

ORDINANCE NO. 3531

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 "THF Belleville"), 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 as amended (the "Agreement") concerning the formation of the Rimrock Marketplace Special Improvement District (the "District"), which Agreement has been assigned by THF Belleville to THF Grand Junction Development, L.L.C. (the "Owner"); 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.

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:

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:

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

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.;

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

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

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

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;

the property to be included in the SID is especially benefited by the Project;

that the request for waiver is hereby granted; and

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.

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.

District Boundaries. The District boundaries are:

LOTS 1, 2, AND 3 OF BLOCK 1,  
LOT 1 OF BLOCK 2, LOT 1 OF BLOCK 3  
AND LOT 1 OF BLOCK 4  
OF RIMROCK MARKETPLACE  
MESA COUNTY, COLORADO

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

Grand Junction Drainage Ditch

Rimrock Avenue / 25-1/2 Road

Highway 6 & 50

Signalization of Highway 6 & 50

Sam’s Club ROW Construction

Roundabout

Golden Corral ROW Construction

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

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.

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.

Repealer. Ordinance No. 3478 is repealed. Additionally, 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.

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.

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 April 16, 2003.

INTRODUCED, PASSED ON SECOND READING, APPROVED AND ORDERED  
PUBLISHED IN PAMPHLET FORM ON MAY 7, 2003.

CITY OF GRAND JUNCTION  
RIMROCK MARKETPLACE GENERAL  
IMPROVEMENT DISTRICT

/s/ Jim Spehar  
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:

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 May 7, 2003. A quorum of the Board was in attendance at said meeting.

That the passage of the Ordinance on first reading was duly moved and seconded at a regular meeting of the Council on April 16, 2003 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:	<u>Harry Butler</u>
	<u>Dennis Kirtland</u>
	<u>Bill McCurry</u>
	<u>Jim Spehar</u>
	<u>Janet Terry</u>
	<u>Reford Theobald</u>
	<u>Cindy Enos-Martinez</u>
Those Voting Nay:	<u>None</u>
Those Absent:	<u>None</u>
Those Abstaining:	<u>None</u>

That the passage of the Ordinance on second and final reading was duly moved and seconded at a regular meeting of the Board on May 7, 2003 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>Cindy Enos-Martinez</u>
	<u>Bruce Hill</u>
	<u>Dennis Kirtland</u>
	<u>Bill McCurry</u>
	<u>Gregg Palmer</u>
	<u>Jim Spehar</u>
Those Voting No:	<u>None</u>
Those Abstaining:	<u>None</u>
Those Absent:	<u>None</u>

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.

That notices of the meetings of April 16, 2003 and May 7, 2003, 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.

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 April 21, 2003 and the Ordinance was published after final adoption in pamphlet form. The affidavit of publication is attached hereto as Exhibit B.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said District this 9th day of May, 2003.

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

(SEAL)

**EXHIBIT A**

(Notices of Meeting)



**GRAND JUNCTION CITY COUNCIL  
CITY HALL AUDITORIUM, 250 NORTH 5<sup>TH</sup> STREET  
AGENDA**

**WEDNESDAY, APRIL 16, 2003, 7:30 P.M.**

**CALL TO ORDER**

Pledge of Allegiance  
Invocation - Pastor Jim Hale, Spirit of Life Christian  
Fellowship

**PROCLAMATIONS**

PROCLAIMING APRIL AS "FAIR HOUSING MONTH" IN THE CITY OF GRAND  
JUNCTION

PROCLAIMING APRIL 17, 2003 AS "ARBOR DAY" IN THE CITY OF GRAND  
JUNCTION

PROCLAIMING MAY 3, 2003 AS "MARINE CORPS LEAGUE DAY" IN THE CITY OF  
GRAND JUNCTION

**APPOINTMENTS**

APPOINTMENTS TO THE HISTORIC PRESERVATION BOARD

APPOINTMENT TO THE COMMISSION ON THE ARTS AND CULTURE

**PRESENTATION OF CERTIFICATES OF APPOINTMENT**

TO REAPPOINTED MEMBER OF THE COMMISSION ON ARTS AND CULTURE

**RECOGNITIONS**

PRESENTATION OF PLAQUES FOR OUTGOING COUNCILMEMBERS JANET  
TERRY AND REFORD THEOBOLD

**SCHEDULED CITIZEN COMMENTS**

**\*\*\* CONSENT CALENDAR \*\*\***

1. **Minutes of Previous Meetings** [Attach 1](#)

*Action: Approve the Summary of the March 31, 2003 Workshop and the Minutes of the April 2, 2003 Regular Meeting and the Minutes of the April 9, 2003 Special Meeting*

2. **Purchase of Sales Tax System Software** [Attach 2](#)

ACS (Banner) has abandoned further development of the current sales tax system, and it will become obsolete. Several systems were researched and it was determined that HMS, Inc software system is the most viable and cost effective alternative.

*Action: Authorize the City Information Services Manager to Sign a Contract with HMS, Inc. for a New Sales Tax System for a Total of \$36,500 and Authorize \$11,600 from Contingency to Supplement the \$30,000 Budgeted for a Total of \$41,600 to Purchase, Implement and Install the HMS, Inc. System*

Staff presentation: Jodi Romero, Customer Service Manager  
Fred Stroh, Information Services Manager

3. **Setting a Hearing on Supplemental Budget Appropriations for 2003** [Attach 3](#)

The request is to appropriate specific amounts for several of the City's accounting funds as specified in the ordinance.

Proposed Ordinance Making Supplemental Appropriations to the 2003 Budget of the City of Grand Junction

*Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for May 7, 2003*

Staff presentation: Ron Lappi, Administrative Services Director

4. **Setting a Hearing on Creating the Special Assessment District, Issuing Bonds and Assessing the Properties for Rimrock Marketplace** [Attach 4](#)

This is the first reading of three related ordinances for Rimrock Marketplace 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 General 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 May 7, 2003*

Staff presentation: Ron Lappi, Administrative Services Director

5. **Purchase of 1 Tractor and 1 Weed Mower** [Attach 5](#)

This purchase is being requested by the Streets Department to replace two old outdated mowers with a single better suited mower. Bid details are as follows:

Delta Implement Company	Grand Junction	\$65,650.00
Western Implement Company	Grand Junction	\$73,832.00
Western Implement Company	Grand Junction	\$78,650.00

Action: *Authorize the City Purchasing Manager to Purchase One (1) John Deere Tractor and One (1) Diamond Mower from Delta Implement Company in the Amount of \$65,650.00*

Staff presentation: Julie M. Hendricks, Buyer  
Ronald L. Watkins, Purchasing Manager

6. **Vacating Various Easements Associated with the Abandoned Portion of the Kannah Creek Flowline** [Attach 6](#)

The easements to be vacated are no longer necessary due to the recent relocation of the Kannah Creek Flowline.

Resolution No. 31-03 – A Resolution Vacating Certain Easements No Longer Needed Because Several Portions of the Kannah Creek Flowline have been Relocated

\*Action: *Adopt Resolution No. 31-03*

Staff presentation: Mark Relph, Public Works and Utilities Director

7. **Revocable Permit for a Canopy and Private Parking in Main Street Right-of-Way, 205 Main Street** [File # RVP-2002-164] [Attach 7](#)

Hampton Inn, to be located at 205 Main Street, is requesting approval of 2 Revocable Permits for a canopy and private parking in Main Street right-of-way.

Resolution No. 32-03 – A Resolution Concerning the Issuance of a Revocable Permit to Western Hospitality LLC, a Colorado Limited Liability Company (Canopy Over Sidewalk)

Resolution No. 33-03 – A Resolution Concerning the Issuance of a Revocable Permit to Western Hospitality LLC, a Colorado Limited Liability Company (Private Parking)

*\*Action: Adopt Resolution No. 32-03 and Resolution No. 33-03*

Staff presentation: Senta Costello, Associate Planner

8. **Setting a Hearing for Text Amendments to the Zoning and Development Code** [File # TAC-2003-01.01] [Attach 8](#)

First reading of the Ordinance to correct, clarify, re-format or delete numerous references in the current Zoning and Development Code.

Proposed Ordinance Adopting Amendments to the City of Grand Junction's Zoning and Development Code and Authorizing Publication of the Amendments by Pamphlet

*Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for May 7, 2003*

Staff presentation: Lori V. Bowers, Senior Planner

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

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

9. **Canyon View Park Improvements (24 & G Rd.)** [Attach 9](#)

This project will include improvements on the property at the corner of 24 Rd. and G Rd. within Canyon View Park. The improvements are to include: lighting and landscaping in the parking lot adjacent to the new multi-purpose fields, grading and drainage improvements, concrete walkways, a shade pavilion, irrigation and landscaping and new entry landscaping in the area of the G Road

entrance into the park. There were 3 responsive responsible bids received and opened on April 3, 2003.

Contractor	Location	Base Bid	*Alternate 1	**Alternate 2
WD Yards	Grand Junction	\$193,568.00	\$6,806.00	\$3,214.00
Clarke & Co.	Grand Junction	\$223,443.00	\$5,360.00	\$2,800.00
Alpine C.M.	Grand Junction	\$239,700.00	\$4,200.00	\$3,300.00
Engineers Estimate		\$195,613.00	\$7,834.00	\$3,940.00

\*Removal and disposal of pavement and accessories near handball court.

\*\*Drinking Fountain

*Action: Authorize the City Manager to Sign a Contract with WD Yards Inc., for the Canyon View Park Base Bid Improvements Including Both Alternates in the Amount of \$203,588 Pending the Receipt of a Current Contractor's License*

Staff presentation: Joe Stevens, Director of Parks and Recreation

10. **Public Hearing - Bond Ordinance for Community Hospital** [Attach 26](#)

The City of Grand Junction has been requested to authorize tax exempt bonds not to exceed \$3,025,000 on behalf of Community Hospital. The proposed ordinance accomplishes the issuance of these bonds for the 501 C (3) hospital. The bonds are not an obligation of the City nor do they in any way use our credit rating.

Ordinance No. 3528 - An Ordinance Authorizing the Issuance and Sale of City of Grand Junction, Colorado, Development Revenue Bond (Community Hospital Project), Series 2003, in the Aggregate Principal Amount not to Exceed \$3,025,000; Making Determinations as to Sufficiency of Revenues and as to Other Matters Related to the Project and Approving the Form and Authorizing the Execution of Certain Documents Relating Thereto.

*\*Action: Adopt Ordinance No. 3528 on Second Reading*

Staff presentation: Ron Lappi, Administrative Services Director

11.\*\*\* **Policy to Bid Out Capital Improvements** [Attach 27](#)

This resolution is a follow-up from Monday's Workshop.

Resolution No. 40-03 – A Resolution that is a Statement of Intent for the Departments of Public Works and Utilities, and Parks and Recreation, to Bid Out Capital Improvements

*\*Action: Adopt Resolution No. 40-03*

Staff presentation: Kelly Arnold, City Manager  
Mark Relph, Public Works and Utilities Director

12. **Public Hearing - Rehearing of the Zoning the Red Tail Ridge Annexation, Located at the South End of Buena Vista Drive** [File #ANX-2002-230]

[Attach 10](#)

The Red Tail Ridge Annexation is requesting that a zoning of RSF-4 be applied to the 9.88 acres. The City Council at its February 19, 2003 hearing zoned the site to a RSF-2 zone district based on public testimony and compatibility with adjacent property's densities.

Ordinance No. 3509 - An Ordinance Zoning the Red Tail Ridge Annexation to the Residential Single Family – 4 dwelling units per acre (RSF-4) District, Located at the Southerly End of Buena Vista Road

*\*Action: Repealing Ordinance No. 3504 and Adopt Ordinance No. 3509 on Second Reading*

Staff presentation: Pat Cecil, Development Services Supervisor

13. **Public Hearing - Grand Meadows South Annexation Located at 466 30 Road** [File #ANX-2003-010]

[Attach 11](#)

A Resolution for acceptance of petition to annex and second reading of the Annexation Ordinance for the Grand Meadows South Annexation, located at 466 30 Road.

**a. Accepting Petition**

Resolution No. 34-03 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Grand Meadows South Annexation Area is Eligible for Annexation, Located at 466 30 Road

*\*Action: Adopt Resolution No. 34-03*

**b. Annexation Ordinance**

Ordinance No. 3510 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Grand Meadows South Annexation, Approximately 4.8995 Acres, Located at 466 30 Road

*\*Action: Adopt Ordinance No. 3510 on Second Reading*

Staff presentation: Lisa E. Cox, Senior Planner

14. **Public Hearing - Zoning the Grand Meadows South Annexation, Located at 466 30 Road** [File #ANX-2003-010] [Attach 12](#)

Second reading of the zoning ordinance to zone the Grand Meadows South Annexation Residential Multi-Family-5 (RMF-5), located at 466 30 Road.

Ordinance No. 3511– An Ordinance Zoning the Grand Meadows South Annexation to Residential Multi-Family-5 (RMF-5), Located at 466 30 Road

*\*Action: Adopt Ordinance No. 3511 on Second Reading*

Staff presentation: Lisa E. Cox, Senior Planner

15. **Public Hearing - Summit Meadows West Annexation Located at 3134 and 3138 D ½ Road** [File #ANX-2003-016] [Attach 13](#)

Resolution for acceptance of petition to annex and second reading of the Annexation Ordinance for the Summit Meadows West Annexation, located at 3134 and 3138 D ½ Road.

**a. Accepting Petition**

Resolution No. 35-03 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Summit Meadows West Annexation Area is Eligible for Annexation, Located at 3134 and 3138 D ½ Road

*\*Action: Adopt Resolution No. 35-03*

**b. Annexation Ordinance**

Ordinance No. 3512 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Summit Meadows West Annexation No. 1, Approximately 5.9092 Acres Located at 3134 and 3138 D ½ Road

Ordinance No. 3513 - An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Summit Meadows West Annexation No. 2, Approximately 4.9174 Acres Located at 3134 and 3138 D ½ Road

*\*Action: Adopt Ordinance No. 3512 and Ordinance No. 3513 on Second Reading*

Staff presentation: Lisa E. Cox, Senior Planner

16. **Public Hearing – Zoning the Summit Meadows West Annexation, Located at 3134 and 3138 D ½ Road** [File #ANX-2003-016] [Attach 14](#)

Second reading of the zoning ordinance to zone the Summit Meadows West Annexation Residential Multi-Family-5 (RMF-5), located at 3134 and 3138 D ½ Road.

Ordinance No. 3514 - An Ordinance Zoning the Summit Meadows West Annexation to Residential Multi-Family-5 (RMF-5), Located at 3134 and 3138 D 1/2 Road

*\*Action: Adopt Ordinance No. 3514 on Second Reading*

Staff presentation: Lisa E. Cox, Senior Planner

17. **Public Hearing - Hubbartt Annexation Located at 2976 Gunnison Avenue** [File #ANX-2003-008] [Attach 15](#)

Resolution for acceptance of the petition to annex and second reading of the annexation ordinance for the Hubbartt Annexation located at 2976 Gunnison Avenue. The annexation consists of 1.2731 acres on one parcel of land. The petitioner is seeking annexation in anticipation of constructing a 5,000 s.f. auto body repair shop, pursuant to the 1998 Persigo Agreement with Mesa County.

**a. Accepting Petition**

Resolution No. 36-03 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as Hubbartt Annexation is Eligible for Annexation Located at 2976 Gunnison Avenue and Including a Portion of Gunnison Avenue Right-of-Way

*\*Action: Adopt Resolution No. 36-03*

**b. Annexation Ordinance**

Ordinance No. 3515 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Hubbartt Annexation, Approximately 1.2731 Acres, Located at 2976 Gunnison Avenue and Including a Portion of Gunnison Avenue Right-of-Way

*\*Action: Adopt Ordinance No. 3515 on Second Reading*

Staff presentation: Ronnie Edwards, Associate Planner

18. **Public Hearing – Zoning the Hubbartt Annexation Located at 2976 Gunnison Avenue** [File #ANX-2003-008] [Attach 16](#)



The Hubbarth Annexation is comprised of 1 parcel of land consisting of 1.2731 acres located at 2976 Gunnison Avenue. The petitioner is requesting a zone of Light Industrial (I-1), which conforms to the Growth Plan Future Land Use Map. Planning Commission recommended approval at its February 25, 2003 meeting.

Ordinance No. 3516 – An Ordinance Zoning the Hubbarth Annexation to Light Industrial I-1 Located at 2976 Gunnison Avenue

*\*Action:* Adopt Ordinance No. 3516 on Second Reading

Staff presentation: Ronnie Edwards, Associate Planner

19. **Public Hearing - Seriani Annexation No. 1 & 2 Located at 2986 Gunnison Avenue** [File #ANX-2003-025] [Attach 17](#)

The Seriani Annexation No. 1 & 2 is a serial annexation consisting of a total of 0.68 acres and can be legally described as Lot 12, Banner Industrial Park and is located at 2986 Gunnison Avenue and is currently being used as a storage yard. The petitioner's intent is to annex and then develop the property as light industrial by constructing an office/shop building for their concrete business. The proposed annexation lies within the Persigo 201 sewer district. The petitioner's request acceptance of the Annexation Petition, and Second Reading of the Annexation Ordinance(s) for the Seriani Annexation No. 1 & 2.

**a. Accepting Petition**

Resolution No. 37-03 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as Seriani Annexation, a Serial Annexation Comprising Seriani Annexation No. 1 and Seriani Annexation No. 2, Located at 2986 Gunnison Avenue

*\*Action:* Adopt Resolution No. 37-03

**b. Annexation Ordinance**

Ordinance No. 3517 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Seriani Annexation No. 1, Approximately 0.3444 Acres Located at 2986 Gunnison Avenue

Ordinance No. 3518 - An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Seriani Annexation No. 2, Approximately 0.3436 Acres Located at 2986 Gunnison Avenue

*\*Action:* Adopt Ordinance No. 3517 and Ordinance No. 3518 on Second Reading

Staff presentation: Scott D. Peterson, Associate Planner

20. **Public Hearing – Zoning the Seriani Annexation Located at 2986 Gunnison Avenue** [File #ANX-2003-025] [Attach 18](#)

The Seriani Annexation consists of 0.68 acres of land that is located at 2986 Gunnison Avenue and is currently being used as a storage yard for their concrete business. The petitioner's intent is to annex and then develop the property as light industrial by constructing an office/shop building for their concrete business in spring 2003. The proposed annexation is considered to be a serial annexation and can be legally described as Lot 12, Banner Industrial Park. The proposed zoning is I-1, Light Industrial. The Planning Commission recommended approval at its February 25, 2003 meeting.

Ordinance No. 3519 – An Ordinance Zoning the Seriani Annexation, Lot 12, Banner Industrial Park to Light Industrial (I-1) Located at 2986 Gunnison Avenue

*\*Action: Adopt Ordinance No. 3519 on Second Reading*

Staff presentation: Scott D. Peterson, Associate Planner

21. **Public Hearing - Fairway Pines Annexation Located at 2970 B Road** [File # ANX-2003-021] [Attach 19](#)

The Fairway Pines Annexation is an annexation comprised of 1 parcel of land located at 2970 B Road, comprising a total of 6.4295 acres. The petitioner is seeking annexation as part of a request for Preliminary Plan approval pursuant to the 1998 Persigo Agreement with Mesa County.

**a. Accepting Petition**

Resolution No. 38-03 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Fairway Pines Annexation is Eligible for Annexation Located at 2970 B Road

*\*Action: Adopt Resolution No. 38-03*

**b. Annexation Ordinance**

Ordinance No. 3520 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Fairway Pines Annexation, Approximately 6.4295 Acres Located at 2970 B Road

*\*Action: Adopt Ordinance No. 3520 on Second Reading*

Staff presentation: Pat Cecil, Development Services Supervisor

22. **Public Hearing – Zoning the Fairway Pines Annexation Located at 2970 B Road** [File #ANX-2003-021] [Attach 20](#)

The Fairway Pines Annexation is requesting that a zoning of RSF-4 be applied to the 6.4295 acres. The Planning Commission at its March 11, 2003 hearing recommended approval of the zone of annexation.

Ordinance No. 3521 - An Ordinance Zoning the Fairway Pines Annexation to the Residential Single Family – 4 Dwelling Units Per Acre (RSF-4) District Located at 2970 B Road

*\*Action: Adopt Ordinance No. 3521 on Second Reading*

Staff presentation: Pat Cecil, Development Services Supervisor

23. **Public Hearing – Fruitvale Estates Annexation, South of E ½ Road (Orchard Ave.), North of Hoover Drive (3083 E ½ Road)** [File #ANX-2003-023] [Attach 21](#)

The Fruitvale Estates Annexation is an annexation comprised of 1 parcel of land located on the south side of E ½ Road, north of Hoover Drive, comprising a total of 4.3815 acres. The petitioner is seeking annexation as part of a request for Preliminary Plan approval pursuant to the 1998 Persigo Agreement with Mesa County.

**a. Accepting Petition**

Resolution No. 39-03 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Fruitvale Estates Annexation is Eligible for Annexation, Located at 3083 E ½ Road

*\*Action: Adopt Resolution No. 39-03*

**b. Annexation Ordinance**

Ordinance No. 3522 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Fruitvale Estates Annexation, Approximately 4.3815 Acres Located at 3083 E ½ Road

*\*Action: Adopt Ordinance No. 3522 on Second Reading*

Staff presentation: Pat Cecil, Development Services Supervisor

24. **Public Hearing – Zoning the Fruitvale Estates Annexation, Located at 3083 E ½ Road (Orchard Avenue)** [File #ANX-2003-023] [Attach 22](#)

The Fruitvale Estates Annexation is requesting that a zoning of RSF-4 be applied to the 4.3815 acres. The Planning Commission at its March 25, 2003 hearing recommended approval of the zone of annexation.

Ordinance No. 3523 – An Ordinance Zoning the Fruitvale Estates Annexation to the Residential Single Family – 4 dwelling Units Per Acre (RSF-4) District Located at 3083 E ½ Road (Orchard Avenue)

\*Action: *Adopt Ordinance No. 3523 on Second Reading*

Staff presentation: Pat Cecil, Development Services Supervisor

25. **Public Hearing – Spanish Trails, Filing 3, Right-of-Way and Easement Vacation** [File #FPP-2002-204] [Attach 23](#)

A request to vacate a portion of the 24 ¼ Road Right-of-Way and emergency access easement in the proposed Spanish Trails, Filing 3.

Ordinance No. 3524 – An Ordinance Vacating a Portion of the 24 ¼ Road Right-of-Way

Ordinance No. 3525 – An Ordinance Vacating an Emergency Access Easement in Spanish Trails Located at 719 24 ½ Road

\*Action: *Adopt Ordinance No. 3524 and Ordinance No. 3525 on Second Reading*

Staff presentation: Kathy Portner, Planning Manager

26. **Public Hearing - Zoning Redlands Mesa, Phase III** [File #FPP-2002-211] [Attach 24](#)

A request to approve zoning for Redlands Mesa, Phase III, to allow 61 single family lots.

Ordinance No. 3526 – An Ordinance Zoning Land Located South and West of the Ridges Known as Redlands Mesa, Phase III to Planned Development (PD)

\*Action: *Adopt Ordinance No. 3526 on Second Reading*

Staff presentation: Kathy Portner, Planning Manager

27. **Public Hearing – Zoning the Cottages at The Commons Assisted Living Facility Located at 625 27 ½ Road** [File #RZ-2003-026] [Attach 25](#)

Hilltop Health Service Corporation proposes to construct twenty (20) two-bedroom Cottages as Phase 2 of the four-phase Commons project in progress at 625 27-1/2 Road. This project requires that the approved Final Plan and Planned Development zoning ordinance be amended.

Ordinance No. 3527 – An Ordinance Amending Ordinance No. 3263 Pertaining to the Commons Assisted Living Facility, 625 27-1/2 Road (Formerly 616 27-1/2 Road)

*\*Action: Adopt Ordinance No. 3527 on Second Reading*

Staff presentation: Kristen Ashbeck, Senior Planner

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

29. **OTHER BUSINESS**

30. **ADJOURNMENT**

**GRAND JUNCTION CITY COUNCIL  
CITY HALL AUDITORIUM, 250 NORTH 5<sup>TH</sup> STREET  
AGENDA**

**WEDNESDAY, MAY 7, 2003, 7:30 P.M.**

**CALL TO ORDER**

Pledge of Allegiance  
Invocation - Pastor Art Bell, First Presbyterian Church

**RECOGNITION**

PRESENTATION OF CERTIFICATION FOR PUBLIC PURCHASING OFFICER TO REX SELLERS

**PROCLAMATIONS**

PROCLAIMING MAY 10, 2003 AS "GRAND JUNCTION LETTER CARRIERS STOCK THE COMMUNITY FOOD BANKS DAY"

PROCLAIMING SUPPORT FOR "COLORADO CLICK IT OR TICKET CAMPAIGN"

**PRESENTATION OF CERTIFICATES OF APPOINTMENT**

TO NEWLY APPOINTED MEMBER OF THE COMMISSION ON THE ARTS AND CULTURE

TO NEWLY APPOINTED MEMBER OF THE HISTORIC PRESERVATION BOARD

**ELECTION OF MAYOR AND MAYOR PRO TEM/ADMINISTER OATHS OF OFFICE**

**SCHEDULED CITIZEN COMMENTS**

**\*\*\* CONSENT CALENDAR \*\*\***

1. **Minutes of Previous Meetings** **Attach 1**  
*Action: Approve the Summary of the April 14, 2003 Workshop and the Minutes of the April 16, 2003 Regular Meeting*

2. **Council Assignments for 2003-2004** **Attach 2**

Annually City Council discusses and assigns Councilmembers to represent them on various boards and within different outside organizations. Formal action is taken by resolution.

Resolution No. 41-03 – A Resolution Appointing and Assigning City Councilmember's to represent the City on Various Boards and Organizations

*\*Action: Adopt Resolution No. 41-03*

3. **Reschedule June 18<sup>th</sup> Meeting** **Attach 3**

On January 15, 2003, the City Council adopted Resolution No. 01-03 which set the meeting schedule for the year. Since several members of Council will be attending the CML Conference in Pueblo on June 18<sup>th</sup>, it has been proposed that the meeting schedule be amended to have the regular meeting on the previous Monday, June 16<sup>th</sup> in conjunction with the workshop.

Resolution 42-03 – A Resolution of the City of Grand Junction Amending Resolution No. 01-03 Which Set the City Council Meeting Schedule for the Year 2003

*\*Action: Adopt Resolution No. 42-03*

Staff presentation: Stephanie Tuin, City Clerk

4. **Purchase of 3/8" Aggregate Road Chips Required for the City Chip Seal Projects for the Year 2003** **Attach 4**

A 3/8" aggregate materials contract award for the City's annual "Chip Seal" street maintenance program. Three bids were received based upon an estimated amount of 4400 tons.

*Action: Authorize the Purchasing Manager to Sign and Issue a Purchase Order for 4,160 tons of 3/8" Chips to the Low Bidder, United Companies, for a Total Price of \$52,000.00.*

Staff presentation: Mark Relph, Public Works and Utilities Director

5. **Purchase of a Solid Waste Front Load Refuse Truck** **Attach 5**

This purchase is being requested by the Fleet Department to replace an existing refuse truck with a new model.

*Action: Authorize the City Purchasing Manager to Purchase One Mack Cab and Chassis and One LoDal Body from Kois Brothers Equipment in the Amount of \$169,192.00*

Staff presentation: Julie M. Hendricks, Buyer  
Ronald Watkins, Purchasing Manager

6. **Purchase of a Knuckle Boom Truck** **Attach 6**

This replacement purchase is being requested by the City Fleet Division on behalf of the Parks Department.

*Action: Authorize the City Purchasing Manager to Purchase One Freightliner Truck with National Crane Knuckle Boom from Transwest Trucks in the Amount of \$87,841*

Staff presentation: Julie M. Hendricks, Buyer  
Ronald Watkins, Purchasing Manager

7. **Vacation of Easements – Independence Ranch Filings 10 & 11** [File # FPP-2002-159] **Attach 7**

The applicant proposes to vacate two sanitary sewer easements, one utility easement, two temporary turn-around easements, one stormwater detention easement and two stormwater retention easements that were created in previous filings of Independence Ranch Subdivision. The Planning Commission recommended approval on April 22, 2003.

Resolution No. 43-03 - A Resolution Vacating Various Easements in Conjunction with Filings 10 and 11 of Independence Ranch Located at 20 ½ and F ¾ Road

*\*Action: Adopt Resolution No. 43-03*

Staff presentation: Ronnie Edwards, Associate Planner

8. **Amendments to the Future Land Use Map** (Housekeeping items) [File #GPA-2003-061] **Attach 8**



A request to amend the Future Land Use Map at Bookcliff Avenue, east of 7<sup>th</sup> Street and the NE corner of Grand Avenue and 28 Road, to be consistent with existing zoning.

Resolution No. 44-03 - A Resolution Amending the Future Land Use Map of the City of Grand Junction Growth Plan

*\*Action: Adopt Resolution No. 44-03*

Staff presentation: Kathy Portner, Planning Manager

9. **Setting a Hearing for Amending Hospice Medical Campus Planned Development to be Located at 3090 & 3150 North 12<sup>th</sup> Street** [File #PDR-2003-036] **Attach 9**

First reading of the Ordinance to amend Ordinance No. 3391 for the Preliminary Development Plan for the Hospice Medical Campus to be located at 3090 & 3150 North 12<sup>th</sup> Street.

Proposed Ordinance Zoning Two Parcels Located at 3090 and 3150 North 12<sup>th</sup> Street from PD (For Miller Homestead) to PD for 12<sup>th</sup> Street Medical Plaza and Hospice Care Planned Development

*Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for May 21, 2003*

Staff presentation: Lori V. Bowers, Senior Planner

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

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

10. **16<sup>th</sup> Street Improvements** **Attach 10**

Bids were received and opened on April 22, 2003 for the 16<sup>th</sup> Street Improvements. G&G Paving Construction Inc., submitted the low bid in the amount of \$67,000.00

*Action: Authorize the City Manager to Sign a Construction Contract with G & G Paving Construction Inc., for the 16<sup>th</sup> Street Improvements in the Amount of \$67,000.00*

Staff presentation: Tim Moore, Public Works Manager

11. **Request for Rehearing – Zoning the Red Tail Ridge Annexation Located at the South End of Buena Vista Drive** [File #ANX-2002-230] **Attach 11**

The petitioners for the Red Tail Ridge Annexation requested that a zoning of RSF-4 be applied to the 9.88 acres. The City Council zoned the property to the RSF-2 zone district on February 19, 2003 following the public hearing on the zoning associated with the annexation.

The petitioner, who was not present at the hearing, requested rehearing of the zoning request in order to present their justification for a RSF-4 zoning on the property. The Council on April 16, 2003, granted the petitioners request and rezoned the site to the RSF-4 zone district.

Adjacent property owners are now requesting that the zoning be reheard again. Their rehearing requests are based on a lack of notice (not required on Council hearing items) and no opportunity for the public to speak after the petitioner's rebuttal.

*Action: Consider Rehearing of the Zoning Request, if Granted, Public Hearing Date will be June 4, 2003*

Staff presentation: Pat Cecil, Development Services Supervisor

12. **Public Hearing - Text Amendments to the Zoning and Development Code** [File # TAC-2003-01.01.] **Attach 12**

Second reading of the Ordinance to correct, clarify, re-format or delete numerous references in the current Zoning and Development Code.

Ordinance No. 3529 – An Ordinance Adopting Amendments to the City of Grand Junction's Zoning and Development Code and Authorizing Publication of the Amendments by Pamphlet

*\*Action: Adopt Ordinance No. 3529 on Second Reading*

Staff presentation: Lori V. Bowers, Senior Planner

13. **Public Hearing - Supplemental Budget Appropriations for 2003** **Attach 13**

The request is to appropriate specific amounts for several of the City's accounting funds as specified in the ordinance.

Ordinance No. 3530 – An Ordinance Making Supplemental Appropriations to the 2003 Budget of the City of Grand Junction

*\*Action: Adopt Ordinance No. 3530 on Second Reading*

Staff presentation: Ron Lappi, Administrative Services Director

14. **Public Hearing - Creating the Special Assessment District, Issuing Bonds and Assessing the Properties for Rimrock Marketplace** **Attach 14**

This is the second reading of three related ordinances for Rimrock Marketplace 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. 3531 – An Ordinance Creating the Rimrock Marketplace Special Improvement District within the City of Grand Junction Rimrock Marketplace General Improvement District

Ordinance No. 3532 – An Ordinance Concerning the Rimrock Marketplace General Improvement District and Authorizing the Issuance of Special Assessment Bonds

Ordinance No. 3533 – 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. 3531, Ordinance No. 3532 and Ordinance No. 3533 on Second Reading*

Staff presentation: Ron Lappi, Administrative Services Director

15. **Staff Presentation of First Reading of a Watershed and Water Supply Protection District Ordinance (No Public Discussion)** **Attach 15**

A Watershed Protection ordinance will protect the public water supply and preserve the City's water resources. Various activities and land uses in the City's watersheds could affect the quality and quantity of the water supply and facilities. In order to be able to decide what risks each activity may present to the City's water supply and to see if modifications are necessary, persons conducting certain activities within the watersheds must first obtain City review, and if allowed, a watershed permit.

Proposed Ordinance Establishing a Watershed and Water Supply Protection District; Establishing Procedures and Standards for Watershed District Permits in Connection with Various Activities within said Watersheds; Prohibiting any Person from Polluting said Watersheds; Requiring a Watershed District Permit for Most Activities; and Providing Penalties and Remedies for Violation of this Ordinance

*Action: Adopt on First Reading an Ordinance Establishing a Watershed and Water Supply Protection District, thus Protecting the City's Water Supplies, and Discuss a Date for a Hearing*

Staff presentation: Mark Relph, Public Works and Utilities Director  
Dan Wilson, City Attorney

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

17. **OTHER BUSINESS**

18. **EXECUTIVE SESSION** –

- a. FOR THE PURPOSE OF RECEIVING LEGAL ADVICE CONCERNING GRAND MESA SLOPES UNDER C.R.S. SECTION 24-6-402(4)(b).
- b. FOR THE PURPOSE OF RECEIVING LEGAL ADVICE CONCERNING CDOT's 1601 PROCESS UNDER C.R.S. SECTION 24-6-402(4)(b).
- c. TO DISCUSS THE PURCHASE, ACQUISITION, LEASE, TRANSFER, OR SALE OF REAL, PERSONAL, OR OTHER PROPERTY INTEREST UNDER C.R.S. SECTION 24-6-402(4)(a) RELATIVE TO COLORADO CATFISH

19. **ADJOURNMENT**

**EXHIBIT B**

(Attach Affidavits of Publication)



State PROOF OF PUBLICATION

STATE OF COLORADO

County of Mesa )  
 ) ss.

Karen Sabra

NOTICE OF ADOPTION OF ORDINANCE NO. 3531 AN ORDINANCE OF THE CITY OF GRAND JUNCTION TO BE PUBLISHED IN PAMPHLET FORM  
NOTICE IS HEREBY GIVEN: That on the 7th day of May, 2003, 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 Marketplaces 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  
Stephanie Tuin, CMC  
City Clerk  
Published May 9, 2003

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 09th day of May, 2003, and the last, on the 09th day of May, 2003.



Subscribed and sworn to before me, this 9th day of May, 2003



My Commission Expires 11/08/2005

