans and specifications do not apply; and

WHEREAS, the pursuant to Section 31-25-503(10), C.R.S., the Board is authorized to enter into agreements with any owner of property in the District concerning the construction or acquisition of improvements, the assessment of costs thereof, the waiver or limitation of legal rights or any other matter concerning the District; and

WHEREAS, pursuant to the Agreement, the Owner: (a) waived all requirements for notice, publication, and a hearing set forth in Sections 31-25-503, C.R.S.; (b) agreed that the GID may proceed to form the District, order that the proposed improvements be acquired and improved, issue the bonds payable in part from the levy of assessments on property in the District, and otherwise finance the cost of the improvements described in the Agreement (the "Project"); (c) waived any and all formalities required by the laws of the United States and the State of Colorado in order to form the District including, but not limited to, the notice and

hearing provisions of Sections 31-25-503, C.R.S. and the Owner's right to bring a legal or equitable action challenging the formation of the District; (d) waived all powers, privileges, immunities and rights as against the GID or the District arising from or following from irregularities or defects, if any, occurring in connection with or ensuing from the actions, proceedings, matters and things heretofore taken or hereafter to be taken had and done by the GID, the Board and the officers of the GID (including, without limitation, the proper description of the property which the Owner may own within the District and the giving of proper notice of the proceedings relating to the District) concerning the creation of the District; (e) consented and agreed that all property in the District owned by the Owner be bound and be subject to the assessment lien as thoroughly and effectively as if all actions, proceedings, notices, matters and things had been taken and done free from irregularities; and (h) represented and warranted that the market value of each parcel owned by it in the District on the date of execution hereof and the date the assessments are levied exceeds the amount of the assessment proposed to be made against each such parcel; and

WHEREAS, it is necessary to amend the Agreement in certain respects, and there has been filed with the Secretary a First Amendment to SID Agreement between the Owner and the GID (the "First Amendment"); and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION ACTING AS THE EX-OFFICIO BOARD OF DIRECTORS OF THE GRAND JUNCTION RIMROCK MARKETPLACE GENERAL IMPROVEMENT DISTRICT:

Section 1. Findings and Determinations. The Board hereby accepts the Agreement as a petition for the formation of a special improvement district within the GID to be known as "Rimrock Marketplace Special Improvement District." The Board hereby finds and determines as follows:

a. that the Agreement is signed by one hundred percent of the owners of taxable real property to be included within the District;

b. that the Agreement contains a request for waiver of all requirements for notice, publication, and a hearing set forth in Sections 31-25-503, C.R.S.;

c. that the proposed District's improvements to be acquired, constructed, installed, operated, or maintained:

(i) are improvements that the City of Grand Junction is authorized to provide under the City's home rule charter (the "Charter"); and

(ii) do not duplicate or interfere with any municipal improvement already constructed or planned to be constructed within the limits of the proposed district;

d. that the organization of the District will serve a public use and will promote the health, prosperity, security and general welfare of the inhabitants of the GID and the proposed district;

- Project;
- e. the property to be included in the SID is especially benefited by the
 - f. that the request for waiver is hereby granted; and
 - g. that the SID should be established.

These findings and determinations of the Board are final and conclusive on all parties in interest, whether appearing or not.

Section 2. Establishment of District. It appearing that the Petition has been duly signed and presented in conformity with Colorado law and that the allegations of the Petition are true, the Board, by this ordinance, hereby finds that it has full jurisdiction under the law to adopt this ordinance, that the proposed district for which the Petition has been filed is hereby declared organized and shall be known as "Rimrock Marketplace Special Improvement District", by which, in all proceedings, it shall hereafter be known.

Section 3. District Boundaries. The District boundaries are:

LOTS 1, 2, AND 3 OF BLOCK 1, LOT1
OF BLOCK 2, AND LOT 1 OF BLOCK 3 OF RIMROCK MARKETPLACE
MESA COUNTY, COLORADO

Section 4. District Improvements. The improvements are more specifically described in the Agreement. A general description of the improvements to be acquired within the District is as follows:

Improvement

1. Grand Junction Drainage Ditch
2. Rimrock Avenue / 25-1/2 Road
3. Highway 6 & 50
4. Signalization of Highway 6 & 50
5. Sam's Club ROW Construction
6. Roundabout
7. Golden Corral ROW Construction

The improvements are hereby ordered to be acquired as provided in the Agreement.

Section 5. First Amendment. The form, terms and provisions of the First Amendment are approved, and the GID shall enter into and perform its obligations under the First Amendment in substantially the form of such document presented to the Board in this

meeting, with only such changes therein as are required by the circumstances and are not inconsistent herewith; and the officers of the GID are hereby authorized and directed to execute and deliver such document as required hereby.

Section 6. Filing of Ordinance. The Secretary shall file this ordinance after final passage and approval with the Mesa County Assessor, the Mesa County Treasurer, and the Division of Local Government in the Department of Local Affairs.

Section 7. Ordinance Conclusive. This ordinance shall finally and conclusively establish the regular organization of the District against all persons unless an action attacking the validity of the organization is commenced in a court of competent jurisdiction within thirty days after the adoption of this ordinance. Thereafter, any such action shall be perpetually barred.

Section 8. Repealer. All bylaws, orders, resolutions and ordinances of the GID, or parts thereof, inconsistent herewith are hereby repealed to the extent only of such inconsistency as applicable to this matter only. This section shall not be construed to revive any other such bylaw, order, resolution or ordinance of the GID, or part thereof, heretofore repealed.

Section 9. Severability. If any section, subsection, paragraph, clause or other provision of this ordinance for any reason is invalid or unenforceable, the invalidity or unenforceability of such section, subsection, paragraph, clause or other provision shall not affect any of the remaining provisions of this ordinance, the intent being that the same are severable.

Section 10. Effective Date, Recording and Authentication. This ordinance shall be in full force and effect 30 days after publication following final passage. This ordinance, as adopted by the Board, shall be numbered and recorded by the Secretary in the official records of the District. The adoption and publication shall be authenticated by the signatures of the President of the Council as the ex officio President of the Board and City Clerk as the ex officio Secretary of the Board, and by the certificate of publication.

INTRODUCED, PASSED ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN PAMPHLET FORM ON NOVEMBER 6, 2002.

INTRODUCED, PASSED ON SECOND READING, APPROVED AND ORDERED
PUBLISHED IN PAMPHLET FORM ON DECEMBER 18, 2002.

CITY OF GRAND JUNCTION
RIMROCK MARKETPLACE GENERAL
IMPROVEMENT DISTRICT

/s/ Cindy Enos-Martinez
President

Attest:

/s/ Stephanie Tuin
Secretary

(SEAL)

STATE OF COLORADO)
)
COUNTY OF MESA) SS.
)
CITY OF GRAND JUNCTION)
RIMROCK MARKETPLACE)
GENERAL IMPROVEMENT DISTRICT)

I, the duly elected, qualified and acting City Clerk of the City of Grand Junction, Colorado and ex officio as Secretary of the City of Grand Junction Rimrock Marketplace General Improvement District (the "District") do hereby certify:

1. That the foregoing pages are a true, correct, and complete copy of an ordinance adopted by the City Council serving ex officio as the Board of Directors of the District (the "Board") at a regular meeting of the Council held at City Hall on December 18, 2002. A quorum of the Board was in attendance at said meeting.

2. That the passage of the Ordinance on first reading was duly moved and seconded at a regular meeting of the Council on November 6, 2002 and the Ordinance was approved on first reading by a vote of not less than four members of the Board as follows:

Those Voting Aye: Harry Butler
Dennis Kirtland
Bill McCurry
Janet Terry
Reford Theobald
Cindy Enos-Martinez

Those Voting Nay: None

Those Absent: Jim Spehar

Those Abstaining: None

3. That the passage of the Ordinance on second and final reading was duly moved and seconded at a regular meeting of the Board on December 18, 2002 and the Ordinance

was approved on second and final reading by a vote of not less than four members of the Council as follows:

Those Voting Aye:	<u>Harry Butler</u>
	<u>Dennis Kirtland</u>
	<u>Bill McCurry</u>
	<u>Jim Spehar</u>
	<u>Cindy Enos-Martinez</u>

Those Voting No:	<u>None</u>
Those Abstaining:	<u>None</u>
Those Absent:	<u>Janet Terry</u>
	<u>Reford Theobald</u>

4. That the Ordinance has been authenticated by the President, sealed with the corporate seal of the District, attested by me as Secretary, and duly recorded in "The Ordinance Book" of the District; and that the same remains of record in "The Ordinance Book" of the District.

5. That notices of the meetings of November 6, 2002 and December 18, 2002, in the forms attached hereto as Exhibit A, were duly given to the Board members and were posted in a designated public place within the boundaries of the District no less than twenty-four hours prior to the meetings as required by law.

6. That the Ordinance was published after first reading in pamphlet form and notice of hearing was published in *The Daily Sentinel*, a daily newspaper published and of general circulation in the City on November 8, 2002 and the Ordinance was published after final adoption in pamphlet form. The affidavits of publication are attached hereto as Exhibit B.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said District this 24th day of December, 2002.

/s/ Stephanie Tuin
City Clerk ex officio
Secretary of the District

(SEAL)

EXHIBIT A

(Meeting Notices)

**GRAND JUNCTION CITY COUNCIL
CITY HALL AUDITORIUM, 250 NORTH 5TH STREET
AGENDA**

WEDNESDAY, NOVEMBER 6, 2002, 7:30 P.M.

CALL TO ORDER

Pledge of Allegiance
Invocation - Rev. Michael Torphy, Religious Science Church
of Grand Junction

PROCLAMATIONS

PROCLAIMING NOVEMBER 2002 AS "HOSPICE MONTH" IN THE CITY OF GRAND
JUNCTION

PROCLAIMING NOVEMBER 9, 2002 AS "A SALUTE TO ALL VETERANS" IN THE CITY
OF GRAND JUNCTION

PRESENTATIONS/RECOGNITIONS

TRAVEL INDUSTRY ASSOCIATION OF AMERICA ODYSSEY AWARD **Attach 1**

SCHEDULED CITIZEN COMMENTS

John McGee Regarding Sewer Lift Station Construction in Lime Kiln Gulch **Attach 2**

* * * CONSENT CALENDAR * * *

1. **Minutes of Previous Meetings** **Attach 3**
*Action: Approve the Minutes of the October 14, 2002 Special Joint Meeting and
the Minutes of the October 16, 2002 Regular Meeting*

2. **City Council Meeting Schedule**

Attach 4

Due to conflicts in December and January, Council may consider amending the meeting schedule. There will not be a quorum on December 4th and the first Wednesday in January, 2003 is January 1st, a holiday. Council may consider changing the accompanying workshops as well.

Resolution No. 88-02 - A Resolution of the City of Grand Junction Amending the City Council 2002 Meeting Schedule and Determining the Date for the First Meeting in 2003

**Action: Adopt Resolution No. 88-02*

Staff presentation: Kelly Arnold, City Manager

3. **Setting a Hearing on the Special Assessment and Issuance of Bonds for Rimrock Marketplace**

Attach 5

First reading of three related ordinances for Rimrock Market Place G.I.D. They authorize creating a special assessment district, bond sale of \$3,980,000, and assessing the properties in the district.

Proposed Ordinance Creating the Rimrock Marketplace Special Improvement District within the City of Grand Junction Rimrock Marketplace General Improvement District

Proposed Ordinance Concerning the Rimrock Marketplace Special Improvement District and Authorizing the Issuance of Special Assessment Bonds

Proposed Ordinance Approving the Whole Cost of the Improvements to be Made in the Rimrock Marketplace Special Improvement District; Assessing a Share of said Cost Against each Lot or Tract of Land in the District; and Prescribing the Manner for the Collection and Payment of said Assessments

Action: Adopt Proposed Ordinances on First Reading and Set a Hearing for November 20, 2002

Staff presentation: Ron Lappi, Administrative Services Director

4. **Setting a Hearing on Zoning the Lucas Annexation Located at 2220 Broadway**
[File # ANX-2002-184] **Attach 6**

The Lucas Annexation is requesting that a zoning of RSF-4 be applied to the 3.747 acres. The Planning Commission, at its October 22, 2002 hearing recommended approval of the zoning.

Proposed Ordinance Zoning the Lucas Annexation to the Residential Single Family – 4 dwelling units per acre (RSF-4) District Located at 2220 Broadway

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for November 20, 2002

Staff presentation: Pat Cecil, Development Services Supervisor

5. **Setting a Hearing on Zoning the Summit View Meadows Annexation Located at 3146 D ½ Road** [File # ANX-2002-153] **Attach 7**

First reading of the zoning ordinance to zone the Summit View Meadows Annexation Residential Multi-Family-8 (RMF-8), located at 3146 D ½ Road.

Proposed Ordinance Zoning the Summit View Meadows Annexation to Residential Multi-Family-8 (RMF-8), Located at 3146 D ½ Road

Action: Adopt Proposed Ordinance of First Reading and Set a Hearing for November 20, 2002

Staff presentation: Lisa Gerstenberger, Senior Planner

6. **Setting a Hearing on Zoning the Crista Lee Annexation Located at 2933 B ½ Road** [File # ANX-2002-180] **Attach 8**

The Crista Lee Annexation is requesting that a zoning of RSF-4 be applied to the 6.1157 acres. The Planning Commission at it's October 22, 2002 hearing recommended approval of the zoning.

Proposed Ordinance Zoning the Crista Lee Annexation to the Residential Single Family – 4 dwelling units per acre (RSF-4) district Located at 2933 B ½ Road

Action: Adopt Proposed Ordinance of First Reading and Set a Hearing for November 20, 2002

Staff presentation: Pat Cecil, Development Services Supervisor

7. **Setting a Hearing on Rezoning the ISRE Property Located at 2990 D 1/2 Road**
[File # ANX-2002-177] **Attach 9**

Request to approve a rezone from the Residential Single Family 4 units per acre (RSF-4) zone district to the Residential Multifamily 8 units per acre (RMF-8) zone district for the ISRE property located at 2990 D-1/2 Road.

1. Proposed Ordinance Rezoning the ISRE Property to Residential Multifamily with a Maximum Density of 8 units per acre (RMF-8) Located at 2990 D-1/2 Road

Action: Adopt Proposed Ordinance of First Reading and Set a Hearing for November 20, 2002

Staff presentation: Kristen Ashbeck, Senior Planner

8. **Setting a Hearing on Zoning the 430 30 Road Annexation Located at 430 30 Road**
[File #ANX-2002-182] **Attach 10**

The 430 30 Road Annexation area consists of one parcel of land, approximately 11.18 acres in size. A petition for annexation has been presented as part of a Preliminary Plan. The requested zoning for the property is RMF-8 (Residential Multi-family, not to exceed 8 units per acre). The physical address for the property is 430 30 Road.

Proposed Ordinance Zoning the 430 30 Road Annexations to Residential Multi-Family, not to Exceed 8 Dwelling Units per Acre (RMF-8) Located at 430 30 Road

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for November 20, 2002

Staff presentation: Lori V. Bowers, Senior Planner

9. **Setting a Hearing on Zoning the Dakota West Annexation Located at 3088 and 3090 D ½ Road** [File #ANX-2002-168] **Attach 11**

The Dakota West Annexation area consists of three parcels of land, approximately 10.91 acres in size. A petition for annexation has been presented as part of a Preliminary Plan. Request is for First Reading of the Zoning Ordinance, zoning the annexation area to RMF-5 (Residential Multi-family, not to exceed 5 units per acre). The physical address for the properties are 3088 and 3090 D ½ Road.

Proposed Ordinance Zoning the Dakota West Annexation to Residential Multi-Family, not to exceed 5 Units per Acres (RMF-5) Located at 3088 and 3090 D ½ Road

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for November 20, 2002

Staff presentation: Lori V. Bowers, Senior Planner

10. **Setting a Hearing on the Krizman Annexation Located at 626 30 Road** [File #ANX-2002-192] **Attach 12**

The Krizman Annexation No. 1 and No. 2 is an serial annexation comprised of 1 parcel of land on 18.485 acres located at 626 30 Road. The owner is seeking annexation in anticipation of an infill opportunity for single family residential development, pursuant to the 1998 Persigo Agreement with Mesa County.

a. Referral of Petition, Setting a Hearing and Exercising Land Use Jurisdiction

Resolution No. 99-02 - A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation, and Exercising Land Use Control Krizman Annexation Located at 626 30 Road and Including a Portion of the 30 Road Right-Of-Way

**Action: Adopt Resolution No. 99-02*

b. Set a Hearing on Proposed Ordinances

2. Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado Krizman Annexation No. 1 Approximately 9.615 Acres Located at 626 30 Road

3. Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado Krizman Annexation No. 2 Approximately 8.8697 Acres Located At 626 30 Road

and Including a Portion of 30 Road

Action: Adopt Proposed Ordinances on First Reading and Set a Hearing for December 18, 2002

Staff presentation: Ronnie Edwards, Associate Planner

11. **Construction Contract for South Camp Trail, Phase 2** **Attach 13**

The Project involves the construction of three sections of trail along South Camp Road. Funding for the project will be through the Colorado Department of Transportation (CDOT) Enhancement Funds and by local government match. Davis-Bacon wage rates will apply.

The following bids were received on October 22, 2002:

Bidder	From	Bid Amount
Mays Concrete, Inc.	Grand Junction	\$243,445.00
Professional Pipeline & Concrete, Inc.	Fruita	\$250,291.25
Reyes Construction, Inc	Grand Junction	\$269,402.00
Colorado Constructors, Inc.	Denver	\$280,956.75
Skyline Contracting, Inc.	Grand Junction	\$312,562.80
Vista Paving Corporation	Grand Junction	\$439,443.59
Engineer's Estimate		\$365,143.00

Action: Authorize City Manager to Sign a Construction Contract for the South Camp Trail with Mays Concrete Inc. in the Amount of \$243,445.00

Staff presentation: Tim Moore, Public Works Manager

12. **Change Order to the Design Contract for Combined Sewer Elimination Project** **Attach 14**

Approve a change order to the Combined Sewer Elimination Project design contract with Sear-Brown in the amount of \$82,019 for additional work associated with the aerial photography, environmental assessment, North Ave. analysis, and Basin 10 Storm sewer design.

Action: Authorize the City Manager to Execute a Design Contract Change Order for Combined Sewer Elimination Project with Sear-Brown in an Amount of \$82,019

Staff presentation: Trent Prall, Utility Engineer

13. **Contract to Purchase Chip Spreader** **Attach 15**

This recommended purchase is based on competitive solicitation and subsequent contract award by the State of Colorado Department of Transportation.

Action: Authorize the City Purchasing Manager to Purchase One, New 2003 Etnyre Hydrostatic Chip Spreader for the Net Amount of \$122,235 from Faris Machinery Company, Grand Junction, Colorado

Staff presentation: Ron Watkins, Purchasing Manager
Chuck Leyden, Fleet and Facilities Manager

14. **Contract to Purchase Side Load Trash Truck** **Attach 16**

This recommendation is to facilitate the purchase through the City Sole Source Purchase Process. The original Sole Source Purchase for this truck/trash compactor configuration was approved by the Council 4/15/98 to facilitate equipment compatibility, reduction of repair parts and authorized warranty service by the City Shops on the trash compactor unit.

Action: Authorize the City Purchasing Manager to Purchase One New 2003 Mack MR Truck Complete with Heil Side Load Automated Trash Compactor for the Net Amount of \$148,756 from Mesa Mack Sales & Service, Inc., Grand Junction, Colorado

Staff presentation: Ron Watkins, Purchasing Manager
Chuck Leyden, Fleet and Facilities Manager

15.*** **Application for Main Street Program** **Attach 21**

The Downtown Association (DTA) and the Downtown Development Authority (DDA) are proposing the inclusion of downtown Grand Junction into the Main Street Program. This program provides structure and assistance to communities wishing to revitalize or enhance historic downtowns.

Resolution No. 103-02 – A Resolution Endorsing Participation in the Colorado Main Street Program

**Action: Adopt Resolution No. 103-02 and Authorize the Mayor to Sign a Commitment Letter*

Staff presentation: Harold Stalf, DDA Executive Director

***** END OF CONSENT CALENDAR *****

***** ITEMS NEEDING INDIVIDUAL CONSIDERATION *****

16. **Free Holiday Parking** **Attach 17**

The previous three years the City Council agreed to suspend parking meters for the holiday season. The merchants found it to be a great success and both the DTA and DDA support the request again this year.

Action: Approval to Suspend Parking Fees from Thanksgiving to January 2, 2003.

Staff presentation: Harold Stalf, DDA Director

17. **Public Hearing – ISRE Annexation No. 2 Located at 2980 D-1/2 Road** [File # ANX-2002-176] **Attach 18**

The ISRE Annexation No. 2 area consists of a 6.27-acre parcel of land located at 2980 D ½ Road. The property owner has requested annexation into the City as the result of proposing a Growth Plan Amendment for the property to be considered by City Council at a later date. Under the Persigo Agreement all such types of development require annexation and processing in the City.

a. Accepting Petition

Resolution No. 100-02 - A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property known as ISRE Annexation No. 2, Located at 2980 D ½ Road and Including a Portion of the D ½ Road Right-of-Way is Eligible for Annexation

**Action: Adopt Resolution No. 100-02*

b. Annexation Ordinances

Ordinance No. 3464 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado ISRE Annexation No. 2, Approximately 6.27 Acres Located at 2980 D ½ Road and Including a Portion of the D ½ Road Right-of-Way

**Action: Adopt Ordinance No. 3464 on Second Reading*

Staff presentation: Kristen Ashbeck, Senior Planner

18. **Public Hearing – Dakota West Annexation Located at 3088 and 3090 D-1/2 Road** [File # ANX-2002-168] **Attach 19**

The Dakota West Annexation area consists of three parcels of land, approximately 10.91 acres in size. A petition for annexation has been presented

as part of a Preliminary Plan, in accordance with the 1998 Persigo Agreement with Mesa County. The physical address for the properties are 3088 and 3090 D ½ Road.

a. Accepting Petition

Resolution No. 101-02 - A Resolution Accepting the Petition for Annexation, Making Certain Findings, Determining that Property known as Dakota West Subdivision, Located at 3088 and 3090 D ½ Road

**Action: Adopt Resolution No. 101-02*

b. Annexation Ordinance

Ordinance No. 3465 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado Dakota West Annexation, Approximately 10.9105 Acres Located at 3088 and 3090 D ½ Road

**Action: Adopt Ordinance No. 3465 on Second Reading*

Staff presentation: Lori V. Bowers, Senior Planner

19. **Public Hearing - Creating Alley Improvement District ST-03, 2003**

Attach 20

Successful petitions have been submitted requesting an Alley Improvement District be created to reconstruct the following six alleys:

- “T” Shaped Alley from 2nd to 3rd, between E. Sherwood Avenue and North Avenue.
- “Cross” Shaped Alley from 6th to 7th, between Rood Avenue and White Avenue.
- East/West Alley from 11th to 12th, between Rood Avenue and White Avenue
- East/West Alley from 13th to 14th, between Main Street and Colorado Avenue
- East/West Alley from 13th to 14th, between Chipeta Avenue and Ouray Avenue
- East/West Alley from 13th to 14th, between Hall Avenue and Orchard Avenue

Resolution No. 102-02 – A Resolution Creating and Establishing Alley Improvement District No. ST-03, 2003 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

**Action: Adopt Resolution No. 102-02*

Staff presentation: Rick Marcus, Real Estate Technician

20. **NON-SCHEDULED CITIZENS & VISITORS**

21. **OTHER BUSINESS**

22. **ADJOURNMENT**

**GRAND JUNCTION CITY COUNCIL
CITY HALL AUDITORIUM, 250 NORTH 5TH STREET
AGENDA**

WEDNESDAY, DECEMBER 18, 2002, 7:30 P.M.

CALL TO ORDER

Pledge of Allegiance

Invocation - Rev. Kathy Richardson, Sunrise Church of God

PROCLAMATIONS / RECOGNITIONS

PROCLAIMING DECEMBER 15, 2002 AS "BILL OF RIGHTS DAY" IN THE CITY OF GRAND JUNCTION

PRESENTATION OF CERTIFICATES OF APPOINTMENT

TO NEW AND REAPPOINTED MEMBERS OF THE VCB BOARD OF DIRECTORS

TO REAPPOINTED MEMBER OF THE HOUSING AUTHORITY BOARD OF DIRECTORS

SCHEDULED CITIZEN COMMENTS

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

1. **Minutes of Previous Meetings** **Attach 1**
Action: Approve the December 2, 2002 Regular Meeting and the Minutes of December 12, 2002 Special Meeting

2. **Amending the Special Improvement District Agreement between G.J. Rimrock Marketplace General Improvement District and the Developer** **Attach 2**

This resolution amends the agreement Between the City Council (acting as the Board of Directors for the Rimrock Marketplace General Improvement District (GID)) and THF Belleville, the owner and developer of Rimrock.

Resolution No. 120-02 – A Resolution Approving an Amendment to the Special Improvement District Agreement between the City of Grand Junction Rimrock Marketplace General Improvement District and THF Belleville Development, LP

**Action: Adopt Resolution No. 120-02*

Staff presentation: Ron Lappi, Administrative Services Director

3. **Setting a Hearing to Amend Retirement Plans to Conform to Changes in Federal Law** **Attach 3**

The City of Grand Junction, Colorado Employees Retirement Plan, the New Hire Fire Money Purchase Plan and the New Hire Police Money Purchase Plan are being amended to incorporate Internal Revenue Code (IRC) amendments that have recently been passed by Congress. These amendments must be incorporated into the aforementioned Plans.

Proposed Ordinance Adopting Amendments to Retirement Plans for Specified City of Grand Junction Employee Groups

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for February 5, 2003

Staff presentation: Ron Lappi, Administrative Services Director

4. **Annual Renewal of Advertising Contract with Hill & Company** **Attach 4**

This is the annual renewal of a contract with Hill & Company Integrated Marketing and Advertising to provide advertising services to the VCB.

Action: Authorize the City Manager to Sign a Contract with Hill & Company Integrated Marketing and Advertising in the Amount of \$375,000

Staff presentation: Debbie Kovalik, VCB Executive Director

5. **Special Event Funding Awards**

Attach 5

Fourteen applications for funding were received. After review and discussion, the VCB Board recommends funding the following 8 events:

\$ 2,000	Fruita Fat Tire Festival
\$ 3,500	Colorado Mountain Winefest
\$ 2,000	Kokopelli Adventure Race
\$ 4,000	Downtown Car Show
\$ 2,000	Wells Fargo Art & Jazz Festival
\$ 1,000	Mesa State College Rodeo
\$ 600	Rim Rock Run
\$ 1,000	Grand Valley Renaissance Faire
\$16,100	TOTAL AWARDS

Action: Approve Funding Awards as Recommended

Staff presentation: Debbie Kovalik, VCB Executive Director

6. **Amendment to Canyon View Park Design Contract with Winston Associates for Continued Design Services**

Attach 6

The schematic design of Phase II of Canyon View Park has been completed by Winston Associates and a more firm cost estimate has been prepared, thus allowing for the continuation of the design process. The original design contract with Winston Associates allowed for and stated that the contract could be amended for the provision of the remainder of the design documents, ie; Design Development, Bidding Documents and Construction Documents.

Action: Authorize the City Manager to Sign a Change Order with Winston Associates in the Amount of \$136,625 for Design of Canyon View Park

Staff presentation: Joe Stevens, Director Parks and Recreation

7. **Vacating a Temporary Turnaround Easement in the Flint Ridge Subdivision, Located at 2960 D Road** [File #FP-2001-156]

Attach 7

Request to approve a resolution to vacate a temporary turnaround easement in the Flint Ridge Subdivision, located at 2960 D Road.

Resolution No. 121-02 – A Resolution Vacating a Temporary Turnaround Easement Located at the Northern End of Broken Arrow Drive in the Flint Ridge Subdivision Located at 2960 D Road

**Action: Adopt Resolution No. 121-02*

Staff presentation: Lisa Gerstenberger, Senior Planner

8. **Setting a Hearing for Zoning the Rowe Annexation, Located at 176 28 1/2 Road** [File #ANX-2002-223] **Attach 8**

First reading of the zoning ordinance to zone the Rowe Annexation Residential Single-Family-4 (RSF-4), located at 176 28 1/2 Road.

Proposed Ordinance Zoning the Rowe Annexation to Residential Single-Family-4 (RSF-4), Located at 176 28 1/2 Road

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for January 15, 2003

Staff presentation: Lisa Gerstenberger, Senior Planner

9. **Setting a Hearing for Zoning the Smith Annexation, Located South of 378 Evergreen Road** [File #ANX-2002-222] **Attach 9**

First reading of the zoning ordinance to zone the Smith Annexation Residential Single-Family-4 (RSF-4), located south of 378 Evergreen Road.

Proposed Ordinance Zoning the Smith Annexation to Residential Single-Family-4 (RSF-4), Located South of 378 Evergreen Road

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for January 15, 2003

Staff presentation: Lisa Gerstenberger, Senior Planner

10. **Setting a Hearing for Rice Annexations #1 and #2, Located at 135 Burns Drive** [File #ANX-2002-214] **Attach 10**

Resolution for Referral of Petition to Annex/First reading of the annexation ordinance/Exercising land use jurisdiction immediately for the Rice Annexations #1 and #2 located at 135 Burns Drive. The 4.8673 acre Rice Annexation is a serial annexation consisting of one parcel of land and a portion of the B Road, 29 1/2 Road, 30 Road, Hwy 50, and Burns Drive right-of-way.

a. Referral of Petition, Setting a Hearing and Exercising Land Use Jurisdiction

Resolution No. 122-02 – A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation, and Exercising Land Use Control, Rice Annexation, Located at 135 Burns Drive

*Action: Adopt Resolution No. 122-02

b. Setting a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Rice Annexation #1, Approximately 3.1399 Acres, Located near 135 Burns Drive Within B Road and 29 ½ Road Rights-of-Way

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Rice Annexation #2, Approximately 1.7278 Acres, Located at 135 Burns Drive and Includes a Portion of 29 ½ Road, 30 Road, Highway 50, and Burns Drive Rights-of-Way

Action: Adopt Proposed Ordinances on First Reading and Set a Hearing for February 5, 2003

Staff presentation: Senta Costello, Associate Planner

11. **Setting a Hearing for the King Rezone at 2610 Kelley Drive** [File #RZ-2002-208] **Attach 11**

Petitioner is requesting to rezone a 3.28 acre lot from RSF-R (Residential Single Family – Rural – 1 unit/5 acres) to RSF-1 (Residential Single Family not to exceed 1 units/acre).

Proposed Ordinance Zoning the King Property Located at 2610 Kelley Drive to RSF-1

Action: Adopt Proposed Ordinance and Set a Hearing for January 15, 2003

12. Staff presentation: Senta Costello, Associate Planner
Setting a Hearing for Zoning the Dettmer II No. 2 and No. 3 Annexation, Located at 2918, 2924 and 2926 D ½ Road [File # ANX-2002-221] **Attach 12**

The Dettmer II No. 2 and No. 3 Annexation consists of three parcels, totaling 2.95 acres located at 2918, 2924 and 2926 D-1/2 Road. The petitioner is requesting a zone of Residential Single Family 4 units per acre (RSF-4), which will conform to the Growth Plan Future Land Use Map that shows this area as Residential Medium Low with a density range of 2 to 4 units per acre.

Proposed Ordinance Zoning the Dettmer II No. 2 and No. 3 Annexation Residential Single Family With a Maximum Density of 4 Units Per Acre (RSF-4) Located at 2918, 2924 and 2926 D-1/2 Road

Action: Adopt Proposed Ordinance and Set a Hearing for January 15, 2003

Staff presentation: Kristen Ashbeck, Senior Planner

13. **Setting a Hearing on Siena View No. 1 and No. 2 Annexation, Located at 2945 D ½ Road** [File #ANX-2002-228] **Attach 13**

Siena View Annexation, a serial annexation comprised of 4.6 acres, located at 2945 D ½ Road, has presented a petition for annexation as part of a preliminary plan. The applicants request approval of the Resolution referring the annexation petition, first reading of the Annexation Ordinance, and requesting Land Use Jurisdiction immediately.

a. Referral of Petition, Setting a Hearing and Exercising Land Use Jurisdiction

Resolution No. 123-02 – A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation, and Exercising Land Use Control, the Siena View No. 1 and Siena View No. 2 Annexations Located at 2945 D ½ Road

Action: Adopt Resolution No. 123-02

b. Set a Hearing on Proposed Ordinances

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Siena View No. 1 Annexation, Approximately 0.377 Acres, Located at 2945 D ½ Road

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Siena View No. 2 Annexation, Approximately 4.47 Acres, Located at 2945 D ½ Road

Action: Adopt Proposed Ordinances on First Reading and Set a Hearing for February 5, 2003

Staff presentation: Lori V. Bowers, Senior Planner

14. **Setting a Hearing for Zoning the Oda Annexation, Located at 2561 River Road** [File # ANX-2002-220] **Attach 14**

The Oda Annexation consists of 2 parcels of land on 21.18 acres located at 2561 River Road. The Oda's are requesting annexation as part of a contract with the City. The proposed zoning is I-1 for the Oda property. The second parcel is owned by the City and is adjacent to the Oda property. The City owned land is adjacent to the Colorado River and has a portion of the riverfront trail crossing it.

The proposed zoning for the City property is Community Services and Recreation (CSR).

Proposed Ordinance Zoning the Oda Annexation to Light Industrial (I-1) and Community Services and Recreation (CSR) Located at 2561 River Road and Adjacent to the Colorado River

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for January 15, 2003

Staff presentation: David Thornton, Principal Planner

15. **Amending the Grand Junction Metro Planning Organization (MPO) Boundary** **Attach 15**

Adoption of a joint resolution changing the boundary of the MPO planning area as shown on Exhibits 1 and 2 by adding the limits of Palisade and Fruita, and the areas in-between. The resolution process to change the MPO boundary is required by federal law.

Resolution No. 124-02 - A Joint Resolution of the County of Mesa and the City of Grand Junction Concerning Approving Town of Palisade and City of Fruita Membership in the Grand Valley Metropolitan Planning Organization

**Action: Adopt Resolution No. 124-02*

Staff presentation: Mark Relph, Public Works and Utilities Director

***16. **Intergovernmental Agreement to Create the Grand Valley Regional Transportation Committee** **Attach 16**

The Regional Transportation Policy Advisory Committee (RTPAC) is proposing adoption by the City of Grand Junction, the City of Fruita, the Town of Palisade and Mesa County of an Intergovernmental Agreement (IGA) that will replace the 1984 agreement between the City and Mesa County. In addition, this IGA will add Palisade and Fruita as members. The existing RTPAC will be renamed the Grand Valley Regional Transportation Committee and will continue to set policy for the federally required Metropolitan Planning Organization ("MPO"). This IGA provides clearer definition of the roles of this committee, defines membership in the committee and provides operating bylaws and rules for the committee. The existing staff, termed the Regional Transportation Planning Office ("RTPO") will continue to serve as the staff support for the new GVRTC.

a. Resolution

Resolution No. 133-02 – A Resolution Guiding the City's Representative to the Grand Valley Regional Transportation Committee

**Action: Adopt Resolution No. 133-02*

b. Intergovernmental Agreement

Action: Authorize the Mayor to Sign the Intergovernmental Agreement for the Creation of the Grand Valley Regional Transportation Committee

Staff presentation: Tom Fisher, RTPO Director
Dan Wilson, City Attorney

17. **Amending the Contract to Exchange Real Estate with Dyer, LLC to Extend the Closing Date** **Attach 18**

The proposed action will extend the date of closing the City's contract to exchange real estate with Dyer, LLC from December 30, 2002 to January 31, 2003.

Resolution No. 126-02 – A Resolution Extending the Closing Date of that Certain Contract to Exchange Real Estate between the City and Dyer, LLC

**Action: Adopt Resolution No. 126-02*

Staff presentation: Mark Relph, Public Works and Utilities Director

18. **Lease Extension with Donald Fugate, dba Don's Automotive, Located at 545 Noland Avenue** **Attach 19**

The proposed action will authorize a one-year extension of the lease of City property at 545 Noland Avenue to Donald Fugate Jr., doing business as Don's Automotive.

Resolution No. 127-02 – A Resolution Extending the Lease of City Property at 545 Noland Avenue to Donald Fugate, Jr., DBA Don's Automotive

**Action: Adopt Resolution No. 127-02*

Staff presentation: Mark Relph, Public Works and Utilities Director

19. **Lease Extension with Saccomanno, Located at the Southwest Corner of 26 1/2 Road and H Road** **Attach 20**

The proposed action will authorize a one-year farm lease of the City's Saccomanno Park property located at the southwest corner of 26 1/2 Road and H Road.

Resolution No. 128-02 – A Resolution Amending and Extending the Farm Lease of the Saccomanno Park Property to Robert H. Murphy

*Action: *Adopt Resolution No. 128-02*

Staff presentation: Joe Stevens, Director of Parks and Recreation

20. **Contract for the Construction of Redlands Village NE Sewer Improvement District Lines** **Attach 21**

This contract would construct over 4,900 feet of sanitary sewer within the existing Redlands Village North subdivision located north west of the intersection of the Redlands Parkway and Highway 340.

The following bids were received for this project:

<u>Contractor</u>	<u>From</u>	<u>Bid Amount</u>
Sorter Construction	Grand Jct.	\$225,510.00
Downey Excavating	Montrose, CO	\$238,273.00
M.A. Concrete	Grand Jct.	\$240,283.00
RW Jones	Fruita.	\$244,817.00
Precision Excavating	Hayden, CO	\$245,434.40
Skyline Construction	Grand Jct.	\$260,132.00
Bogue Construction	Fruita, CO	\$274,416.70
Spallone Construction	Gunnison, CO	\$277,746.00
Grant Miller, Inc.	Silverthorne, CO	\$352,356.00
Engineer's Estimate		\$247,724.00

Action: *Authorize City Manager to Sign a Contract for the Construction of the Redlands Village NE Sewer Improvement District with Sorter Construction in the Amount of \$225,510*

Staff presentation: Trent Prall, Utilities Engineer

21. **USEPA Grant Application "TMDL Development for 303(d) Listed Streams in the Grand Valley"** **Attach 22**

The City of Grand Junction is applying for an \$80,000 grant from the USEPA to be contracted to a qualified sub recipient. The grant proposal will provide a detailed characterization of the sources and loads of selenium in Persigo Wash, Adobe Creek and Lewis Wash. Selenium characterization of washes will aid selenium remediation planning and increase understanding to land use planners about the effect of land use on selenium concentrations and loadings in the Grand Valley.

Action: *Authorization to Apply for USEPA Grant Application “TMDL Development for 303(d) Listed Streams in the Grand Valley” in the Amount of \$80,000*

Staff presentation: Mark Relph, Public Works and Utilities Director

22. **USEPA Grant Application “Colorado River Endangered Fish Critical Habitat Mixing Zone and Diffuser Study”** **Attach 23**

The City of Grand Junction requests authorization to apply for a \$100,000 grant from the USEPA to be contracted to a qualified sub recipient. The grant proposal will provide a detailed mixing zone and diffuser study to assess the ultimate discharge location for the Persigo Wastewater Treatment facility into endangered fish critical habitat in Persigo Wash and the Colorado River.

Action: Authorization to Apply for USEPA Grant Application “Colorado River Endangered Fish Critical Habitat Mixing Zone and Diffuser Study” in the Amount of \$100,000

Staff presentation: Mark Relph, Public Works and Utilities Director

***** END OF CONSENT CALENDAR *****

***** ITEMS NEEDING INDIVIDUAL CONSIDERATION *****

23. **Amending Sewer System Rates for Year 2003** **Attach 17**

Resolution Amending Persigo System Wastewater Rates for the Year 2003, affecting a 5% Rate Increase on all Wastewater Services provided effective January 1, 2003.

Resolution No. 125-02 – A Resolution Amending Persigo System Wastewater Rates for the Year 2003

**Action: Adopt Resolution No. 125-02*

Staff presentation: Greg Trainor, Utilities Manager

24. **Public Hearing - Special Assessment and Issuance of Bonds for Rimrock Marketplace** **Attach 24**

This is the second reading of three related ordinances for Rimrock Market Place G.I.D. They authorize creating a special assessment district, bond sale of \$3,980,000, and assessing the properties in the district.

Ordinance No. 3478 – An Ordinance Creating the Rimrock Marketplace Special Improvement District Within the City of Grand Junction Rimrock Marketplace General Improvement District

Ordinance No. 3479 – An Ordinance Concerning the Rimrock Marketplace General Improvement District and Authorizing the Issuance of Special Assessment Bonds

Ordinance No. 3480 – An Ordinance Approving the Whole Cost of the Improvements to be Made in the Rimrock Marketplace Special Improvement District; Assessing a Share of Said Cost Against Each Lot or Tract of Land in the District; and Prescribing the Manner for the Collection and Payment of Said Assessments

**Action: Adopt Ordinance No. 3478, Ordinance No. 3479 and Ordinance No. 3480 on Second Reading*

Staff presentation: Ron Lappi, Administrative Services Director

25. **Public Hearing - 2003 Annual Appropriation** **Attach 25**

The total appropriation for all thirty-six accounting funds budgeted by the City of Grand Junction (including the Ridges Metropolitan District, Grand Junction West Water and Sanitation District, and the Downtown Development Authority) is \$103,480,492. Although not a planned expenditure, an additional \$2,500,000 is appropriated as an emergency reserve in the General Fund pursuant to Article X, Section 20 of the Colorado Constitution.

Ordinance No. 3481 – The Annual Appropriation Ordinance Appropriating Certain Sums of Money to Defray the Necessary Expenses and Liabilities of the City of Grand Junction, Colorado, the Ridges Metropolitan District, and the Grand Junction West Water and Sanitation District, for the Year Beginning January 1, 2003 and Ending December 31, 2003

**Action: Adopt Ordinance No. 3481 on Second Reading*

Staff presentation: Ron Lappi, Administrative Services Director

26. **Parking Meter Fee Changes** **Attach 26**

A resolution amending Resolution No. 71-01 that established new parking fines and fees. The new resolution provides for a change in the 4 hour meter rates and a new classification as short-term parking. If approved, all 46 current 4 hour meters and an additional 40 at 3rd and Main will be changed from 10 cents per hour to 50 cents per hour.

Resolution No. 129-02 – A Resolution Amending Resolution Number 71-01 that Established New Parking Fines and Fees for the City of Grand Junction, by Providing for a Change in the 4 Hour Meter Rates

**Action: Adopt Resolution No. 129-02*

Staff presentation: Harold Stalf, Director of DDA

P.J. McGovern, DDA Boardmember

27. **Public Hearing – Krizman Annexation, Located at 626 30 Road** [File #ANX-2002-192] **Attach 27**

Resolution for Acceptance of the Petition to Annex and Second reading of the annexation ordinance for the Krizman Annexation No. 1 and No. 2 located at 626 30 Road. The annexation consists of 18.485 acres on one parcel of land.

a. Accepting Petition

Resolution No. 130-02 – A Resolution Accepting Petitions for Annexation, Making Certain Findings, Determining that Property Known as Krizman Annexation is Eligible for Annexation Located at 626 30 Road and Including a Portion of the 30 Road Right-of-Way

**Action: Adopt Resolution No. 130-02*

b. Annexation Ordinance

Ordinance No. 3482 - An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Krizman Annexation No. 1, Approximately 9.615 Acres Located at 626 30 Road

Section 11. Ordinance No. 3483 - An Ordinance Annexing Territory to the City of Grand Junction, Colorado Krizman Annexation No. 2 Approximately 8.8697 Acres Located at 626 30 Road and Including a Portion of 30 Road

**Action: Adopt Ordinance No. 3482 and Ordinance No. 3483 on Second Reading*

Staff presentation: Ronnie Edwards, Associate Planner

28. **Public Hearing - Zoning the Krizman Annexation, Located at 626 30 Road** [File #ANX-2002-192] **Attach 28**

The Krizman Annexation No. 1 and No. 2 is a serial annexation comprised of 1 parcel of land on 18.138 acres located at 626 30 Road. The petitioner is requesting a zone of Residential Single Family with a density not to exceed four units per acre (RSF-4), which conforms to the Growth Plan Future Land Use Map. Planning Commission recommended approval at its November 12, 2002 meeting.

Ordinance No. 3484 – An Ordinance Zoning the Krizman Annexation to Residential Single Family with a Density Not to Exceed Four Units Per Acre (RSF-4) Located at 626 30 Road

*Action: Adopt Ordinance No. 3484 on Second Reading

Staff presentation: Ronnie Edwards, Associate Planner

29. **Public Hearing - Zoning of the ISRE Annexation No. 2, Located at 2980 D 1/2 Road** [File #ANX-2002-176] **Attach 29**

The ISRE Annexation No. 2 is a single parcel of land consisting of 5.7 acres located at 2980 D-1/2 Road. The petitioner is requesting a zone of Residential Multifamily, 8 units per acre (RMF-8), which will conform to the Future Land Use Map of the Growth Plan which was recently amended for this parcel. Planning Commission will hear this item at its December 17, 2002 meeting.

Ordinance No. 3485 – An Ordinance Zoning the ISRE Annexation No. 2 Residential Multifamily with a Maximum Density of 8 Units Per Acre (RMF-8) Located at 2980 D-1/2 Road

*Action: Adopt Ordinance No. 3485 on Second Reading

Staff presentation: Kristen Ashbeck, Senior Planner

30. **Revoke and Reissue the Revocable Permit for GVT Bus Benches and Transit Shelters** [File #RVP-2002-164] **Attach 30**

This request is to amend the Revocable Permits for bus benches and shelters along the existing GVT routes. Outdoor Promotions requests twenty (20) new bus benches and nine (9) new transit shelters. The request includes relocating three (3) shelters to replace existing benches. In addition, the staff proposes to allow the Director to approve changes in location of benches and shelters and to allow the Director to approve existing locations in newly annexed areas.

Resolution No. 131-02 – A Resolution Revoking a Revocable Permit Granted to Outdoor Promotions

Resolution No. 132-02 – A Resolution Concerning the Issuance of a Revocable Permit to Outdoor Promotions, Inc.

*Action: Adopt Resolution No. 131-02 and 132-02

Staff presentation: Lori V. Bowers, Senior Planner

31. **NON-SCHEDULED CITIZENS & VISITORS**

32. **OTHER BUSINESS**

33. **EXECUTIVE SESSION**

Attach 31

To determine the City's position, and to instruct the City's negotiators regarding oil and gas leases and related activities on City lands near Grand Mesa, including lands within the Grand Mesa Slopes Special Management area, pursuant to section 402 4 e of Colorado's Open Meetings Act.

*** To determine whether the City Manager should pursue the acquisition of property in the downtown Grand Junction area, pursuant to Section 4(e) of the Open Meetings Law.

34. **ADJOURNMENT**

EXHIBIT B

(Affidavits of Publication)

State PROOF OF PUBLICATION

STATE OF COLORADO
 County of Mesa)
) ss.

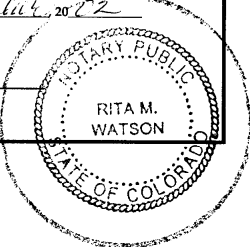
 Karen Sabra

Being duly sworn, says that I am Legal Secretary of
 The Daily Sentinel a daily newspaper, published and duly printed in
 Grand Junction, Colorado in said County and State; that said
 newspaper has a general circulation in said County and has been
 continuously and uninterruptedly published therein, during a period of
 at least fifty-two consecutive weeks next prior to the first publication
 of the annexed notice; that said newspaper is a newspaper within the
 meaning of the act of the general Assembly of the State of Colorado,
 entitled "An Act to regulate the printing of legal notices and
 advertisements," and amendments thereto; that the notice of which
 the annexed is a printed copy taken from said newspaper, was published
 in said newspaper, and in the regular and entire issue of every number
 thereof, once a day for 1 successive day ;
 that said notice was so published in said newspaper proper and not in
 any supplement thereof, and that first publication of said notice as
 aforesaid, was on the 08th day of November, 2002,
 and the last, on the 08th day of November, 2002.

[Signature]

Subscribed and sworn to before me, this 14th day of November, 2002

[Signature]
 My Commission Expires 11/08/2005



NOTICE OF PUBLIC HEARING
 NOTICE IS HEREBY
 GIVEN THAT:
 The City Council of the City of
 Grand Junction, Colorado, at its
 regular convened meeting on
 November 8, 2002, passed on
 first reading the following
 entitled proposed ordinance:
 Proposed Ordinance Creating
 the Rimrock Marketplace
 Special Improvement District
 within the City of Grand
 Junction Rimrock Marketplace
 General Improvement District
 and authorized the publication in
 pamphlet form.
 NOTICE IS FURTHER GIVEN
 THAT the public hearing will be
 held November 20, 2002 at 7:30
 p.m. in the City Auditorium, 250
 North 5th Street, at which time
 public comments will be taken
 and considered before the final
 adoption of the proposed ordi-
 nance.
 Copies of the proposed ordi-
 nance are available for public
 inspection in the City Clerk's
 Office, 250 North 5th Street, City
 Hall, at any time Monday through
 Friday between the hours of
 7:30 a.m. and 5:30 p.m.
 BY THE ORDER OF THE CITY
 COUNCIL
 /s/ Stephanie Tulin
 City Clerk
 Published November 8, 2002

State PROOF OF PUBLICATION

NOTICE OF ADOPTION OF ORDINANCE NO. 3472 AN ORDINANCE OF THE CITY OF GRAND JUNCTION TO BE PUBLISHED IN PAMPHLET FORM NOTICE IS HEREBY GIVEN: That on the 18th Day of December, 2002, at 7:30 p.m. in the City Hall Auditorium, 250 N. 5th Street, Grand Junction, Colorado, the City Council of the City of Grand Junction held a public hearing, after proper notice, to consider the final passage of an Ordinance, the title of which is: An Ordinance Creating the Rimrock Marketplace Special Improvement District Within the City of Grand Junction Rimrock Marketplace General Improvement District. Copies of the adopted Ordinance are available for public inspection in the office of the City Clerk, 250 N. 5th Street, Grand Junction, CO between 7:30 a.m. and 5:30 p.m., Monday through Friday. /s/ Stephanie Tuin, CMC Stephanie Tuin, CMC City Clerk Published December 20, 2002

STATE OF COLORADO

County of Mesa)
) ss.

Karen Sabra

Being duly sworn, says that I am _____ Legal Secretary _____ of The Daily Sentinel a daily newspaper, published and duly printed in Grand Junction, Colorado in said County and State; that said newspaper has a general circulation in said County and has been continuously and uninterruptedly published therein, during a period of at least fifty-two consecutive weeks next prior to the first publication of the annexed notice; that said newspaper is a newspaper within the meaning of the act of the general Assembly of the State of Colorado, entitled "An Act to regulate the printing of legal notices and advertisements," and amendments thereto; that the notice of which the annexed is a printed copy taken from said newspaper, was published in said newspaper, and in the regular and entire issue of every number thereof, once a _____ day for _____ 1 successive _____ day ; that said notice was so published in said newspaper proper and not in any supplement thereof, and that first publication of said notice as aforesaid, was on the _____ 20th day of _____ December _____, 2002, and the last, on the _____ 20th day of _____ December _____, 2002.

[Signature]

Subscribed and sworn to before me, this 26th day of December, 2002

[Signature]

My Commission Expires 11/08/2005

