

ORDINANCE NO. 3551

AN ORDINANCE CONCERNING THE CITY OF GRAND JUNCTION RIMROCK MARKETPLACE GENERAL IMPROVEMENT DISTRICT AND AMENDING ORDINANCE NO. 3532 RELATING TO THE ISSUANCE OF SPECIAL ASSESSMENT BONDS AND ORDINANCE NO. 3533 LEVYING SPECIAL ASSESSMENTS WITHIN THE 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 Ordinance No. 3531 adopted by the Board on May 7, 2003, (the "Creation Ordinance") the Board created within the GID a special improvement district known as the City of Grand Junction Rimrock Marketplace General Improvement District (In the City of Grand Junction, Colorado) Special Improvement District (the "SID"); and

WHEREAS, pursuant to Ordinance No. 3532 adopted on May 7, 2003 (the "Bond Ordinance"), the Board approved and authorized the issuance of Special Assessment Bonds (the "Bonds") by the SID; and

WHEREAS, pursuant to Ordinance No. 3533 adopted on May 7, 2003 (the "Assessment Ordinance"), the Board provided for the payment of the Bonds by assessing the cost and expense of the Project (as defined in the Assessment Ordinance) and levying assessments against the assessable lots, tracts and parcels of land in the District benefited by the Project; and

WHEREAS, the Board has determined that the redemption provisions included in the Bond Ordinance be revised (consistent with the offering of the Bonds to investors) to provide that any assessment that is prepaid (both voluntarily and involuntarily) shall be used to redeem Bonds on the next interest payment date; and

WHEREAS, the Board has determined that the Assessment Ordinance be amended to reflect a decrease in the interest rate which accrues on unpaid installments of principal and interest from 7.00% to 6.75% per annum.

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 CITY OF GRAND JUNCTION RIMROCK MARKETPLACE GENERAL IMPROVEMENT DISTRICT:

1. Unless otherwise defined herein, all terms used herein shall have the same meaning as in the Bond Ordinance and Assessment Ordinance.

2. Subsection (a) of Section 2.03 of the Bond Ordinance, "Redemption of Bonds," is deleted and replaced in its entirety with the following:

(a) The Bonds shall be subject to redemption at the option of the GID from any legally available funds on the dates set forth in the Sales Certificate in whole, or in part from any maturities, in any order of maturity and by lot within a maturity in such manner as the GID may determine, at a price equal to 100% of the principal amount of each Bond, or portion thereof, so redeemed and accrued interest thereon to the redemption date, plus a premium of not more than 3% as set forth in the Sales Certificate.

Any Assessment that is prepaid shall be used to redeem Bonds on the next interest payment date that is at least 45 days after receipt of such prepayment; provided that the amount of any such prepaid Assessment that is less than \$5,000 and cannot be used by such interest payment date to redeem Bonds may be used to pay principal of or interest on the Bonds due on such interest payment date; and provided further that all or any portion of such prepaid Assessment may be used to pay principal of or interest on the Bonds if necessary to avoid or cure a default in payment of principal of or interest on the Bonds. The Paying Agent shall not be required to give notice of any such redemption unless it has received written instructions from the GID in regard thereto at least twenty days prior to such redemption date; provided, that the Paying Agent may waive said twenty-day requirement.

3. Section 2 of the Assessment Ordinance, "Payment of Assessments," is deleted and replace in its entirety with the following:

Section 2. Payment of Assessments. Pursuant to the Agreement, the Owner has elected to pay in installments. Accordingly, the Owner shall be conclusively held and

considered as consenting to the Project and a waiving any right to question the power or jurisdiction of the GID to construct the Project, the quality of the work, the regularity or sufficiency of the proceedings, the validity or correctness of the assessments, or the validity of the lien thereof.

The assessments shall be payable to the City of Grand Junction Treasurer as ex officio Treasurer of the GID (the "Treasurer") in thirty (30) equal, semi-annual, amortized installments of principal and interest, payable on April 1 and October 1 of each year beginning October 1, 2003 and in each year thereafter until paid in full, with the last payment due on April 1, 2018. Interest shall accrue on unpaid installments of principal at the rate of 6.75% per annum from the effective date of this Ordinance until paid in full. The owner of any property not in default as to any installment or payment may, at any time, pay the whole of the unpaid principal with the interest accruing to the maturity of the next installment of interest or principal with a prepayment premium of 3%. The Board may in its discretion waive or lower the prepayment premium if the bonds to be issued to finance the Project may be redeemed without a prepayment premium of 3%.

4. All bylaws, orders, resolutions and ordinances of the City, 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 City, or part thereof, heretofore repealed.

5. 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.

6. 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 JULY 16, 2003.

INTRODUCED, PASSED ON SECOND READING, APPROVED AND ORDERED PUBLISHED IN PAMPHLET FORM ON AUGUST 6, 2003.

CITY OF GRAND JUNCTION  
RIMROCK MARKETPLACE GENERAL  
IMPROVEMENT DISTRICT

(SEAL)

/s/ Jim Spehar  
President

Attest:

/s/ Stephanie Tuin  
Secretary

STATE OF COLORADO )  
 )  
 COUNTY OF MESA )  
 )S.S.  
 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 August 6, 2003. 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 July 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: Councilmember Harry Butler  
Councilmember Cindy Enos-Martinez  
Councilmember Bruce Hill  
Councilmember Dennis Kirtland  
Councilmember Bill McCurry  
Councilmember Gregg Palmer  
President of the Council Jim Spehar

Those Voting Nay: None  
 \_\_\_\_\_  
 \_\_\_\_\_

Those Absent: None  
 \_\_\_\_\_  
 \_\_\_\_\_

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 August 6, 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>Councilmember Harry Butler</u>
	<u>Councilmember Cindy Enos-Martinez</u>
	<u>Councilmember Bruce Hill</u>
	<u>Councilmember Dennis Kirtland</u>
	<u>Councilmember Bill McCurry</u>
	<u>Councilmember Gregg Palmer</u>
	<u>President of the Council Jim Spehar</u>
Those Voting Nay:	<u>None</u>
Those Abstaining:	<u>None</u>
Those Absent:	<u>None</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 City; and that the same remains of record in "The Ordinance Book" of the City.

5. That notices of the meetings of July 16, 2003 and August 6, 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.

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 July 18, 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 11<sup>th</sup> day of August, 2003.

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

(SEAL)

EXHIBIT A

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

WEDNESDAY, JULY 16, 2003, 7:30 P.M.

**CALL TO ORDER**

Pledge of Allegiance  
Invocation – Jerry Boschen, First Assembly of God

**PROCLAMATIONS / RECOGNITIONS**

PROCLAIMING JULY 26, 2003 AS “CELEBRATE THE AMERICANS WITH  
DISABILITIES ACT DAY” IN THE CITY OF GRAND JUNCTION

**APPOINTMENTS**

RATIFICATION OF APPOINTMENT TO BUILDING CODE BOARD OF APPEALS

APPOINT ALTERNATE MEMBER TOM TETTING AS A MEMBER OF THE RIDGES  
ARCHITECTURAL CONTROL COMMITTEE

**PRESENTATION OF CERTIFICATES OF APPOINTMENT**

TO NEWLY APPOINTED MEMBER OF THE WALKER FIELD AIRPORT AUTHORITY

TO NEWLY AND REAPPOINTED MEMBERS OF THE DOWNTOWN DEVELOPMENT  
AUTHORITY

TO NEWLY AND REAPPOINTED MEMBERS OF THE PARKS AND RECREATION  
ADVISORY BOARD

**SCHEDULED CITIZEN COMMENTS**

\*\*\* CONSENT CALENDAR \*\*\*®

1. **Minutes of Previous Meetings**

**Attach 1**

*Action: Approve the Summary of the June 30, 2003 Noon Workshop, the June 30,  
2003 Workshop and the Minutes of the July 2, 2003 Regular Meeting*

2. **Model Records Retention Schedule** **Attach 2**

By adopting the Model Municipal Records Retention Schedule as endorsed by the Colorado State Archivist, the City Clerk's Office will have a tool that will enable the City's records retention and disposition process to work more efficiently and to be able to respond to requests for changes by departments more quickly.

Resolution No. 64-03 – A Resolution of the City of Grand Junction Adopting the Model Municipal Records Retention Schedule

*ⓂAction: Adopt Resolution No. 64-03*

Staff presentation: Stephanie Tuin, City Clerk

3. **2003 Persigo Wastewater Treatment Plant Upgrades Study** **Attach 3**

Approve a cost-not-to-exceed design services contract with Sear-Brown/Black Veatch consulting engineers for the above project in the amount of \$93,785 to study and recommend upgrades to various components at the Persigo Wastewater Treatment Plant.

*Action: Authorize the City Manager to Execute a Design Services Contract with Sear-Brown/Black Veatch for the 2003 Persigo WWTP Upgrade Study in the Amount of \$93,785*

Staff presentation: Tim Moore, Public Works Manager

4. **Authorizing the Use of Overhead to Underground Funds at Three Locations** **Attach 4**

Requesting a City Council Resolution authorizing Public Service Company of Colorado d/b/a Xcel Energy to spend up to \$436,000 of City of Grand Junction overhead to underground one percent (1%) funds to relocate overhead power lines at the following locations:

- 29 Road between Pinyon Street and Patterson Road
- 25 ½ Road between Independent Avenue and Patterson Road
- Tiara Rado Golf Course adjacent to the 10<sup>th</sup> fairway

Resolution No. 65-03 – A Resolution Authorizing Public Service Company of Colorado d/b/a Xcel Energy to Use the City of Grand Junction Overhead to Underground One Percent (1%) Funds for Relocation of Overhead Power Facilities at Tiara Rado Golf Course and as Part of Street Improvement Projects on 25 ½ Road and 29 Road as Established in the Ordinance Granting a Franchise Signed November 4, 1992

®Action: *Adopt Resolution No. 65-03*

Staff presentation: Tim Moore, Public Works Manager

5. **Setting a Hearing on Monument Presbyterian Church Annexation No. 1, No. 2, No. 3 and No. 4 Located at 2020 ½ South Broadway** [File #ANX-2003-113]  
**Attach 5**

Resolution referring a petition for annexation and introduction of a proposed ordinance. The 9.1711 acre Monument Presbyterian Church annexation consists of one parcel and South Broadway right-of-way. It is a serial annexation located at 2020 ½ South Broadway and is in conjunction with a proposed two phase development of a new church facility.

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

Resolution No. 66-03 – 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, Monument Presbyterian Church Annexation, a Serial Annexation Comprising Monument Presbyterian Church Annexation No. 1, Monument Presbyterian Church Annexation No. 2, Monument Presbyterian Church Annexation No. 3 and Monument Presbyterian Church Annexation No. 4 Located at 2020 ½ South Broadway and Including a Portion of South Broadway Right-of-Way

®Action: *Adopt Resolution No. 66-03*

**b. Setting a Hearing on Proposed Ordinances**

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Monument Presbyterian Church Annexation No. 1, Approximately 0.0097 Acres, a Portion of South Broadway Right-of-Way

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Monument Presbyterian Church Annexation No. 2, Approximately 0.0474 Acres, a Portion of South Broadway Right-of-Way

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Monument Presbyterian Church Annexation No. 3, Approximately 0.0243 Acres, a Portion of South Broadway Right-of-Way

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Monument Presbyterian Church Annexation No. 4, Approximately 8.871 Acres, Located at 202 ½ South Broadway

Action: *Introduction of Proposed Ordinances and Set a Hearing for August 20, 2003*

Staff presentation: Ronnie Edwards, Associate Planner

6. **Setting a Hearing on Vacation of a 15' North/South Alley Right-of-Way Located Northeast of the Intersection of N. 7<sup>th</sup> Street and Rood Avenue at 202 N. 7<sup>th</sup> Street** [File #VR-2003-098]  
**Attach 6**

The petitioners, 4SC Partnership, wish to vacate an existing 15' north/south alley right-of-way located northeast of the intersection of N. 7<sup>th</sup> Street and Rood Avenue in anticipation of future commercial development. The only utilities that are located in the alley right-of-way are a sanitary sewer line and gas line. The existing seven (7) lots owned by the petitioners will be consolidated into one (1) 0.51 acre lot through a Simple Subdivision Plat upon the approval of the alley vacation with the existing 15' alley right-of-way being converted to a 15' Utility & Drainage Easement. The Planning Commission recommended approval at its July 8<sup>th</sup>, 2003 meeting.

Proposed Ordinance Vacating a 15' Wide Alley Right-of-Way Located Northeast of the Intersection of North 7<sup>th</sup> Street and Rood Avenue Known as: 202 N. 7<sup>th</sup> Street

Action: *Introduction of Proposed Ordinances and Set a Hearing for August 6, 2003*

Staff presentation: Scott D. Peterson, Associate Planner

7. **Setting a Hearing on Zoning the Westgate Free Will Baptist Church Annexation Located at 2155 Broadway to CSR** [File #ANX-2003-114] **Attach 7**

The request for CSR (Community Services and Recreation) Zoning allows public and private recreational facilities, school, fire stations, libraries, fairgrounds and other public/institutional uses and facilities. This property is the proposed location for Fire Station #5.

Proposed Ordinance Zoning the Westgate Free Will Baptist Church Annexation to CSR (Community Services and Recreation) Located at 2155 Broadway

Action: Introduction of Proposed Ordinance and Set a Hearing for August 6, 2003

Staff presentation: Lori V. Bowers, Senior Planner

8. **Setting a Hearing on Amending Special Assessment and Levying Ordinances for Rimrock Marketplace GID** **Attach 8**

This is an ordinance concerning the City of Grand Junction Rimrock Marketplace General Improvement District. The Bond Ordinance is being revised (consistent with the offering of the Bonds to investors) to provide that any assessment that is prepaid shall be used to redeem Bonds on the next interest payment date. The Assessment Ordinance is being amended to reflect a decrease in the interest rate which accrues on unpaid installments of principal and interest from 7.00% to 6.75% per annum.

Proposed Ordinance Concerning the City of Grand Junction Rimrock Marketplace General Improvement District and Amending Ordinance No. 3532 Relating to the Issuance of Special Assessment Bonds and Ordinance No. 3533 Levying Special Assessments Within the District

Action: Introduction of Proposed Ordinance and Set a Hearing for August 6, 2003

Staff presentation: Ron Lappi, Administrative Services and Finance Director

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

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

9. **Defense Acknowledgement Resolution Relative to the Thorpe Claim** **Attach 9**

A Resolution indemnifying current and former officers named in Federal District Court action 03-B-1181 from damages in a lawsuit filed against them in their personal capacity. The suit results from the investigation and arrest of Robert and Maria Thorpe.

Resolution No. 67-03 – A Resolution Acknowledging Defense of Stanley Ancell, Robert M. Culver, Martyn E. Currie, John C. Jackson, Robert Russell and Julia Stogsdill in Civil Action No. 03 B 1181

Action: Adopt Resolution No. 67-03

Staff presentation: John Shaver, Assistant City Attorney

10. **Consulting Services for 1601 Process for the Riverside Parkway** **Attach 10**

City Council will authorize the selection of a consulting firm to assist in completing the Policy Directive 1601 for a new interchange at Highway 50 (5<sup>th</sup> Street) and the proposed Riverside Parkway. Interviews were conducted on July 11, 2003.

*Action: Authorize the City Manager to Execute a Contract for Consulting Services with Carter & Burgess, Inc. for a Cost not to Exceed \$300,000 for the Completion of the PD 1601 Process*

Staff presentation: Tim Moore, Public Works Manager

11. **Public Hearing – Vacating of Right-of-Way and Multi-purpose Easements, Rimrock Marketplace 3 Subdivision** [File # PFP-2003-076] **Attach 11**

The petitioners are requesting the vacation of portions of the Ligrani Lane right-of-way and portions of the multi-purpose easements located on either side of the right-of-way. The purpose of the vacations is to allow for the reconfiguration of Ligrani Lane to create a cul-de-sac to provide road frontage to the Woolard lot that is located north of the Rimrock Marketplace project, adjacent to Highway 6 & 50. New right-of-way and multi-purpose easements will be dedicated on the new recorded plat. As a matter of convenience, the proposed ordinance addresses both the right-of-way vacation and the multi-purpose easement vacations.

Ordinance No. 3541 – An Ordinance Vacating a Portion of Ligrani Lane and Portions of Adjacent Multi-Purpose Easements Located Between Rimrock Avenue and State Highway 6 & 50

*®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3541*

Staff presentation: Lori V. Bowers, Senior Planner

12. **Public Hearing – Sonrise Acres Annexation Located at 3068 F Road** [File #ANX-2003-090] **Attach 12**

Resolution for acceptance of petition to annex and to hold a public hearing and consider final passage of the annexation ordinance for the Sonrise Acres 1, 2, 3, and 4 Annexation, located at 3068 F Road.

**a. Accepting Petitions**

Resolution No. 68-03 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Sonrise Acres

Annexation, a Serial Annexation Comprising of Sonrise Annexation No. 1, Sonrise Annexation No. 2, Sonrise Annexation No. 3 and Sonrise Annexation No. 4 Located at 3068 F Road is Eligible for Annexation

*®Action: Hold a Public Hearing and Consider Passage of Resolution No. 68-03*

**b. Annexation Ordinances**

Ordinance No. 3542 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Sonrise Acres Annexation No. 1, Approximately 0.0666 Acres Right-of-Way Located Along F Road

Ordinance No. 3543 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Sonrise Acres Annexation No. 2, Approximately 0.3278 Acres Right-of-Way Located Along F Road

Ordinance No. 3544 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Sonrise Acres Annexation No. 3, Approximately 5.0956 Acres Located at 3068 F Road

Ordinance No. 3545 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Sonrise Acres Annexation No. 4, Approximately 4.3572 Acres Located at 3068 F Road

*®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No's. 3542, 3543, 3544 and 3545*

Staff presentation: Lori V. Bowers, Senior Planner

13. **Public Hearing – Zoning the Sonrise Acres Annexations No. 1, 2, 3, & 4 Located at 3068 F Road** [File #ANX-2003-090] **Attach 13**

Hold a Public Hearing and Consider Final Passage reading of the zoning ordinance to zone the Sonrise Annexation RSF-4, located at 3068 F Road; Residential Single Family, not to exceed 4 dwelling units per acre.

Ordinance No. 3546 – An Ordinance Zoning the Sonrise Acres Annexation to RSF-4 Located at 3068 F Road

*®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3546*

Staff presentation: Lori V. Bowers, Senior Planner

14. **Public Hearing - Unawweep Heights Annexation No. 1, 2 and 3 Located at 2857 Unawweep Avenue** [File # ANX-2003-022] **Attach 14**

Resolution for acceptance of petition to annex and to hold a public hearing and consider final passage of the annexation ordinance for the UnawEEP Heights Annexation, located at 2857 UnawEEP Avenue; a residential subdivision consisting of 109 lots on 30.334 acres.

**a. Accepting Petition**

Resolution No. 69-03 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the UnawEEP Heights Annexation Located at 2857 UnawEEP Avenue is Eligible for Annexation

*®Action: Hold a Public Hearing and Consider Passage of Resolution No. 69-03*

**b. Annexation Ordinances**

Ordinance No. 3547 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, UnawEEP Heights Annexation No. 1, Approximately 0.0358 Acres Right-Of-Way Located Along B ¾ Road

Ordinance No. 3548 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, UnawEEP Heights Annexation No. 2, Approximately 1.3790 Acres Located at 2857 UnawEEP Avenue

Ordinance No. 3549 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, UnawEEP Heights Annexation No. 3, Approximately 34.7049 Acres Located at 2857 UnawEEP Avenue

*®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No's. 3547, 3548 and 3549*

Staff presentation: Lori V. Bowers, Senior Planner

15. **Public Hearing – Zoning the UnawEEP Heights Annexation Located at 2857 UnawEEP Avenue** [File # ANX-2003-022] **Attach 15**

Hold a Public Hearing and Consider Final Passage of the Zoning ordinance to zone the UnawEEP Heights annexation RSF-4 (Residential Single Family, not to exceed 4 dwelling units per acre), located at 2857 UnawEEP Avenue.

Ordinance No. 3550 – An Ordinance Zoning the UnawEEP Heights Annexation to RSF-4, Located at 2857 UnawEEP Avenue

*®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3550*

Staff presentation: Lori V. Bowers, Senior Planner

16. **Public Hearing – Watershed and Water Supply Protection District Ordinance** **Attach 16**

Public hearing on Watershed Protection Ordinance. The Ordinance is to protect the City of Grand Junction municipal drinking water supplies in the Kannah Creek area of Grand Mesa, and on the Gunnison and Colorado Rivers above the municipal water supply intakes.

Ordinance No. 3551 – An Ordinance Establishing Watershed and Water Supply Protection Zones; Establishing Procedures and Standards for Watershed Permits in Connection with Various Activities within said Watersheds; Prohibiting any Person from Polluting said Watersheds; Requiring a Watershed Permit for most Activities; and Providing Penalties and Remedies for Violation of this Ordinance

*®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3551*

Staff presentation: Dan Wilson, City Attorney  
Greg Trainor, Utility Manager

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

18. **OTHER BUSINESS**

19. **ADJOURNMENT**

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

**WEDNESDAY, AUGUST 6, 2003, 7:30 P.M.**

**CALL TO ORDER**

Pledge of Allegiance  
Invocation – Pastor Scott Hogue, First Baptist Church

**APPOINTMENTS**

APPOINTMENTS TO THE RIVERFRONT COMMISSION

RATIFICATION OF URBAN TRAILS APPOINTMENTS

**SCHEDULED CITIZEN COMMENTS**

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

1. **Minutes of Previous Meetings** **Attach 1**  
*Action: Approve the Summary of the July 14, 2003 Noon Workshop, the July 14, 2003 Workshop and the Minutes of the July 16, 2003 Regular Meeting*
  
2. **Setting a Hearing on Rezoning the Fuoco Property from RSF-R to PD Located East of Dewey Place (East of 25 ½ Road and North of F Road)** [File #RZ-2003-028] **Attach 2**

Introduction of a proposed ordinance to rezone the Fuoco property, located east of Dewey Place, from the RSF-R zone district to Planned Development (PD) with the Residential Multi-Family-8, not to exceed 8 units per acre (RMF-8) underlying zone district; and approval of the Preliminary Plan for a 58 lot subdivision known as Fuoco Estates.

Proposed Ordinance Rezoning the Fuoco Property Located East of Dewey Place, Identified as Tax Parcel No. 2945-034-00-067, from Residential Single Family Rural (RSF-R) to Planned Development District (PD) with the Residential Multi-Family-8, Not to Exceed 8 Units per Acre (RMF-8) Underlying Zone District

*Action: Introduction of Proposed Ordinance and Set a Hearing for August 20, 2003*

Staff presentation: Lisa E. Cox, Senior Planner

3. **Setting a Hearing on Zoning the Marchun Annexations No. 1 & No. 2 Located at 2925 F ½ Road** [File #ANX-2003-093] **Attach 3**

Introduction of a proposed ordinance to zone the Marchun Annexation No. 1 and No. 2, Residential Multi-Family-5 (RMF-5), located at 2925 F 1/2 Road. The proposed use of the site is to be residential, which is in keeping with the goals of the Growth Plan and the RMF-5 zone district.

Proposed Ordinance Zoning the Marchun Annexation No. 1 and No. 2 to Residential Multi-Family-5 (RMF-5), Located at 2925 F ½ Road

*Action: Introduction of Proposed Ordinance and Set a Hearing for August 20, 2003*

Staff presentation: Lisa E. Cox, Senior Planner

4. **Setting a Hearing on the Antietam Annexation Located at 260 & 262 26 ¼ Road** [File #ANX-2003-122] **Attach 4**

Resolution referring a petition for annexation and introduction of a proposed ordinance. The 9.146 acre Antietam Annexation consists of two (2) parcels of unplatted land. The petitioner's intent is to annex and then subdivide the property into 25 residential lots for development purposes with a proposed zoning of RSF-4. The proposed annexation lies within the Persigo 201 sewer district.

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

Resolution No. 70-03 – 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, Antietam Annexation Located at 260 & 262 26 ¼ Road and Including a Portion of the 26 ¼ Road Right-of Way

*®Action: Adopt Resolution No. 70-03*

**b. Setting a Hearing on Proposed Ordinance**

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Antietam Annexation Approximately 9.146 Acres Located at 260 & 262 26 ¼ Road and Including a Portion of the 26 ¼ Road Right-of-Way

*Action: Introduction of Proposed Ordinance and Set a Hearing for September 17, 2003*

Staff presentation: Scott D. Peterson, Associate Planner

5. **Setting a Hearing on Disconnecting the Files Property Located on Monument Road** [File #MSC-2003-154] **Attach 5**

Introduction of a proposed ordinance disconnecting the Files property, located along Monument Road. The 38.9 acre Files property consists of one parcel bisected by Monument Road, with .5 acres on the north side of Monument Road and the remainder on the south side of Monument Road.

Proposed Ordinance Disconnecting Certain Lands, Referred to as the Files Property, Files De-Annexation, Approximately 38.9 Acres, Located on Monument Road, West of Mariposa Drive

*Action: Introduction of Proposed Ordinance and Set a Hearing for August 20, 2003*

Staff presentation: Bob Blanchard, Community Development Director

6. **Setting a Hearing on Vacation of Excess Right-of-Way Along UnawEEP Avenue and Rocky Pitch Road** [File #PP-2003-022] **Attach 6**

Introduction of two proposed ordinances to vacate excess right-of-way along UnawEEP Avenue, and Rocky Pitch Road, and set a Public Hearing for August 20<sup>th</sup>, 2003.

Proposed Ordinance Vacating a Portion of Undeveloped Right-of-Way Along the Northern Edge of UnawEEP Avenue

Proposed Ordinance Vacating a Portion of Right-of-Way Along a Portion of UnawEEP Avenue, Known as Rocky Pitch Road

*Action: Introduction of Proposed Ordinances and Set a Hearing for August 20, 2003*

Staff presentation: Lori V. Bowers, Senior Planner

7. **Setting a Hearing on Zoning the Carville Annexation Located at 2675 Hwy. 50** [File #ANX-2003-116] **Attach 7**

Introduction of a proposed zoning ordinance to zone the Carville Annexation, located at 2675 Hwy 50.

Proposed Ordinance Zoning the Carville Annexation to C-1 and RSF-4 Located at 2675 Hwy 50

*Action: Introduction of Proposed Ordinance and Set a Hearing for August 20, 2003*

Staff presentation: Senta Costello, Associate Planner

8. **Setting a Hearing on Zoning the Monument Presbyterian Church Annexation No. 1, 2, 3, and 4 Located at 2020 ½ S. Broadway** [File #ANX-2003-113]  
**Attach 8**

The Monument Presbyterian Church Annexation is a serial annexation comprised of one parcel of land of 9.1711 acres and includes South Broadway right-of-way. The petitioner is requesting a zone of Residential Single Family with a density not to exceed one unit per five acres (RSF-R), which conforms to the Growth Plan Future Land Use Map. Planning Commission recommended approval at its July 22, 2003 meeting.

Proposed Ordinance Zoning the Monument Presbyterian Church Annexation to Residential Single Family with a Density Not to Exceed One Unit per Five Acres (RSF-R) Located at 2020 1/2 South Broadway

Action: *Introduction of Proposed Ordinance and Set a Hearing for August 20, 2003*

Staff presentation: Ronnie Edwards, Associate Planner

9. **Setting a Hearing on the Elliott Annexation located at 3082 D ½ Road** [File #ANX-2003-156] **Attach 9**

Resolution referring a petition for annexation and introduction of a proposed ordinance. The 1.1551 acre Elliott Annexation consists of 1 parcel of Land.

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

Resolution No. 71-03 – 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, Elliott Annexation Located at 3082 D ½ Road

®Action: *Adopt Resolution No. 71-03*

**b. Setting a Hearing on Proposed Ordinance**

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Elliott Annexation, Approximately 1.1551 Acres Located at 3082 D ½ Road

Action: Introduction of Proposed Ordinance and Set a Hearing for September 17, 2003

Staff presentation: Senta Costello, Associate Planner

10. **Revocable Permit for Private Parking in the Elm Court and Kennedy Avenue Rights-of-Way** [File #RVP-2003-109] **Attach 10**

First Congregational Church located at 1425 N. 5<sup>th</sup> Street, is requesting approval of a Revocable Permit for private parking in the Elm Court and Kennedy Avenue rights-of-way.

Resolution No. 72-03 – A Resolution Issuing a Revocable Permit to First Congregational Church to Allow Church Parking in Public Right-of-Way

®Action: Adopt Resolution No. 72-03

Staff presentation: Senta Costello, Associate Planner

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

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

11. **Public Hearing – Create Sanitary Sewer Improvement District No. SS-45-03 and Award Construction Contract** **Attach 12**

**a. Hearing and Resolution Creating District**

A majority of the owners of real estate located east and west of 26 ½ Road, south of Dahlia Drive and north of F ½ Road, have submitted a petition requesting an improvement district be created to provide sanitary sewer service to their respective properties. The proposed resolution is the required first step in the formal process of creating the proposed improvement district.

Resolution No. 73-03 – A Resolution Creating and Establishing Sanitary Sewer Improvement District No. SS-45-03, Within the Corporate Limits of the City of Grand Junction, Colorado, and Authorizing the Installation of Sanitary Sewer Facilities and Adopting Plans and Specifications for the Same

**b. Construction Contract**

Bids were received and opened May 6, 2003. MA Concrete of Grand Junction submitted the low bid in the amount of \$91,353.

®Action: *Adopt Resolution No. 73-03 and Authorize the City Manager to Enter into a Construction Contract with MA Concrete of Grand Junction in the Amount of \$91,353 for the Construction of Sewer Improvement District No. SS-45-03*

Staff presentation: Mark Relph, Public Works and Utilities Director

12. **Public Hearing – Amending Special Assessment and Levying Ordinances for Rimrock Marketplace GID** **Attach 14**

This is an ordinance concerning the City of Grand Junction Rimrock Marketplace General Improvement District. The Bond Ordinance is being revised (consistent with the offering of the Bonds to investors) to provide that any assessment that is prepaid shall be used to redeem Bonds on the next interest payment date. The Assessment Ordinance is being amended to reflect a decrease in the interest rate which accrues on unpaid installments of principal and interest from 7.00% to 6.75% per annum.

Ordinance No. 3551 – An Ordinance Concerning the City of Grand Junction Rimrock Marketplace General Improvement District and Amending Ordinance No. 3532 Relating to the Issuance of Special Assessment Bonds and Ordinance No. 3533 Levying Special Assessments Within the District

®Action: *Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3551*

Staff presentation: Ron Lappi, Administrative Services and Finance Director

13. **Public Hearing – Carville Annexation Located at 2675 Highway 50** [File #ANX-2003-116] **Attach 15**

Resolution for acceptance of petition to annex and to hold a public hearing and consider final passage of the annexation ordinance for the Carville Annexation, located at 2675 Hwy 50. The 19.93 acre annexation consists of one parcel of land.

**a. Accepting Petition**

Resolution No. 74-03 - A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Carville Annexation Located at 2675 Hwy 50 is Eligible for Annexation

®Action: *Adopt Resolution No. 74-03*

**b. Annexation Ordinance**

Ordinance No. 3552 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Carville Annexation, Approximately 19.93 Acres Located at 2675 Hwy 50

*®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3552*

Staff presentation: Senta Costello, Associate Planner

14. **Public Hearing – Westgate Free Will Baptist Church Annexation No. 1 & No. 2 Located at 2155 Broadway** [File #ANX-2003-114] **Attach 16**

Westgate Free Will Baptist Church Annexation, a serial annexation comprised of 4.5373 acres, located at 2155 Broadway, has presented a petition for annexation. This is the proposed future site of the Redlands Fire Station #5. The applicants request acceptance of the annexation petition and to hold a public hearing and consider final passage of the annexation ordinances.

**a. Accepting Petition**

Resolution No. 75-03 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Westgate Free Will Baptist Church Annexation, Located at 2155 Broadway is Eligible for Annexation

*®Action: Adopt Resolution No. 75-03*

**b. Annexation Ordinances**

Ordinance No. 3553 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Westgate Free Will Baptist Church Annexation No. 1, Approximately 0.7907 Acres Located at within a Portion of Broadway (Highway 340) Right-of-Way

Ordinance No. 3554 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado Westgate Free Will Baptist Church Annexation No. 2 Approximately 3.7466 Acres Located at 2155 Broadway

*®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance Nos. 3553 and 3554*

Staff presentation: Lori V. Bowers, Senior Planner

15. **Public Hearing – Zoning the Westgate Free Will Baptist Church Annexation Located at 2155 Broadway to CSR** [File #ANX-2003-114] **Attach 17**

The request for CSR (Community Services and Recreation) zoning allows public and private recreational facilities, school, fire stations, libraries, fairgrounds and other public/institutional uses and facilities. This property is the proposed location for Fire Station #5.

Ordinance No. 3555 – An Ordinance Zoning the Westgate Free Will Baptist Church Annexation to CSR (Community Services and Recreation) Located at 2155 Broadway

*®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3555*

Staff presentation: Lori V. Bowers, Senior Planner

16. **Energy and Mineral Impact Assistance Grant for the Grand Junction Fire Station in the Redlands** **Attach 11**

The City of Grand Junction has been approved for a grant from the Department of Local Affairs' Energy and Mineral Impact Assistance Program. The City is approved to receive up to \$300,000.00 for the designing, construction, equipping, and furnishing of the fire station in the Redlands.

*Action: Authorize the Mayor to Sign the Contract Accepting the Grant from the State of Colorado Energy/Mineral Impact Assistance Program*

Staff presentation: Jamie B. Kreiling, Staff Attorney  
Rick Beaty, Fire Chief

17. **Public Hearing – Marchun Annexations No. 1 and No. 2 Located at 2925 F ½ Road** [File #ANX-2003-093] **Attach 18**

Hold a public hearing and consider final passage of a Resolution for Acceptance of Petition to Annex and Annexation Ordinances for the Marchun Annexation No. 1 and No. 2, located at 2925 F 1/2 Road.

**a. Accepting Petition**

Resolution No. 76-03 - A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Marchun Annexations No. 1 and No. 2, Area is Eligible for Annexation Located at 2925 F ½ Road

*®Action: Adopt Resolution No. 76-03*

**b. Annexation Ordinances**

Ordinance No. 3556 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Marchun Annexation No. 1, Approximately 15.1496 Acres Located at 2925 F ½ Road

Ordinance No. 3557 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Marchun Annexation No. 2, Approximately 5.3088 Acres Located at 2925 F ½ Road and Including a Portion of the F ½ Road ROW

*®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance Nos. 3556 and 3557*

Staff presentation: Lisa E. Cox, Senior Planner

18. **Public Hearing – Vacation of a 15’ North/South Alley Right-of-Way Located Northeast of the Intersection of N. 7<sup>th</sup> Street and Rood Avenue at 202 N. 7<sup>th</sup> Street** [File #VR-2003-098] **Attach 19**

The petitioners, 4SC Partnership, wish to vacate an existing 15’ north/south alley right-of-way located northeast of the intersection of N. 7<sup>th</sup> Street and Rood Avenue in anticipation of future commercial development. The only utilities that are located in the alley right-of-way are a sanitary sewer line and gas line. The existing seven (7) lots owned by the petitioners will be consolidated into one (1) 0.51 acre lot through a Simple Subdivision Plat upon the approval of the alley vacation with the existing 15’ alley right-of-way being converted to a 15’ utility & drainage easement. The Planning Commission recommended approval at its July 8<sup>th</sup>, 2003 meeting. The petitioners request approval of the Vacation Ordinance.

Ordinance No. 3558 – An Ordinance Vacating a 15’ Wide Alley Right-of-Way Located Northeast of the Intersection of North 7<sup>th</sup> Street and Rood Avenue Known as: 202 N. 7<sup>th</sup> Street

*®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3558*

Staff presentation: Pat Cecil, Development Services Supervisor

19. **NON-SCHEDULED CITIZENS & VISITORS**
20. **OTHER BUSINESS**
- 21.\*\*\* **EXECUTIVE SESSION**

TO RECEIVE LEGAL ADVICE ON SPECIFIC LEGAL QUESTIONS UNDER C.R.S. SECTION 24-6-402(4)(b) AND FOR THE PURPOSE OF DETERMINING POSITIONS RELATIVE TO MATTERS THAT MAY BE SUBJECT TO

NEGOTIATIONS, DEVELOPING STRATEGY FOR NEGOTIATIONS, AND/OR INSTRUCTING NEGOTIATORS UNDER C.R.S. SECTION 24-6-402(4)(e), RELATIVE TO:

1. Memorandums of Understanding Regarding Watershed Protection with Mesa County, the United States Forest Service and the Bureau of Land Management; and
2. An Existing Contract with the Grand Junction Rural Fire Protection District.

22. **ADJOURNMENT**

EXHIBIT B

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 18<sup>th</sup> day of July, 2003,  
and the last, on the 18<sup>th</sup> day of July, 2003.

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 July 16, 2003, passed on first reading the following entitled proposed ordinance:  
AN ORDINANCE CONCERNING THE CITY OF GRAND JUNCTION RIMROCK MARKET-PLACE GENERAL IMPROVEMENT DISTRICT AND AMENDING ORDINANCE NO. 3532 RELATING TO THE ISSUANCE OF SPECIAL ASSESSMENT BONDS AND ORDINANCE NO. 3533 LEVYING SPECIAL ASSESSMENTS WITHIN THE DISTRICT and authorized the publication in pamphlet form.

NOTICE IS FURTHER GIVEN THAT the public hearing will be held August 6, 2003 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 ordinance.

Copies of the proposed ordinance 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 Tuin  
City Clerk  
Published July 18, 2003

Subscribed and sworn to before me, this 22<sup>nd</sup> day of July, 20 03

My Commission Expires 11/08/2005



RECEIVED

State PROOF OF PUBLICATION

STATE OF COLORADO

County of Mesa )  
                          ) ss.

\_\_\_\_\_  
Karen Sabra

NOTICE OF ADOPTION OF ORDINANCE NO. 3551 AN ORDINANCE OF THE CITY OF GRAND JUNCTION TO BE PUBLISHED IN PAMPHLET FORM  
NOTICE IS HEREBY GIVEN: That on the 6th day of August, 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 CONCERNING THE CITY OF GRAND JUNCTION RIMROCK MARKET-PLACE GENERAL IMPROVEMENT DISTRICT AND AMENDING ORDINANCE NO. 3532 RELATING TO THE ISSUANCE OF SPECIAL ASSESSMENT BONDS AND ORDINANCE NO. 3533 LEVYING SPECIAL ASSESSMENTS WITHIN THE 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, MMC  
City Clerk  
Published August 8, 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 08<sup>th</sup> day of August, 2003, and the last, on the 08<sup>th</sup> day of August, 2003.

\_\_\_\_\_  
*[Signature]*

Subscribed and sworn to before me, this 08 day of August, 2003

\_\_\_\_\_  
*Kathy Jordan*



My Commission Expires 08/03/2006